

State of Iowa

**JOURNAL
OF THE SENATE**

**EIGHTY-SECOND
GENERAL ASSEMBLY**

2008 REGULAR SESSION

Volume I

JOHN P. KIBBIE, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate

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TABLE OF CONTENTS

VOLUME I

OFFICERS OF THE SENATE	v
ELECTED STATE OFFICIALS, SUPREME COURT JUSTICES, AND COURT OF APPEALS JUDGES	ix
MEMBERS OF THE SENATE	x
SENATE DAILY JOURNALS	
January 14 – April 10	1

VOLUME II

SENATE DAILY JOURNALS (continued)	
April 14 – April 26	1045
SENATE REPORTS RECEIVED AFTER ADJOURNMENT	1312
AMENDMENTS FILED	1323
CONFERENCE COMMITTEE REPORTS	2005
RESOLUTIONS ADOPTED	2019
JOURNAL INDEX	2071

EIGHTY-SECOND GENERAL ASSEMBLY
2008 Regular Session

OFFICERS OF THE SENATE

JOHN P. “JACK” KIBBIE, <i>President of the Senate</i>	Emmetsburg
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KIRSTEN ANDERSON, <i>Minority Caucus Communications Director</i>	Des Moines
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ERIC BAKKER, <i>Senior Administrative Asst. to Majority Leader</i>	Des Moines
KRIS BELL, <i>Majority Caucus Senior Research Analyst</i>	West Des Moines
K'ANN BRANDT, <i>Confidential Secretary to Secretary of the Senate</i>	Ankeny

OFFICERS OF THE SENATE

LOIS J. BROWNELL, <i>Senior Finance Officer</i>	Ankeny
JERRY CARLSON, <i>Doorkeeper</i>	Des Moines
LEILA CARLSON, <i>Postmistress</i>	Des Moines
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KASSIE HOBBS, <i>Majority Caucus Research Assistant</i>	Des Moines
SUE ELLEN HUDSON, <i>Switchboard Operator</i>	Carlisle
CAROLANN JENSEN, <i>Minority Caucus Senior Research Analyst</i>	Osceola
DEBBIE KATTENHORN, <i>Administrative Asst. to Majority Leader</i>	Norwalk
THERESA L. KEHOE, <i>Majority Caucus Senior Research Analyst</i>	Des Moines
KAY KIBBIE, <i>Confidential Secretary to President</i>	Emmetsburg
WILLIAM L. KRIEG, <i>Sergeant-at-Arms</i>	Des Moines
ROBERT LANGBEHN, <i>Doorkeeper</i>	Des Moines
JO ANN LARSON, <i>Switchboard Operator</i>	Indianola
LINDA LAURENZO, <i>Senior Finance Officer</i>	Clive
MAUREEN LEE, <i>Journal Editor</i>	Des Moines
ANGIE LEWIS, <i>Minority Caucus Research Analyst</i>	West Des Moines

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PETER MATTHES, <i>Minority Caucus Staff Director</i>	Ankeny
JACE MIKELS, <i>Majority Caucus Research Analyst</i>	Waukee
SUE MONAHAN, <i>Majority Caucus Research Analyst</i>	Des Moines
JAY MOSHER, <i>Bill Clerk</i>	Milo
KELLEEE MULLEN, <i>Confidential Secretary to Majority Leader</i>	La Porte City
KATHY OLAH, <i>Senior Indexer</i>	West Des Moines
BRENT OLESON, <i>Senior Administrative Asst. to Minority Leader</i>	Cedar Rapids
RON PARKER, <i>Majority Caucus Senior Staff Director</i>	Des Moines
BETTY SHEA, <i>Administrative Secretary to Secretary of the Senate</i>	Altoona
TOM SHELDAHL, <i>Assistant Sergeant-at-Arms</i>	West Des Moines
ERICA SHORKEY, <i>Majority Caucus Deputy Communications Director</i>	Des Moines
JULIE T. SIMON, <i>Majority Caucus Research Analyst</i>	Des Moines
KERMIT A. TANNATT, <i>Doorkeeper</i>	Pleasant Hill
RUSS TRIMBLE, <i>Minority Caucus Research Analyst</i>	West Des Moines
BOB WHITE, <i>Doorkeeper</i>	West Des Moines
CAROL WIECK, <i>Minority Caucus Research Assistant</i>	Sioux City
TRICIA WILLEMSEN, <i>Assistant to Legal Counsel</i>	Johnston
KERRY WRIGHT, <i>Majority Caucus Research Analyst</i>	Waukee

JOINT EMPLOYEES OF THE SENATE AND HOUSE

MARK L. WILLEMSSEN, *Senior Facilities Manager* Johnston

RICHARD J. LABERTEW, *Conservation/Restoration Specialist* Indianola

MARK S. LUNDBERG, *Conservation/Restoration Specialist* Des Moines

SHAWNA S. FERGUSON, *Security Coordinator* Norwalk

BOB CORNWELL, *Security Officer* Des Moines

MARSHALL T. IRWIN, *Security Officer* Des Moines

CARL E. LAMI, *Security Officer* Grimes

MAHLON Y. LAMP, *Security Officer* Atlantic

ROY E. PARADISE, *Security Officer* Des Moines

ROBERT J. PORTER, *Security Officer* Osceola

JUDITH A. SALIER, *Security Officer* Monroe

CURTIS SCOTT, *Security Officer* Waukee

GORDON SKEFFINGTON, *Security Officer* Waukee

LEO R. SKEFFINGTON, *Security Officer* Adel

KENT STEVENS, *Security Officer* Granger

ELECTED STATE OFFICIALS

Official Address: Des Moines, Iowa

CHET CULVER, <i>Governor</i>	West Des Moines
PATTY JUDGE, <i>Lieutenant Governor</i>	Albia
MICHAEL A. MAURO, <i>Secretary of State</i>	Des Moines
DAVID A. VAUDT, <i>Auditor of State</i>	West Des Moines
MICHAEL L. FITZGERALD, <i>Treasurer of State</i>	Urbandale
BILL NORTHEY, <i>Secretary of Agriculture</i>	Spirit Lake
TOM MILLER, <i>Attorney General</i>	Des Moines

JUSTICES OF THE IOWA SUPREME COURT

MARSHA K. TERNUS, <i>Chief Justice</i>	Grimes
BRENT R. APPEL, <i>Justice</i>	Ackworth
MARK S. CADY, <i>Justice</i>	Fort Dodge
DARYL L. HECHT, <i>Justice</i>	Sioux City
JERRY L. LARSON, <i>Justice</i>	Harlan
MICHAEL J. STREIT, <i>Justice</i>	Johnston
DAVID S. WIGGINS, <i>Justice</i>	West Des Moines

JUDGES OF THE IOWA COURT OF APPEALS

ROSEMARY SHAW SACKETT, <i>Chief Judge</i>	Okoboji
DAVID L. BAKER, <i>Judge</i>	Cedar Rapids
LARRY J. EISENHAUER, <i>Judge</i>	Ankeny
TERRY L. HUITINK, <i>Judge</i>	Ireton
ROBERT E. MAHAN, <i>Judge</i>	Ames
JOHN C. MILLER, <i>Judge</i>	Burlington
ANURADHA VAITHESWARAN, <i>Judge</i>	Des Moines
GAYLE NELSON VOGEL, <i>Judge</i>	Spirit Lake
VAN D. ZIMMER, <i>Judge</i>	Vinton

MEMBERS OF THE SENATE

EIGHTY-SECOND GENERAL ASSEMBLY 2008 Regular Session

(Underlined county indicates the county of residence.)

JEFF ANGELO

Address Creston
Age 43
Occupation Media Consultant
Political Party Republican
Previous Legislative Service Senate: 1997–2007
Senatorial District 48–Adams, Clarke, Decatur, Montgomery,
Ringgold, Taylor, Union

STACI APPEL

Address Ackworth
Age 41
Occupation Legislator
Political Party Democratic
Previous Legislative Service Senate: 2007
Senatorial District 37–Dallas, Madison, Warren

DARYL BEALL

Address Fort Dodge
Age 61
Occupation Journalist
Political Party Democratic
Previous Legislative Service Senate: 2003–2007
Senatorial District 25–Calhoun, Greene, Webster

JERRY BEHN

Address Boone
Age 53
Occupation Farmer/Agribusiness
Political Party Republican
Previous Legislative Service Senate: 1997–2007
Senatorial District 24–Boone, Dallas

DENNIS H. BLACK

Address Grinnell
Age 68
Occupation Retired–Conservationist
Political Party Democratic
Previous Legislative Service House: 1983–1994; Senate: 1995–2007
Senatorial District 21–Jasper, Polk

NANCY J. BOETTGER

Address Harlan
 Age 64
 Occupation Farmer/Former Educator
 Political Party Republican
 Previous Legislative Service Senate: 1995–2007
 Senatorial District 29–Adair, Audubon, Cass, Guthrie,
 Pottawattamie, Shelby

JOE BOLKCOM

Address Iowa City
 Age 51
 Political Party Democratic
 Previous Legislative Service Senate: 1999–2007
 Senatorial District 39–Johnson

MICHAEL CONNOLLY

Address Dubuque
 Age 62
 Occupation Legislator
 Political Party Democratic
 Previous Legislative Service House: 1979–1989; Senate: 1990*–2007
 Senatorial District 14–Dubuque
 *Elected in special election held on September 26, 1989.

THOMAS G. COURTNEY

Address Burlington
 Age 60
 Occupation Retired
 Political Party Democratic
 Previous Legislative Service Senate: 2003–2007
 Senatorial District 44–Des Moines, Louisa, Muscatine

JEFF DANIELSON

Address Cedar Falls
 Age 37
 Occupation Professional Firefighter
 Political Party Democratic
 Previous Legislative Service Senate: 2005–2007
 Senatorial District 10–Black Hawk

DICK L. DEARDEN

Address Des Moines
 Age 69
 Occupation Retired, Job Developer—5th Judicial District
 Political Party Democratic
 Previous Legislative Service Senate: 1995–2007
 Senatorial District 34—Polk

WILLIAM A. DOTZLER, JR.

Address Waterloo
 Age 58
 Occupation Retired—John Deere
 Political Party Democratic
 Previous Legislative Service House: 1997–2002; Senate: 2003–2007
 Senatorial District 11—Black Hawk

ROBERT E. DVORSKY

Address Coralville
 Age 59
 Occupation Job Developer, 6th Jud. District—Dept. of Correctional Services
 Political Party Democratic
 Previous Legislative Service House: 1987–1993; Senate: 1994*–2007
 Senatorial District 15—Johnson, Linn
 *Elected in special election held on February 22, 1994.

GENE FRAISE

Address Fort Madison
 Age 75
 Occupation Farmer
 Political Party Democratic
 Previous Legislative Service Senate: 1986*–2007
 Senatorial District 46—Henry, Lee
 *Elected in special election held on January 7, 1986.

E. THURMAN GASKILL

Address Corwith
 Age 72
 Occupation Farmer
 Political Party Republican
 Previous Legislative Service Senate: 1998*–2007
 Senatorial District 6—Cerro Gordo, Franklin, Hancock, Winnebago, Worth
 *Elected in special election held on February 3, 1998.

MICHAEL E. GRONSTAL

Address Council Bluffs
 Age 57
 Political Party Democratic
 Previous Legislative Service House: 1983–1984; Senate: 1985–2007
 Senatorial District 50–Pottawattamie

JAMES F. HAHN

Address Muscatine
 Age 72
 Occupation Property Management
 Political Party Republican
 Previous Legislative Service House: 1991–2004; Senate: 2005–2007
 Senatorial District 40–Cedar, Johnson, Muscatine

TOM HANCOCK

Address Epworth
 Age 59
 Occupation Retired–United States Postal Service
 Political Party Democratic
 Previous Legislative Service Senate: 2005–2007
 Senatorial District 16–Delaware, Dubuque, Jones

DAVID HARTSUCH

Address Bettendorf
 Age 46
 Occupation Physician
 Political Party Republican
 Previous Legislative Service Senate: 2007
 Senatorial District 41–Scott

JACK HATCH

Address Des Moines
 Age 57
 Occupation Real Estate Developer
 Political Party Democratic
 Previous Legislative Service House: 1985–1992, 2001–2002; Senate: 2003–2007
 Senatorial District 33–Polk

WILLIAM M. HECKROTH

Address Waverly
 Age 58
 Occupation Financial Advisor
 Political Party Democratic
 Previous Legislative Service Senate: 2007
 Senatorial District 9—Black Hawk, Bremer, Butler, Fayette

ROBERT M. HOGG

Address Cedar Rapids
 Age 40
 Occupation Attorney
 Political Party Democratic
 Previous Legislative Service House: 2003–2006; Senate: 2007
 Senatorial District 19—Linn

WALLY E. HORN

Address Cedar Rapids
 Age 74
 Occupation Legislator
 Political Party Democratic
 Previous Legislative Service House: 1973–1982; Senate: 1983–2007
 Senatorial District 17—Linn

HUBERT HOUSER

Address Carson
 Age 65
 Occupation Farmer
 Political Party Republican
 Previous Legislative Service House: 1993–2001; Senate: 2002*–2007
 Senatorial District 49—Fremont, Mills, Page, Pottawattamie

*Elected in special election held on June 12, 2001.

DAVID JOHNSON

Address Ocheyedan
 Age 56
 Occupation Dairy Farming
 Political Party Republican
 Previous Legislative Service House: 1999–2002; Senate: 2003–2007
 Senatorial District 3—Clay, Dickinson, O'Brien, Osceola, Sioux

STEVE KETTERING

Address Lake View
 Age 63
 Occupation Community Banker
 Political Party Republican
 Previous Legislative Service House: 1999–2002; Senate: 2003–2007
 Senatorial District 26—Buena Vista, Carroll, Crawford, Sac

JOHN P. “JACK” KIBBIE

Address Emmetsburg
 Age 78
 Occupation Farmer
 Political Party Democratic
 Previous Legislative Service House: 1961–1964; Senate: 1965–1968, 1989–2007
 Senatorial District 4—Emmet, Humboldt, Kossuth,
Palo Alto, Pocahontas, Webster

KEITH A. KREIMAN

Address Bloomfield
 Age 52
 Occupation Attorney
 Political Party Democratic
 Previous Legislative Service House: 1993–2002; Senate: 2003–2007
 Senatorial District 47—Appanoose, Davis, Wapello, Wayne

MARY A. LUNDBY

Address Marion
 Age 59
 Occupation Legislator
 Political Party Republican
 Previous Legislative Service House: 1987–1994; Senate: 1995–2007
 Senatorial District 18—Linn

MATT McCOY

Address Des Moines
 Age 41
 Occupation V.P. Comm. Dev.—Downtown Community Alliance
 Political Party Democratic
 Previous Legislative Service House: 1993–1996; Senate: 1997–2007
 Senatorial District 31—Polk

LARRY McKIBBEN

Address Marshalltown
 Age 61
 Occupation Lawyer
 Political Party Republican
 Previous Legislative Service Senate: 1997–2007
 Senatorial District 22–Hardin, Marshall

PAUL McKINLEY

Address Chariton
 Age 60
 Occupation Businessman
 Political Party Republican
 Previous Legislative Service Senate: 2001–2007
 Senatorial District 36–Jasper, Lucas, Mahaska, Marion, Monroe

DAVE MULDER

Address Sioux Center
 Age 68
 Occupation Retired College Professor
 Political Party Republican
 Previous Legislative Service Senate: 2005–2007
 Senatorial District 2–Lyon, Plymouth, Sioux

LARRY L. NOBLE

Address Ankeny
 Age 57
 Occupation Retired State Trooper
 Political Party Republican
 Previous Legislative Service Senate: 2007
 Senatorial District 35–Polk

RICH OLIVE

Address Story City
 Age 58
 Occupation Insurance Agent/Real Estate Broker
 Political Party Democratic
 Previous Legislative Service Senate: 2007
 Senatorial District 5–Hamilton, Story, Webster, Wright

BRIAN SCHOENJAHN

Address Arlington
 Age 58
 Occupation Legislator/Custom Wood Business/
 EMT–Arlington Fire Department
 Political Party Democratic
 Previous Legislative Service Senate: 2005–2007
 Senatorial District 12–Black Hawk, Buchanan, Clayton, Delaware, Fayette

JOE M. SENG

Address Davenport
 Age 60
 Occupation Veterinarian
 Political Party Democratic
 Previous Legislative Service House: 2001–2002; Senate: 2003–2007
 Senatorial District 43–Scott

JAMES A. SEYMOUR

Address Woodbine
 Age 68
 Occupation Hospital Administrator/CEO
 Political Party Republican
 Previous Legislative Service Senate: 2003–2007
 Senatorial District 28–Crawford, Harrison, Ida, Monona,
 Pottawattamie, Woodbury

ROGER STEWART

Address Preston
 Age 76
 Occupation Banker/Farmer
 Political Party Democratic
 Previous Legislative Service Senate: 2003–2007
 Senatorial District 13–Clinton, Dubuque, Jackson

PAT WARD

Address West Des Moines
 Age 50
 Occupation Former Public and Government Relations Executive
 Political Party Republican
 Previous Legislative Service Senate: 2004*–2007
 Senatorial District 30–Polk

*Elected in special election held on February 3, 2004.

STEVE WARNSTADT

Address Sioux City
 Age 39
 Occupation Legislator/National Guard
 Political Party Democratic
 Previous Legislative Service House: 1995–2002; Senate: 2003–2007
 Senatorial District 1–Woodbury

RON WIECK

Address Sioux City
 Age 63
 Occupation Retired
 Political Party Republican
 Previous Legislative Service Senate: 2003–2007
 Senatorial District 27–Cherokee, Plymouth, Woodbury

FRANK B. WOOD

Address Eldridge
 Age 56
 Occupation High School Associate Principal
 Political Party Democratic
 Previous Legislative Service Senate: 2005–2007
 Senatorial District 42–Clinton, Scott

BRAD ZAUN

Address Urbandale
 Age 45
 Occupation V.P. of R & R Realty Marketing Group
 Political Party Republican
 Previous Legislative Service Senate: 2005–2007
 Senatorial District 32–Polk

MARK ZIEMAN

Address Postville
 Age 62
 Occupation Farmer/Trucking Co. Owner/Bowling Alley Proprietor
 Political Party Republican
 Previous Legislative Service Senate: 2001–2007
 Senatorial District 8–Allamakee, Chickasaw, Howard, Winneshiek

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 14, 2008

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the 2008 Regular Session of the Eighty-second General Assembly convened at 10:02 a.m. The Senate was called to order by President Kibbie.

Prayer was offered by Father Brian Hughes of St. Patrick's Catholic Church in Estherville, Iowa. He was the guest of Senator Kibbie.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Gene Fraise.

SPECIAL GUEST

President Kibbie welcomed to the Senate chamber U.S. Representative Leonard Boswell. Representative Boswell was a member of the Iowa Senate and a former President of the Iowa Senate.

The Senate rose and expressed its welcome.

OPENING REMARKS BY THE PRESIDENT OF THE SENATE

President Kibbie addressed the Senate with the following remarks:

I would like to welcome all of you back to the Second Session of the Eighty-second General Assembly. I believe this Legislature accomplished a great deal for Iowa during the 2007 Session, and we need to keep those commitments and focus this year on those

issues that we can address in a bipartisan manner so that we leave with a balanced budget and a strong sense that we served our constituents well.

In 2007 we increased teacher salaries, put in place a solid program for early childhood education, funded the health care needs of low-income and elderly Iowans, and in my judgment, made great strides in increasing support for our community college system, including for the first time, a line item for salary increases for instructors.

As expected, the second year of any General Assembly is highly political in nature as we prepare for the general election in November. Many believe this atmosphere prevents us from coming together to solve real problems. It is my hope that many in this chamber and across the rotunda in the House of Representatives can sit down, and in a bipartisan way, craft legislation to the benefit of the state.

A few of these issues that will require bipartisan cooperation or they will die include:

Iowa's Transportation Infrastructure—While there seems to be substantial opposition to raising the gas tax, there is no debate that some funding mechanism must be found so that Iowa's roads and bridges are improved and have the highest level of safety. This is a problem that will not go away, and without a bipartisan solution, it will only get worse and cost more in the long run.

The School Infrastructure Local Option Tax (SILO)—With every county now having passed this tax, the key question seems to be is it a better strategy to take this penny, levy it statewide, and use the proceeds to benefit all our schools. I believe that groups who often don't agree say the answer is "yes," and we should use that opportunity to approve such a move. This will require bipartisan courage, and I am ready cast my vote in favor. It is the right thing to do and does provide direct property tax relief.

Renewable Fuels—We have made great progress in this area but need to be even more aggressive. I favor the requirement that each gallon of gasoline in this state contain ethanol or biodiesel. With the pressure from Washington in regard to reducing our dependence on foreign oil, this only makes sense. It is good energy policy and good economics for Iowa's farmers and alternative energy producers. These industries have spurred our economy and helped it remain strong.

Bottle Bill—For years we have ignored important needs in this area. It has been good for the environment and is long overdue for expansion. We will see a variety of initiatives in this area, and I believe the redemption centers in the state should get an extra penny, as they provide employment to many handicapped adults. I hope we can make this effort an important part of our environmental agenda.

Lastly, I would like to compliment all senators on their work on the interim committees that met this year. My analysis is that these committees were very productive and provided us valuable recommendations for this session. We should take them seriously. In particular, I would like to express my appreciation to the work done by The Legislative Commission on Affordable Health Care Plans for Small Businesses and Families. While we may be limited on what we might want to do, the leadership of Senator Hatch and Representative Foege and the amount of time and effort by other legislators, state officials, and private sector interest groups gave us a remarkable long-term document that deserves our attention. We should heed their call and find the resources to ensure that every Iowa child has access to health care and a medical home.

I know that 100 days from now, if we all work together, we can leave this chamber with the knowledge that Iowa will be a better place because of our work. I urge you all to find the common ground on which solutions can be found.

Thank you.

REMARKS BY THE MAJORITY LEADER

Senator Gronstal addressed the Senate as follows:

Mr. President, colleagues, and staff, welcome to the second session of the Eighty-second General Assembly of the Iowa Senate.

We are all returning to the State Capitol proud of the role our state played in choosing the next President of the United States. Regardless of the success of the candidates we individually supported—if any—Iowa and Iowans did ourselves proud on the national stage. As state legislators, we should be proud to represent the most politically important state in the union.

I'm ready to continue the work we started last year. Our focus should again be standing up for middle-class families by making Iowa a great place to work and to raise a family.

In 2007, standing up for middle-class families meant improving education by increasing teacher pay, expanding access to high-quality preschools, and making college more affordable.

In 2007, standing up for middle-class families meant expanding health care by bringing health insurance to uninsured Iowans and making it easier for small businesses to provide employees with health benefits.

In 2007, standing up for middle-class families meant creating the Iowa Power Fund which will encourage the creation of more good jobs at good wages and help Iowa continue to lead the nation in the development of alternative, renewable energy. It also meant raising the wage floor for all Iowa workers by increasing the minimum wage for the first time in almost ten years.

In 2008, standing up for middle-class families means keeping the commitments we made in 2007 to parents, teachers, students, entrepreneurs, and others.

Too often in the past dozen years, the Legislature has failed to keep its promises. And when you fail to keep your promises, people wonder if you will ever do what you say you will do.

Naturally, there are naysayers out there who are already claiming the commitments we made last year on education, health care, and the economy—commitments approved by bipartisan majorities of Republicans and Democrats—were too bold, too ambitious.

They've got a solution. They think the Legislature should yet again break its promises to Iowa parents, schoolchildren, workers, teachers, and other taxpayers. That is the wrong solution.

Today, as the majority leader of the Iowa Senate, I'm telling you that we will keep our commitments. We will stay as long as we need to keep the commitments we made last year. You have my word on it.

I know it won't be easy. And you know it won't be easy. That was clear last year when we voted to take significant, long overdue steps to expand educational opportunity, to increase the accessibility and affordability of health care, and to build a stronger economy.

But Senators, we didn't make those commitments because we thought they were easy. We made those commitments—Democrats and Republicans working together—because supporting and defending Iowa's middle class required us to make them. And supporting and defending Iowa's middle class requires us to work together to keep those commitments this year. And that is exactly what we will do.

Those arguing against us wonder if the Legislature has enough money to keep our word. What are the facts? According to the nonpartisan Legislative Services Agency,

the State of Iowa's savings accounts are full at \$592 million. That's a growth of more than \$400 million in the last four years.

If the Legislature can't keep its word when we have a record amount of money in the state's rainy day accounts, when will we?

In fact, not only are we going to keep our promises on education, health care, and jobs, we are going to go a step further by continuing to eliminate more budget gimmicks used in previous years.

There will be many other issues that come before us this session. The people of Iowa are energized for change as never before. For example, the recommendations of the statewide health care commission offer us a bold, comprehensive road map to fix our broken health care system. The Generation Iowa Commission is giving voice to young Iowans who are eager to help move our state forward. The TIME-21 study committee has outlined the need for bipartisan action to repair and improve our transportation system.

This will be an interesting session. But first and foremost, this session will be remembered as the one in which we kept our commitments and stood up for middle-class families.

Thank you.

REMARKS BY THE MINORITY LEADER

Senator Wieck addressed the Senate as follows:

Ladies and Gentleman of the Iowa Senate, I stand before you today with a great deal of worry for the future of the state of Iowa. The Democrat Party controls all facets of Iowa state government: the Senate, the House, and the Governors office. Literally, all of government in the state of Iowa is under control of the Democrats.

This control has allowed the Democrat Party to make a run at gutting Iowa's Right-to-Work law, trying to enact forced unionism on Iowa's workers. The Democrats have voted to increase state spending to historic levels which even Senator Gronstal acknowledges "cannot continue at its current pace". The Democrats have ignored our school children's need for accountability in education and state standards in favor of cow-towing to the teacher's union demands for more and more taxpayer money with no strings attached. The Democrats are crafting the mother of all socialized medicine plans where there will supposedly be "winners and givers". Those "givers" are really only "losers" with bigger tax bills. The Democrats continue to propose policy after policy that is anti-business, anti-growth, anti-student, and anti-job.

You would think that this recap of the 2007 session would be scary enough, but it is not. Because, my friends, what worries me most, is not what the Democrat Majority proposes to do with their control, it is what they fail to propose to do and accomplish that worries me most.

This Democrat Majority will not lead.

They simply will not lead. The Democrat majority appear to worship at the altar of poll driven politics. This Senate now follows the people and polls and the special interest groups, but dares NOT to try and lead in order to do the hard work of making Iowa a place that prospers and grows. How do I know this? Well, let's look at what will NOT happen this session, which happen to be the very things that Republicans in the Senate would like to work on for the benefit of all Iowans.

During this session you will not see a comprehensive property tax reform plan submitted by the Democrat Majority. They do not have the will to lead on this issue even when commercial, agricultural, and residential property taxpayers are

hemorrhaging under the current system. The Democrat plan for last year was to give one of its wealthiest party financial donors millions in taxpayer money to keep funding his apartment buildings in Des Moines. That is the same plan that Representative Wise, a Democrat, called a “monstrosity” last year. That is not property tax reform. That is a failure of leadership.

During this session you will not see a proposal for low and middle income tax cuts submitted by the Democrat Majority. The dollar is falling, the markets are jittery, the sub-prime housing crisis is consuming the financial markets, and gas prices are sky high. People need more money in their pockets to stimulate this economy, but the Democrats insatiable appetite for more government programs will require that government keep taxing and spending without even a thought of returning some of that money to the people through an income tax cut. In fact, only tax increases are being proposed and the Democrats appear to be poised to take away the right of voters to decide their local option sales tax in favor of increasing the statewide sales tax.

Many are noticing the Democrat’s greed when it comes to keeping all this money. The Cedar Rapids Gazette recently chastised this Democrat Majority for not adopting the Republican Earned Income Tax Credit plan last year. It would have put substantially more money in the pockets of low income Iowan’s than anything the Democrats have proposed, including the raising of the minimum wage. That is a failure of leadership.

During this session you will not see a proposal to protect Iowa’s highway and bridges submitted by the Democrat Majority. The Democrats are so consumed with holding onto power that the Governor’s office and the Democrat majorities are like deer frozen in the headlights of this problem. We hear talk that the Republicans in this body need to do the heavy lifting or nothing will get done. Now, after ignoring our ideas, our proposals, and our voices last session, the Democrats want the Republicans to lead the way in fixing the infrastructure problem. What we need is straight talk from the majority. We need to fix our roads and bridges problem. Minnesotans’ learned this lesson the hard way, but Senate Democrats apparently have not “gotten the message.” Get with the Governor and give Iowan’s a proposal that is realistic. That is called leadership.

During this session you will not see any attempt by the Senate Democrats to stand up and defend the institution of marriage against an extremist attack by a renegade activist judge in Polk County who single handedly overrode the will of the people and this elected body of Senators. Traditional marriage is the bedrock of Iowa’s family unit and our law. Traditional marriage was protected with majority votes in the last decade by Iowa’s State Senators and Representatives. But sadly, the Democrat majority are happy to please extremist activists in their own party by using the old saw that “we’ll let the courts sort it out” before we act. That is not leadership and is an absolute abdication of our duty!

During this session you will not see a serious and comprehensive proposal to deal with our growing illegal immigration problem submitted by the Democrat Majority. Posing for the cameras and issuing press releases saying you will penalize businesses for hiring illegal immigrants does little to address this problem. You had an opportunity last session to make some headway in that regard, but Senate leadership killed the bill. But, this is an election year, so get ready for the press releases and photos, a lot of talk about nasty CEO’s and terrible corporate America, but don’t expect a serious and comprehensive proposal. Expect only political expediency. That is not leadership.

During this session you will not see a responsible budget proposed by Governor Culver nor one passed by the Democrat Majority. The biggest problem that the Democrats created in 2007 was a budget that kicked fiscal responsibility down the

road. You can put out your smoke and mirrors to confuse the voters by saying that the state is in great fiscal shape, all of the reserve funds are filled and the Democrats balanced the budget. Well, my fellow colleagues, balancing the budget is mandated in this state. Congratulations, you followed the law, last year. The dirty little secret though is that those reserve funds will not be full for long as the Democrat majorities will have to raid them to pay for their over-spending promises according to current fiscal projections.

That overspending will lead us to be short about 450 million dollars for next year's budget. That is a failure of leadership.

Last year this General Assembly increased the salaries of our hardworking teachers in this state. This was done, however, without adding more accountability into our classrooms. Investment in our education system is a shared goal by every person in this chamber as the vitality of our state depends on an educated workforce. Yet the historical stance of the Democrat party of throwing money at the problem to fix it is outdated.

Once again the Democrat Majority will issue their press releases touting education accomplishments and that they will start this year with a promise to institute state wide standards for our classrooms. The only problem with this promise is that the standards being advocated for by Governor Culver and the Department of Education are weak compared to Minnesota and Wisconsin. If we cannot compete with states in the Midwest how are we to compete in the global race on education.

Apparently last year was the "Year of the Teachers Union" not the "Year of the Student." This year promises to be more of the same. That is a failure of leadership.

I am worried. The people of Iowa should be worried. There is no leadership regarding the tough decisions that need to be made to overcome these obstacles I have identified. If Iowa is to be a place that grows and thrives for all of its citizens, we need to do the heavy lifting that bold and responsible leadership requires. Sadly, you won't find it in the Iowa Senate. It is easy to tax and spend, so we tax and spend, and spend, and spend. It is easy to reward special interests, so we try to gut Iowa' Right to Work law to fill the Union coffers. It is easy to do nothing, so we do nothing to protect the institution of marriage. It is easy to throw hundred of millions of dollars at the teacher's union, so we ignore our K-12 students and do nothing to provide accountability and standards in education. To each one of these issues, Senate Republicans have tried to offer alternatives, or suggested changes to bills, and have been met with a complete unwillingness to even dialogue. There is virtually no communication on bi-partisan legislation, unless, unless it requires a tax increase, then and only then, do we hear that Republican voices are welcome to come and sing in the choir. That is plain and simply not leadership.

Take a poll, propose a bill, take some photos and call the press, seems to be the where we are today. That is just not leadership. That is just politics.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and notified the Senate that the House was duly organized and ready to receive any communication the Senate might be ready to transmit.

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Gronstal moved that a committee of five be appointed to notify the Governor that the Senate was organized and ready to receive any communication that he might be ready to transmit.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Courtney, Chair; Dearden, Olive, Kettering, and Mulder.

COMMITTEE TO NOTIFY THE HOUSE

Senator Gronstal moved that a committee of five be appointed to notify the House of Representatives that the Senate was organized and ready for business.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Connolly, Chair; Hogg, Schmitz, Boettger, and Ward.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:34 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:40 a.m., President Kibbie presiding.

SUPPLEMENTAL REPORT OF OFFICERS AND EMPLOYEES OF THE SENATE

Senator Gronstal asked and received unanimous consent to take up the following report of the committee on Rules and Administration:

MR. PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following individuals as permanent officers and employees of the Senate for the 2008 Session of the Eighty-second General Assembly:

Administrative

Administrative Secretary to the Secretary Betty Shea

Journal

Journal Editor IMaureen Lee

Legal Counsel

Assistant to Legal Counsel..... Patricia Willemssen

President of the Senate’s Office

Secretary Bonnie Fokken

Democratic Caucus

Confidential Secretary to Leader..... Kellee Mullen

Research Assistant Kassie Hobbs

Republican Caucus

Research Assistant Carol Wieck

Secretaries to Senators

Committee SecretaryHilton Bostick

Committee SecretaryKayla Burkhiser

Committee Secretary Donna Courtney

Committee SecretaryRachael Creswell

Committee Secretary Amanda Kimber

Committee Secretary Chelsea Lepley

Committee SecretaryKathy Nebel

Committee Secretary Dennis Tibben

Committee SecretaryFrances Wilke

Secretary Janice Heckroth

SecretaryAndrea Jansa

SecretaryDave Morris

SecretaryMaxine Sieleman

SecretaryEllen Wagner-Kerber

SecretaryJoe Winn

SecretaryDede Zaub

MICHAEL E. GRONSTAL, Chair

Senator Gronstal moved the adoption of the report and appointment of the permanent officers and employees of the Senate.

The motion prevailed by a voice vote, and the foregoing officers and employees appeared before the bar of the Senate and were duly sworn to their oaths of office.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Senator Courtney reported that the committee assigned to notify the Governor that the Senate was organized and ready for business had performed its duty.

The report was accepted, and the committee was discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE HOUSE

Senator Connolly reported that the committee assigned to notify the House that the Senate was organized and ready for business had performed its duty.

The report was accepted, and the committee was discharged.

APPOINTMENT OF PAGES

Senator Gronstal asked and received unanimous consent to take up the following report of the committee on Rules and Administration:

MR. PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following persons as Pages for the Senate for the 2008 Session of the Eighty-second General Assembly:

Raeann Batz, Lytton
Danny Blanchard, Des Moines
Ann Dvorsky, Coralville
Emily Ehlers, Denison
Christina Gibbons, Sioux Center
Rhonda Greenway, Van Meter
Chase Hall, Des Moines
Caslon Hatch, Des Moines
Cassie Holstad, Thompson
Michael Palsic, Osage
Amy Peyton, Sac City

Rachel Rivenbark, Story City
Zachary Simonson, Ottumwa
Zakary Steib, Fort Dodge
Cole Unger, Jefferson

MICHAEL E. GRONSTAL, Chair

Senator Gronstal moved the adoption of the report and the appointment of the Senate Pages.

The motion prevailed by a voice vote, and the foregoing Senate Pages appeared before the bar of the Senate and were duly sworn to their oaths of office.

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 January 14, 2008, **adopted** the following resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 101, a concurrent resolution resolving that a joint convention of the two houses of the 2008 session of the Eighty-second General Assembly be held on Tuesday, January 15, 2008, at 10:00 a.m. for Governor Chester J. Culver to deliver his budget message.

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

House Concurrent Resolution 102, a concurrent resolution resolving that a joint convention of the two houses of the 2008 session of the Eighty-second General Assembly be held on Wednesday, January 16, 2008, at 10:00 a.m. for Chief Justice Ternus to present her message of the condition of the judicial branch.

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

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolutions 101 and 102.

House Concurrent Resolution 101

On motion of Senator Gronstal, **House Concurrent Resolution 101**, a concurrent resolution resolving that a joint convention of the two houses of the 2008 session of the Eighty-second General Assembly be held on Tuesday, January 15, 2008, at 10:00 a.m. for Governor Chester J. Culver to deliver his budget message, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 101, which motion prevailed by a voice vote.

House Concurrent Resolution 102

On motion of Senator Gronstal, **House Concurrent Resolution 102**, a concurrent resolution resolving that a joint convention of the two houses of the 2008 session of the Eighty-second General Assembly be held on Wednesday, January 16, 2008, at 10:00 a.m. for Chief Justice Ternus to present her message of the condition of the judicial branch, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 102, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolutions 101 and 102** be **immediately messaged** to the House.

INTRODUCTION OF BILLS

Senate File 2001, by Angelo, a bill for an act relating to a sales tax exemption for the operation of nonprofit private performing arts centers, allowing a sales tax refund for construction of such centers, and including a retroactive applicability date.

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

Senate File 2002, by Beall, a bill for an act waiving employer charges for unemployment claims stemming from temporary workers who have replaced active duty military employees.

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

Senate File 2003, by Beall, a bill for an act providing for historical research on Asian and Pacific Islander immigration to Iowa and making an appropriation.

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:53 a.m. until 8:45 a.m., Tuesday, January 15, 2008.

APPENDIX**STANDING COMMITTEES APPOINTED**

The Majority and Minority Leaders announced the following appointments to the standing committees of the Senate for the Eighty-second General Assembly, 2008 session:

*Vice Chair

**Ranking Member

AGRICULTURE—15 Members

Fraise, Chair	Black	Hancock	Olive
Rielly*	Boettger	Houser	Putney
Johnson**	Courtney	Kibbie	Seng
Appel	Gaskill	Mulder	

APPROPRIATIONS—25 Members

Dvorsky, Chair	Bolkcom	Hahn	Ragan
McCoy*	Connolly	Hancock	Seng
Kettering**	Danielson	Hatch	Seymour
Angelo	Dotzler	Hogg	Ward
Behn	Fraise	Johnson	Warnstadt
Black	Gaskill	Putney	Wood
Boettger			

COMMERCE—15 Members

Warnstadt, Chair	Bolkcom	McKibben	Schoenjahn
Heckroth*	Courtney	Olive	Stewart
Behn**	Kettering	Putney	Ward
Angelo	McCoy	Rielly	

ECONOMIC GROWTH—13 Members

Stewart, Chair	Danielson	Hatch	Schmitz
Olive*	Dotzler	Mulder	Seymour
Houser**	Hahn	Rielly	Zaun
Beall			

EDUCATION—15 Members

Schoenjahn, Chair	Boettger	Kreiman	Wood
Appel*	Connolly	McKinley	Zaun
Mulder**	Heckroth	Quirnbach	Zieman
Beall	Johnson	Schmitz	

ETHICS—6 Members

Kibbie, Chair	Behn**	Putney	Wieck
Connolly*	Dearden		

GOVERNMENT OVERSIGHT—5 Members

Courtney, Chair	Ward**	Lundby	Schmitz
Connolly*			

HUMAN RESOURCES—13 Members

Ragan, Chair	Bolkcom	Hatch	Mulder
Schmitz*	Dotzler	Johnson	Quirnbach
Seymour**	Hartsuch	Kreiman	Wood
Boettger			

JUDICIARY—15 Members

Kreiman, Chair	Dvorsky	Horn	Ward
Hogg*	Fraise	Noble	Warnstadt
McKibben**	Hancock	Quirnbach	Zieman
Behn	Hartsuch	Schoenjahn	

LABOR AND BUSINESS RELATIONS—11 Members

Dearden, Chair	Behn	Hahn	Kettering
Courtney*	Dotzler	Hatch	Seng
Ward**	Dvorsky	Horn	

LOCAL GOVERNMENT—13 Members

Quirnbach, Chair	Hartsuch	Kreiman	Rielly
Beall*	Heckroth	McKinley	Schoenjahn
Zaun**	Houser	Olive	Stewart
Angelo			

NATURAL RESOURCES AND ENVIRONMENT—15 Members

Black, Chair	Bolkcom	Kettering	Schoenjahn
Hancock*	Dearden	Lundby	Seng
Gaskill**	Hogg	Noble	Wood
Behn	Johnson	Ragan	

RULES AND ADMINISTRATION—11 Members

Gronstal, Chair	Angelo	Dearden	Ragan
Kibbie*	Courtney	Dvorsky	Zieman
Wieck**	Danielson	Lundby	

STATE GOVERNMENT—15 Members

Connolly, Chair	Behn	Hahn	McKibben
Horn*	Black	Hatch	Schmitz
Zieman**	Danielson	Kettering	Wood
Appel	Gaskill	Kibbie	

TRANSPORTATION—13 Members

Rielly, Chair	Dearden	Houser	Warnstadt
Danielson*	Hancock	McCoy	Zaun
Noble**	Heckroth	Putney	Zieman
Beall			

VETERANS AFFAIRS—11 Members

Beall, Chair	Black	Horn	McKinley
Warnstadt*	Danielson	Kibbie	Ragan
Seymour**	Hartsuch	McKibben	

WAYS AND MEANS—17 Members

Bolkcom, Chair	Connolly	Noble	Seng
McCoy*	Dotzler	Putney	Stewart
McKibben**	Hogg	Quirnbach	Ward
Angelo	Houser	Schmitz	Zieman
Appel			

SENATE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION AND REGULATION

Danielson, Chair	Hahn**	Stewart
Appel*	Hartsuch	

AGRICULTURE AND NATURAL RESOURCES

Seng, Chair	Gaskill**	Houser
Schoenjahn*	Black	

ECONOMIC DEVELOPMENT

Dotzler, Chair	Kettering**	Ward
Heckroth*	Olive	

EDUCATION

Wood, Chair	Boettger**	Zieman
Horn*	Quirnbach	

HEALTH AND HUMAN SERVICES

Hatch, Chair	Johnson**	Seymour
Kreiman*	Ragan	

JUSTICE SYSTEM

Hancock, Chair	McKinley**	Noble
Fraise*	Hogg	

TRANSPORTATION, INFRASTRUCTURE AND CAPITALS

McCoy, Chair	Putney**	McKibben
Warnstadt*	Beall	

SENATORS AND THEIR RESPECTIVE COMMITTEES

ANGELO, Jeff	Appropriations Commerce Local Government Rules and Administration Ways and Means
APPEL, Staci	Agriculture Education, Vice Chair State Government Ways and Means Administration and Regulation Appropriations Subcommittee, Vice Chair
BEALL, Daryl	Economic Growth Education Local Government, Vice Chair Transportation Veterans Affairs, Chair Transportation, Infrastructure, and Capitals Appropriations Subcommittee
BEHN, Jerry	Appropriations Commerce, Ranking Member Ethics, Ranking Member Judiciary Labor and Business Relations Natural Resources and Environment State Government
BLACK, Dennis H.	Agriculture Appropriations Natural Resources and Environment, Chair State Government Veterans Affairs Agriculture and Natural Resources Appropriations Subcommittee

BOETTGER, Nancy J.	Agriculture Appropriations Education Human Resources Education Appropriations Subcommittee, Ranking Member
BOLKCOM, Joe	Appropriations Commerce Human Resources Natural Resources and Environment Ways and Means, Chair
CONNOLLY, Michael	Appropriations Education Ethics, Vice Chair Government Oversight, Vice Chair State Government, Chair Ways and Means
COURTNEY, Thomas G.	Agriculture Commerce Government Oversight, Chair Labor and Business Relations, Vice Chair Rules and Administration
DANIELSON, Jeff	Appropriations Economic Growth Rules and Administration State Government Transportation, Vice Chair Veterans Affairs Administration and Regulation Appropriations Subcommittee, Chair
DEARDEN, Dick L.	Ethics Labor and Business Relations, Chair Natural Resources and Environment Rules and Administration Transportation
DOTZLER, William A., Jr.	Appropriations Economic Growth Human Resources Labor and Business Relations Ways and Means Economic Development Appropriations Subcommittee, Chair
DVORSKY, Robert E.	Appropriations, Chair Judiciary Labor and Business Relations Rules and Administration

FRAISE, Gene	Agriculture, Chair Appropriations Judiciary Justice System Appropriations Subcommittee, Vice Chair
GASKILL, E. Thurman	Agriculture Appropriations Natural Resources and Environment, Ranking Member State Government Agriculture and Natural Resources Appropriations Subcommittee, Ranking Member
GRONSTAL, Michael E.	Rules and Administration, Chair
HAHN, James F.	Appropriations Economic Growth Labor and Business Relations State Government Administration and Regulation Appropriations Subcommittee, Ranking Member
HANCOCK, Tom	Agriculture Appropriations Judiciary Natural Resources and Environment, Vice Chair Transportation Justice System Appropriations Subcommittee, Chair
HARTSUCH, David	Human Resources Judiciary Local Government Veterans Affairs Administration and Regulation Appropriations Subcommittee
HATCH, Jack	Appropriations Economic Growth Human Resources Labor and Business Relations State Government Health and Human Services Appropriations Subcommittee, Chair

HECKROTH, William M.	Commerce, Vice Chair Education Local Government Transportation Economic Development Appropriations Subcommittee, Vice Chair
HOGG, Robert M.	Appropriations Judiciary, Vice Chair Natural Resources and Environment Ways and Means Justice System Appropriations Subcommittee
HORN, Wally E.	Judiciary Labor and Business Relations State Government, Vice Chair Veterans Affairs Education Appropriations Subcommittee, Vice Chair
HOUSER, Hubert	Agriculture Economic Growth, Ranking Member Local Government Transportation Ways and Means Agriculture and Natural Resources Appropriations Subcommittee
JOHNSON, David	Agriculture, Ranking Member Appropriations Education Human Resources Natural Resources and Environment Health and Human Services Appropriations Subcommittee, Ranking Member
KETTERING, Steve	Appropriations, Ranking Member Commerce Labor and Business Relations Natural Resources and Environment State Government Economic Development Appropriations Subcommittee, Ranking Member
KIBBIE, John P. "Jack"	Agriculture Ethics, Chair Rules and Administration, Vice Chair State Government Veterans Affairs

KREIMAN, Keith A.	Education Human Resources Judiciary, Chair Local Government Health and Human Services Appropriations Subcommittee, Vice Chair
LUNDBY, Mary A.	Government Oversight Natural Resources and Environment Rules and Administration
McCOY, Matt	Appropriations, Vice Chair Commerce Transportation Ways and Means, Vice Chair Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Chair
McKIBBEN, Larry	Commerce Judiciary, Ranking Member State Government Veterans Affairs Ways and Means, Ranking Member Transportation, Infrastructure, and Capitals Appropriations Subcommittee
McKINLEY, Paul	Education Local Government Veterans Affairs Justice System Appropriations Subcommittee, Ranking Member
MULDER, Dave	Agriculture Economic Growth Education, Ranking Member Human Resources
NOBLE, Larry L.	Judiciary Natural Resources and Environment Transportation, Ranking Member Ways and Means Justice System Appropriations Subcommittee
OLIVE, Rich	Agriculture Commerce Economic Growth, Vice Chair Local Government Economic Development Appropriations Subcommittee

PUTNEY, John	Agriculture Appropriations Commerce Ethics Transportation Ways and Means Transportation, Infrastructure and Capitals Appropriations Subcommittee, Ranking Member
QUIRMBACH, Herman C.	Education Human Resources Judiciary Local Government, Chair Ways and Means Education Appropriations Subcommittee
RAGAN, Amanda	Appropriations Human Resources, Chair Natural Resources and Environment Rules and Administration Veterans Affairs Health and Human Services Appropriations Subcommittee
RIELLY, Tom	Agriculture, Vice Chair Commerce Economic Growth Local Government Transportation, Chair
SCHMITZ, Becky	Economic Growth Education Government Oversight Human Resources, Vice Chair State Government Ways and Means
SCHOENJAHN, Brian	Commerce Education, Chair Judiciary Local Government Natural Resources and Environment Agriculture and Natural Resources Appropriations Subcommittee, Vice Chair
SENG, Joe M.	Agriculture Appropriations Labor and Business Relations Natural Resources and Environment Ways and Means Agriculture and Natural Resources Appropriations Subcommittee, Chair

SEYMOUR, James A.	Appropriations Economic Growth Human Resources, Ranking Member Veterans Affairs, Ranking Member Health and Human Services Appropriations Subcommittee
STEWART, Roger	Commerce Economic Growth, Chair Local Government Ways and Means Administration and Regulation Appropriations Subcommittee
WARD, Pat	Appropriations Commerce Government Oversight, Ranking Member Judiciary Labor and Business Relations, Ranking Member Ways and Means Economic Development Appropriations Subcommittee
WARNSTADT, Steve	Appropriations Commerce, Chair Judiciary Transportation Veterans Affairs, Vice Chair Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Vice Chair
WIECK, Ron	Ethics Rules and Administration, Ranking Member
WOOD, Frank B.	Appropriations Education Human Resources Natural Resources and Environment State Government Education Appropriations Subcommittee, Chair
ZAUN, Brad	Economic Growth Education Local Government, Ranking Member Transportation

ZIEMAN, Mark

Education
Judiciary
Rules and Administration
State Government, Ranking Member
Transportation
Ways and Means
Education Appropriations Subcommittee

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate during the 2007 interim and placed on file in the Legislative Services Agency:

DEPARTMENT OF ADMINISTRATIVE SERVICES

Affirmative Action in Iowa report for the 2007 fiscal year, pursuant to Iowa Code section 19B.5. Report received on October 1, 2007.

Early Termination Program report for 2007, pursuant to 2001 Iowa Acts, Senate File 551. Report received on October 31, 2007.

COUNTY REAL ESTATE ELECTRONIC GOVERNMENT ADVISORY COMMITTEE

Final report of the County Real Estate Electronic Government Advisory Committee. Report received on May 10, 2007.

OFFICE OF DRUG CONTROL POLICY

Iowa Drug Control Strategy annual report for 2008, pursuant to Iowa Code section 80E.1. Report received on November 1, 2007.

IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT

Report on the Activities of the Iowa Commission on Volunteer Service, pursuant to the Iowa Code section 15H.2(2)(h). Report received on October 30, 2007.

Business Training Services annual report for 2006, pursuant to Iowa Code sections 260G.4C, 15.108(3)(a)(1), and 15.108(6)(b)(3). Report received on December 31, 2007.

IOWA DEPARTMENT OF EDUCATION

Community College Data Collection report, pursuant to 2006 Iowa Acts, House File 2527, and Iowa Code section 260C.14. Report received on January 8, 2008.

Teacher Quality Report, pursuant to Iowa Code section 284.12(1). Report received on January 9, 2008.

Charter School Report, pursuant to Iowa Code section 256F.10. Report received on January 9, 2008.

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

Annual report of activities for 2007, pursuant to Iowa Code section 312.3B. Report received on January 7, 2008.

IOWA HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Iowa Individual Assistance Grant Program annual report for 2007, pursuant to Iowa Code section 29C.20A(4). Report received on December 27, 2007.

Enhanced 911 Annual Report, pursuant to Iowa Code section 34A.7A(3)(a). Report received on January 9, 2008.

DEPARTMENT OF HUMAN SERVICES

Recommendation and Options to Divert Placement of Boys at the Iowa Juvenile Home in Toledo, Iowa, and Report on the Work of the Toledo Study Group, pursuant to 2006 Iowa Acts, House File 2734. Report received on June 28, 2007.

Options and Resources Needed to Support Responsible Fatherhood report, pursuant to 2007 Iowa Acts, Chapter 218, section 9. Report received on December 17, 2007.

Independent Living Services annual report, pursuant to 2005 Iowa Acts, House File 457. Report received on January 2, 2008.

Annual report of the Iowa Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission for the 2007 calendar year and Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission legislative proposals for 2008, pursuant to Iowa Code section 225C.6(h)(1). Report received on January 4, 2008.

DEPARTMENT OF JUSTICE

Efficiency Report of the State Public Defender's Office, pursuant to 2007 Iowa Acts, Senate File 575. Report received on December 17, 2007.

Prosecutor Intern Program annual report for 2007, pursuant to Iowa Code section 13.2(12). Report received on January 8, 2008.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

Annual report for the fiscal year ending June 30, 2007, pursuant to Iowa Code section 411.5. Report received on December 3, 2007.

IOWA DEPARTMENT OF NATURAL RESOURCES

Public Drinking Water Program Annual Compliance Report for 2006. Report received on July 18, 2007.

Annual report of Oil Overcharge Restitution Programs. Report received on October 3, 2007.

Annual Lake Restoration 2007 report and 2008 plan, pursuant to 2007 Iowa Acts, House File 911. Report received on December 28, 2007.

Household Hazardous Materials Programs report for 2008. Report received on January 4, 2008.

Boat Fees Revenues and Expenditures Report for 2007, pursuant to Iowa Code section 462A.52. Report received on January 9, 2008.

OFFICE OF THE OMBUDSMAN

Published report, "Investigation into Pacific Junction Mayor Public Records Complaint," pursuant to Iowa Code section 2C.17. Report received on May 22, 2007.

Annual report for the 2006 calendar year. Report received on June 29, 2007.

Published report, "Investigation of Winfield's Agenda for the September 11, 2006, City Council Meeting," pursuant to Iowa Code section 2C.17. Report received on October 10, 2007.

PUBLIC EMPLOYMENT RELATIONS BOARD

Annual report for fiscal year 2007, pursuant to Iowa Code section 7E.3(4). Report received on December 6, 2007.

DEPARTMENT OF PUBLIC SAFETY

Annual report for the 2007 fiscal year, pursuant to Iowa Code section 7E.3(4). Report received on October 30, 2007.

IOWA DEPARTMENT OF REVENUE

Iowa Industrial Processing Exemption Study Committee 2006 report, pursuant to Iowa Code section 7A.11A. Report received on August 27, 2007.

Annual report of costs incurred and paid for services to support the department's Tax Gap Compliance Project for fiscal year 2007, pursuant to Iowa Code section 421.17(23). Report received on October 15, 2007.

Collection results, positions added, and costs incurred 2007 year-end fiscal report, pursuant to Iowa Code section 421.17(27)(h) and (j). Report received on November 5, 2007.

Tax Credits Tracking and Analysis Program 2007 Annual Report, pursuant to 2007 Iowa Acts, House File 874. Report received on January 2, 2008.

Annual report of all ongoing projects for which an appropriation from the Rebuild Iowa Infrastructure Fund has been made, pursuant to Iowa Code section 8.57(6)(h). Report received on January 10, 2008.

OFFICE OF THE IOWA SECRETARY OF STATE

Report on the cost of complying with requirements to update voting systems and equipment, pursuant to 2007 Iowa Acts, House File 911. Report received on December 28, 2007.

STATE BOARD OF TAX REVIEW

Annual Report for the 2007 calendar year. Report received on December 18, 2007.

TECHNOLOGY GOVERNANCE BOARD

Annual report for 2007 fiscal year. Report received on January 2, 2008.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Report on the review of maintenance contracts, pursuant to Iowa Code section 8D.3(3)(g). Report received on November 29, 2007.

DEPARTMENT OF TRANSPORTATION

Quarterly report of the Motor Vehicle Division, pursuant to 2005 Iowa Acts, House File 466. Report received on June 29, 2007.

TREASURER OF STATE

Annual report of the Iowa Tobacco Settlement Trust regarding activities for the previous fiscal year, pursuant to Iowa Code section 12E.15. Report received on January 11, 2008.

IOWA UTILITIES BOARD

Replacement Tax Study Committee report, pursuant to Iowa Code section 476.6(20). Report received on November 21, 2007.

Report on the Status of Energy Efficiency Programs in Iowa and the 2007 Iowa Residential Energy Survey, pursuant to 2007 Iowa Acts, House File 918. Report received on January 2, 2008.

IOWA DEPARTMENT OF VETERANS AFFAIRS

Report on the status of the County Grant Program for Veterans, pursuant to 2006 Iowa Acts, House File 2797.

AGENCY ICN REPORTS

Iowa Communications Network (ICN) usage reports for FY 2007, pursuant to Iowa Code section 8D.10, were received from the following agencies:

IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP – Report received on January 7, 2008.

OFFICE OF THE ATTORNEY GENERAL – Report received on January 2, 2008.

IOWA CIVIL RIGHTS COMMISSION – Report received on August 13, 2007.

IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT – Report received on January 8, 2008.

DEPARTMENT OF EDUCATION – Report received on January 2, 2008.

BOARD OF EDUCATIONAL EXAMINERS – Report received on January 11, 2008.

IOWA DEPARTMENT OF HUMAN RIGHTS – Report received on October 25, 2007.

IOWA DEPARTMENT OF HUMAN SERVICES – Report received on October 16, 2007.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM – Report received on October 31, 2007.

IOWA NATIONAL GUARD – Report received on January 9, 2008.

STATE LIBRARY OF IOWA – Report received on December 17, 2007.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION – Report received on December 26, 2007.

IOWA VETERANS HOME – Report received on January 7, 2008.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 2, the committee on Rules and Administration submits the following names of officers and employees of the Senate for the 82nd General Assembly, 2008 Session, and their respective classifications, grades, and steps:

		<u>CLASS</u>	<u>GRADE</u>	<u>STEP</u>
Journal Editor I	Maureen Lee	P/FT	22	1
Admin. Sec. to Secretary	Betty Shea	S/O	21	1
Asst. to Legal Counsel	Patricia Willemssen	S/O	19	3
Conf. Sec. to Leader	Kellee Mullen	S/O	27	1
Secretary to President	Bonnie Fokken	S/O	18	1

Research Assistant	Kassie Hobbs	S/O	24	1
Research Assistant	Carol Wieck	S/O	24	1
Legislative Secretary	Janice Heckroth	S/O	16	1
Legislative Secretary	Andrea Jansa	S/O	16	1
Legislative Secretary	Dave Morris	S/O	16	1
Legislative Secretary	Maxine Sieleman	S/O	15	1
Legislative Secretary	Ellen Wagner-Kerber	S/O	18	2
Legislative Secretary	Joe Winn	S/O	17	1
Legislative Secretary	Dede Zaun	S/O	16	1
Legis. Committee Secretary	Hilton Bostick	S/O	18	1
Legis. Committee Secretary	Kayla Burkhiser	S/O	17	1
Legis. Committee Secretary	Donna Courtney	S/O	18	2
Legis. Committee Secretary	Rachael Creswell	S/O	18	1
Legis. Committee Secretary	Amanda Kimber	S/O	18	1
Legis. Committee Secretary	Chelsea Lepley	S/O	18	1
Legis. Committee Secretary	Kathy Nebel	S/O	18	1
Legis. Committee Secretary	Dennis Tibben	S/O	17	1
Legis. Committee Secretary	Franny Wilke	S/O	18	1
Page	Raeann Batz	S/O	9	1
Page	Danny Blanchard	S/O	9	1
Page	Ann Dvorsky	S/O	9	1
Page	Emily Ehlers	S/O	9	1
Page	Christina Gibbons	S/O	9	1
Page	Rhonda Greenway	S/O	9	1
Page	Chase Hall	S/O	9	1
Page	Caslon Hatch	S/O	9	1
Page	Cassie Holstad	S/O	9	1
Page	Michael Palsic	S/O	9	1
Page	Amy Peyton	S/O	9	1
Page	Rachel Rivenbark	S/O	9	1
Page	Zachary Simonson	S/O	9	1
Page	Zakary Steib	S/O	9	1
Page	Cole Unger	S/O	9	1

MICHAEL E. GRONSTAL, Chair

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 2, the committee on Rules and Administration submits the following increases, reclassifications, and the effective dates of Senate employees:

Sr. Admin. Asst. to Ldr. to Sr. Admin. Asst. to Ldr. II	Eric Bakker	Grade 38, Step 7 to Grade 41, Step 7 Effective 1/08
Admin. Asst. to Ldr. II to Admin. Asst. to Ldr. III	Debbie Kattenhorn	Grade 32, Step 3 to Grade 35, Step 3 Effective 6/07
Sr. Admin. Asst. to Ldr. to Sr. Admin. Asst. to Ldr. II	Steve Conway	Grade 38, Step 7 to Grade 41, Step 7 Effective 1/08

Sr. Legis. Research Analyst	Kris Bell	Step 6 to Step 7 Effective 7/07
Sr. Legis. Research Analyst	Rusty Martin	Step 1 to Step 3 Effective 6/07
Legis. Research Analyst III	Bridget Godes	Step 1 to Step 3 Effective 7/07
Legis. Research Analyst II to Legis. Research Analyst III	Julie Simon	Grade 32, Step 6 to Grade 35, Step 4 Effective 1/08
Legis. Research Analyst II	Kerry Wright	Step 4 to Step 5 Effective 7/07
Legis. Research Analyst I to Legis. Research Analyst II	Sue Monahan	Grade 29, Step 2 to Grade 32, Step 1 Effective 7/07
Legis. Research Analyst I	Cathy Engel	Step 1 to Step 3 Effective 12/07
Legis. Research Analyst to Legis. Research Analyst I	Jace Mikels	Grade 27, Step 4 to Grade 29, Step 3 Effective 7/07
Legis. Research Analyst	Erica Shorkey	Step 4 to Step 6 Effective 12/07
Conf. Sec. to Ldr.	Kay Kibbie	Step 4 to Step 6 Effective 6/07
Sr. Admin. Asst. to Ldr. II	Brent Oleson	Step 5 to Step 6 Effective 1/08
Admin. Asst. to Ldr. Caucus Staff Director to Sr. Caucus Staff Director	Sarah Kobliska Peter Matthes	Resigned 9/14/07 Grade 38, Step 3 to Grade 41, Step 3 Effective 6/07
Sr. Legis. Research Analyst	Jim Friedrich	Step 1 to Step 2 Effective 6/07
Legis. Research Analyst III	Russ Trimble	Step 3 to Step 4 Effective 6/07
Legis. Research Analyst III	Kimberly Steenhoek	Step 1 to Step 3 Effective 6/07 Resigned 1/3/08
Legis. Research Analyst II	Tom Ashworth	Step 2 to Step 3 Effective 6/07
Legis. Research Analyst	Angie Lewis	Step 3 to Step 4 Effective 6/07
Legis. Research Analyst	Peter Cownie	Step 2 to Step 3 Effective 2/08 Resigned 10/11/07
Conf. Sec. to Ldr.	Judy Dierenfeld	Step 4 to Step 6 Effective 6/07 Resigned 9/14/07
Sr. Finance Officer III	Linda Laurenzo	Step 6 to Step 7 Effective 7/07
Sr. Finance Officer I to Sr. Finance Officer II	Lois Brownell	Grade 31, Step 5 to Grade 35, Step 3 Effective 7/07

Conf. Sec. to Sec. of the Senate II	K'Ann Brandt	Step 5 to Step 6 Effective 7/07
Admin. Sec. to Sec. of the Senate	Betty Shea	Step 1 to Step 2 Effective 3/08
Sr. Journal Editor	Janet Hawkins	Step 1 to Step 3 Effective 6/07
Journal Editor I	Sarah Clark	Step 1 to Step 3 Effective 6/07
Asst. Journal Editor	Angela Cox	Resigned 8/3/07 Step 3 to Step 4 Effective 6/07
Postmistress	Leila Carlson	Step 1 to Step 2 Effective 3/08
Legis. Committee Secretary	Anne Marie Burnett	Step 4 to Step 5 Effective 2/08
Legis. Committee Secretary	Jodi Grover	Step 1 to Step 2 Effective 3/08
Legis. Committee Secretary	Kathleen Nebel	Step 1 to Step 2 Effective 3/08
Legislative Secretary	Elizabeth Arndt	Step 1 to Step 2 Effective 3/08
Legislative Secretary	David Boettger	Step 3 to Step 4 Effective 2/08
Legislative Secretary	Vicki Davis	Step 6 to Step 7 Effective 4/08
Legislative Secretary	Colleen Jones	Step 1 to Step 2 Effective 3/08
Legislative Secretary	Martha Ullem	Step 4 to Step 5 Effective 2/08
Legislative Secretary	April Young	Step 1 to Step 2 Effective 3/08

MICHAEL E. GRONSTAL, Chair

REPORTS OF COMMITTEE MEETINGS

LABOR AND BUSINESS RELATIONS

Convened: January 14, 2008, 2:00 p.m.

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

Members Absent: Courtney, Vice Chair; and Behn (both excused).

Committee Business: Organizational meeting.

Adjourned: 2:10 p.m.

RULES AND ADMINISTRATION

Convened: January 14, 2008, 10:30 a.m.

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

Members Absent: None.

Committee Business: Reports of Senate pages and employees for the 2008 session.

Adjourned: 10:40 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 101, by Ragan, a resolution to ensure that Iowans with developmental disabilities are supported by a quality workforce.

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

INTRODUCTION OF BILLS

Senate File 2004, by Kibbie, a bill for an act relating to advertising renewable fuels by the use of decals affixed to motor fuel pumps.

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

Senate File 2005, by Kibbie, a bill for an act providing a method for the acquisition of title to abandoned vacant lots by cities.

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

Senate File 2006, by Putney, a bill for an act requiring bicyclists riding on state or county highways to have a license and providing for fees and penalties.

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

STUDY BILLS RECEIVED

SSB 3001 Human Resources

Relating to dental homes for children.

SSB 3002 Human Resources

Allowing appeal of denials of dental insurance coverage based on medical necessity.

SSB 3003 Human Resources

To allow physician assistants to form a professional corporation.

SSB 3004 Agriculture

Relating to the eligibility requirements for the barn preservation property tax exemption.

SUBCOMMITTEE ASSIGNMENTS

SSB 3001

HUMAN RESOURCES: Schmitz, Chair; Boettger and Ragan

SSB 3002

HUMAN RESOURCES: Kreiman, Chair; Johnson and Ragan

SSB 3003

HUMAN RESOURCES: Dotzler, Chair; Schmitz and Seymour

SSB 3004

AGRICULTURE: Olive, Chair; Fraise, Gaskill, Houser, and Seng

JOURNAL OF THE SENATE

SECOND CALENDAR DAY
SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 15, 2008

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 Fort Madison, Lee County, Iowa.

The Journal of Monday, January 14, 2008, was approved.

The Senate stood at ease at 8:50 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:35 a.m., President Kibbie presiding.

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 101, 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

The joint convention convened at 9:45 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.

President Kibbie declared a quorum present and the joint convention duly organized.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify Governor Chester J. Culver that the joint convention was ready to receive him.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators McCoy, Wood, and Zaun on the part of the Senate, and Representatives Zirkelbach, Schueller, and Pettengill on the part of the House.

The joint convention stood at ease at 9:45 a.m. until the fall of the gavel.

The joint convention resumed session at 9:49 a.m., President Kibbie presiding.

Secretary of State Michael Mauro, Secretary of Agriculture Bill Northey, Auditor of State David A. Vaudt, and Attorney General Tom Miller were escorted into the House chamber.

Chief Justice Ternus and the Justices of the Supreme Court and Chief Judge Sackett and the Judges of the Court of Appeals were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

Ann Cooper Culver, the Governor's mother, and Joanne Thinnes, the First Lady's mother, were escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him to the Speaker's station.

President Kibbie presented Governor Chester J. Culver, who delivered the following Condition of the State Address:

My fellow Iowans; Lieutenant Governor Judge; members of the General Assembly; President Kibbie and Speaker Murphy; leaders Gronstal, McCarthy, Rants, and Wieck; fellow statewide elected officials: Miller, Mauro, Northey, and Vaudt; all department

directors and state employees; General Dardis; Chief Justice Ternus; Justices and members of the Court of Appeals; and special guests, welcome!

I would like to begin today by recognizing the brave men and women who are serving in our Armed Forces. Thank you for your service. We appreciate the sacrifices you and your families are making on our behalf. To those families who have lost a loved one in the current conflicts in Iraq and Afghanistan, I say, although no one can truly know your pain, you should know all Iowans share your grief. Our thoughts and prayers are with you.

On a personal note, one of my most memorable experiences last year was greeting members of the 133rd Battalion upon their return home from Iraq. There I had the pleasure of meeting one soldier, Specialist Jason Timler, from my hometown of McGregor. Jason is a member of the 1st Division of the 133rd Infantry, simply known as the Ironmen. These brave Iowans were overseas for nearly 22 months, serving the longest overseas deployment by an Iowa unit since World War II. I would like to recognize another brave member of the 133rd, our state representative, the Honorable Ray Zirkelbach.

The 133rd has been one of the most highly decorated units deployed to Iraq. The soldiers of the 133rd have earned 26 Bronze Stars, with 3 recipients cited for valor; they earned 11 Army commendation medals for valor; and they conducted more than 500 combat missions. More than 30 of them earned the Purple Heart. And they built 29 schools for Iraqi children. We are all very proud of the 133rd! As a token of our appreciation, please join me in welcoming Specialist Jason Timler to the chamber.

Article Four, Section Twelve, of the Iowa Constitution says, and I quote: “The Governor shall communicate, by message, to the general assembly, at every regular session, the condition of the state, and recommend such matters as he shall deem expedient.” It’s my constitutional duty, my pleasure, and my privilege to report that on this 15th day of January in the year 2008: The Condition of our State is strong!

First of all, our fiscal house is in order. The budget you passed and the one I signed was fiscally responsible. It included a \$600-million-dollar cash reserve, the largest in Iowa’s history. Second, our bioeconomy is booming. With your help, we are building the Silicon Valley of the Midwest and becoming the renewable energy capital of the United States. Most important, this is resulting in historic job creation and economic development. The biofuels industry has added more than \$8 billion dollars to Iowa’s economy, and has created or supported more than 50,000 new jobs. The state has partnered in this effort too. In 2007, with your assistance, more than 1,800 new green-collar jobs were created. And more than \$3 billion dollars of private sector green investments were made.

Communities across Iowa that have experienced real economic challenges, like Keokuk, Fort Madison, and Newton, have recently seen a new rebirth by tapping into the booming wind industry. Each of these cities is in the process of adding hundreds of new wind-generation manufacturing jobs.

I believe this is only the beginning of what’s possible!

A recent study projects within a 600-mile-radius of Iowa, more than \$20 billion dollars of wind projects will be constructed over the next seven years. To capitalize on this opportunity for our state, I’ve traveled across the nation, and to countries like Germany, Denmark, and Spain, to do everything within my power to bring these jobs to Iowa. And we’ve gotten results. Iowa is now home to five wind-generation manufacturers who have recently decided to locate or expand here—Acciona, Siemens, Clipper, Hendricks, and TPI.

So to put it in perspective, Iowa is now one of only two states in the nation manufacturing the three major component parts of a windmill—towers, turbines, and

blades. These new advanced manufacturing “bio-jobs” we’re creating are key to Iowa’s continued economic growth.

In addition, the Condition of the State is strong because last year you passed and I signed historic legislation. These new initiatives related to job creation, renewable energy, health care, and education will improve our quality of life and strengthen our economy.

Most important, we kept the promises we made to the people who sent us here.

- We promised to raise the minimum wage—and we did.
- We promised to increase teacher pay and expand early childhood education—and we did.
- We promised to provide income tax relief for tens of thousands of hard-working Iowans—and we did.
- We promised to expand health care for Iowa’s kids—and we did.
- We promised to lift the ban on stem cell research and build a state of the art research facility at the University of Iowa—and we did.
- We promised to provide our veterans injury, education, and housing assistance—and we did.
- We promised our seniors we’d put more senior advocates to work across Iowa—and we did.
- We promised to make college more affordable and to support our public and private colleges and universities at the highest levels ever—and we did.
- We promised to increase civil liberties protections for all Iowans, to fight discrimination and harassment at work and in our schools—and we did.
- We promised to invest in our environment, by supporting REAP, the Resource Enhancement and Protection program, at its highest levels since 1981—and we did.
- Finally, we promised to make Iowa the national leader in renewable energy. We said we’d establish an Office of Energy Independence and create a \$100 million dollar renewable energy research and development fund—and we did!

We should be proud of these accomplishments. Now it’s up to us to build on them. So for all of these reasons, I’m happy to report the Condition of the State is strong!

I believe our goals this session are simple—protect our priorities, balance the budget, and address some unmet needs.

Our budget must reflect our commitment to protect the new initiatives we launched last session. In order to maintain our lead in this new bioeconomy, we must continue to support the Iowa Power Fund. Let’s make sure we pay our teachers what they deserve and do whatever it takes to bring them to the national average in teacher pay. We need to maintain the funding levels for our community colleges, regents institutions and private colleges. Let’s expand early childhood education so we can meet our goal of offering it statewide by 2010. We must meet the obligation we have to the most vulnerable among us, our uninsured children. Let’s expand health care to 7,500 more kids. And let’s not forget those who helped us make this state such a great place—our senior citizens and our veterans.

The only way we can be certain to fulfill these priorities is to keep our fiscal house in order. Here’s how we can do it: limit new spending, continue to live within our means, and protect our cash reserves.

Today I want to share with you the steps I’ve already taken to present a balanced budget. First, we just said no! In August of last year, I asked my department directors to submit budget requests that limited any new spending. Second, the budget I’m proposing allows us to keep our promises. It also protects our priorities, identifies a few new revenue sources, and fully funds our cash reserves. Third, our administration continues to find ways to save taxpayer money, and we’re making government more efficient.

To my second Constitutional duty of the day: Now, I will touch on such matters as I deem expedient! The fact is there are still unmet needs. We have much work to do in the areas of health care, environment, renewable energy, infrastructure, tax fairness, workforce development, and workers' rights.

Let's start with health care. Why shouldn't every Iowan get the same type of insurance coverage as elected officials get? Well, that's my goal. Let's take up the challenge of making health care affordable and accessible to all Iowans!

I want to acknowledge the hard work of the Affordable Health Care Commission, chaired by Senator Jack Hatch and Representative Ro Foege, and thank all who contributed to this effort. I believe, as the report indicated, there are some immediate steps we need to take. We should expand pooling options for associations, small businesses, and organizations in an effort to reduce the cost of group rates. Let's allow parents to cover their adult children, up to age 25, on a family plan. Let's eliminate exclusions and waiting periods for people who are transitioning from group health plans to individual plans. Let's cap long-term care insurance rate increases at 12 percent per year to protect our aging policyholders. Let's set the standard for electronic medical records and telemedicine. Iowa providers are now partnering with the state and federal government to build the nation's first statewide fiber-optic health care information network.

Additionally, we need to address our health care worker shortage. Let's start with nurses. We need more of them and better pay for them. The U.S. Department of Labor ranks Iowa as the 49th lowest-paying state for registered nurses. This is unacceptable, and we need to do something about it now! So, I'm appointing a task force to meet and make recommendations by March 1 on how we can best increase nurses' pay and address the shortage. As a former nurse, Lieutenant Governor Judge is the perfect person to lead this effort, and she's agreed to do so.

We also need additional funding for early detection. In my budget, I have dedicated resources to ensure that more Iowans, especially women, have access to early screening for cancer.

Finally, if you send me a bill to ban smoking at the local level, I will sign it!

While all these steps are critically important, the reality is, our most effective health care reform opportunity lies in the area of prevention, wellness, and chronic disease management. In an effort to save the state millions of dollars and improve the lives of thousands, we will institute a new state employees' wellness initiative. After all, wellness and prevention are key to reducing costs, reducing medical claims filed, reducing the number of procedures performed, and keeping people healthy. This has already been done in places like Asheville, North Carolina. Over a three-year period, the city of Asheville cut their medical claims in half for their employees by encouraging fitness and managing chronic disease. I believe we can, too.

In addition, we will initiate a state employees' chronic disease management program. This will put trained professionals to work coaching state employees and their families about how best to eliminate or reduce the effects of the five most common chronic diseases, diseases like obesity, heart disease, and diabetes.

Finally, whether it's popular or not, the fact is, the best way to achieve affordable, accessible health care for all involves each of us taking responsibility for the quality of our own health. That's why Lieutenant Governor Judge last summer started a statewide conversation about the future of wellness. I want to commend her for her efforts and thank her for the tremendous work she's doing as Iowa's Lieutenant Governor.

The Lieutenant Governor's Commission on Health and Wellness has forwarded their findings to you. One of the most frightening things the wellness commission noted is that 50 percent of Iowa's kids are overweight and 20 percent of those kids are

morbidly obese. That's why this session I have recommended we establish a minimum standard for physical activity in our schools. We will also partner with the American Diabetes Association and other groups to create a statewide focus on wellness for our children. And we should take the steps necessary to replace unhealthy food choices in schools with a statewide effort to promote healthier school meals and better options when it comes to vending machines.

My budget places significant resources into wellness initiatives, and I look forward to working with you on taking steps to a healthier Iowa.

There's one more thing. As a former coach, I used to say, if you want to talk the talk, you better walk the walk. So in an effort to provide leadership on this important issue, I have asked every state employee, and today I ask everyone in this chamber and all Iowans, to join the Lieutenant Governor and me to take on the 100-Day Lighten Up Iowa Challenge. Let's lose weight and exercise more together! The program begins tomorrow, and so I encourage you to sign up today at: www.governor.iowa.gov or call 1-888-777-8881.

Now, let's move to needs related to our environment. Clean air, clean water, and conservation are important Iowa values. I think we need to take three important steps this session to protect them.

Number one: I believe we should fully honor our commitment to Iowa's natural resources through the incredibly successful REAP program. In addition, we need to find a sustainable funding source for REAP. I've identified, I believe, the best way to pay for it. That's why I've proposed expanding the bottle bill. This is fitting as we celebrate its 30th anniversary this year. This bipartisan success was sponsored by former Governor Branstad in this very chamber when he was a legislator and was signed by former Governor Ray in 1978. After 30 years of "keeping Iowa beautiful" and keeping bottles and cans out of the ditches and landfills, I believe expanding the bottle bill is an idea whose time has come. I propose we make more containers subject to the deposit, including the plastic and aluminum containers of bottled water, juice, and energy drinks that more and more consumers are seeking out. I am also proposing the deposit be changed to 10 cents per container. The solution is practical and workable. One more cent will go to your local recycler, one cent to permanently protect our environment, and the rest goes right back into the consumer's pocket where it belongs! I believe it's the right thing to do. That's why I'm committed to working with legislators, grocers, retailers, redemption centers, environmental groups, conservation groups, and consumers to get the bill signed into law as soon as possible.

Number two: To address air quality, my budget calls for a first-ever, statewide, million dollar, new odor management program. I'm calling for a field-based study with hands-on research by experts at Iowa State University with real on-the-ground impact.

Number three: To improve water quality, I urge this body to continue its work in seeking common ground on the sometimes challenging issues related to contained animal feeding operations, siting, zoning, local control, and protection of our lakes, rivers, and streams that we all love. I have met, and I will continue to meet, with all interested parties to try to move forward on this issue.

You know, we've made real progress on renewable energy, and now is time to build on it. As I stated previously, funding the Iowa Power Fund and supporting the Office of Energy Independence should be our top priorities. But it's also time for a new Renewable Energy Portfolio Standard. We must require 25 percent of all energy produced in Iowa be from a renewable source by 2025. I'd also like to expand the Renewable Fuel Infrastructure Program to include terminal blending of ethanol and biodiesel. Let's help our farmers, consumers, and ethanol and biodiesel producers by developing the infrastructure necessary to increase access and drive greater

consumption of Iowa-grown biofuels. This will increase the demand for flexfuel vehicles, which will allow us to sell more E-10, E-85, and biodiesel at the pump.

Speaking of infrastructure, we all know there are needs with our bridges and roads because of the density and age of our roads system. Addressing this issue is critical to our public safety, quality of life, and economy. That's why I have directed the Department of Economic Development to come up with a long-range, comprehensive infrastructure plan for Iowa. And we're not just talking about bridges and roads—we're looking at rivers, trails, walkways, rail, public buildings, schools, correctional facilities, and telecommunications. We must address every facet of our 21st century infrastructure to ensure we continue to grow our economy and support the jobs of the future. While I've said I'm not in favor of increasing the gas tax, with oil at \$100 per barrel and gas prices at record highs, I have been clear about my willingness to join in any bipartisan agreement on how to best generate the revenue necessary.

In the meantime, my budget calls for a quarter-billion-dollar investment in our correctional system. The package includes a new penitentiary at Fort Madison. This will replace the outdated Civil War-era facility. Replacing this prison is, first and foremost, a matter of public safety. We will also be making significant investments in modernizing the facilities at Mitchellville, Anamosa, and Rockwell City. Most important, in an effort to significantly reduce recidivism, we will invest more than ever before in substance abuse and mental health treatment.

In addition, my infrastructure plan allows us to stand up for our veterans whom we owe a debt of gratitude. We'll invest \$20 million in the Iowa Veterans Home in Marshalltown to provide the quality long-term care these veterans deserve.

Now, let's move to the issue of tax fairness. I believe our corporate tax structure must be fixed. It's just not fair that big, out-of-state, multibillion dollar corporations that do tens of millions of dollars of business in Iowa avoid paying Iowa income taxes because of an outdated tax loophole. While it might be convenient for them, it's just not fair, especially for Iowa-based businesses. So let's level the playing field for locally owned, small businesses on Main Street, especially as they compete with larger, out-of-state corporations. It's just a matter of common sense. Twenty other states have closed this loophole. Of those, seven are listed on the top-ten list of best states in America to do business, according to Forbes Magazine. Our neighbors in the Midwest, Nebraska, Illinois, Minnesota, Kansas, and North Dakota, have already done this, and we should too!

A final challenge before us includes making sure we have a prepared workforce to meet the needs of the 21st Century. We have all seen the data that shows our state will soon face a workforce shortage unless we do something about it. That's why I recently convened the first-ever Governor's Workforce Summit to bring those affected by this challenge to the table to come up with solutions.

Based on this, I'm proposing we build a \$5 million dollar science, technology, engineering, and math, or STEM, center at the University of Northern Iowa. This will help us double the number of math and science teachers in our public schools and make sure every high school graduate is ready for the jobs of the future. In addition, I am asking you to join with me in fully funding our successful community college level workforce training program, known as ACE.

And to meet the workforce needs of the future, let's continue to do what we can to make college more affordable. One way to do this is by expanding the All-Iowa Opportunity Scholarship. This new needs-based scholarship program has been very successful. Today, 179 students who have each received scholarship awards of up to \$6,200 are now enrolled in universities and community colleges statewide who likely would not have been able to go to college without it.

Finally, we must raise the bar and expect more from our students in the classroom. We will do whatever it takes to institute Iowa's new Model Core Curriculum statewide standards by 2010. Our goal should be to teach our kids to "love to learn" more chemistry, more physics, more algebra, and more trigonometry. I am also interested in working with you to determine how we can best address issues related to educational equity. Let's make sure all Iowa students receive the same educational opportunities, regardless of geography, family income, or school district.

There's one more thing we need to always keep in mind regarding our workforce—the people on the frontlines—our workers! Iowa has always had a tradition of fairness in the workplace. Republicans and Democrats proved this when they locked arms and joined together in a bipartisan effort to pass the state's first-ever collective bargaining law. Our predecessors showed great courage when they found consensus on this and on so many other important labor-management issues. I believe, if we try, we can too.

Let's start by talking about what we can agree on. Let's make Iowa the best place in the nation to work. We can all agree a dignified work environment is an Iowa value. We can all agree we must pay our workers competitive wages. We can all agree that the right to bargain collectively in the workplace is an important right. We can all agree that companies should be held accountable for hiring illegal workers. And we can also agree that it's critical to have healthy and productive labor-management relations in our state.

So for the benefit of working Iowans, I challenge you to try to find consensus and to not be afraid to debate difficult issues, like prevailing wage, independent contractor reform, choice of doctor, fair share, and the right to bargain matters like employee discipline and discharge.

Perhaps one place to start our discussion is with wages. The fact is, Iowa currently ranks 41st in the nation in the wages we pay our workers. And the Generation Iowa Commission, which is trying to help us reverse the "Brain Drain," just made improving wages their number-one legislative recommendation to keep young people here.

Finally, our workplace needs to be diverse, inclusive, and welcoming. It should be a place that respects workers and accepts all people. If we want to meet the workforce challenges of the future, we must embrace the talents of all Iowans. Let's do what we can to ensure Iowa is a land where the American Dream can come true for everyone in our workplace.

In closing, I'm asking for a call to action. Let's always remember what unites us, not what divides us. My friends, civility works. People expect us to do our work and to get along. I stand ready to do my part.

I often think about the "Character Counts" program my children, John and Clare, take part in at their school. This statewide character development initiative is directed by my friend, State Representative Scott Raecker. Three years ago, Michael Josephson, the founder of "Character Counts," came to this chamber and spoke to the legislature about the importance of character. I was in the chamber that day, and I believe the "Six Pillars of Character"—trustworthiness, respect, responsibility, fairness, caring, and citizenship—are important principles that should guide us every day.

Our duties and responsibilities, and our opportunities, are tied together. And in these, we find the possibilities for greatness. So members of the General Assembly, let's embrace that greatness. Let's lift up our great state this session. Let's ensure 2008 is a year in which our civility and our constituents are our focus. Let's give it our best effort, tone down the partisan rhetoric, get the peoples' work done, and end the session as friends. Last year we proved our collective hopes and dreams for Iowa are worth fighting for. Well, I'm asking for a renewal of our commitment to Iowa's future.

One year ago, I stood before you and spoke of my belief that this was our time to work together for the common good, our time to create “One Iowa, with One Unlimited Future.” A future not for Democrats, not for Republicans, but for all Iowans. One year later, I believe this even more than I did then. I know if we approach our efforts with the same spirit of optimism, honesty, and hard work that every Iowan knows, we will be successful. When we do this, citizens will look back at our efforts and say, “We have a government as good as our people.”

Thank you, God bless you, and God bless the State of Iowa.

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

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:05 a.m. until 8:45 a.m., Wednesday, January 16, 2008.

APPENDIX**COMMUNICATIONS RECEIVED**

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

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Iowa's Center for Agricultural Safety and Health 2007 annual report. Report received on January 15, 2008.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Provision of Regulatory Assistance by State Agencies annual report, pursuant to Iowa Code section 15E.19(3). Report received on January 15, 2008.

Sales Tax Rebate Pilot Project report, pursuant to Iowa Code section 423.4. Report received on January 15, 2008.

DEPARTMENT OF EDUCATION

Research and Development Prekindergarten through Grade Twelve School Feasibility Study, pursuant to 2007 Iowa Acts, Senate File 601. Report received on January 14, 2008.

School Budget Review Committee annual report, pursuant to Iowa Code section 257.31(2). Report received on January 14, 2008.

DEPARTMENT OF ELDER AFFAIRS

Alzheimer's Disease Task Force final report, pursuant to 2007 Iowa Acts, Senate File 489. Report received on January 15, 2008.

Office of the State Long-Term Care Ombudsman annual report for 2007, pursuant to Iowa Administrative Code section 321-8.5(3). Report received on January 15, 2008.

IOWA HIGHER EDUCATION LOAN AUTHORITY

Annual report for the calendar year 2007, pursuant to Iowa Code section 261A.21. Report received on January 14, 2008.

DEPARTMENT OF PUBLIC HEALTH

Iowa's Center for Agricultural Safety and Health 2007 annual report. Report received on January 15, 2008.

DEPARTMENT OF TRANSPORTATION

Office of Contracts Letting Summary for the fiscal year 2007, pursuant to Iowa Code section 307.12(14). Report received on January 14, 2008.

Iowa Highway Research Board Research and Development Activities Fiscal Year 2007 annual report, pursuant to Iowa Code sections 310.36 and 312.3A. Report received on January 14, 2008.

Iowa Railway Finance Authority 2007 annual report, pursuant to Iowa Code section 327L.8(6). Report received on January 15, 2008.

AGENCY ICN REPORT

Iowa Communications Network (ICN) usage report for FY 2007, pursuant to Iowa Code section 8D.10, was received from the following agency:

IOWA DEPARTMENT OF TRANSPORTATION – Report received on January 15, 2008.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: January 15, 2008, 3:00 p.m.

Members Present: Warnstadt, Chair; Heckroth, Vice Chair; Bolkom, Kettering, McKibben, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward.

Members Absent: Behn, Ranking Member; Angelo, Courtney, and McCoy (all excused).

Committee Business: Organizational meeting.

Adjourned: 3:10 p.m.

ECONOMIC GROWTH

Convened: January 15, 2008, 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: Organizational meeting.

Adjourned: 1:35 p.m.

JUDICIARY

Convened: January 14, 2008, 3:05 p.m.

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

Members Absent: McKibben, Ranking Member; Behn and Dvorsky (all excused).

Committee Business: Organizational meeting.

Adjourned: 3:15 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 15, 2008, 1:10 p.m.

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

Members Absent: Gaskill, Ranking Member; and Kettering (both excused).

Committee Business: Organizational meeting.

Adjourned: 1:20 p.m.

TRANSPORTATION

Convened: January 15, 2008, 2:05 p.m.

Members Present: Rielly, Chair; Danielson, Vice Chair; Noble, Ranking Member; Beall, Dearden, Hancock, Heckroth, Houser, Putney, Warnstadt, Zaun, and Ziemann.

Members Absent: McCoy (excused).

Committee Business: Welcome and introductions.

Adjourned: 2:25 p.m.

INTRODUCTION OF BILLS

Senate File 2007, by Bolkcom, a bill for an act providing for an exception to the maximum age for chiefs of police and providing an effective date.

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

Senate File 2008, by Bolkcom, a bill for an act relating to an agreement among the states to elect the president by national popular vote and providing an effective date.

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

Senate File 2009, by Hancock, a bill for an act relating to the eligibility of motor vehicle owners to obtain fire fighter registration plates.

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

Senate File 2010, by Hancock, a bill for an act relating to a peace officer carrying a weapon while making a court appearance.

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

Senate File 2011, by Putney, a bill for an act requiring proof of financial liability coverage upon application for a certificate of title and providing penalties.

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

Senate File 2012, by Rielly, 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 referred to committee on **Judiciary**.

STUDY BILLS RECEIVED

SSB 3005 Education

Relating to the compulsory education attendance age and providing an effective date.

SSB 3006 Education

Relating to the membership requirements and oversight responsibilities of the board of educational examiners.

SSB 3007 Education

Relating to voluntary or court-ordered school desegregation plans under the state's open enrollment law.

SSB 3008 Education

Relating to student achievement and teacher quality program definitions and requirements and extending or changing program allocations.

SSB 3009 Education

Relating to requirements for blood lead testing and dental screening of children.

SSB 3010 Education

Relating to the elimination of reporting or data collection requirements related to the department of education.

SSB 3011 Education

Relating to alternative educational instruction options including home school assistance programs.

SSB 3012 Education

Relating to high school equivalency diplomas as issued by the department of education.

SSB 3013 Human Resources

Relating to case permanency plans, consent decrees, and attendance at proceedings in juvenile court.

SSB 3014 Human Resources

Relating to authorized access to certain dependent adult abuse information.

SSB 3015 Judiciary

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

SSB 3016 Judiciary

Relating to filing and docketing fees collected by the clerk of the district court for parking violations and tribal judgments, fees for examination and admission to practice law, appropriations from the jury and witness fee revolving fund, and providing an effective date.

SSB 3017 Judiciary

Relating to the regulation and certification of shorthand reporters and the appropriation of fees to offset costs.

SSB 3018 Judiciary

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

SSB 3019 Judiciary

Relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force.

SSB 3020 Judiciary

Establishing a central warehouse fund under the control of the department of corrections.

SSB 3021 Judiciary

Relating to the criminal offense of enticing a minor, and providing penalties.

SSB 3022 Judiciary

Creating a criminal offense for impeding the normal breathing or circulation of the blood of another, and providing penalties.

SSB 3023 Judiciary

Modifying the definition of sexual abuse by including certain deceptive acts, and providing penalties.

SSB 3024 Appropriations

Relating to the distribution to counties of certain utility replacement tax revenues credited to the property tax relief fund and providing an effective date.

SSB 3025 State Government

Relating to private activity bond allocation procedures.

SSB 3026 State Government

Relating to allowable investments by the treasurer of state and other authorized state agencies.

SSB 3027 State Government

Relating to the Iowa civil rights Act by expanding the public accommodations protections of the Act to include correctional facilities.

SSB 3028 State Government

Expanding the time period during which a complaint may be filed with the Iowa civil rights commission.

SSB 3029 State Government

Providing for changes in electrician licensure requirements for specified licensure classifications, and providing an effective date.

SSB 3030 State Government

Relating to the administration of the department of cultural affairs.

SSB 3031 State Government

Relating to campaign signs and contributions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2004

AGRICULTURE: Kibbie, Chair; Gaskill, Hancock, Houser, and Rielly

SSB 3005

EDUCATION: Kreiman, Chair; Heckroth and Mulder

SSB 3006

EDUCATION: Schmitz, Chair; Beall and Johnson

SSB 3007

EDUCATION: Kreiman, Chair; Wood and Zaun

SSB 3008

EDUCATION: Wood, Chair; Appel and McKinley

SSB 3009

EDUCATION: Schmitz, Chair; Boettger and Connolly

SSB 3010

EDUCATION: Schoenjahn, Chair; Mulder and Wood

SSB 3011

EDUCATION: Wood, Chair; Johnson and Quirmbach

SSB 3012

EDUCATION: Appel, Chair; Schoenjahn and Ziemann

SSB 3013

HUMAN RESOURCES: Kreiman, Chair; Johnson and Ragan

SSB 3014

HUMAN RESOURCES: Seymour, Chair; Bolckom and Ragan

SSB 3015

JUDICIARY: Quirnbach, Chair; Hartsuch and Warnstadt

SSB 3016

JUDICIARY: Horn, Chair; Behn and Hancock

SSB 3017

JUDICIARY: Hogg, Chair; Schoenjahn and Ward

SSB 3018

JUDICIARY: Hancock, Chair; Hartsuch and Schoenjahn

SSB 3019

JUDICIARY: Hancock, Chair; Kreiman and Ziemann

SSB 3020

JUDICIARY: Hancock, Chair; Kreiman and Ward

SSB 3021

JUDICIARY: Kreiman, Chair; Noble and Schoenjahn

SSB 3022

JUDICIARY: Hancock, Chair; Hartsuch and Kreiman

SSB 3023

JUDICIARY: Kreiman, Chair; Fraise and Hartsuch

SSB 3024

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

SSB 3025

STATE GOVERNMENT: Kibbie, Chair; Connolly and Zieman

SSB 3026

STATE GOVERNMENT: Connolly, Chair; Kibbie and McKibben

SSB 3027

STATE GOVERNMENT: Connolly, Chair; Behn and Hatch

SSB 3028

STATE GOVERNMENT: Hatch, Chair; Connolly and Gaskill

SSB 3029

STATE GOVERNMENT: Danielson, Chair; Horn and Kettering

SSB 3030

STATE GOVERNMENT: Schmitz, Chair; Connolly and Hahn

SSB 3031

STATE GOVERNMENT: Appel, Chair; Wood and Zieman

JOURNAL OF THE SENATE

THIRD CALENDAR DAY
THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 16, 2008

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

Prayer was offered by Chaplain Angela Doty from the Iowa Veterans Home in Marshalltown, Iowa. Chaplain Doty and guests from the Veterans Home were visiting the Capitol.

The Journal of Tuesday, January 15, 2008, was approved.

The Senate stood at ease at 8:54 a.m. until the fall of the gavel.

The Senate resumed session at 9:45 a.m., President Kibbie presiding.

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 102, 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 102, duly adopted, the joint convention was called to order at 9:53 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.

President Kibbie declared a quorum present and the joint convention duly organized.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to escort Governor Chester J. Culver to the Condition of the Judiciary Message.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Danielson, Fraise, and Angelo on the part of the Senate, and Representatives Bailey, Wenthe, and Granzow on the part of the House.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify the Honorable Marsha K. Ternus, Chief Justice of the Iowa Supreme Court, that the joint convention was ready to receive her.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Hancock, Rielly, and Ward on the part of the Senate, and Representatives Lensing, Swaim, and Anderson on the part of the House.

Secretary of State Michael Mauro, Secretary of Agriculture Bill Northey, Auditor of State David A. Vaudt, and Attorney General Tom Miller were escorted into the House chamber.

The Justices of the Supreme Court, Chief Judge Sackett and the Judges of the Court of Appeals, and the Chief Judges of the District Courts were escorted into the House chamber.

Denny Drake, husband of Chief Justice Ternus, was escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

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

The committee waited upon Chief Justice Marsha K. Ternus and escorted her to the Speaker's station.

President Kibbie then presented Chief Justice Marsha K. Ternus, who delivered the following Condition of the Judiciary Message:

Good morning. I appreciate the warm reception and the kind invitation to once again speak with you about the state of Iowa's judiciary.

We're gathered here because by constitutional design all three branches of government contribute to the administration of justice in our great state. The role of the judicial branch is evident: to administer justice according to law, equally to all people. Your role is different, but equally important: to marshal the resources we need to fulfill this important responsibility. My annual report serves not only to inform you of our present ability to fulfill our constitutional mandate, but also to advise you of specific strategies required to meet the ever-changing needs of the people we serve.

I am pleased to say that the judicial branch is ably fulfilling its constitutional mission to the people of Iowa. This positive assessment is due in part to the resources you provide us. It is also due to the efforts of our capable judges and court employees who enable our branch of government to resolve thousands upon thousands of cases that cover the gamut of legal issues and social problems.

While I am proud of our solid performance, I am not here to take comfort in the current state of affairs. I have come here to talk about the future, in particular, two challenges that have a tremendous bearing on the future of Iowa. First, I will address the challenge of ensuring equal justice to all people. Then, I will discuss the challenge presented by the special needs of children who are in our care.

I. Equal Justice to All

The premise of equal justice to all people involves two principles: access to justice and impartial justice. Ensuring access to justice is, perhaps, one of the greatest challenges facing the future of our court system. As Iowa's population and economy change and as demands for court services grow, the courts must also change and grow to ensure that Iowans continue to have equal access to justice. There are many steps we can take to provide and facilitate access to the courts. Today, I want to discuss four issues that we, as a state, should address if we are to continue to provide meaningful access to the courts: adequate high-caliber judicial resources, electronic filing, pro se forms, and language interpreters.

Judicial Resources

Judges are the driving force of our court system. Consequently, the first step in ensuring access to justice is to provide an adequate number of judicial officers who have the required intelligence and character and who have the resources and tools to perform their important role as efficiently as possible.

Part-time Magistrates

I want to first focus on our part-time county magistrates. Part-time magistrates handle procedures that require urgent judicial attention such as search and arrest warrants and emergency hospitalization matters. They also resolve thousands of everyday lawsuits such as small claims and landlord-tenant cases, and they preside over misdemeanor and traffic offenses. In many counties, the part-time magistrate is the only resident judge.

Our part-time magistrate system has remained relatively unchanged since the mid-1970s, yet during this same time our state has changed dramatically. Rising demands for mental health services, population migration, increasing numbers of drug crimes and incidents of domestic violence, more appearances by self-represented litigants,

shifts in our economy, and a more diverse population are some of the changes that have affected our communities and placed different and greater demands on our courts.

We think it is time to step back and ask whether the present magistrate framework is meeting the needs of local communities for equally accessible justice and, most important, what improvements are required to meet these needs. The Iowa Supreme Court has assembled a broadly based task force to answer these questions. One of your former colleagues, Cedar Falls attorney Donald Redfern, has graciously agreed to lead this group. The task force also includes four legislators: Senator Keith Kreiman, Senator Larry McKibben, Representative Rick Olson, and Representative Richard Anderson, as well as representatives from the judiciary, the legal community, law enforcement, and local government. In my speech to you next year, I hope to share some of the task force's recommendations for improvement of our magistrate system.

Ensuring a High-Caliber Judiciary

As I stated earlier, an important element of ensuring equal justice is a high-caliber judiciary. Thanks to the foresight of our grandparents and parents, Iowa has a judicial merit-selection system that ensures our judges are as fair and impartial as possible.

Since becoming chief justice, I have talked with many chief justices from other states who hold Iowa's judiciary in high regard. They view our bench as being one of the most capable, ethical, and impartial in the nation. This good reputation is absolutely due to Iowa's merit-selection system for appointing judges, which emphasizes professional qualifications above all else—and most especially, above politics. Merit selection ensures that our judges possess integrity, legal excellence, diligence, and prudence—the attributes most valued in judicial officers. As a result, Iowans can be assured that their judges are highly capable and make decisions based upon legal principles, not political considerations.

All the same, the quality of our judiciary hinges on Iowa's continued ability to attract experienced and skillful lawyers to the bench, a goal that may become increasingly difficult if lawyers perceive that the pressures and demands on judges outweigh the benefits of judicial service. If this happens, the quality of justice in Iowa will surely suffer. And over time, the consequences will expand beyond the judicial branch. At the annual meeting of the Conference of Chief Justices last summer, a top attorney for a multinational corporation spoke to the chiefs and stated that when searching for a suitable new location for offices and plants, corporations consider, among other things, the quality of a state's court system in making this business decision. So we all have an interest in a high-caliber judiciary.

For two reasons, I am very concerned that we are at a critical juncture. As I mentioned earlier, Iowa is changing and so is the work of the judiciary. Today, the work of judges is much more stressful, demanding, and complicated than it was just a decade ago. We also anticipate a large number of judges retiring over the next few years. The quality of their successors will affect the quality of justice in Iowa for the next twenty years or more. There is, however, something you can do to ensure that well-qualified attorneys continue to apply for judicial service. It is imperative that judicial compensation reflect the vital and increasingly difficult role judges play in our society. We believe the salary recommendations of the Iowa State Bar Association's Judicial Compensation Task Force achieve this important goal. You have already implemented the first and second phases of the task force recommendation. I urge you to follow through this year with the third and final phase.

Paperless Courts: Electronic Filing and Document Management

Now I want to discuss electronic filing and document management, a case-processing tool that will make judges and court employees more efficient and

productive and a technology that will improve access to court records. With this technology in place, judges and court staff will be able to retrieve a full court file electronically and simultaneously review the same court file from different locations, judges will be able to review a court file from their home or office, and lawyers and litigants will be able to file and view their court files 24/7 from any location in the state.

Last year, I told you we would test this technology in two pilot counties by the end of 2007. Well, things did not turn out exactly as I had predicted. We have selected two counties, Plymouth and Story, as our pilot sites for testing this ambitious undertaking. However, we are running behind schedule due to contract negotiations with vendors. We are not concerned by this delay. Our primary goal is the construction of a system that is affordable and functional—not rigid adherence to a timetable. At this point, we hope to begin testing the system in the pilot counties later this year.

Now that we are on the verge of beginning this long-awaited change, the prospect of wide open Internet access to court records has given us pause. While broad Internet access to court records will shine even more light on the work of Iowa's courts, which we welcome and support, it will also make sensitive information about countless Iowans available to the merely curious, and worse, to identity thieves—an unwelcome by-product of the Internet that we cannot ignore and should not facilitate. Since I last spoke with you about this project a year ago, the court has received and reviewed public comments made in response to our proposed rules regulating the use of this system. The most troubling concern expressed was the potential chilling effect that unfettered public access would have on citizens using the courts. Unconstrained exposure of the details of one's personal problems that are chronicled in court records would surely discourage Iowans from using the courts, or at the very least affect what allegations are made and what evidence is introduced into the record. We cannot allow a system designed to improve the delivery of justice to operate in such a manner as to discourage access to the courts or to undermine confidence in the fairness and reliability of the court process.

For these reasons, we have scaled back our plans for remote public access to electronic court records. We intend to provide full public access to nonconfidential electronic court records only through public access terminals located in clerk of court offices. In addition, we plan to provide limited, remote online access to certain registered users who need such records to conduct their court business such as litigants and attorneys, and to government officials who need certain court records to fulfill their statutory and constitutional functions. We believe these new parameters will strike a balance between our goal of providing convenient and open access to court records and our responsibility to promote public safety and to ensure full access to the courts.

Self-Represented Litigants

Now I want to tell you of our efforts to address the needs of litigants who represent themselves in family law cases—another topic I mentioned to you last year. These efforts are quite important because they will enhance court access for thousands of Iowans who cannot afford an attorney to represent them in these often life-altering cases.

Last summer we released our first set of self-help forms, which are for use by a divorcing couple who does not have any minor or dependent children. The public's response was positive and immediate. In addition to the countless sets printed from our website, over 1000 paper sets were gone in the first month. Soon, we will make available forms for another type of family law case—forms for parents who seek to change or resist changes to their child support orders. After that our committee will

tackle forms for parents who seek to change or resist changes in child custody orders. We know that these last two categories of forms are of great concern to many of your constituents, and we hope these forms will meet their need for access to the courts.

Over time we intend to offer Iowans self-help forms for a wide variety of court procedures. However, we have learned that producing an easy-to-understand legal form is not so easy. It is painstaking and time-consuming work—even for the committee of talented judges and lawyers who are developing our forms. We now realize that we need a staff lawyer who can support this monumental endeavor. This lawyer would also assist with the development and promulgation of our court rules in general. Can you imagine how your work would proceed without the aid of your talented service agency attorneys? We hope that the relatively modest cost of a staff lawyer will meet with your approval. In this way, we will have the resources to address the growing demands of pro se and other court users.

Interpreters

In addition to the challenge posed by self-represented litigants, Iowa's courts are significantly affected by the increasing diversity of Iowa's population. A recent analysis of our statewide use of Language Line, a service to access interpreters over the telephone, identified 28 foreign languages, from Albanian to Vietnamese, spoken in Iowa's courts in a recent 12-month period. The demand for Spanish language interpreters in Polk County is high enough to justify employing a full-time Spanish interpreter just for that county! The courts have an obligation to ensure equal access for everyone before us, including those who speak and understand little or no English. Consequently, communication through the use of interpreters is an essential element of equal access to the courts.

As a general proposition, the state covers the cost of interpreters for criminal and juvenile court proceedings. But the Code does not address how, if, or by whom interpreters for litigants in most other types of cases will be paid. When these litigants do not have the financial means to pay for their own interpreter—and most do not—we pay the interpreters and absorb the expense. If we do not, the case would be delayed indefinitely. Although we tax these expenses as costs, litigants are rarely able to reimburse the state, so we end up diverting court resources from other priorities. Our district court administrators say this problem is growing. We believe an appropriation specifically for this purpose will improve the process for all concerned. Because other state offices are likely facing the same challenge, you may want to consider developing a comprehensive solution.

II. Improving the Lives of Children in the Courts

I've discussed many of the challenges we must address so we can continue to ensure equal justice to all people. Now I turn to the challenges presented by the special needs of children who are in our care—children who are abused and neglected and children who commit delinquent acts. Like you, we regard our work with children as one of the most important things we do.

Children in Foster Care

In my remarks to you last year, I talked about the plight of Iowa's most vulnerable children—children in foster care. I described our efforts to strengthen court oversight of child welfare cases so we can expeditiously find permanent, loving homes for these children. Today, I thank you for heeding our concerns, joining our efforts, and making these children one of your top priorities. You should be so proud of what you did for these children during last year's session. By working together, all three branches of

government made great strides to improve results for children in foster care. Time does not permit me to list everything we have accomplished, but among other things,

- we added and assigned more judges to preside over juvenile cases so each child has the same judge throughout the child's involvement with juvenile court,
- the CASA program was expanded to all 99 counties, and
- we have built a strong collaborative effort that serves as a catalyst for continuous reform.

The details of our progress are included in material we will provide to you following my remarks.

These successes demonstrate our collective power to promote change and ensure a bright future for a new generation of Iowans. President Franklin D. Roosevelt once said, "We cannot always build the future for our youth, but we can build our youth for the future." While we have accomplished a great deal toward that goal, our work on behalf of children in juvenile court has just begun.

Iowa's Young Offenders

It is now time to focus our attention on the young people who end up in Iowa's juvenile justice system. Unlike the violent youths who are often the subject of national news stories, most young Iowans who are referred to juvenile court services are accused of nonviolent property offenses such as shoplifting and vandalism. The good news is that the majority of these young people are one-time offenders, who are handled without intensive supervision or treatment. Nevertheless, many young people present more difficult cases. Youths who commit serious offenses and have serious problems have a greater chance for continued unlawful behavior that may eventually land them in our adult criminal justice system. And if in the future, they end up incarcerated, their children will be more likely to end up in the same way. But thankfully, we can stop this destructive cycle for many.

Juvenile Court Services: Restorative Justice Model

Using a restorative justice model, the people who work in Iowa's juvenile justice system help hundreds of troubled young Iowans confront their problems, change their negative behavior, and forge better lives for themselves.

What is restorative justice?

Restorative justice has three goals:

- To ensure community safety
- To hold young offenders accountable, and
- To teach them how to make better decisions in the future.

To achieve these goals, Iowa's juvenile court services (JCS) uses an evidence-based, risk assessment tool that enables juvenile court officers to distinguish between youths who have a low, moderate, or high risk of committing more delinquent acts. Risk factors include drug use, family conflict, truancy, poor academic performance, and a history of delinquent acts. In addition to the risk assessment, JCS assesses the underlying problems and needs of each youth.

Armed with this information, JCS provides supervision, treatment, and services tailored to address the needs of a particular child. For example, we treat their drug and alcohol addiction, teach them problem solving and communication skills, treat their mental health problems, teach them how to manage their anger, and provide educational assistance. If their bad behavior is linked to family problems, we work with the parents to address their problems, improve their parenting skills, and improve their relationships with their children. At the same time, JCS emphasizes victim restitution. Restitution helps young offenders understand how their behavior affected their victims and impresses upon them the importance of making amends.

Why invest our time, resources, and energy in these young people?

As research shows—and as most parents know—teenagers have immature thought processes. Because young brains are still developing, juveniles tend to be impulsive, emotionally volatile, and highly vulnerable to peer pressure. They overlook alternative courses of action and underestimate the long-range consequences of their behavior. But the same immature brains that make juveniles susceptible to misbehavior also make them good candidates for reform. The key to successful reform is finding the right response.

Now, let me be clear: Public safety always comes first. I'm not talking about using a soft glove approach on hardened juvenile delinquents, including those who end up in adult court. That said, there are many juvenile offenders who have the potential to become responsible, productive citizens if they receive the right kind of direction, structure, and treatment.

In fact, studies show that using risk assessments and community-based programs reduce delinquency and help young people become law-abiding citizens. Let me give you two examples of young people who overcame their problems with the help of JCS. To preserve confidentiality, I have changed their names.

Juvenile Court Success Stories

When referred to JCS, fourteen-year-old Brittany was using drugs, doing poorly in school, and regularly running away from home. After attempting to distribute prescription medication at school, the juvenile court adjudicated her as a delinquent, placed her on formal supervision, and ordered her to participate in several programs, including treatment for depression and drug and alcohol abuse. A case worker helped Brittany and her parents improve their relationship. Once Brittany's family relationships improved, other positive changes followed. Today, after many months of treatment and services, Brittany is a straight-A student, involved in extracurricular activities at school, and setting her sights on college.

Michael was an even more difficult case. He came to the attention of JCS for an assault complaint at the age of eight, and over time, gained quite a reputation as a bully and troublemaker. By the time he was seventeen, he had been referred to JCS for seventeen more complaints and had been through an array of programs. Nothing seemed to work, but JCS did not give up. Michael was placed in a 90-day, highly structured group foster care program, and he finally started to make changes. When Michael eventually returned home, he began to make good decisions for himself. He stayed out of trouble, excelled academically, and participated in extracurricular activities at school. His relationships with his schoolmates improved so well that they named him homecoming king. Now Michael is working part-time and attending college.

These stories repeat themselves across Iowa and involve young people in all economic brackets; with only a single parent or both parents at home; from suburban cul-de-sacs or inner-city neighborhoods. While preparing for my remarks, I learned of many young people who turned their lives around. I wish there was time to tell you about all of them and their achievements.

There's a common thread running through many of our success stories that I have not yet mentioned. Most of the young people who have come to my attention attribute their turn around, in large part, to one or two caring adults they encountered in the juvenile justice system. Iowa's juvenile court officers and staff, school liaisons, trackers, and other juvenile justice professionals believe in the untapped potential of these young people and in their own capacity to make a difference for most. Words cannot express the thanks we owe all the selfless men and women who work with these youths day and night. I wish it were possible today to personally recognize each and

every one of them. I do want to recognize our eight chief juvenile court officers, all of whom are here today and will be available after my remarks if you wish to speak with them. Would our juvenile court officers please stand?

Of course, we do not have all the answers. Many young people don't achieve the success of Brittany and Michael, but their examples illustrate the kind of change we can help bring about with restorative justice. With your support, we can help more youths overcome their problems, realize their potential, and become productive citizens who will contribute to their communities.

Legislative Action

First, we urgently need more juvenile court officers and support staff to strengthen our oversight of troubled youths. As most of you know, our juvenile court staff is central to our successful work with these young people. They routinely meet with the youths under their supervision, attend court hearings, meet with families, work with law enforcement and school officials, and visit youths who are placed out of home. Due to a new federal law, juvenile court officers must increase the frequency of their visits with youths in out-of-home placements and with their parents. This practice is a good one that we will follow, but realistically we must have more staff to fulfill this federal mandate.

In addition to more juvenile court officers and staff, we also need two more judges—one of whom will be used exclusively in juvenile court and another who will handle a variety of cases, including juvenile court cases. These judges will help sustain our one judge/one child policy, which is a crucial component of work with juvenile offenders, as well as with abused and neglected children.

We also urge you to provide even more funds for children who are waiting for treatment for mental health problems. I spoke to you last year about the large number of children waiting for this treatment, and you responded generously by providing funds to treat nearly 300 more children. You should feel so good about what you did for these children. I must tell you, however, that the number of children in need of mental health treatment continues to grow. Our chief juvenile court officers say that many of these children, who they describe as low-risk, high-needs children, end up in the juvenile justice system. We can change this result by treating their problems early on before they get into trouble with the law. Based upon your positive response last year, I know you share our concerns and will do what needs to be done to fund mental health treatment for our children in need.

As another improvement, we suggest a simple statutory change that would increase the potential term of a juvenile consent decree from one year to two years. A consent decree is a procedure frequently used for low-risk youths. It is analogous to a deferred judgment for adults. If a youth complies with all of the conditions of a consent decree, the court will dismiss the delinquency action, allowing the youth to avoid a delinquency adjudication. But the current one-year term for this decree is too short for youths to complete treatment for mental health problems or substance abuse. So the judgment of our juvenile court judges and officers is that our reformed youth would be greatly benefited if consent decrees could be used for two years rather than only one.

Although the judicial branch can accomplish a great deal to improve the lives and prospects of the young people who come under the umbrella of the juvenile court, we can accomplish a great deal more with your support. I ask you to keep these young people in mind as you set your priorities this year.

Now I would like to mention one other endeavor that is making a difference for children, families and communities.

Drug Courts

Alcohol abuse and drug addiction are frequently the underlying cause of juvenile delinquency. They are also often the underlying cause of adult criminal behavior, child abuse and neglect, and many other problems that hurt families, and ultimately, communities. We know because we struggle with these problems in our courts every day.

When we deal with addicted, nonviolent offenders in the conventional way, by imposing punitive measures without motivating them to end their addiction, we are guaranteed to see them in court again and again and again. According to District Judge Thomas Bower, "The charge may be burglary, but the cause is drug addiction." To get to the root of the problem, the judicial branch is working with others to expand the use of drug courts.

Drug courts employ a problem-solving approach that emphasizes treatment and integrates social services with consequences for noncompliance. Drug court judges retain their sanctioning role but also actively direct and monitor an offender's progress. Drug courts help offenders develop problem-solving skills, help motivate them to change, and help improve their compliance with probation. Experience shows that when compared with offenders handled in the traditional way, drug court participants are more inclined to follow through with their treatment. And successful treatment is the key. It reduces recidivism and improves the lives of offenders, which ultimately improves the lives of their families.

As Judge Bower, who presides over the drug court in Black Hawk County, observes, "Many of the individuals in the drug court program have victimized their family members and friends through theft and deceit. So in addition to helping individuals end their addiction, the program helps reclaim relationships and reunite families."

Iowa presently has ten drug courts. Most of our drug courts are designed to work with adult offenders; a few are designed to work with juveniles. I'm pleased to report that we're adding two more drug courts for adult offenders in the 6th and 8th judicial districts. We are also adding three new family drug courts and expanding two existing family drug courts with the aid of a sizable five-year federal grant. These judge-led family drug courts will emphasize treatment for meth-addicted parents with the overarching goal of helping these parents keep their families together.

Most judges who preside in our drug courts volunteered for this tough assignment. It's tough for several reasons. First, these cases are much more time-consuming than most conventional court procedures. Second, because there's less emphasis on purely legal problems and more emphasis on complex social problems, judges are required to use skills and knowledge not taught in law school. What's more, these cases are often emotionally draining. I am very grateful for the leadership and dedication of the judges who make our drug courts possible. Some of those judges are here today, and they too will be available for conversation after my remarks. Would our drug court judges please stand so we can recognize you?

Today, I have talked about two important challenges: ensuring equal justice for all people and addressing the special needs of children in our care. Although both primarily involve the work of the courts, their impact extends far beyond the walls of Iowa's courthouses and well into the future. Why? Because many of the problems that our courts struggle with every day affect the well-being of our communities as well as the well-being of future generations of Iowans. Naturally, other institutions deal with these matters, often before we do, but when all else fails, these problems land in the courts for us to resolve. So the work of the courts has a tremendous bearing on the future of Iowa.

This morning, I have outlined a number of steps we can take to ensure our capacity to meet both challenges. We have a court system of which all Iowans can be proud, but we must be vigilant to maintain it. Ensuring that all citizens have equal access requires the constant attention and commitment of all three branches of government. I urge you to do your part. There is also much we can do together to address the problems of abused and neglected children and young offenders. We intend to expand the reach of our successful juvenile justice programs and drug courts and to strengthen court oversight of child dependency cases so more children, families, and communities can benefit from them. Your support of these efforts is essential.

Before I end my remarks, I want to emphasize the importance of doing all we can in this legislative session to address the special needs of children who are in our care. Let's help all our children become responsible, productive adults so future generations can build schools, not prisons.

If my words have not persuaded you, listen to the words of a real-life father, whose teenage daughter was struggling with serious problems. She was uncontrollable and defiant, abusing alcohol, stealing from a sibling, and continually running away from home. Her distressed parents eventually turned to DHS and the juvenile court for help. Last month, the father wrote to one of our judges. He says,

"[My daughter] was running away. We were putting ads in the paper asking her to call us and tell us she was okay...We think she would have committed suicide before she reached the age of 18 if we had not made contact with the [county] DHS . . ."

His letter goes on:

"She is now married . . . with three children and doing nicely with her husband . . .

This all could have ended up much differently and terrible if we hadn't followed the recommendations of [DHS] and your Court Room. [My wife] and I will always say that this is what made the difference from a tragedy to the eventual triumph.

Thanks for listening. I just wanted to go on record because though this has been more than 20 years ago, her mother and I have never forgotten that you started the action that got our family straightened out."

The words of this father convey the importance of our work far better than I can. It is enough to say that childhood is brief and so is the window of opportunity to help these children. Consequently, the future of these children depends a great deal on what we do now—so please, let's do all we can.

Thank you.

Chief Justice Marsha K. Ternus was escorted from the House chamber by the committee previously appointed.

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

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

The Senate returned to the Senate chamber.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:51 a.m. until 8:45 a.m., Thursday, January 17, 2008.

APPENDIX

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF VETERANS AFFAIRS

Status Report on the Implementation of the Veterans Counseling and Outreach Program, pursuant to Iowa Code section 35.12 and 2007 Iowa Acts, House File 817. Report received on January 15, 2008.

Iowa Veterans Trust Fund annual report, pursuant to Iowa Code section 35A.13. Report received on January 15, 2008.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: January 16, 2008, 1:05 p.m.

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

Members Absent: Black and Houser (both excused).

Committee Business: Organizational meeting.

Adjourned: 1:35 p.m.

EDUCATION

Convened: January 16, 2008, 3:00 p.m.

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

Members Absent: Johnson (excused).

Committee Business: Introductions and brief remarks.

Adjourned: 3:15 p.m.

INTRODUCTION OF BILLS

Senate File 2013, by Bolkcom, Connolly, Dotzler, Dvorsky, Quirmbach, Appel, McCoy, and Kreiman, a bill for an act creating additional penalties for certain traffic offenses which result in serious injury or death to vulnerable users of roadways.

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

Senate File 2014, by Seng, a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators.

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

Senate File 2015, by Beall, a bill for an act concerning the inclusion of certain racial and ethnic categories in reports issued by a state agency.

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

Senate File 2016, by Beall, Kibbie, Courtney, Appel, Fraise, Dearden, Wood, Olive, Quirmbach, Hogg, Seng, Horn, Warnstadt, Dvorsky, Heckroth, Schoenjahn, Dotzler, Danielson, Schmitz, Ragan, Stewart, Connolly, Bolkcom, Black, and Gronstal, 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 referred to committee on **State Government**.

STUDY BILLS RECEIVED

SSB 3032 Veterans Affairs

Concerning state educational assistance to children of deceased veterans and providing an appropriation.

SSB 3033 Veterans Affairs

Relating to requirements and duties of members, directors, and employees of county commissions of veteran affairs.

SSB 3034 Veterans Affairs

Concerning the issuance of certified copies of vital statistics records for use by veterans.

SSB 3035 Veterans Affairs

Relating to the regulation of veterans commemorative property.

SSB 3036 Commerce

Relating to coverage of closing protection letters in real estate transactions and providing an effective date.

SSB 3037 Commerce

Relating to the recording of a certificate of release by the Iowa finance authority.

SSB 3038 Commerce

Making specified revisions to the consumer credit code to conform to federal statutory updates and prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement.

SSB 3039 Commerce

Requiring licensure of and regulating escrow agents and escrow agencies, making an appropriation, and providing a penalty.

SSB 3040 Education

Incorporating intervention program funding into the state foundation aid formula and including effective and applicability date provisions.

SSB 3041 Agriculture

Relating to the Iowa crop improvement association.

SSB 3042 Labor and Business Relations

Relating to contractor registration through the division of labor services of the department of workforce development and the appropriation of fees for the use of the division.

SSB 3043 Labor and Business Relations

Relating to inclined or vertical wheelchair lifts regulated by the elevator safety board.

SSB 3044 Labor and Business Relations

Relating to unemployment insurance benefits and compliance with federal law and including effective date and applicability provisions.

SSB 3045 Labor and Business Relations

Relating to employers' participation in unemployment insurance adjudications.

SSB 3046 Labor and Business Relations

Relating to amusement ride safety inspections conducted by special inspectors authorized by the division of labor services in the department of workforce development.

SSB 3047 Labor and Business Relations

Relating to circumstances for employees' right of recourse when an employer is late paying wages.

SSB 3048 Labor and Business Relations

Relating to the boiler and pressure vessel safety and elevator safety revolving funds under the control of the labor commissioner.

SSB 3049 Labor and Business Relations

Relating to workers' compensation benefit payments for burial expenses.

SSB 3050 Labor and Business Relations

Concerning public employee collective bargaining.

SUBCOMMITTEE ASSIGNMENTS

Senate File 522

JUDICIARY: Kreiman, Chair; Hartsuch and Horn

Senate File 2002

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

SSB 3032

VETERANS AFFAIRS: Horn, Chair; Beall and Hartsuch

SSB 3033

VETERANS AFFAIRS: Warnstadt, Chair; Kibbie and McKinley

SSB 3034

VETERANS AFFAIRS: Danielson, Chair; McKibben and Ragan

SSB 3035

VETERANS AFFAIRS: Black, Chair; Horn and McKibben

SSB 3036

COMMERCE: Olive, Chair; Kettering and Stewart

SSB 3037

COMMERCE: Olive, Chair; Putney and Stewart

SSB 3038

COMMERCE: Stewart, Chair; Olive and Ward

SSB 3039

COMMERCE: Olive, Chair; McKibben and Stewart

SSB 3040

EDUCATION: Heckroth, Chair; Mulder and Wood

SSB 3041

AGRICULTURE: Rielly, Chair; Fraise and Mulder

SSB 3042

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Behn and Seng

SSB 3043

LABOR AND BUSINESS RELATIONS: Seng, Chair; Hahn and Horn

SSB 3044

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

SSB 3045

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

SSB 3046

LABOR AND BUSINESS RELATIONS: Horn, Chair; Kettering and Seng

SSB 3047

LABOR AND BUSINESS RELATIONS: Dvorsky, Chair; Dearden and Ward

SSB 3048

LABOR AND BUSINESS RELATIONS: Hatch, Chair; Courtney and Hahn

SSB 3049

LABOR AND BUSINESS RELATIONS: Dvorsky, Chair; Hatch and Ward

SSB 3050

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

JOURNAL OF THE SENATE

FOURTH CALENDAR DAY
FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 17, 2008

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Captain Danielle Shields of the Salvation Army in Fort Dodge, Iowa. She was the guest of Senator Beall.

The Journal of Wednesday, January 16, 2008, was approved.

ANNOUNCEMENT FROM THE PRESIDENT OF THE SENATE

At the Legislative League meeting on January 17, 2008, Terrace Hill spokesperson Jackie Devine donated to the Iowa Senate the book, "Investing in Iowa, The Life and Times of F.M. Hubbell," by William B. Friedrichs. This book will be available for viewing in the office of the President of the Senate.

BILLS WITHDRAWN FROM SENATE VETO CALENDAR

Senator Gronstal asked and received unanimous consent that the following bills be **withdrawn** from further consideration of the Senate:

Senate File	139	Senate File	562
Senate File	277	Senate File	575
Senate File	403	Senate File	588
Senate File	543	Senate File	601
Senate File	551		

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:56 a.m. until 9:00 a.m., Friday, January 18, 2008.

APPENDIX

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF EDUCATION

Modified At-Risk Allowable Growth annual report, pursuant to Iowa Code section 257.40. Report received on January 16, 2008.

Statewide Student Information System Study, pursuant to 2007 Iowa Acts, House File 468. Report received on January 16, 2008.

Pay-for-Performance and Career Ladder Pilot Grants interim report, pursuant to 2007 Iowa Acts, Senate File 277. Report received on January 17, 2008.

Professional Development and Market Factor Funds annual report, pursuant to 2007 Iowa Acts, Senate File 277. Report received on January 17, 2008.

DEPARTMENT OF HUMAN SERVICES

Medicaid Smoking Cessation Program final report, pursuant to 2007 Iowa Acts, House File 909. Report received on January 17, 2008.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Comprehensive Annual Financial Report for the fiscal year ended June 30, 2007, pursuant to Iowa Code section 97B.4(4)(a). Report received on January 17, 2008.

BOARD OF REGENTS

Beginning Farmer Center annual report, pursuant to Iowa Code section 266.39E. Report received on January 17, 2008.

AGENCY ICN REPORTS

Iowa Communications Network (ICN) usage reports for FY 2007, pursuant to Iowa Code section 8D.10, were received from the following agencies:

DEPARTMENT OF MANAGEMENT – Report received on January 17, 2008.

DEPARTMENT OF WORKFORCE DEVELOPMENT – Report received on January 17, 2008.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: January 17, 2008, 11:05 a.m.

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

Members Absent: Boettger, Johnson, Kreiman, and Quirmbach (all excused).

Committee Business: Organizational meeting. Healthcare commission presentation by Senator Hatch.

Adjourned: 11:30 a.m.

WAYS AND MEANS

Convened: January 17, 2008, 11:35 a.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; McKibben, Ranking Member; Appel, Connolly, Noble, Schmitz, Seng, Stewart, and Ward.

Members Absent: Angelo, Dotzler, Hogg, Houser, Putney, Quirmbach, and Zieman (all excused).

Committee Business: Organizational meeting.

Adjourned: 11:40 a.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 2001, by McKibben, Kettering, Mulder, Hahn, Seymour, Zieman, Houser, Noble, Ward, Zaun, Johnson, Hartsuch, Boettger, Behn, Wieck, and McKinley, a joint resolution proposing an amendment to the Constitution of the State of Iowa validating and recognizing only certain marriages.

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

INTRODUCTION OF BILLS

Senate File 2017, by Rielly, a bill for an act relating to hybrid cats, by providing that a person may possess, breed, and transport the offspring of a domestic cat and a cat classified as a dangerous wild animal or a subsequent generation originating from that offspring, and providing an effective date.

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

Senate File 2018, by Appel, 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 referred to committee on **Agriculture**.

Senate File 2019, by Rielly, a bill for an act relating to land use district budgets by increasing the maximum property tax levy rate and modifying the budget certification date, and including an applicability date provision.

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

Senate File 2020, by Zieman, a bill for an act relating to the issuance of special nonresident deer hunting licenses.

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

Senate File 2021, by Zieman, a bill for an act concerning the provision of commercial driver licensing services in all Iowa counties.

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

Senate File 2022, by Heckroth, a bill for an act establishing a tool and die lien Act.

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

Senate File 2023, by committee on Appropriations, a bill for an act relating to the distribution to counties of certain utility replacement tax revenues credited to the property tax relief fund and providing an effective date.

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

Senate File 2024, by Beall, Kibbie, Fraise, Dearden, Quirnbach, Schmitz, Connolly, and Bolkcom, a bill for an act relating to the recycling of empty beverage containers by increasing the reimbursement amount paid by distributors, eliminating refusal of empty containers by dealers, eliminating departmental approval of redemption centers, and establishing civil penalties.

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

STUDY BILLS RECEIVED

SSB 3051 Human Resources

Relating to the advanced practice registered nurse licensure compact and providing an effective date.

SSB 3052 Human Resources

Providing for the establishment of a council on homelessness.

SSB 3053 Human Resources

Relating to the practice of pharmacy, including provisions governing tech-check-tech programs and specifying applicable penalty provisions.

SSB 3054 Human Resources

Relating to controlled substance schedules and the reporting requirements to the board of pharmacy and making penalties applicable.

SSB 3055 Ways and Means

Relating to the annual renewal fee for licensure of hospitals.

SSB 3056 Ways and Means

Relating to the limit on tax credits available for renewable energy research activities.

SSB 3057 Ways and Means

Relating to the annual aggregate amount of tax credits available under the endow Iowa program and to the amount of credits a taxpayer may receive.

SSB 3058 Ways and Means

Relating to the technical administration of the tax and related laws by the department of revenue, including administration of income, sales and use, property, motor fuel, and tobacco taxes.

SSB 3059 Ways and Means

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

SSB 3060 Ways and Means

Increasing license fees for the regulation of hotels, food establishments, and food processing plants.

SSB 3061 State Government

Relating to alarm system installer or contractor certification and electrician licensure provisions, and providing an effective date.

SSB 3062 State Government

Relating to campaign finance procedures and requirements and providing an effective date.

SSB 3063 Commerce

Providing for increases in dollar amount limitations contained within specified provisions of the consumer credit code, and providing for periodic adjustment of those amounts pursuant to changes in the consumer price index.

SUBCOMMITTEE ASSIGNMENTS**Senate File 148**

STATE GOVERNMENT: Connolly, Chair; Hahn and Kibbie

Senate File 399

STATE GOVERNMENT: Kibbie, Chair; Appel and Zieman

Senate File 408

STATE GOVERNMENT: Danielson, Chair; Behn and Horn

Senate File 419

STATE GOVERNMENT: Danielson, Chair; Connolly and McKibben

Senate File 449

STATE GOVERNMENT: Connolly, Chair; Danielson and Gaskill

Senate File 2001

WAYS AND MEANS: Schmitz, Chair; Connolly and Ward

Senate File 2008

STATE GOVERNMENT: Kibbie, Chair; Danielson and Zieman

Senate File 2015

STATE GOVERNMENT: Hatch, Chair; Kettering and Schmitz

Senate File 2016

STATE GOVERNMENT: Schmitz, Chair; Wood and Zieman

House File 344

STATE GOVERNMENT: Danielson, Chair; Appel and Kettering

SSB 3051

HUMAN RESOURCES: Quirnbach, Chair; Schmitz and Seymour

SSB 3052

HUMAN RESOURCES: Ragan, Chair; Hatch and Seymour

SSB 3053

HUMAN RESOURCES: Schmitz, Chair; Hatch and Seymour

SSB 3054

HUMAN RESOURCES: Schmitz, Chair; Hatch and Seymour

SSB 3055

WAYS AND MEANS: Connolly, Chair; Bolcom and McKibben

SSB 3056

WAYS AND MEANS: Quirnbach, Chair; Dotzler and Zieman

SSB 3057

WAYS AND MEANS: Schmitz, Chair; Seng and Ward

SSB 3058

WAYS AND MEANS: McCoy, Chair; Dotzler and Putney

SSB 3059

WAYS AND MEANS: Appel, Chair; Noble and Schmitz

SSB 3060

WAYS AND MEANS: McCoy, Chair; Angelo and Dotzler

SSB 3061

STATE GOVERNMENT: Danielson, Chair; Behn and Horn

SSB 3062

STATE GOVERNMENT: Kibbie, Chair; Appel and Zieman

SSB 3063

COMMERCE: Stewart, Chair; McCoy and Putney

FINAL COMMITTEE REPORT OF BILL ACTION**APPROPRIATIONS**

Bill Title: SENATE FILE 2023 (SSB 3024), a bill for an act relating to the distribution to counties of certain utility replacement tax relief revenues credited to the property tax relief fund and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 22: Dvorsky, Kettering, Angelo, Behn, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 3: McCoy, Black, and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

PETITION

The following petition was presented and placed on file:

From residents of Linn County and surrounding areas supporting legislation requiring each county to have a veterans affairs office staffed with a full- or part-time County Veterans Service Officer and to make available matching funds for veterans service organizations to be used for compensation for qualified state veterans service officers. Senator Dvorsky.

JOURNAL OF THE SENATE

FIFTH CALENDAR DAY
FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, January 18, 2008

The Senate met in regular session at 9:00 a.m., Senator Ward presiding.

The Journal of Thursday, January 17, 2008, was approved.

ADJOURNMENT

On motion of Senator Appel, the Senate adjourned at 9:02 a.m. until 10:00 a.m., Tuesday, January 22, 2008.

APPENDIX

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 FOR THE BLIND (Sec.216B.2)	
Sandra Ryan, Ankeny	10/12/2007 – 04/30/2008
IOWA STATE CIVIL RIGHTS COMMISSION (Sec. 216.3)	
Rich Eychaner, Des Moines	05/17/2007 – 04/30/2011
DIRECTOR OF THE DEPARTMENT OF CORRECTIONS (Sec. 904.107)	
John Baldwin, West Des Moines	04/26/2007 – Pleasure of the Governor
IOWA ECONOMIC DEVELOPMENT BOARD (Sec. 15.103)	
Ruth MacDonald, Ames	10/16/2007 – 04/30/2010
Robert Riley, Jr., Des Moines	10/16/2007 – 04/30/2010
COMMISSION OF ELDER AFFAIRS (Sec. 231.11)	
Gloria Reber, Iowa Falls	08/20/2007 – 04/30/2008

ELECTRICAL EXAMINING BOARD (Sec. 103.2)

Valynda Akin, Dubuque	08/20/2007 – 04/30/2010
Chad Campion, Iowa City	08/20/2007 – 04/30/2008
Chad Layland, Ankeny	08/20/2007 – 04/30/2010
Lori Mease, Des Moines	08/20/2007 – 04/30/2008
Barbara Mentzer, Carlisle	08/20/2007 – 04/30/2010
KG Perley, Sioux City	08/20/2007 – 04/30/2009
Duane Quirk, New Hampton	08/20/2007 – 04/30/2009
Andrea Rivera-Harrison, Des Moines	08/20/2007 – 04/30/2008
Rodrick Van Wart, Windsor Heights	08/20/2007 – 04/30/2009
Randy VanVoorst, Sioux Center	08/20/2007 – 04/30/2010

ELEVATOR SAFETY BOARD (Sec. 89A.13)

Russell Allen, Cedar Rapids	05/01/2007 – 04/30/2010
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IOWA EMERGENCY RESPONSE COMMISSION (Sec. 30.2)

Sherry Sievers, Richland	05/01/2007 – 04/30/2010
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ENVIRONMENTAL PROTECTION COMMISSION (Sec. 455A.6)

Paul W. Johnson, Decorah	07/02/2007 – 04/30/2011
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GENERATION IOWA COMMISSION (Sec. 15.421)

Kyle Carlson, Colfax	08/09/2007 – 04/30/2010
Erin Cumings, Prole	08/09/2007 – 04/30/2008
Christian Fong, Cedar Rapids	08/09/2007 – 04/30/2008
Karris Golden, Waterloo	08/09/2007 – 04/30/2009
Mitchell Gross, Coralville	08/09/2007 – 04/30/2010
Jodi Grover, Rowley	08/09/2007 – 04/30/2009
Jesse Harris, Waukee	08/09/2007 – 04/30/2010
Rachel Judisch, Lake View	08/09/2007 – 04/30/2009
Emiliano Lerda, Urbandale	08/09/2007 – 04/30/2008
Sophia Magill, Ames	08/09/2007 – 04/30/2008
Emilia Martin, Davenport	08/09/2007 – 04/30/2010
Isaiah McGee, Waukee	08/09/2007 – 04/30/2009
Sara Morrow, Spencer	08/09/2007 – 04/30/2008
Jordan Oster, Clive	08/09/2007 – 04/30/2009
Michael Schneider, Altoona	08/09/2007 – 04/30/2010

IOWACCESS ADVISORY COUNCIL (Sec. 8A.221)

Andrew Smith, Urbandale	06/22/2007 – 04/30/2011
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IOWA POWER FUND BOARD (Sec. 469.6)

Patricia Higby, Cedar Falls	09/05/2007 – 04/30/2008
Peter Hemken, Des Moines	09/05/2007 – 04/30/2009
Fred Hubbell, Des Moines	09/05/2007 – 04/30/2010
Carrie LaSeur, Mount Vernon	09/05/2007 – 04/30/2009
Mary Norton, Clive	09/05/2007 – 04/30/2009
Thomas Wind, Jefferson	09/05/2007 – 04/30/2008

LANDSCAPE ARCHITECTURAL EXAMINING BOARD (Sec. 544B.3)	
Christopher Seeger, Roland	11/07/2007 – 04/30/2010
BOARD OF MEDICINE (Sec. 147.14(2))	
Colleen Kennedy, Iowa City	10/12/2007 – 04/30/2010
Rodney Zeitler, Iowa City	06/22/2007 – 04/30/2008
BOARD OF PHYSICIAN ASSISTANTS (Sec. 147.14(12))	
Theresa Hegmann, West Branch	07/16/2007 – 04/30/2010
Ted Smith, Burlington	07/16/2007 – 04/30/2010
DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH (Sec. 135.2)	
Thomas Newton, Windsor Heights	04/30/2007 – Pleasure of the Governor
RENEWABLE FUEL INFRASTRUCTURE BOARD (Sec. 15G.202)	
Diane Dennler, Mason City	07/10/2007 – 04/30/2010
Kenneth Pangburn, Corning	06/22/2007 – 04/30/2009
Eric Seuren, West Des Moines	08/22/2007 – 04/30/2011
Sandy Simpson, Onawa	06/22/2007 – 04/30/2011
STATE SOIL CONSERVATION COMMITTEE (Sec. 161A.4)	
Susan Hjelm, Lake Park	06/22/2007 – 04/30/2013
Esther Leyda, Bloomfield	06/22/2007 – 04/30/2013
TITLE GUARANTY DIVISION BOARD (Sec. 16.2)	
Deborah Petersen, Council Bluffs	05/31/2007 – 04/30/2013
STATE TRANSPORTATION COMMISSION (Sec. 307.3)	
Michael Blouin, Dubuque	12/21/2007 – 04/30/2009
IOWA UTILITIES BOARD (Sec. 474.1)	
Darrell Hanson, Manchester	11/26/2007 – 04/30/2013
VISION IOWA BOARD (Sec. 15F.102)	
Tammy Robinson, New Hampton	05/01/2007 – 04/30/2008

The appointments were referred to the committee on Rules and Administration.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF EDUCATION

Voluntary Model Core Curriculum report, pursuant to 2007 Iowa Acts, Senate File 588. Report received on January 18, 2008.

DEPARTMENT OF PUBLIC SAFETY

First Annual Report of the Statewide Interoperable Communications System Board, pursuant to 2007 Iowa Acts, House File 353. Report received on January 18, 2008.

DEPARTMENT OF VETERANS AFFAIRS

Regional Veterans Affairs Offices Study, pursuant to 2007 Iowa Acts, House File 817. Report received on January 18, 2008.

JOURNAL OF THE SENATE

NINTH CALENDAR DAY
SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 22, 2008

The Senate met in regular session at 10:00 a.m., President Kibbie presiding.

Prayer was offered by Reverend Mario Lara of Lifebridge Christian Church in Des Moines, Iowa. He was the guest of President Kibbie.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Cole Unger.

The Journal of Friday, January 18, 2008, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lundby, until she arrives, on request of Senator Angelo; Senator Hartsuch, until he arrives, on request of Senator Wieck; and Senators Connolly and Warnstadt, until they arrive, on request of Senator Gronstal.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:10 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:16 a.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2023.

Senate File 2023

On motion of Senator Bolkcom, **Senate File 2023**, a bill for an act relating to the distribution to counties of certain utility replacement tax revenues credited to the property tax relief fund and providing an effective date, was taken up for consideration.

The Senate stood at ease at 10:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:55 a.m., President Kibbie presiding.

Senator Bolkcom 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. 2023), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Cannolly	Hartsuch	Lundby	Warnstadt
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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 2023** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:00 a.m. until 8:45 a.m., Wednesday, January 23, 2008.

APPENDIX

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on January 22, 2008:

AGRICULTURE

Susan Hjelm – State Soil Conservation Committee
Esther Leyda – State Soil Conservation Committee

COMMERCE

Deborah Petersen – Title Guaranty Division Board
Darrell Hanson – Utilities Board

ECONOMIC GROWTH

Ruth MacDonald – Iowa Economic Development Board
Robert Riley, Jr. – Iowa Economic Development Board

Peter Hemken – Iowa Power Fund Board
Patricia Higby – Iowa Power Fund Board
Fred Hubbell – Iowa Power Fund Board
Carrie LaSeur – Iowa Power Fund Board
Mary Norton – Iowa Power Fund Board
Thomas Wind – Iowa Power Fund Board

HUMAN RESOURCES

Sandra Ryan – Commission for the Blind
Gloria Reber – Commission of Elder Affairs
Theresa Hegmann – Board of Physician Assistants
Ted Smith – Board of Physician Assistants
Thomas Newton – Director of the Department of Public Health

JUDICIARY

Rich Eychaner – Iowa State Civil Rights Commission
John Baldwin – Director of the Department of Corrections

NATURAL RESOURCES AND ENVIRONMENT

Paul W. Johnson – Environmental Protection Commission

Diane Dennler – Renewable Fuel Infrastructure Board
Kenneth Pangburn – Renewable Fuel Infrastructure Board
Eric Seuren – Renewable Fuel Infrastructure Board
Sandy Simpson – Renewable Fuel Infrastructure Board

STATE GOVERNMENT

Valynda Akin – Electrical Examining Board
Chad Campion – Electrical Examining Board
Chad Layland – Electrical Examining Board
Lori Mease – Electrical Examining Board
Barbara Mentzer – Electrical Examining Board
KG Perley – Electrical Examining Board
Duane Quirk – Electrical Examining Board
Andrea Rivera-Harrison – Electrical Examining Board
Rodrick Van Wart – Electrical Examining Board
Randy VanVoorst – Electrical Examining Board

Russell Allen – Elevator Safety Board

Sherry Sievers – Iowa Emergency Response Commission

Kyle Carlson – Generation Iowa Commission
Erin Cumings – Generation Iowa Commission
Christian Fong – Generation Iowa Commission
Karris Golden – Generation Iowa Commission
Mitchell Gross – Generation Iowa Commission
Jodi Grover – Generation Iowa Commission
Jesse Harris – Generation Iowa Commission
Rachel Judisch – Generation Iowa Commission
Emiliano Lerda – Generation Iowa Commission
Sophia Magill – Generation Iowa Commission
Emilia Martin – Generation Iowa Commission
Isaiah McGee – Generation Iowa Commission
Sara Morrow – Generation Iowa Commission
Jordan Oster – Generation Iowa Commission
Michael Schneider – Generation Iowa Commission

Andrew Smith – IowAccess Advisory Council

Christopher Seeger – Landscape Architectural Examining Board

Colleen Kennedy – Board of Medicine
Rodney Zeitler – Board of Medicine

Tammy Robinson – Vision Iowa Board

TRANSPORTATION

Michael Blouin – State Transportation Commission

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ECONOMIC DEVELOPMENT

Iowa Values Fund and Business Assistance Programs 2007 annual report, pursuant to Iowa Code sections 15.104(9), 15.113, and 15G.206. Report received on January 18, 2008.

Targeted Small Business annual report, pursuant to Iowa Code section 15.108(7)(c)(1)(e). Report received on January 18, 2008.

DEPARTMENT OF EDUCATION

Community College Quality Faculty Working Group final report, pursuant to 2007 Iowa Acts, Senate File 588. Report received on January 22, 2008.

IOWA ENVIRONMENTAL PROTECTION COMMISSION

Annual Report and Recommendations to the Governor and General Assembly, pursuant to Iowa Code section 455B.105(5). Report received January 22, 2008.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on January 22, 2008, when the vote was taken on Senate File 2023. Had I been present, I would have voted “Yea.”

MICHAEL CONNOLLY

REPORTS OF COMMITTEE MEETINGS**JUDICIARY**

Convened: January 22, 2008, 1:05 p.m.

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

Members Absent: Warnstadt (excused).

Committee Business: Approved SSB 3019.

Adjourned: 1:15 p.m.

LOCAL GOVERNMENT

Convened: January 22, 2008, 2:05 p.m.

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

Members Absent: Angelo and Schoenjahn (both excused).

Committee Business: Organizational meeting.

Adjourned: 2:25 p.m.

RULES AND ADMINISTRATION

Convened: January 22, 2008, 10:10 a.m.

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

Members Absent: Lundby (excused).

Committee Business: Approved committee assignments for Governor's interim appointments.

Adjourned: 10:16 a.m.

STATE GOVERNMENT

Convened: January 22, 2008, 2:05 p.m.

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

Members Absent: McKibben and Wood (both excused).

Committee Business: Approved SSB 3031.

Adjourned: 2:15 p.m.

VETERANS AFFAIRS

Convened: January 22, 2008, 11:30 a.m.

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

Members Absent: Warnstadt, Vice Chair (excused).

Committee Business: Subcommittee assignments.

Adjourned: 11:45 a.m.

INTRODUCTION OF BILLS

Senate File 2025, by Heckroth, a bill for an act relating to prohibited shooting or hunting near certain buildings and their grounds and providing penalties.

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

Senate File 2026, by Kettering, a bill for an act increasing the amount and extending the availability of the child and dependent care and early childhood development tax credits and including a retroactive applicability date provision.

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

Senate File 2027, by Bolkcom, a bill for an act relating to the certification of persons applying restricted use pesticides, and making penalties applicable.

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

Senate File 2028, by Hatch, Dotzler, and Stewart, a bill for an act requiring the state board of regents to submit reports relating to the commercialization of research and providing for approval of projects.

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

Senate File 2029, by Schoenjahn, 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 under Rule 28 and referred to committee on **Human Resources**.

Senate File 2030, by Schoenjahn, a bill for an act providing for the establishment of an amyotrophic lateral sclerosis study.

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

STUDY BILLS RECEIVED

SSB 3064 Economic Growth

Relating to real estate broker trust accounts.

SSB 3065 Veterans Affairs

Increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice.

SSB 3066 Veterans Affairs

Concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service and including an effective date and retroactive applicability provision.

SSB 3067 State Government

Relating to cultural affairs by providing for the preservation of electronic records, establishing regional cultural committees, and creating a civil war sesquicentennial advisory committee.

SUBCOMMITTEE ASSIGNMENTS

Senate File 428

NATURAL RESOURCES AND ENVIRONMENT: Ragan, Chair; Lundby and Wood

Senate File 474

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

Senate File 568

WAYS AND MEANS: Connolly, Chair; Noble and Schmitz

Senate File 582

WAYS AND MEANS: Schmitz, Chair; Seng and Ward

Senate File 2010

JUDICIARY: Hancock, Chair; Fraise and Zieman

Senate File 2012

JUDICIARY: Horn, Chair; Behn and Warnstadt

Senate File 2014

AGRICULTURE: Seng, Chair; Black and Mulder

Senate File 2018

AGRICULTURE: Appel, Chair; Fraise and Putney

Senate File 2019

WAYS AND MEANS: Quirmbach, Chair; Bolcom and Zieman

Senate File 2020

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

Senate File 2024

NATURAL RESOURCES AND ENVIRONMENT: Schoenjahn, Chair; Hogg and Kettering

SSB 3064

ECONOMIC GROWTH: Olive, Chair; Hahn and Rielly

SSB 3065

VETERANS AFFAIRS: Horn, Chair; Black and Seymour

SSB 3066

VETERANS AFFAIRS: Kibbie, Chair; Beall and Seymour

SSB 3067

STATE GOVERNMENT: Black, Chair; Behn and Schmitz

JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 23, 2008

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

Prayer was offered by Reverend Dr. Lee Zachary Maxey of the Corinthian Baptist Church in Des Moines, Iowa. He was the guest of Senator Hatch.

The Journal of Tuesday, January 22, 2008, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:57 a.m. until 8:45 a.m., Thursday, January 24, 2008.

APPENDIX

APPOINTMENTS TO BOARD AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on January 23, 2008, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As members of the State Soil Conservation Committee:

ESTHER LEYDA – Rielly, Chair; Courtney and Houser
SUSAN HJELM – Olive, Chair; Kibbie and Johnson

COMMERCE

As a member of the Title Guaranty Division Board:

DEBORAH PETERSEN – Stewart, Chair; Warnstadt and Putney

As a member of the Utilities Board:

DARRELL HANSON – Schoenjahn, Chair; Warnstadt and McKibben

ECONOMIC GROWTH

As members of the Iowa Economic Development Board:

RUTH MACDONALD – Danielson, Chair; Dotzler and Mulder
ROBERT RILEY, JR. – Rielly, Chair; Stewart and Hahn

As members of the Iowa Power Fund Board:

PETER HEMKEN – Olive, Chair; Schmitz and Houser
PATRICIA HIGBY – Dotzler, Chair; Hatch and Seymour
FRED HUBBELL – Hatch, Chair; Beall and Zaun
CARRIE LASEUR – Schmitz, Chair; Olive and Hahn
MARY NORTON – Stewart, Chair; Rielly and Mulder
THOMAS WIND – Beall, Chair; Danielson and Houser

HUMAN RESOURCES

As a member of the Commission for the Blind:

SANDRA RYAN – Wood, Chair; Dotzler and Johnson

As a member of the Commission of Elder Affairs:

GLORIA REBER – Quirmbach, Chair; Bolkcom and Boettger

As members of the Board of Physician Assistants:

TED SMITH – Dotzler, Chair; Hatch and Johnson
THERESA HEGMANN – Dotzler, Chair; Hatch and Boettger

As Director of the Department of Public Health:

THOMAS NEWTON – Schmitz, Chair; Ragan and Seymour

JUDICIARY

As a member of the Iowa State Civil Rights Commission:

RICH EYCHANER – Quirmbach, Chair; Kreiman and Hartsuch

As Director of the Department of Corrections:

JOHN BALDWIN – Hogg, Chair; Kreiman and Ward

NATURAL RESOURCES AND ENVIRONMENT

As a member of the Environmental Protection Commission:

PAUL W. JOHNSON – Black, Chair; Lundby and Seng

As members of the Renewable Fuel Infrastructure Board:

DIANE DENNLER – Johnson, Chair; Hancock and Bolkcom
KENNETH PANGBURN – Gaskill, Chair; Dearden and Schoenjahn
ERIC SEUREN – Hogg, Chair; Dearden and Noble
SANDY SIMPSON – Ragan, Chair; Bolkcom and Behn

STATE GOVERNMENT

As members of the Electrical Examining Board:

VALYNDA AKIN – Connolly, Chair; Danielson and Hahn
CHAD CAMPION – Horn, Chair; Schmitz and McKibben
CHAD LAYLAND – Black, Chair; Hatch and Behn
LORI MEASE – Appel, Chair; Hatch and Behn
BARBARA MENTZER – Appel, Chair; Schmitz and Behn
KG PERLEY – Kibbie, Chair; Wood and Gaskill
DUANE QUIRK – Danielson, Chair; Connolly and Ziemann
ANDREA RIVERA-HARRISON – Hatch, Chair; Appel and Kettering
RODRICK VAN WART – Hatch, Chair; Black and Gaskill
RANDY VANVOORST – Kibbie, Chair; Wood and Gaskill

As a member of the Elevator Safety Board:

RUSSELL ALLEN – Horn, Chair; Connolly and Hahn

As a member of the Iowa Emergency Response Commission:

SHERRY SIEVERS – Wood, Chair; Danielson and Hahn

As members of the Generation Iowa Commission:

KYLE CARLSON – Connolly, Chair; Appel and Behn
ERIN CUMINGS – Appel, Chair; Kibbie and Behn
CHRISTIAN FONG – Horn, Chair; Appel and McKibben
KARRIS GOLDEN – Danielson, Chair; Connolly and Behn
MITCHELL GROSS – Kibbie, Chair; Schmitz and Hahn
JODI GROVER – Danielson, Chair; Connolly and McKibben
JESSE HARRIS – Appel, Chair; Hatch and Kettering
RACHEL JUDISCH – Schmitz, Chair; Kibbie and McKibben
EMILIANO LERDA – Hatch, Chair; Black and Zieman
SOPHIA MAGILL – Schmitz, Chair; Black and Behn
EMILIA MARTIN – Wood, Chair; Horn and Gaskill
ISAAH MCGEE – Appel, Chair; Black and Hahn
SARA MORROW – Kibbie, Chair; Horn and Kettering
JORDAN OSTER – Hatch, Chair; Black and McKibben
MICHAEL SCHNEIDER – Black, Chair; Hatch and Zieman

As a member of the IowAccess Advisory Council:

ANDREW SMITH – Schmitz, Chair; Hatch and Kettering

As a member of the Landscape Architectural Examining Board:

CHRISTOPHER SEEGER – Black, Chair; Schmitz and Zieman

As members of the Board of Medicine:

COLLEEN KENNEDY – Horn, Chair; Connolly and Gaskill
RODNEY ZEITLER – Horn, Chair; Connolly and Hahn

As a member of the Vision Iowa Board:

TAMMY ROBINSON – Danielson, Chair; Connolly and McKibben

TRANSPORTATION

As a member of the State Transportation Commission:

MICHAEL BLOUIN – Danielson, Chair; Hancock and Noble

COMMUNICATIONS RECEIVED

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

JUDICIAL BRANCH

Enhanced Court Collections Fund and Court Technology Fund report, pursuant to 2007 Iowa Acts, Senate File 563. Report received on January 23, 2008.

DEPARTMENT OF PUBLIC HEALTH

Postnatal Tissue and Fluid Banking Task Force report, pursuant to 2007 Iowa Acts, House File 910. Report received on January 22, 2008.

Child Death Review Team 2006 annual report, pursuant to Iowa Code section 135.43. Report received on January 22, 2008.

Anatomical Gifts 2007 annual report, pursuant to Iowa Code section 142C.17. Report received on January 22, 2008.

Hemophilia Advisory Committee 2007 annual report, pursuant to Iowa Code section 135N.6. Report received on January 22, 2008.

Iowa Board of Medicine and Iowa Board of Physician Assistants Collaboration annual report, pursuant to Iowa Code section 148C.12. Report received on January 22, 2008.

AGENCY ICN REPORT

Iowa Communications Network (ICN) usage report for FY 2007, pursuant to Iowa Code section 8D.10, was received from the following agency:

DEPARTMENT OF PUBLIC HEALTH – Report received on January 22, 2008.

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: January 22, 2008, 3:10 p.m.

Members Present: Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Danielson, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, and Seymour.

Members Absent: Zaun (excused).

Committee Business: Presentation on bio-based products by Pioneer and Dupont.

Adjourned: 4:35 p.m.

EDUCATION

Convened: January 23, 2008, 1:05 p.m.

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

Members Absent: None.

Committee Business: Subcommittee assignments.

Adjourned: 1:15 p.m.

HUMAN RESOURCES

Convened: January 23, 2008, 2:00 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: Presentations by senators.

Adjourned: 2:30 p.m.

WAYS AND MEANS

Convened: January 23, 2008, 3:05 p.m.

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

Members Absent: McCoy, Vice Chair (excused).

Committee Business: Presentations on future general fund revenue impact of legislation and the tax credits tracking and analysis program.

Adjourned: 3:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 23, 2008, 10:05 a.m.

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

Members Absent: Houser (excused).

Committee Business: Discussion of bills and presentation on Governor Culver's budget recommendations by Deb Kozel, LSA staff.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 23, 2008, 10:05 a.m.

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

Members Absent: Ward (excused).

Committee Business: Organizational meeting. Presentation by Ron Robinson, LSA, Fiscal Services Division.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 23, 2008, 10:05 a.m.

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

Members Absent: None.

Committee Business: Reviewed governor's budget recommendations.

Adjourned: 10:55 a.m.

INTRODUCTION OF BILLS

Senate File 2031, by Bolkcom, Hatch, Beall, Black, Kibbie, Appel, Courtney, Fraise, Dearden, Wood, Olive, Quirnbach, Hogg, Seng, Horn, Heckroth, Danielson, Schoenjahn, Dotzler, Schmitz, Ragan, Stewart, Connolly, McCoy, and Kreiman, a bill for an act making an appropriation for case management under the Medicaid elderly waiver.

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

Senate File 2032, by Bolkcom, Beall, Hatch, Black, Kibbie, Appel, Courtney, Fraise, Dearden, Wood, Olive, Quirnbach, Hogg, Seng,

Horn, Dvorsky, Heckroth, Dotzler, Danielson, Schmitz, Ragan, Stewart, Connolly, Schoenjahn, McCoy, and Kreiman, a bill for an act providing for and making an appropriation to the department of elder affairs for statewide expansion of the elder abuse initiative program.

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

Senate File 2033, by Zieman, a bill for an act relating to the disposition of school property.

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

Senate File 2034, by Ragan, Hogg, Seymour, and Beall, a bill for an act relating to transfer procedures for and compensation of health care providers not participating in IowaCare.

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

Senate File 2035, by committee on State Government, a bill for an act relating to campaign signs and contributions.

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

Senate File 2036, by committee on Judiciary, a bill for an act relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force.

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

Senate File 2037, by Bolkcom, Kreiman, Danielson, Dotzler, Dvorsky, Horn, Hancock, Dearden, Quirnbach, Appel, Courtney, Gronstal, Kibbie, and Hatch, a bill for an act relating to disclosures of information by health care workers and providing penalties.

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

Senate File 2038, by Rielly, Ragan, Beall, Danielson, Olive, Stewart, Dotzler, and Hatch, a bill for an act increasing the total aggregate amount of tax credits available for business investment and contributions to seed capital funds.

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

Senate File 2039, by Angelo, a bill for an act relating to the sale of certain seized rifles and shotguns by county law enforcement agencies at a public auction.

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

Senate File 2040, by Noble, a bill for an act relating to a property assessment adjustment for certain elderly persons, providing a penalty, and including retroactive applicability date provisions.

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

Senate File 2041, by Heckroth, a bill for an act appropriating moneys to partially reimburse commissioners of soil and water conservation districts for administrative expenses.

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

Senate File 2042, by Heckroth, a bill for an act requiring the use of headlights when a motor vehicle's windshield wipers are in use and making a penalty applicable.

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

Senate File 2043, by Hancock, a bill for an act relating to consuming and possessing alcohol, and providing penalties.

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

Senate File 2044, by Putney, a bill for an act relating to the calculation of registration fees for certain motor trucks and providing effective and applicability dates.

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

Senate File 2045, by Putney, a bill for an act relating to early school starts and providing effective dates.

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

STUDY BILLS RECEIVED

SSB 3068 Education

Relating to the statewide preschool program for four-year-old children and funding associated with the program and providing an effective date.

SSB 3069 Education

Relating to the elimination of the educational excellence phase II program and providing for the equivalent of the education excellence phase II funding to be transferred into the state school foundation aid formula and providing an appropriation and effective and applicability dates.

SSB 3070 Education

Transferring administration of the entrepreneurs with disabilities program to the department of education.

SSB 3071 Education

Relating to the duties and operations of the state board of education, the department of education, and local school boards.

SSB 3072 Education

Allowing the director of the department of education to withhold certain state funding from school districts, area education agencies, and community colleges when required report submissions are late.

SSB 3073 Labor and Business Relations

Relating to unemployment insurance tax penalties.

SSB 3074 Labor and Business Relations

Relating to late settlement fees in contested cases for workers' compensation benefits and appropriating such fees to the division of workers' compensation within the department of workforce development.

SSB 3075 Judiciary

Relating to the judicial branch including judicial review of state agency decisions, contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, appointments to the clerk of the district court, records kept by the clerk, and service of original notice in a small claims action.

SSB 3076 Judiciary

Relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem.

SSB 3077 Judiciary

Relating to escape from custody by a person detained or committed as a sexually violent predator, and providing a penalty.

SSB 3078 Judiciary

Relating to the possession, distribution, and reporting of obscene material and making penalties applicable.

SSB 3079 Judiciary

Relating to deferred judgment records in a criminal proceeding.

SSB 3080 Judiciary

Relating to the confidentiality of court records and information.

SSB 3081 Ways and Means

Relating to bonds and notes providing for exemption from state income tax.

SSB 3082 Transportation

Relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date.

SSB 3083 Transportation

Providing increased penalties for speeding violations committed by a motor vehicle operator in a road work zone.

SSB 3084 Transportation

Relating to requirements for operation of a motor vehicle in merging traffic and providing a penalty.

SSB 3085 Transportation

Concerning the licensure of motor vehicle drivers under eighteen years of age and making a penalty applicable.

SSB 3086 Local Government

Relating to applications for absentee ballots.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2013

JUDICIARY: Quirnbach, Chair; Kreiman and Noble

Senate File 2022

JUDICIARY: Fraise, Chair; Behn and Horn

Senate File 2026

WAYS AND MEANS: Quirnbach, Chair; Angelo and Bolkcom

Senate File 2029

HUMAN RESOURCES: Wood, Chair; Boettger and Ragan

Senate File 2033

EDUCATION: Beall, Chair; Connolly and Zieman

SSB 3068

EDUCATION: Appel, Chair; Schmitz and Zieman

SSB 3069

EDUCATION: Schoenjahn, Chair; Mulder and Wood

SSB 3070

EDUCATION: Schmitz, Chair; Beall and Zaun

SSB 3071

EDUCATION: Appel, Chair; Connolly and McKinley

SSB 3072

EDUCATION: Connolly, Chair; Appel and Boettger

SSB 3073

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Behn and Hatch

SSB 3074

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Seng and Ward

SSB 3075

JUDICIARY: Kreiman, Chair; Schoenjahn and Ward

SSB 3076

JUDICIARY: Kreiman, Chair; Schoenjahn and Ward

SSB 3077

JUDICIARY: Kreiman, Chair; Behn and Dvorsky

SSB 3078

JUDICIARY: Kreiman, Chair; Hartsuch and Schoenjahn

SSB 3079

JUDICIARY: Hogg, Chair; Horn and Zieman

SSB 3080

JUDICIARY: Kreiman, Chair; Hancock and Noble

SSB 3081

WAYS AND MEANS: Dotzler, Chair; Stewart and Ward

SSB 3082

TRANSPORTATION: Rielly, Chair; Houser and Warnstadt

SSB 3083

TRANSPORTATION: Danielson, Chair; Dearden and Putney

SSN 3084

TRANSPORTATION: Beall, Chair; McCoy and Zaun

SSB 3085

TRANSPORTATION: Hancock, Chair; Heckroth and Zieman

SSB 3086

LOCAL GOVERNMENT: Quirnbach, Chair; Heckroth and McKinley

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: SENATE FILE 2036* (SSB 3019), a bill for an act relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force.

Recommendation: APPROVED COMMITTEE BILL.

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

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 2036, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 2035 (SSB 3031), a bill for an act relating to campaign signs and contributions.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY
EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 24, 2008

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Pastor Ron Burcham of Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, January 23, 2008, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he arrives, on request of Senator Behn.

WITHDRAWN

Senator Gronstal asked and received unanimous consent that **House Files 525, 547, and 841** be **withdrawn** from further consideration of the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:55 a.m. until 1:00 p.m., Monday, January 28, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Frank and Mary Dogotch—For celebrating their 60th wedding anniversary. Senator Kibbie (1/24/08).

Richard Ehlert—In recognition of his retirement from the Harrison County Rural Electric Cooperative after 44 years of service. Senator Seymour (1/24/08).

Frieda Fenneman—For celebrating her 100th birthday. Senator Heckroth (1/24/08).

Janis Gray, Rock Island—For celebrating her 75th birthday. Senator Wood (1/24/08).

Harold and Ellen Henningsen—For celebrating their 62nd wedding anniversary. Senator Seymour (1/24/08).

Rudolph B. Kamps, Slater—For celebrating his 80th birthday. Senator Olive (1/24/08).

Kenneth Morres, Jr.—In recognition of his retirement from Harrison County Rural Electric Cooperative after 43 years of service. Senator Seymour (1/24/08).

Cory Muntz—For achieving the rank of Eagle Scout, Boy Scout Troop 25. Senator Connolly (1/24/08).

Nelson Nieuwenhuis, Hospers—For celebrating his 100th birthday. Senator Mulder (1/24/08).

Elvira Riessen, Denison—For celebrating her 85th birthday. Senator Seymour (1/24/08).

Colin Roling—For achieving the rank of Eagle Scout, Boy Scout Troop 48. Senator Connolly (1/24/08).

Jonathan Roos—For 18 years of outstanding service covering the Iowa General Assembly for *The Des Moines Register*. Senator Dvorsky (1/24/08).

Bud Schrier, Carlisle—For being the recipient of Carlisle Citizen of the Year. Senator Appel (1/24/08).

Captain Danielle Shields, Fort Dodge Salvation Army—For serving as the Chaplain of the Day for the Iowa Senate on January 17, 2008. Senator Beall (1/24/08).

Dick Stoolman—For 50 years of service, including many years as fire chief, to the West Branch Volunteer Fire Department. Senators Hahn and Johnson (1/24/08).

Kevin Stoolman—For 30 years of service to the West Branch Volunteer Fire Department. Senators Hahn and Johnson (1/24/08).

Winnebago Industries, Forest City—For celebrating the 50th anniversary of the founding of Winnebago Industries. Senator Gaskill (1/24/08).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: January 23, 2008, 10:00 a.m.

Members Present: Courtney, Chair; Connolly, Vice Chair; Ward, Ranking Member; Lundby and Schmitz.

Members Absent: None.

Committee Business: Presentation by Iowa Lottery Authority and Citizens' Aide/Ombudsman's office.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 23, 2008, 10:05 a.m.

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

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 23, 2008, 10:05 a.m.

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

Members Absent: None.

Committee Business: Reviewed the governor's budget recommendations.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 23, 2008, 10:00 a.m.

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

Members Absent: None.

Committee Business: Organizational meeting. Presentation of the governor's budget recommendations by members of the Legislative Services Agency, Fiscal Services Division.

Adjourned: 10:50 a.m.

COMMERCE

Convened: January 24, 2008, 1:00 p.m.

Members Present: Heckroth, Vice Chair; Behn, Ranking Member; Angelo, Bolkcom, Kettering, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward.

Members Absent: Warnstadt, Chair; Courtney, McCoy, and McKibben (all excused).

Committee Business: Presentation by Susan Voss, Commissioner of Insurance.

Adjourned: 1:40 p.m.

TRANSPORTATION

Convened: January 24, 2008, 2:05 p.m.

Members Present: Rielly, Chair; Danielson, Vice Chair; Noble, Ranking Member; Beall, Dearden, Hancock, Heckroth, Houser, Putney, Zaun, and Ziemann.

Members Absent: McCoy and Warnstadt (both excused).

Committee Business: Presentation by Nancy Richardson, Department of Transportation.

Adjourned: 2:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 24, 2008, 10:05 a.m.

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

Members Absent: Hartsuch (excused).

Committee Business: Organizational meeting.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 24, 2008, 10:20 a.m.

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

Members Absent: Houser (excused).

Committee Business: Presentation on soil conservation by Bill Northey, Secretary of Agriculture.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 24, 2008, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentation by Mike Tramontina and his staff from the Department of Economic Development.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 24, 2008, 10:10 a.m.

Members Present: Wood, Chair; Boettger, Ranking Member; Quirnbach and Ziemann.

Members Absent: Horn, Vice Chair (excused).

Committee Business: Presentations from the Department of Education and Wallace Grant School Leadership Initiative.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 24, 2008, 10:05 a.m.

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

Members Absent: None.

Committee Business: Presentation by David Boyd on the judicial branch's FY09 budget.

Adjourned: 11:30 a.m.

INTRODUCTION OF BILLS

Senate File 2046, by Zaun, McKinley, Noble, Behn, Seymour, Boettger, Hartsuch, Mulder, Johnson, McKibben, Hahn, Kettering, Houser, and Ward, a bill for an act providing for the reduction in the operating budget for the Iowa lottery authority by the amount of moneys awarded pursuant to monitor vending machine litigation settlement agreements and providing an effective date.

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

Senate File 2047, by Kibbie, Beall, Hatch, Appel, Courtney, Fraise, Dearden, Wood, Olive, Quirnbach, Hancock, Hogg, Seng, Horn, Dvorsky, Heckroth, Dotzler, Danielson, Schmitz, Ragan, Stewart, Connolly, Schoenjahn, Bolkcom, McCoy, and Kreiman, a bill for an act relating to the annual adjustment of the personal needs allowance for residents of certain institutional health facilities.

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

STUDY BILLS RECEIVED

SSB 3087 Human Resources

Relating to the use of child restraint systems or seat belts by motor vehicle passengers under eighteen years of age and making a penalty applicable.

SSB 3088 Transportation

Relating to regulation of commercial motor vehicle operators by the state department of transportation and providing penalties.

SSB 3089 Local Government

Relating to competitive bidding procedures for county emergency repairs.

SSB 3090 Veterans Affairs

Relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority.

SSB 3091 Economic Growth

Increasing the amount of investment tax credit for which an eligible housing business may qualify if specified energy efficiency standards are met, and including effective and retroactive applicability date provisions.

SSB 3092 Economic Growth

Directing interest on moneys in the title guaranty fund to the housing trust fund.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2017**

AGRICULTURE: Seng, Chair; Black and Putney

Senate File 2027

AGRICULTURE: Fraise, Chair; Gaskill and Kibbie

Senate File 2045

EDUCATION: Kreiman, Chair; Beall and Boettger

SSB 3087

HUMAN RESOURCES: Ragan, Chair; Bolkom and Johnson

SSB 3088

TRANSPORTATION: Danielson, Chair; Heckroth and Zieman

SSB 3089

LOCAL GOVERNMENT: Rielly, Chair; Hartsuch and Schoenjahn

SSB 3090

VETERANS AFFAIRS: Danielson, Chair; Ragan and Seymour

SSB 3091

ECONOMIC GROWTH: Rielly, Chair; Danielson and Hahn

SSB 3092

ECONOMIC GROWTH: Schmitz, Chair; Beall and Hahn

JOURNAL OF THE SENATE

FIFTEENTH CALENDAR DAY
NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 28, 2008

The Senate met in regular session at 1:05 p.m., President Kibbie presiding.

Prayer was offered by the Honorable Dave Mulder, member of the Senate from Sioux County, Sioux Center, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Raeann Batz.

The Journal of Thursday, January 24, 2008, 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 January 24, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2065, a bill for an act relating to military leaves of absence and reemployment and providing an effective date.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Gaskill and Putney, until they arrive, on request of Senator Zieman.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:20 p.m. until 8:45 a.m., Tuesday, January 29, 2008.

APPENDIX

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF EDUCATION

Parent Liaison Program report, pursuant to 2006 Iowa Acts, House File 2527. Report received on January 25, 2008.

DEPARTMENT OF HUMAN SERVICES

Healthy and Well Kids in Iowa (hawk-i) 2007 annual report, pursuant to Iowa Code section 514I.5(7)(g). Report received on January 28, 2008.

DEPARTMENT OF PUBLIC HEALTH

Nursing, Medical, Dental, and Pharmacy Boards Staff Sharing 2007 annual report, pursuant to Iowa Code section 147.80. Report received on January 25, 2008.

AGENCY ICN REPORT

Iowa Communications Network (ICN) usage report for FY 2007, pursuant to Iowa Code section 8D.10, was received from the following agency:

IOWA DIVISION OF BANKING – Report received on January 25, 2008.

PRESENTATION OF VISITORS

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

FFA students from Sioux Central High School.

CERTIFICATES OF RECOGNITION

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

Lucille Balek, Mason City—For celebrating her 90th birthday. Senator Ragan (1/28/08).

Coach Ray Nacke—For his induction into the NAIA Hall of Fame and for his many great contributions to high school and college athletics. Senator Mulder (1/28/08).

Glen W. Smith—For celebrating his 90th birthday. Senator Gronstal (1/28/08).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: January 16, 2008, 2:05 p.m.

Members Present: Dvorsky, Chair; Kettering, Ranking Member; Angelo, Behn, Boettger, Bolkom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood.

Members Absent: McCoy, Vice Chair; Black and Johnson (all excused).

Committee Business: Organizational meeting. Approved SSB 3024.

Recessed: 2:10 p.m.

Reconvened: 2:25 p.m.

Adjourned: 2:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: January 23, 2008, 10:05 a.m.

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

Members Absent: Warnstadt, Vice Chair (excused).

Committee Business: Presentation by Legislative Services Agency staff.

Adjourned: 10:45 a.m.

LABOR AND BUSINESS RELATIONS

Convened: January 24, 2008, 3:10 p.m.

Members Present: Dearden, Chair; Ward, Ranking Member; Dotzler, Dvorsky, Hahn, Kettering, and Seng.

Members Absent: Courtney, Vice Chair; Behn, Hatch, and Horn (all excused).

Committee Business: Subcommittee assignments. Presentation by Elisabeth Buck, Department of Workforce Development.

Adjourned: 3:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 24, 2008, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentation by Legislative Services Agency, Fiscal Services Division, on the governor's budget recommendations.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: January 24, 2008, 10:00 a.m.

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

Members Absent: Warnstadt, Vice Chair; and McKibben (both excused).

Committee Business: Presentation by Department of Transportation Office of Finance staff on FY 2009 budget request and an update on TIME-21 by Nancy Richardson, DOT director.

Adjourned: 11:35 a.m.

EDUCATION

Convened: January 28, 2008, 3:05 p.m.

Members Present: Schoenjahn, Chair; Appel, Vice Chair; Mulder, Ranking Member; Connolly, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Schmitz, Wood, and Zieman.

Members Absent: Beall, Boettger, and Zaun (all excused).

Committee Business: Discussion of pending bills.

Adjourned: 3:10 p.m.

STATE GOVERNMENT

Convened: January 28, 2008, 2:25 p.m.

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

Members Absent: Black and Gaskill (both excused).

Committee Business: Approved SSB 3030.

Adjourned: 2:45 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 102, by Gronstal and Wieck, a resolution designating February 5, 2008, as Iowa Insurance Day.

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

INTRODUCTION OF BILLS

Senate File 2048, by Beall and Appel, a bill for an act concerning eligibility criteria for special gold star motor vehicle registration plates.

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

Senate File 2049, by Hogg, a bill for an act relating to renewable energy production by establishing a county biomass project siting program.

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

Senate File 2050, by Schoenjahn, Beall, Hatch, Black, Kibbie, Appel, Courtney, Fraise, Dearden, Wood, Olive, Quirmbach, Hogg, Seng, Horn, Warnstadt, Heckroth, Dotzler, Danielson, Schmitz, Ragan, Stewart, Connolly, Bolkcom, McCoy, and Kreiman, a bill for an act relating to reimbursements under medical assistance home and community-based services waivers for the elderly.

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

Senate File 2051, by Danielson, a bill for an act beginning the compulsory education attendance age at age five, providing for related matters, and providing an effective date.

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

Senate File 2052, by Danielson, Hatch, Beall, Black, Kibbie, Appel, Courtney, Fraise, Dearden, Wood, Olive, Quirmbach, Hancock, Hogg, Seng, Horn, Dvorsky, Heckroth, Dotzler, Schmitz, Ragan, Stewart, Connolly, Schoenjahn, Bolkcom, McCoy, and Kreiman, a bill for an act establishing standardized requirements for long-term care insurance policies advertised, marketed, offered, delivered, or issued for delivery in the state, and providing an applicability date.

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

Senate File 2053, by Danielson, a bill for an act concerning the scope of negotiations in public employment collective bargaining.

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

STUDY BILLS RECEIVED

SSB 3093 State Government

Relating to whistleblower complaints received by the citizens' aide.

SSB 3094 State Government

Modifying provisions relating to statewide licensure and certification of electricians and alarm system contractors and installers, and providing an effective date.

SSB 3095 Judiciary

Relating to adjudications of persons with mental illness and providing an effective date.

SSB 3096 Judiciary

Relating to the regulation of explosives, and the possession of an incendiary or explosive device or material, and providing penalties.

SUBCOMMITTEE ASSIGNMENTS

Senate File 434

JUDICIARY: Dvorsky, Chair; Quirnbach and Zieman

Senate File 458

JUDICIARY: Kreiman, Chair; Behn and Hogg

Senate File 491

JUDICIARY: Kreiman, Chair; Dvorsky and Zieman

Senate File 552

JUDICIARY: Hogg, Chair; Kreiman and Zieman

Senate File 2037

STATE GOVERNMENT: Schmitz, Chair; McKibben and Wood

Senate File 2039

JUDICIARY: Schoenjahn, Chair; Behn and Kreiman

Senate File 2043

JUDICIARY: Hancock, Chair; Hogg and Noble

Senate File 2046

STATE GOVERNMENT: Kibbie, Chair; Connolly and Kettering

SSB 3093

STATE GOVERNMENT: Schmitz, Chair; Danielson and McKibben

SSB 3094

STATE GOVERNMENT: Danielson, Chair; Horn and Kettering

SSB 3095

JUDICIARY: Schoenjahn, Chair; Hartsuch and Horn

SSB 3096

JUDICIARY: Fraise, Chair; Horn and Noble

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, Bolkcom, 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
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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 Zieman.

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; Bolkom, 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, Quirmbach, 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, Quirmbach, 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.

JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 30, 2008

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

Prayer was offered by Reverend Jim Howland, pastor of the First United Presbyterian Church in Winterset, Iowa. He was the guest of Senator Appel.

The Journal of Tuesday, January 29, 2008, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Putney, for the day, on request of Senator Gaskill.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:02 a.m. until 8:45 a.m., Thursday, January 31, 2008.

APPENDIX

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

Diversity and Minority and Women Educators Program Annual Reports for 2007, pursuant to Iowa Code sections 19B.5(3) and 262.93. Report received on January 30, 2008.

DEPARTMENT OF TRANSPORTATION

FY 2007 Biodiesel Fuel Revolving Fund Expenditures Report, pursuant to Iowa Code section 307.20. Report received on January 30, 2008.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: January 29, 2008, 3:40 p.m.

Members Present: Warnstadt, Chair; Heckroth, Vice Chair; Bolkom, Courtney, Kettering, Olive, Rielly, Schoenjahn, Stewart, and Ward.

Members Absent: Behn, Ranking Member; Angelo, McCoy, McKibben, and Putney (all excused).

Committee Business: Presentation by John Norris, Chairman, Iowa Utilities Board. Approved governor's appointee to the En Bloc Confirmation Calendar.

Adjourned: 4:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

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

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

Members Absent: None.

Committee Business: Presentation by Elisabeth Buck, Director, Iowa Workforce Development.

Adjourned: 11:15 a.m.

EDUCATION

Convened: January 30, 2008, 1:00 p.m.

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

Members Absent: Connolly, Kreiman, and Wood (all excused).

Committee Business: Presentation by Department of Education staff members.

Adjourned: 2:00 p.m.

GOVERNMENT OVERSIGHT

Convened: January 30, 2008, 10:45 a.m.

Members Present: Courtney, Chair; Connolly, Vice Chair; Ward, Ranking Member; Lundby and Schmitz.

Members Absent: None.

Committee Business: Presentations by Ken Brinkman and Bill Angrick.

Adjourned: 11:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 30, 2008, 10:35 a.m.

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

Members Absent: None.

Committee Business: Presentations by Walter Reed, Jr., Director, Department of Human Rights, and Charlie Smithson, Director, Ethics and Campaign Disclosure Board.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 30, 2008, 10:40 a.m.

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

Members Absent: None.

Committee Business: Presentations by Jim Riordan, Public Employment Relations Board; Cyndi Pederson, Department of Cultural Affairs; and Roya Stanley, Office of Energy Independence.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 30, 2008, 10:35 a.m.

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

Members Absent: Wood, Chair (excused).

Committee Business: Presentation concerning All-Iowa Opportunity Scholarships.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 30, 2008, 10:35 a.m.

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

Members Absent: None.

Committee Business: Mental health discussion and mental health redesign.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 30, 2008, 10:00 a.m.

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

Members Absent: None.

Committee Business: Presentation by John Baldwin, Department of Corrections, on the department's budget.

Adjourned: 11:40 a.m.

INTRODUCTION OF BILLS

Senate File 2075, by committee on Agriculture, a bill for an act relating to the eligibility requirements for the barn preservation property tax exemption.

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

Senate File 2076, by Johnson, a bill for an act appropriating certain franchise tax revenues to local jurisdictions.

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

Senate File 2077, by Ragan, a bill for an act relating to renewable energy, providing for state bank acquisition of equity interests in renewable energy production facilities, and providing for qualification for specified production tax credits by state banks and by owners or manufacturing facilities generating renewable energy for on-site consumption rather than sale, and providing effective and applicability dates.

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

Senate File 2078, by Johnson, a bill for an act appropriating moneys to reimburse commissioners of soil and water conservation districts for administrative expenses.

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

Senate File 2079, by Kettering, a bill for an act adding a personal finance literacy requirement to the education programs school districts and accredited nonpublic schools must offer to students in grades nine through twelve.

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

Senate File 2080, by Appel, Schmitz, Hancock, Danielson, Beall, Bolkcom, Seymour, Rielly, Ragan, Courtney, Stewart, Schoenjahn, Hogg, Heckroth, Quirmbach, Hatch, Kibbie, Black, McCoy, Connolly, Dotzler, Dvorsky, Horn, Seng, Olive, Dearden, Wood, and Mulder, a bill for an act establishing health, nutrition, and cardiopulmonary resuscitation certification requirements for students, school districts, and accredited nonpublic schools.

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

Senate File 2081, by Danielson, a bill for an act relating to third-party payment of health care coverage costs for the diagnosis and treatment of infertility.

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

Senate File 2082, by Johnson, a bill for an act making an appropriation to the department of elder affairs for statewide expansion of the elder abuse initiative program.

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

Senate File 2083, by Hogg, a bill for an act relating to the achievement of improved energy efficiency through the development of specified energy utilization reduction goals and imposition or enhancement of energy efficiency programs and requirements.

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

Senate File 2084, by Hogg, a bill for an act relating to energy efficiency by providing income tax credits, establishing high-performance standards for certain public buildings, and providing effective and retroactive applicability dates.

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

Senate File 2085, by Johnson, a bill for an act allowing county boards of supervisors to establish the number of members on agricultural extension councils and providing for staggered terms of office.

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

Senate File 2086, by Johnson, a bill for an act authorizing the issuance of special nonresident turkey and deer hunting licenses to persons who have severe physical disabilities or a terminal illness.

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

STUDY BILLS RECEIVED

SSB 3109 Ways and Means

Relating to the amount of the state earned income tax credit and including a retroactive applicability date.

SSB 3110 Ways and Means

Providing a sales tax exemption for purchases made by a nonprofit blood bank licensed by the federal food and drug administration.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2001

STATE GOVERNMENT: Connolly, Chair; Hatch and McKibben

Senate File 2031

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 2032

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 2038

WAYS AND MEANS: Quirnbach, Chair; Dotzler and Ziemann

Senate File 2040

WAYS AND MEANS: Quirmbach, Chair; Connolly and Noble

Senate File 2058

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

Senate File 2062

STATE GOVERNMENT: Wood, Chair; Behn and Kibbie

Senate File 2063

ECONOMIC GROWTH: Stewart, Chair; Houser and Olive

Senate File 2064

WAYS AND MEANS: Quirmbach, Chair; Dotzler and Putney

Senate File 2068

WAYS AND MEANS: Connolly, Chair; Houser and Stewart

Senate File 2069

VETERANS AFFAIRS: Ragan, Chair; McKibben and Warnstadt

SSB 3109

WAYS AND MEANS: Schmitz, Chair; Angelo and Bolkom

SSB 3110

WAYS AND MEANS: Seng, Chair; Connolly and Ward

FINAL COMMITTEE REPORT OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 2075 (SSB 3004), a bill for an act relating to the eligibility requirements for the barn preservation property tax exemption.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Rielly, Johnson, Appel, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, and Seng. Nays, none. Absent, 2: Black and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEE PLACED ON
EN BLOC CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

COMMERCE

Darrell Hanson – Utilities Board

REQUEST FOR NOMINEE INTRODUCTION

TO THE SECRETARY OF THE SENATE: Pursuant to Senate Rule 59, we respectfully request that, Mike Blouin, the Governor's appointee to the State Transportation Commission, be introduced to the full Senate prior to a vote on confirmation of the appointment.

JEFF DANIELSON
TOM HANCOCK
LARRY NOBLE
TOM RIELLY
RICH OLIVE

JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY
TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 31, 2008

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by Pastor Linda Stueve of the First United Methodist Church in Indianola, Iowa. She was the guest of Senator Appel.

The Journal of Wednesday, January 30, 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 January 30, 2008, **passed** the following bill in which the concurrence of the House was asked:

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.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:53 a.m. until 1:00 p.m., Monday, February 4, 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

Kindergarten Literacy Assessment annual report, pursuant to Iowa Code section 279.60. Report received on January 30, 2008.

PRESENTATION OF VISITORS

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

Twenty-three students from Iowa Central Community College, Fort Dodge, Iowa, accompanied by Dave Drissell, Lyle Stevens, and Student Senate president, Ashley Morton. Senator Beall.

EMT John Copper and Zach Bender, a sixth grader at Fair Oaks Middle School, Fort Dodge, Iowa. Senator Beall.

CERTIFICATE OF RECOGNITION

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

Catherine Meisenbach—For celebrating her 95th birthday. Senator Gronstal (1/31/08).

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: January 30, 2008, 4:00 p.m.

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

Members Absent: Hatch, Kreiman, and Wood (all excused).

Committee Business: Approved SSB 3014.

Adjourned: 4:10 p.m.

LOCAL GOVERNMENT

Convened: January 30, 2008, 2:05 p.m.

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

Members Absent: McKinley (excused).

Committee Business: Passed SF 2007 and approved SSB 3086. Presentations by the Iowa Metro Coalition, the Iowa League of Cities, and the Iowa State Association of Counties.

Adjourned: 2:55 p.m.

TRANSPORTATION

Convened: January 30, 2008, 4:00 p.m.

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

Members Absent: Dearden, Houser, McCoy, and Putney (all excused).

Committee Business: Presentation by the Midwest Interstate Passenger Rail Commission.

Adjourned: 5:00 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: January 30, 2008, 10:20 a.m.

Members Present: McCoy, Chair; Warnstadt, Vice Chair; and Beall.

Members Absent: Putney, Ranking Member; and McKibben (both excused).

Committee Business: Presentation by the Director, Iowa Communications Network.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 31, 2008, 10:10 a.m.

Members Present: Hatch, Chair; Kreiman, Vice Chair; and Ragan.

Members Absent: Johnson, Ranking Member; and Seymour (both excused).

Committee Business: Presentations on public health issues and funding for tobacco, chemical, and substance abuse prevention.

Adjourned: 11:20 a.m.

INTRODUCTION OF BILLS

Senate File 2087, by Hogg, Hatch, Beall, Appel, Seng, Olive, Dearden, Fraise, Quirnbach, Courtney, Kibbie, Black, Bolkcom, Dvorsky, Kreiman, and Schmitz, a bill for an act relating to the establishment or approval of discounted gas and electric utility rates applicable to low-income residents.

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

Senate File 2088, by Johnson, a bill for an act providing for motor fuel pumps which dispense renewable fuel.

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

Senate File 2089, by committee on Local Government, a bill for an act relating to applications for absentee ballots.

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

Senate File 2090, by committee on Local Government, a bill for an act providing for an exception to the maximum age for chiefs of police and providing an effective date.

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

STUDY BILLS RECEIVED

SSB 3111 Human Resources

Relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, garnishment of money held by the state for a person who owes delinquent child support, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, collection of support from certain obligors, the information included in a notice regarding the administrative levy of

an account, and medical support of a child, and providing effective and retroactive applicability dates.

SSB 3112 Human Resources

Expanding eligibility for the preparation for adult living program administered by the department of human services.

SSB 3113 Human Resources

Requiring a preliminary investigation to be conducted by the county medical examiner in the event of the death of a resident of certain state facilities administered by the department of human services.

SSB 3114 Local Government

Designating peace officer communication equipment and other emergency services communication equipment as an essential county purpose and as an essential corporate purpose that authorizes the issuance of general obligation bonds and providing an effective date.

SSB 3115 Economic Growth

Limiting the portion of the state ceiling that can be allocated for a single project.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2065

EDUCATION: Connolly, Chair; Quirmbach and Zieman

Senate File 2066

EDUCATION: Beall, Chair; Johnson and Schmitz

Senate File 2067

EDUCATION: Wood, Chair; Heckroth and McKinley

Senate File 2079

EDUCATION: Connolly, Chair; McKinley and Schoenjahn

Senate File 2080

EDUCATION: Appel, Chair; Mulder and Schmitz

SSB 3111

HUMAN RESOURCES: Kreiman, Chair; Mulder and Schmitz

SSB 3112

HUMAN RESOURCES: Hatch, Chair; Boettger and Ragan

SSB 3113

HUMAN RESOURCES: Quirnbach, Chair; Johnson and Kreiman

SSB 3114

LOCAL GOVERNMENT: Olive, Chair; Angelo and Rielly

SSB 3115

ECONOMIC GROWTH: Dotzler, Chair; Hatch and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION**LOCAL GOVERNMENT**

Bill Title: SENATE FILE 2089 (SSB 3086), a bill for an act relating to applications for absentee ballots.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Quirnbach, Beall, Heckroth, Kreiman, Olive, Rielly, Schoenjahn, and Stewart. Nays, 4: Zaun, Angelo, Hartsuch, and McKinley. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2090 (formerly SF 2007), a bill for an act providing for an exception to the maximum age for chiefs of police and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirnbach, Beall, Zaun, Angelo, Hartsuch, Heckroth, Kreiman, Olive, Rielly, Schoenjahn, and Stewart. Nays, none. Absent, 2: Houser and McKinley.

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 31st day of January, 2008:

Senate File 2054.

MICHAEL E. MARSHALL
Secretary of the Senate

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

HUMAN RESOURCES

Thomas Newton – Director of Public Health

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”:

Darrell Hanson – Utilities Board

RON WIECK

JOURNAL OF THE SENATE

TWENTY-SECOND CALENDAR DAY
THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 4, 2008

The Senate met in regular session at 1:07 p.m., President Pro Tempore Danielson presiding.

Prayer was offered by Pastor Steven Hetzel of Faith Lutheran Church in Onawa, Iowa. He was the guest of Senator Seymour.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ann Dvorsky, daughter of Senator Robert E. Dvorsky.

The Journal of Thursday, January 31, 2008, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:17 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:20 p.m., President Pro Tempore Danielson presiding.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2075** be referred from the Regular Calendar to the committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:22 p.m. until 8:45 a.m., Tuesday, February 5, 2008.

APPENDIX

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ADMINISTRATIVE SERVICES

Recycled Products Annual Report, pursuant to Iowa Code section 8A.315. Report received on February 1, 2008.

CAPITOL PLANNING COMMISSION

Annual Report for 2007, pursuant to Iowa Code section 8A.373. Report received on January 31, 2008.

IOWA MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY COMMISSION

Recommendations Regarding Mental Health Systems Improvement Report, pursuant to 2007 Iowa Acts, House File 909, and Iowa Code section 225C.6B. Report received on February 4, 2008.

CERTIFICATES OF RECOGNITION

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

Father John J. O'Connor—For celebrating his 50th anniversary of being ordained into the priesthood. Senator Hancock (2/4/08).

Andrew Rathburn, Sioux Center—For achieving the rank of Eagle Scout, Boy Scout Troop 211. Senator Mulder (2/4/08).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 30, 2008, 10:45 a.m.

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

Members Absent: None.

Committee Business: Budget discussion with Richard Leopold, Director, DNR. Presentation on Iowa state parks.

Adjourned: 11:45 a.m.

RULES AND ADMINISTRATION

Convened: February 4, 2008, 1:15 p.m.

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

Members Absent: Courtney (excused).

Committee Business: Approved SR 102.

Adjourned: 1:20 p.m.

STATE GOVERNMENT

Convened: February 4, 2008, 2:00 p.m.

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

Members Absent: Behn (excused).

Committee Business: Approved SSB 3062. Approved governor's appointments to the En Bloc Confirmation Calendar.

Adjourned: 2:30 p.m.

INTRODUCTION OF BILLS

Senate File 2091, by Bolkcom, Connolly, Stewart, Schmitz, Danielson, Dotzler, Heckroth, Dvorsky, Hogg, Seng, Hatch, Beall, Olive, Dearden, Fraise, Quirmbach, Appel, Courtney, Kibbie, Black,

and Schoenjahn, a bill for an act relating to the issuance or redemption of gift certificates, establishing restrictions on fees and charges, prohibiting expiration dates, and making penalties applicable.

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

Senate File 2092, by committee on Human Resources, a bill for an act relating to authorized access to certain dependent adult abuse information.

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

Senate File 2093, by Ragan, a bill for an act concerning appropriations from the alcoholic beverages division to the department of public health for substance abuse and treatment programs.

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

Senate File 2094, by Kettering, a bill for an act relating to transportation provided to children attending a preschool program administered by a community empowerment area.

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

Senate File 2095, by Bolkcom, a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases.

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

STUDY BILLS RECEIVED

SSB 3116 State Government

Relating to protection of personal information and notice procedures following a breach of security.

SSB 3117 State Government

Relating to the regulation of the practice of certified public accounting.

SSB 3118 State Government

Making technical and corrective changes to the law relating to elections and voter registration and making a penalty applicable.

SSB 3119 Judiciary

Increasing the minimum amount of insurance required as proof of financial responsibility and providing effective and applicability dates.

SSB 3120 Judiciary

Relating to business corporations, by providing for distributions and business opportunities.

SSB 3121 Judiciary

Relating to the commission of a criminal offense classified as murder in the first degree, and providing a penalty.

SSB 3122 Judiciary

Relating to juvenile court by striking provisions setting aside an order adjudicating a child delinquent who is mentally retarded or mentally ill, modifying aggravated circumstance determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights.

SSB 3123 Judiciary

Relating to the mandatory reporting to law enforcement officials of medical treatment for certain injuries and making a penalty applicable.

SSB 3124 Judiciary

Relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

SSB 3125 Local Government

Requiring contractor review of energy efficiency alternatives prior to issuance of a building permit, license, or certificate.

SSB 3126 Ways and Means

Relating to the policy administration of the tax and related laws by the department of revenue, including administration of income and sales and use taxes, and including effective and retroactive applicability date provisions.

SSB 3127 Transportation

Relating to policies for the administration of highways and the regulation of motor vehicles by the department of transportation, including matters concerning the bid threshold for emergency highway repairs, the fee for replacement of special dealer registration plates, disqualification from operating a commercial motor vehicle, an exemption from the civil penalty imposed for certain driver's license sanctions, and permits and fees for the movement of certain overweight vehicles used for alternative energy purposes, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2028**

EDUCATION: Connolly, Chair; Heckroth and Zaun

Senate File 2057

JUDICIARY: Hogg, Chair; Kreiman and Ward

Senate File 2070

NATURAL RESOURCES AND ENVIRONMENT: Hogg, Chair; Gaskill and Ragan

Senate File 2071

NATURAL RESOURCES AND ENVIRONMENT: Hogg, Chair; Gaskill and Ragan

Senate File 2072

JUDICIARY: Warnstadt, Chair; Kreiman and Ward

Senate File 2076

WAYS AND MEANS: Bolkcom, Chair; Quirnbach and Zieman

Senate File 2084

WAYS AND MEANS: McCoy, Chair; Schmitz and Zieman

Senate File 2085

AGRICULTURE: Courtney, Chair; Hancock and Johnson

Senate File 2088

AGRICULTURE: Rielly, Chair; Johnson and Kibbie

SSB 3116

STATE GOVERNMENT: Danielson, Chair; Hahn and Kibbie

SSB 3117

STATE GOVERNMENT: Hatch, Chair; Horn and McKibben

SSB 3118

STATE GOVERNMENT: Kibbie, Chair; Appel and Zieman

SSB 3119

JUDICIARY: Hogg, Chair; Noble and Schoenjahn

SSB 3120

JUDICIARY: Hogg, Chair; Behn and Kreiman

SSB 3121

JUDICIARY: Kreiman, Chair; Dvorsky and Noble

SSB 3122

JUDICIARY: Kreiman, Chair; Fraise and Hartsuch

SSB 3123

JUDICIARY: Fraise, Chair; Behn and Kreiman

SSB 3124

JUDICIARY: Schoenjahn, Chair; Hancock and Noble

SSB 3125

LOCAL GOVERNMENT: Kreiman, Chair; McKinley and Stewart

SSB 3126

WAYS AND MEANS: Dotzler, Chair; Bolkom and Ward

SSB 3127

TRANSPORTATION: Danielson, Chair; Hancock and Noble

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: SENATE FILE 2092* (SSB 3014), a bill for an act relating to authorized access to certain dependent adult abuse information.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Ragan, Schmitz, Seymour, Boettger, Bolkom, Dotzler, Hartsuch, Johnson, Mulder, and Quirmbach. Nays, none. Absent, 3: Hatch, Kreiman, and Wood.

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 2092, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 102, a resolution designating February 5, 2008, as Iowa Insurance Day.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, Wieck, Angelo, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 4, 2008, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2054 – 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.

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

TRANSPORTATION

Michael Blouin – State Transportation Commission

JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 5, 2008

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

Prayer was offered by Rabbi Beryl Padorr of the Tifereth Israel Synagogue in Des Moines, Iowa. She was the guest of Senator McCoy.

The Journal of Monday, February 4, 2008, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 102.

Senate Resolution 102

On motion of Senator Gronstal, **Senate Resolution 102**, a resolution designating February 5, 2008, as Iowa Insurance Day, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 102, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:57 a.m. until 9:00 a.m., Wednesday, February 6, 2008.

APPENDIX

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF TRANSPORTATION

Midwest Regional Rail Passenger annual report, pursuant to Iowa Code section 327J.3(5). Report received on February 5, 2008.

Registered Flexible Fuel Vehicles annual report, pursuant to Iowa Code section 452A.33(3). Report received on February 5, 2008.

CERTIFICATES OF RECOGNITION

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

Othel and Lora Adams, Woodbine—For celebrating their 65th wedding anniversary. Senator Seymour (2/5/08).

Dana Anderson, Dunlap—For receiving the excellence youth award presented by Alegent Health Community Memorial Hospital Medical Services Foundation. Senator Seymour (2/5/08).

Dr. John W. Barnes, Missouri Valley—For receiving the excellence award for health and medicine presented by Alegent Health Community Memorial Hospital Medical Services Foundation. Senator Seymour (2/5/08).

Thomas J. Case, Dow City—For celebrating his 80th birthday. Senator Seymour (2/5/08).

The Council Bluffs Arts Council—For celebrating its 25th anniversary. Senator Gronstal (2/5/08).

Frank and Jacqueline Diblasi—For celebrating their 50th wedding anniversary. Senator Gronstal (2/5/08).

Ron and Delores Driver, Missouri Valley—For celebrating their 50th wedding anniversary. Senator Seymour (2/5/08).

Phil Fouts, Woodbine—For receiving the excellence award for business presented by Alegent Health Community Memorial Hospital Medical Services Foundation. Senator Seymour (2/5/08).

Michael and Jo Lene Gray—For celebrating their 25th wedding anniversary. Senator Gronstal (2/5/08).

Don Groff, Woodbine—For receiving the excellence award for education presented by Alegent Health Community Memorial Hospital Medical Services Foundation. Senator Seymour (2/5/08).

Patricia Hall—For celebrating her 90th birthday. Senator Gronstal (2/5/08).

David and Vera Stewart, Jacksonville—For celebrating their 50th wedding anniversary. Senator Boettger (2/5/08).

Carl and Mary Tedesco—For celebrating their 60th wedding anniversary. Senator Gronstal (2/05/28).

Walt and Ferrel Wilson, Missouri Valley—For celebrating their 50th wedding anniversary. Senator Seymour (2/5/08).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: February 4, 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 Zieman.

Members Absent: None.

Committee Business: Approved SSBs 3006, 3009, and 3070. Presentation by Shanell Wagler from Empowerment.

Adjourned: 4:05 p.m.

HUMAN RESOURCES

Convened: February 4, 2008, 4:10 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Boettger, Bolkom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirmbach, and Wood.

Members Absent: Seymour, Ranking Member (excused).

Committee Business: Passed SF 2050. Discussion of gubernatorial appointments. Presentation by Kristi Lohmeier and Beth Pearson of the Iowa Policy Project on the cost of living in Iowa.

Adjourned: 4:50 p.m.

TRANSPORTATION

Convened: February 4, 2008, 4:05 p.m.

Members Present: Rielly, Chair; Danielson, Vice Chair; Noble, Ranking Member; Dearden, Hancock, Heckroth, Houser, Putney, and Ziemann.

Members Absent: Beall, McCoy, Warnstadt, and Zaun (all excused).

Committee Business: Discussion of governor's appointee.

Adjourned: 4:10 p.m.

COMMERCE

Convened: February 5, 2008, 2:05 p.m.

Members Present: Warnstadt, Chair; Behn, Ranking Member; Angelo, Bolkcom, Courtney, Kettering, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward.

Members Absent: Heckroth, Vice Chair; McCoy and McKibben (all excused).

Committee Business: Approved SSBs 3036, 3037, and 3038. Approved governor's nominee to the En Bloc Confirmation Calendar.

Adjourned: 2:25 p.m.

ECONOMIC GROWTH

Convened: February 5, 2008, 1:05 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 governor's appointees. Presentation by Michael Tramontina, Director, Department of Economic Development on the Iowa Power Fund.

Adjourned: 1:50 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 5, 2008, 1:10 p.m.

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

Members Absent: Lundby (excused).

Committee Business: Subcommittee assignments. Approval of governor's appointees. Presentation by Rich Leopold, DNR Director, on his 2008 legislative priorities.

Adjourned: 2:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 5, 2008, 10:05 a.m.

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

Members Absent: None.

Committee Business: Presentation by John Norris, Iowa Utilities Board Chairman.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 5, 2008, 10:10 a.m.

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

Members Absent: Houser (excused).

Committee Business: Presentation by DNR staff members on the State Water Quantity Program and the Flood Plain Permit Program.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 5, 2008, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentations by Iowa State University staff members.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 5, 2008, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentation on early childhood education and community empowerment work in early childhood.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 5, 2008, 10:05 a.m.

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

Members Absent: None.

Committee Business: Discussion on Medicaid funding.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 5, 2008, 10:00 a.m.

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

Members Absent: Fraise, Vice Chair; and Hogg (both excused).

Committee Business: Presentation by Sally Kramer, 5th Judicial District CBC director.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 5, 2008, 10:00 a.m.

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

Members Absent: McKibben (excused).

Committee Business: Presentation by Mollie Anderson, Director, Department of Administrative Services, and staff on FY 09 budget requests and updates and status of DAS projects.

Adjourned: 11:30 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 103, by Appel, a resolution designating March 2008 as Iowa Women's History Month.

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

INTRODUCTION OF BILLS

Senate File 2096, by Bolkcom, McCoy, Kibbie, Gronstal, Appel, Fraise, Dearden, Wood, Olive, Hatch, Dvorsky, Heckroth, Danielson, Schmitz, Ragan, Stewart, Beall, Connolly, Kreiman, and Schoenjahn, a bill for an act providing for the local regulation of smoking.

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

Senate File 2097, by Bolkcom, Black, Kibbie, Quirmbach, Fraise, Dearden, Wood, Hatch, Hogg, Dvorsky, Heckroth, Schmitz, Ragan, Stewart, Beall, Connolly, and Kreiman, a bill for an act specifying a maximum finance charge applicable to delayed deposit service transactions and making penalties applicable.

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

Senate File 2098, by Bolkcom, Connolly, Stewart, Kreiman, Schmitz, Dotzler, Hogg, Dvorsky, and Heckroth, a bill for an act relating to recycling waste oil filters, establishing fees, and making an appropriation.

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

Senate File 2099, by committee on State Government, a bill for an act relating to campaign finance procedures and requirements and providing an effective date.

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

Senate File 2100, by committee on Education, a bill for an act relating to the membership requirements and oversight responsibilities of the board of educational examiners.

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

Senate File 2101, by committee on Education, a bill for an act transferring administration of the entrepreneurs with disabilities program to the department of education.

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

Senate File 2102, by Olive, a bill for an act relating to uninsured and underinsured motor vehicle liability coverage requirements.

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

Senate File 2103, by Angelo, a bill for an act prohibiting employment discrimination against an employee witness in a civil proceeding.

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

STUDY BILLS RECEIVED

SSB 3128 Economic Growth

Relating to the annual aggregate amount of tax credits available under the endow Iowa program and to the amount of credits a taxpayer may receive.

SSB 3129 Economic Growth

Increasing the total aggregate amount of tax credits issued for business investment and contributions to seed capital funds.

SSB 3130 Economic Growth

Requiring the state board of regents to submit reports on the commercialization of research and providing for approval of projects.

SSB 3131 Economic Growth

Relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the Iowa summer youth corps account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing a retroactive applicability provision.

SSB 3132 Judiciary

Concerning claims for material or labor on certain public and private property.

SSB 3133 Natural Resources and Environment

Relating to the water quality protection fund by changing the calculation of operating fees assessed against public water supply systems.

SSB 3134 Natural Resources and Environment

Relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

SSB 3135 Human Resources

Revising family investment program requirements for limited benefit plans.

SSB 3136 Human Resources

Providing for implementation of an emergency mental health crisis services system.

SSB 3137 Human Resources

Relating to health-related activities and regulation by the department of public health.

SSB 3138 Human Resources

Requiring record checks of certain persons employed in a hospital facility that is licensed as a health care facility.

SSB 3139 State Government

Providing for the oversight of persons organized or doing business in this state on a nonprofit basis, providing for fees, and making an appropriation.

SSB 3140 Human Resources

Relating to health care reform in Iowa including the Iowa health care coverage exchange; medical homes; prevention and chronic care management; the Iowa health information technology system; health care quality, consumer information, strategic planning, and resource development; and the certificate of need program.

SSB 3141 Appropriations

Relating to and making appropriations to the judicial branch.

SSB 3142 State Government

Relating to the conduct of elections and voter registration and including effective date, applicability date, and transition provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2077**

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

Senate File 2081

COMMERCE: Rielly, Chair; Angelo and Olive

Senate File 2083

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

Senate File 2086

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

Senate File 2094

EDUCATION: Connolly, Chair; Kreiman and McKinley

Senate File 2098

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Kettering and Schoenjahn

SSB 3128

ECONOMIC GROWTH: Schmitz, Chair; Beall and Houser

SSB 3129

ECONOMIC GROWTH: Danielson, Chair; Houser and Stewart

SSB 3130

ECONOMIC GROWTH: Hatch, Chair; Dotzler and Houser

SSB 3131

ECONOMIC GROWTH: Rielly, Chair; Mulder and Olive

SSB 3132

JUDICIARY: Fraise, Chair; Horn and Noble

SSB 3133

NATURAL RESOURCES AND ENVIRONMENT: Seng, Chair; Behn and Ragan

SSB 3134

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

SSB 3135

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Johnson

SSB 3136

HUMAN RESOURCES: Bolkcom, Chair; Johnson and Ragan

SSB 3137

HUMAN RESOURCES: Schmitz, Chair; Dotzler and Hartsuch

SSB 3138

HUMAN RESOURCES: Wood, Chair; Ragan and Seymour

SSB 3139

STATE GOVERNMENT: Connolly, Chair; Schmitz and Zieman

SSB 3140

HUMAN RESOURCES: Hatch, Chair; Bolkcom, Johnson, Ragan, and Seymour

SSB 3141

APPROPRIATIONS: Hogg, Chair; Angelo, Dvorsky, Hancock, and Kettering

SSB 3142

STATE GOVERNMENT: Appel, Chair; Danielson and Zieman

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: SENATE FILE 2100 (SSB 3006), a bill for an act relating to the membership requirements and oversight responsibilities of the board of educational examiners.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Schmitz, Wood, Zaun, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2101 (SSB 3070), a bill for an act transferring administration of the entrepreneurs with disabilities program to the department of education.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Johnson, McKinley, Quirmbach, Schmitz, Wood, Zaun, and Zieman. Nays, 1: Kreiman. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 2099 (SSB 3062), a bill for an act relating to campaign finance procedures and requirements and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Zieman, Appel, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, 1: Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

COMMERCE

Deborah Petersen – Title Guaranty Division Board

ECONOMIC GROWTH

Peter Hemken – Iowa Power Fund Board

Patricia Higby – Iowa Power Fund Board

Fred Hubbell – Iowa Power Fund Board

Carrie LaSeur – Iowa Power Fund Board

Mary Norton – Iowa Power Fund Board

Thomas Wind – Iowa Power Fund Board

Ruth MacDonald – Iowa Economic Development Board

Robert Riley, Jr. – Iowa Economic Development Board

HUMAN RESOURCES

Sandra Ryan – Commission for the Blind

Gloria Reber – Commission of Elder Affairs

Theresa Hegmann – Board of Physician Assistants

Ted Smith – Board of Physician Assistants

STATE GOVERNMENT

Valynda Akin – Electrical Examining Board
Chad Campion – Electrical Examining Board
Chad Layland – Electrical Examining Board
Lori Mease – Electrical Examining Board
Barbara Mentzer – Electrical Examining Board
KG Perley – Electrical Examining Board
Duane Quirk – Electrical Examining Board
Randy VanVoorst – Electrical Examining Board

Russell Allen – Elevator Safety Board

Sherry Sievers – Iowa Emergency Response Commission

Kyle Carlson – Generation Iowa Commission
Erin Cumings – Generation Iowa Commission
Christian Fong – Generation Iowa Commission
Karris Golden – Generation Iowa Commission
Mitchell Gross – Generation Iowa Commission
Jodi Grover – Generation Iowa Commission
Jesse Harris – Generation Iowa Commission
Rachel Judisch – Generation Iowa Commission
Sophia Magill – Generation Iowa Commission
Emilia Martin – Generation Iowa Commission
Isaiah McGee – Generation Iowa Commission
Sara Morrow – Generation Iowa Commission
Michael Schneider – Generation Iowa Commission

Andrew Smith – IowAccess Advisory Council

James Ingram – Investment Board of the IPERS

Christopher Seeger – Landscape Architectural Examining Board

Colleen Kennedy – Board of Medicine

Rodney Zeitler – Board of Medicine

Tammy Robinson – Vision Iowa Board

JOURNAL OF THE SENATE

TWENTY-FOURTH CALENDAR DAY
FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 6, 2008

The Senate met in regular session at 9:02 a.m., President Kibbie presiding.

Prayer was offered by Pastor David Clark of the Ankeny Christian Church in Ankeny, Iowa. He was the guest of Senator Noble.

The Journal of Tuesday, February 5, 2008, was approved.

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 5, 2008, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 572, a bill for an act extending state tax benefits for use of soy-based transformer fluid by electric utilities and including effective and applicability date provisions. (S-5001)

ALSO: That the House has on February 5, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 247, a bill for an act providing voting member representation on joint E911 service boards for cities or townships providing fire protection services through a volunteer fire department.

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:10 a.m. until 8:45 a.m., Thursday, February 7, 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 HUMAN SERVICES

Mental Health Systems Improvement in Iowa: A Report to the Legislature and Governor, pursuant to 2007 Iowa Acts, House File 909, and Iowa Code section 225C.6B. Report received on February 6, 2008.

CERTIFICATES OF RECOGNITION

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

Mable Anderson—For celebrating her 80th birthday. Senator Dotzler (2/6/08).

Alex J. Brandtner, DDS—For providing exemplary dental care to the most needy children in Scott County. Senator Wood (2/6/08).

Kathryn Dolan—For celebrating her 80th birthday. Senator Dotzler (2/6/08).

Gary and Betty Durbin, Bayard—For celebrating their 50th wedding anniversary. Senator Boettger (2/6/08).

Dorothy Fangman—For celebrating her 80th birthday. Senator Dotzler (2/6/08).

Bill and Pat Follett, Union—For celebrating their 40th wedding anniversary. Senator Boettger (2/6/08).

Varel and Shirley Holaday, Atlantic—For celebrating their 50th wedding anniversary. Senator Boettger (2/6/08).

John and Isabel Klein, Harlan—For celebrating their 60th wedding anniversary. Senator Boettger (2/6/08).

Bill and Caryl McMahon, Irwin—For celebrating their 50th wedding anniversary. Senator Boettger (2/6/08).

Charlie and Dolores McNeill, Bagley—For celebrating their 60th wedding anniversary. Senator Boettger (2/6/08).

Wayne and LaVonne Miller, Persia—For celebrating their 50th wedding anniversary. Senator Boettger (2/6/08).

Neil and Marian Pauley, Neola—For celebrating their 50th wedding anniversary. Senator Boettger (2/6/08).

Rodney and Shirley Schroeter, Atlantic—For celebrating their 50th wedding anniversary. Senator Boettger (2/6/08).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 5, 2008, 3:05 p.m.

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

Members Absent: Appel, Black, Boettger, and Mulder (all excused).

Committee Business: Approved governor's appointees. Presentation by John Kerekes, Central Region Director, American Petroleum Institute.

Adjourned: 4:00 p.m.

EDUCATION

Convened: February 6, 2008, 1:05 p.m.

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

Members Absent: Kreiman (excused).

Committee Business: Approved SSB 3143.

Adjourned: 1:25 p.m.

GOVERNMENT OVERSIGHT

Convened: February 6, 2008, 10:40 a.m.

Members Present: Courtney, Chair; Connolly, Vice Chair; and Schmitz.

Members Absent: Ward, Ranking Member; and Lundby (both excused).

Committee Business: Presentation by Mollie Anderson, Director, Department of Administrative Services.

Adjourned: 11:45 a.m.

STATE GOVERNMENT

Convened: February 6, 2008, 1:30 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 2016. Approved SSB 3118. Approved governor's appointees to the En Bloc Confirmation Calendar.

Adjourned: 1:55 p.m.

VETERANS AFFAIRS

Convened: February 6, 2008, 4:00 p.m.

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

Members Absent: Seymour, Ranking Member (excused).

Committee Business: Passed HF 2065. Approved SSBs 3033, 3066, and 3090. Presentation by Colonel Vince Reefer.

Adjourned: 4:40 p.m.

WAYS AND MEANS

Convened: February 6, 2008, 2:35 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; McKibben, Ranking Member; Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirmbach, Schmitz, Seng, Stewart, Ward, and Zieman.

Members Absent: Angelo (excused).

Committee Business: Approved SSB 3059. Presentation by Mike Tramontina, Director, Iowa Department of Economic Development.

Adjourned: 3:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 6, 2008, 10:25 a.m.

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

Members Absent: None.

Committee Business: Presentations by Charlie Krogmeier, Director, Department of Management, and David Vaudt, Auditor of State.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 6, 2008, 10:55 a.m.

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

Members Absent: Black and Houser (both excused).

Committee Business: Presentation by Bill Northey, Secretary of Agriculture, on this year's Department of Agriculture and Land Stewardship budget.

Adjourned: 11:25 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 6, 2008, 10:55 a.m.

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

Members Absent: Quirnbach (excused).

Committee Business: Presentations on the Iowa School for the Deaf, the Iowa Braille School, and the Iowa Department for the Blind.

Adjourned: 12:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 6, 2008, 10:30 a.m.

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

Members Absent: Kreiman, Vice Chair; and Seymour (both excused).

Committee Business: Discussion on the SCHIP (hawk-i) program.

Adjourned: 11:30 a.m.

INTRODUCTION OF BILLS

Senate File 2104, by Bolkcom, a bill for an act relating to text messaging while operating a motor vehicle and providing a penalty.

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

Senate File 2105, by Appel, a bill for an act relating to certain local hotel and motel tax elections.

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

Senate File 2106, by Zaun, McKinley, Boettger, Hartsuch, Mulder, McKibben, and Hahn, a bill for an act imposing a moratorium on the issuance of licenses for gambling games and providing effective date and retroactive applicability provisions.

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

Senate File 2107, by Zaun, McKinley, Putney, Gaskill, Wieck, Zieman, Boettger, Hartsuch, Ward, Mulder, Johnson, Hahn, Kettering, McKibben, and Noble, a bill for an act requiring public libraries that receive state funding to adopt a policy restricting the content of video materials borrowed by children under seventeen years of age.

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

Senate File 2108, by Black, a bill for an act relating to the designation of a Gift to Iowa's Future Recognition Day.

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

Senate File 2109, by committee on Commerce, a bill for an act making specified revisions to the consumer credit code to conform to

federal statutory updates and prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement.

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

Senate File 2110, by committee on Human Resources, a bill for an act relating to reimbursements under medical assistance home and community-based services waivers for the elderly.

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

Senate File 2111, by committee on Education, a bill for an act relating to requirements for blood lead testing and dental screening of children.

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

Senate File 2112, by Heckroth, a bill for an act authorizing utilization of moneys in the Iowa finance authority's housing assistance fund to provide mortgage guarantees for veterans under specified circumstances.

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

Senate File 2113, by Rielly, a bill for an act requiring the department of administrative services to provide state job information to veterans.

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

Senate File 2114, by Rielly, a bill for an act relating to equipment used in egg production operations by providing an exemption from sales tax.

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

Senate File 2115, by Rielly, a bill for an act requiring disclosure of small employer group health benefit claims and premium information.

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

Senate File 2116, by committee on Commerce, a bill for an act relating to the recording of a certificate of release by the Iowa finance authority.

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

Senate File 2117, by committee on Commerce, a bill for an act relating to coverage of closing protection letters in real estate transactions and providing an effective date.

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

Senate File 2118, by committee on Education, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

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

STUDY BILLS RECEIVED

SSB 3143 Education

Providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

SSB 3144 Veterans Affairs

Concerning permissible expenditures from the veterans trust fund.

SSB 3145 Commerce

Relating to the regulatory duties of the banking division of the department of commerce regarding banking, debt management, delayed deposit services, mortgage banking, and industrial loan companies, and providing penalties.

SSB 3146 Local Government

Requiring lessees of certain real estate to file the lease with the county assessor and providing a civil penalty.

SSB 3147 State Government

Requiring the licensing of abstractors within the department of commerce, establishing fees, penalties, and judicial remedies, and providing an effective date.

SSB 3148 Ways and Means

Providing an Iowa individual income tax checkoff for the department of human services' child abuse prevention program, making an appropriation, and providing for the Act's implementation.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2075**

WAYS AND MEANS: Appel, Chair; Putney and Seng

Senate File 2087

COMMERCE: McCoy, Chair; Angelo and Courtney

Senate File 2091

COMMERCE: Stewart, Chair; Bolckom and Kettering

Senate File 2095

JUDICIARY: Kreiman, Chair; Hancock and Hartsuch

Senate File 2097

COMMERCE: Courtney, Chair; Kettering and McCoy

Senate File 2107

EDUCATION: Kreiman, Chair; Connolly and Zaun

Senate File 2108

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

SSB 3143

EDUCATION: Schoenjahn, Chair; Mulder and Wood

SSB 3144

VETERANS AFFAIRS: Warnstadt, Chair; Kibbie and Seymour

SSB 3145

COMMERCE: Kettering, Chair; Stewart and Heckroth

SSB 3146

LOCAL GOVERNMENT: Stewart, Chair; Heckroth and Zaun

SSB 3147

STATE GOVERNMENT: Hatch, Chair; Danielson and McKibben

SSB 3148

WAYS AND MEANS: Appel, Chair; Schmitz and Ward

FINAL COMMITTEE REPORTS OF BILL ACTION**COMMERCE**

Bill Title: SENATE FILE 2109 (SSB 3038), a bill for an act making specified revisions to the consumer credit code to conform to federal statutory updates and prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Warnstadt, Behn, Angelo, Bolkcom, Courtney, Kettering, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 3: Heckroth, McCoy, and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2116 (SSB 3037), a bill for an act relating to the recording of a certificate of release by the Iowa finance authority.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Warnstadt, Behn, Angelo, Bolkcom, Courtney, Kettering, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 3: Heckroth, McCoy, and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2117 (SSB 3036), a bill for an act relating to coverage of closing protection letters in real estate transactions and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Warnstadt, Behn, Angelo, Bolkcom, Courtney, Kettering, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 3: Heckroth, McCoy, and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: SENATE FILE 2111* (SSB 3009), a bill for an act relating to requirements for blood lead testing and dental screening of children.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Schmitz, Wood, Zaun, and Ziemann. 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 Education Committee on Senate File 2111, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2118 (SSB 3143), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Johnson, McKinley, Quirnbach, Schmitz, Wood, Zaun, and Ziemann. Nays, none. Absent, 1: Kreiman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: SENATE FILE 2110* (formerly SF 2050), a bill for an act relating to reimbursements under medical assistance home and community-based services waivers for the elderly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Schmitz, Boettger, Bolkom, Dotzler, Hartsuch, Hatch, Kreiman, Mulder, Quirnbach, and Wood. Nays, 1: Johnson. 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 Human Resources Committee on Senate File 2110, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: HOUSE FILE 2065, a bill for an act relating to military leaves of absence and reemployment and providing an effective date.

Recommendation: DO PASS.

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.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

AGRICULTURE

Susan Hjelm – State Soil Conservation Committee
Esther Leyda – State Soil Conservation Committee

NATURAL RESOURCES AND ENVIRONMENT

Diane Dennler – Renewable Fuel Infrastructure Board
Kenneth Pangburn – Renewable Fuel Infrastructure Board
Eric Seuren – Renewable Fuel Infrastructure Board
Sandy Simpson – Renewable Fuel Infrastructure Board

STATE GOVERNMENT

Andrea Rivera-Harrison – Electrical Examining Board
Rodrick Van Wart – Electrical Examining Board

Emiliano Lerda – Generation Iowa Commission
Jordan Oster – Generation Iowa Commission

**GOVERNOR’S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

NATURAL RESOURCES AND ENVIRONMENT

Paul W. Johnson – Environmental Protection Commission

AMENDMENT FILED

S-5001 S.F. 572 House

JOURNAL OF THE SENATE

TWENTY-FIFTH CALENDAR DAY
SIXTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 7, 2008

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

Prayer was offered by Dr. David Ruhe of Plymouth Congregational Church in Des Moines, Iowa. He was the guest of Senators McCoy and Ward.

The Journal of Wednesday, February 6, 2008, was approved.

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 6, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2103, a bill for an act relating to appointments to the college student aid commission and including an effective date and applicability provision.

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

House File 2140, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Read first time and attached to **companion Senate File 2118**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she arrives, on request of Senator Gaskill.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2118.

Senate File 2118

On motion of Senator Schoenjahn, **Senate File 2118**, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

Senator Schoenjahn asked and received unanimous consent that **House File 2140** be **substituted** for **Senate File 2118**.

House File 2140

On motion of Senator Schoenjahn, **House File 2140**, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

The Senate stood at ease at 9:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:12 a.m., President Kibbie presiding.

Senator Johnson offered amendment S-5002, filed by him from the floor to page 1 of the bill.

Senator Gronstal raised the point of order that amendment S-5002 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5002 out of order.

Senator Schoenjahn 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?" (H.F. 2140), the vote was:

Yeas, 48:

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

Nays, 1:

Warnstadt

Absent, 1:

Lundby

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

WITHDRAWN

Senator Schoenjahn asked and received unanimous consent that **Senate File 2118** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2140** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Schoenjahn called up the appointment of Darrell Hanson, as a member of the Utilities Board, placed on the Individual Confirmation Calendar on January 31, 2008, and found on page 153 of the Senate Journal.

Senator Schoenjahn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Lundby

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Sandra Ryan – Commission for the Blind

Ruth MacDonald – Iowa Economic Development Board

Gloria Reber – Commission of Elder Affairs

Chad Campion – Electrical Examining Board
Chad Layland – Electrical Examining Board
Barbara Mentzer – Electrical Examining Board
KG Perley – Electrical Examining Board
Duane Quirk – Electrical Examining Board

Russell Allen – Elevator Safety Board

Kyle Carlson – Generation Iowa Commission
Erin Cumings – Generation Iowa Commission
Christian Fong – Generation Iowa Commission
Karris Golden – Generation Iowa Commission
Jodi Grover – Generation Iowa Commission
Rachel Judisch – Generation Iowa Commission
Emiliano Lerda – Generation Iowa Commission
Emilia Martin – Generation Iowa Commission
Jordan Oster – Generation Iowa Commission
Michael Schneider – Generation Iowa Commission

Patricia Higby – Iowa Power Fund Board
Fred Hubbell – Iowa Power Fund Board
Carrie LaSeur – Iowa Power Fund Board
Mary Norton – Iowa Power Fund Board
Thomas Wind – Iowa Power Fund Board

Andrew Smith – IowAccess Advisory Council

James Ingram – Investment Board of the IPERS

Christopher Seeger – Landscape Architectural Examining Board

Colleen Kennedy – Board of Medicine
Rodney Zeitler – Board of Medicine

Theresa Hegmann – Board of Physician Assistants
Ted Smith – Board of Physician Assistants

Kenneth Pangburn – Renewable Fuel Infrastructure Board
Sandy Simpson – Renewable Fuel Infrastructure Board

Susan Hjelm – State Soil Conservation Committee
 Esther Leyda – State Soil Conservation Committee

Deborah Petersen – Title Guaranty Division Board

Michael Blouin – State Transportation Commission

Tammy Robinson – Vision Iowa Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Lundby

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2065.

House File 2065

On motion of Senator Beall, **House File 2065**, a bill for an act relating to military leaves of absence and reemployment and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Beall 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?" (H.F. 2065), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Lundby

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 **House File 2065** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:37 a.m. until 1:00 p.m., Monday, February 11, 2008.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 6, 2008, 10:50 a.m.

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

Members Absent: None.

Committee Business: Presentations on operations and budgets of the Parole Board, the State Public Defender, and the Iowa Law Enforcement Academy.

Adjourned: 12:05 p.m.

ECONOMIC GROWTH

Convened: February 7, 2008, 1:05 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: Approved governor's appointment to the En Bloc Confirmation Calendar. Passed SF 2063. Approved SSB 3064. Presentations by Karen Merrick, Department of Economic Development, and Christian Fong, Generation Iowa Commission.

Adjourned: 2:00 p.m.

JUDICIARY

Convened: February 7, 2008, 2:05 p.m.

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

Members Absent: McKibben, Ranking Member (excused).

Committee Business: Passed SF 522 and SF 2012. Approved governor's appointments to the En Bloc and Individual Confirmation Calendar.

Adjourned: 2:40 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 7, 2008, 1:10 p.m.

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

Members Absent: Lundby (excused).

Committee Business: Subcommittee assignments. Presentation by Dwayne McAninch, Chairman/CEO of McAninch Corporation.

Adjourned: 1:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 6, 2008, 10:45 a.m.

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

Members Absent: None.

Committee Business: Presentation on lake restoration in Iowa by DNR staff members.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 7, 2008, 10:45 a.m.

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

Members Absent: None.

Committee Business: Presentation by Randy Pilkington and Maureen Collins-Williams regarding small business development.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 7, 2008, 10:45 a.m.

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

Members Absent: None.

Committee Business: Presentation by community college presidents.

Adjourned: 12:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 7, 2008, 10:00 a.m.

Members Present: Hatch, Chair; Kreiman, Vice Chair; and Ragan.

Members Absent: Johnson, Ranking Member; and Seymour (both excused).

Committee Business: Discussion concerning I-CARE and University of Iowa College of Medicine funding.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 7, 2008, 10:50 a.m.

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

Members Absent: None.

Committee Business: Presentations on the operations and budgets of the Department of Public Defense, Iowa National Guard, and the Homeland Security and Emergency Management Division.

Adjourned: 12:00 p.m.

INTRODUCTION OF BILLS

Senate File 2119, by Johnson, a bill for an act providing for the prohibition of human cloning, providing penalties, and providing for a repeal.

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

Senate File 2120, by Johnson, a bill for an act providing compensation and expenses for certain members of the watershed improvement review board and providing an appropriation.

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

Senate File 2121, by Johnson, a bill for an act relating to water quality by establishing a water resources coordinating council, authorizing a marketing campaign, directing assistance to local communities for monitoring and measurement, and creating a regional assessment program, a community-based improvement program, and a wastewater and storm water infrastructure program.

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

Senate File 2122, by committee on State Government, a bill for an act making technical and corrective changes to the law relating to elections and voter registration and making a penalty applicable.

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

Senate File 2123, by committee on Ways and Means, a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions.

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

Senate File 2124, by committee on Veterans Affairs, a bill for an act relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority.

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

Senate File 2125, by committee on Veterans Affairs, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service and including an effective date and retroactive applicability provision.

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

Senate File 2126, by McCoy, Connolly, Appel, Dearden, Hatch, Hogg, Dvorsky, Stewart, and Bolkom, a bill for an act relating to

state and local regulation of smoking and making penalties applicable.

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

Senate File 2127, by Zaun, Mulder, Heckroth, and Olive, a bill for an act relating to nonresident deer hunting licenses.

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

Senate File 2128, by Dvorsky, a bill for an act establishing a therapeutic recreation board, requiring the licensure of therapeutic recreation specialists, and providing for fees and penalties.

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

STUDY BILLS RECEIVED

SSB 3149 Government Oversight

Relating to pharmacy benefits management including the timely payment of claims payable under a pharmacy benefits management plan and disclosure of certain information.

SSB 3150 State Government

Relating to conflicts of interest, lobbying activities, and receipt of gifts by certain government officials and employees.

SSB 3151 State Government

Concerning the Iowa public employees' retirement system and providing effective date provisions.

SSB 3152 State Government

Concerning the Iowa public employees' retirement system and including effective date and retroactive applicability provisions.

SSB 3153 Human Resources

Relating to criminal and abuse records of prospective and current employees of licensed hospitals and health care facilities and certain health-related programs and services and providing penalties.

SSB 3154 Human Resources

Creating a heart disease and stroke prevention program and making an appropriation.

SSB 3155 Human Resources

Relating to services associated with the family investment program by moving the family development and self-sufficiency council and grant program to the department of human rights and revising confidentiality provisions involving the programs.

SSB 3156 Human Resources

Relating to child care and family support subsidy services regulated or administered by the department of human services.

SSB 3157 State Government

Concerning the operation and governance of the Iowa lottery.

SSB 3158 Natural Resources and Environment

Authorizing establishment of maximum acceptable limits for greenhouse gas emissions.

SSB 3159 Labor and Business Relations

Relating to registration and bonding requirements for contractors, and providing criminal and civil penalties.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2096**

LOCAL GOVERNMENT: Quirnbach, Chair; Kreiman and Zaun

Senate File 2102

COMMERCE: Olive, Chair; Angelo and Rielly

Senate File 2105

LOCAL GOVERNMENT: Beall, Chair; Angelo and Heckroth

Senate File 2106

STATE GOVERNMENT: Kibbie, Chair; Behn and Danielson

Senate File 2114

WAYS AND MEANS: Quirmbach, Chair; Dotzler and Putney

Senate File 2115

COMMERCE: Rielly, Chair; Kettering and Olive

Senate File 2119

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Johnson

Senate File 2120

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

House File 247

LOCAL GOVERNMENT: Schoenjahn, Chair; Hartsuch and Rielly

House File 2103

EDUCATION: Quirmbach, Chair; Appel and Mulder

SSB 3149

GOVERNMENT OVERSIGHT: Schmitz, Chair; Connolly and Lundby

SSB 3150

STATE GOVERNMENT: Kibbie, Chair; Behn and Connolly

SSB 3151

STATE GOVERNMENT: Connolly, Chair; Appel, Kettering, Wood, and Zieman

SSB 3152

STATE GOVERNMENT: Connolly, Chair; Appel, Kettering, Wood, and Zieman

SSB 3153

HUMAN RESOURCES: Wood, Chair; Ragan and Seymour

SSB 3154

HUMAN RESOURCES: Hatch, Chair; Kreiman and Hartsuch

SSB 3155

HUMAN RESOURCES: Kreiman, Chair; Schmitz and Johnson

SSB 3156

HUMAN RESOURCES: Schmitz, Chair; Quirnbach and Boettger

SSB 3157

STATE GOVERNMENT: Connolly, Chair; Behn and Kibbie

SSB 3158

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

SSB 3159

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

FINAL COMMITTEE REPORTS OF BILL ACTION

STATE GOVERNMENT

Bill Title: SENATE FILE 2122 (SSB 3118), a bill for an act making technical and corrective changes to the law relating to elections and voter registration and making a penalty applicable.

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.

VETERANS AFFAIRS

Bill Title: SENATE FILE 2124 (SSB 3090), a bill for an act relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority.

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.

ALSO:

Bill Title: SENATE FILE 2125 (SSB 3066), a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service and including an effective date and retroactive applicability provision.

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.

WAYS AND MEANS

Bill Title: SENATE FILE 2123 (SSB 3059), a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Bolcom, McCoy, McKibben, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

ECONOMIC GROWTH

Michael Tramontina – Director of the Department of Economic Development

JUDICIARY

Rich Eychaner – Iowa State Civil Rights Commission

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

JUDICIARY

John Baldwin – Director of the Department of Corrections

AMENDMENT FILED

S-5002 H.F. 2140 Johnson

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, Quirnbach, 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: Quirnbach, 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

JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 12, 2008

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Bishop Martin Amos of the Roman Catholic Diocese in Davenport, Iowa. He was the guest of Senators Fraise and Seng.

The Journal of Monday, February 11, 2008, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Houser, until he arrives, on request of Senator Hahn; Senator Mulder, until he arrives, on request of Senator Johnson; Senator Seymour, until he arrives, on request of Senator Wieck; and Senators Lundby and McKibben, until they arrive, on request of Senator Angelo.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:52 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:55 a.m., President Kibbie presiding.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

S.F. 2110	Appropriations
S.F. 2130	Ways and Means
S.F. 2131	Appropriations

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Robert Riley, Jr. – Iowa Economic Development Board

Mitchell Gross – Generation Iowa Commission
 Jesse Harris – Generation Iowa Commission
 Sophia Magill – Generation Iowa Commission
 Isaiah McGee – Generation Iowa Commission
 Sara Morrow – Generation Iowa Commission

Eric Seuren – Renewable Fuel Infrastructure Board

The Senate stood at ease at 8:58 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:41 a.m., President Kibbie presiding.

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 47:

Angelo	Dvorsky	Kettering	Schmitz
Appel	Fraise	Kibbie	Schoenjahn
Beall	Gaskill	Kreiman	Seng
Behn	Gronstal	McCoy	Seymour
Black	Hahn	McKinley	Stewart

Boettger	Hancock	Mulder	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Connolly	Hatch	Olive	Wieck
Courtney	Heckroth	Putney	Wood
Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	Zieman
Dotzler	Johnson	Rielly	

Nays, none.

Absent, 3:

Houser	Lundby	McKibben
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The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2124 and 2123.

Senate File 2124

On motion of Senator Danielson, **Senate File 2124**, a bill for an act relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority, was taken up for consideration.

Senator Danielson 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. 2124), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kettering	Schmitz
Appel	Fraise	Kibbie	Schoenjahn
Beall	Gaskill	Kreiman	Seng
Behn	Gronstal	McCoy	Seymour
Black	Hahn	McKinley	Stewart
Boettger	Hancock	Mulder	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Connolly	Hatch	Olive	Wieck
Courtney	Heckroth	Putney	Wood

Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	Zieman
Dotzler	Johnson	Rielly	

Nays, none.

Absent, 3:

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

Senate File 2123

On motion of Senator Appel, **Senate File 2123**, a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions, was taken up for consideration.

Senator Appel 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. 2123), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Houser	Lundby	McKibben
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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 Files 2123** and **2124** be **immediately messaged** to the House.

The Senate stood at ease at 10:02 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 10:29 a.m., President Kibbie presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Black called up the appointment of Paul W. Johnson, as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on February 6, 2008, and found on page 189 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Houser

Lundby

McKibben

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2036, 2092, and 2101.

Senate File 2036

On motion of Senator Hancock, **Senate File 2036**, a bill for an act relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force, was taken up for consideration.

Senator Hancock 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. 2036), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Houser Lundby McKibben

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

Senate File 2092

On motion of Senator Seymour, **Senate File 2092**, a bill for an act relating to authorized access to certain dependent adult abuse information, was taken up for consideration.

Senator Seymour 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. 2092), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Houser Lundby McKibben

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

Senate File 2101

On motion of Senator Schmitz, **Senate File 2101**, a bill for an act transferring administration of the entrepreneurs with disabilities program to the department of education, was taken up for consideration.

Senator Schmitz 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. 2101), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Houser	Lundby	McKibben
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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 Files 2036, 2092, and 2101** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:50 a.m. until 8:45 a.m., Wednesday, February 13, 2008.

APPENDIX

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF EDUCATION

Class Size/Early Intervention Program annual report, pursuant to Iowa Code section 256D.3. Report received on February 12, 2008.

DEPARTMENT OF ELDER AFFAIRS

Senior Living Coordinating Unit annual report, pursuant to Iowa Code section 231.58(4)(g). Report received on February 12, 2008.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: February 11, 2008, 4:10 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: Approved SSBs 3052 and 3136.

Adjourned: 4:45 p.m.

TRANSPORTATION

Convened: February 11, 2008, 4:00 p.m.

Members Present: Rielly, Chair; Danielson, Vice Chair; Noble, Ranking Member; Beall, Dearden, Hancock, Heckroth, Putney, Warnstadt, Zaun, and Ziemann.

Members Absent: Houser and McCoy (both excused).

Committee Business: Approved SSBs 3082 and 3088.

Adjourned: 4:20 p.m.

AGRICULTURE

Convened: February 12, 2008, 3:05 p.m.

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

Members Absent: Houser (excused).

Committee Business: Discussed upcoming trip to ISU dairy farm.

Adjourned: 3:10 p.m.

ECONOMIC GROWTH

Convened: February 12, 2008, 1:05 p.m.

Members Present: Stewart, Chair; Olive, Vice Chair; Beall, Danielson, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, and Zaun.

Members Absent: Houser, Ranking Member; and Seymour (both excused).

Committee Business: Approved SSB 3091, as amended. Presentations by Cedar Valley Tech Works and Vision Iowa.

Adjourned: 1:50 p.m.

HUMAN RESOURCES

Convened: February 12, 2008, 2:15 p.m.

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

Members Absent: Seymour, Ranking Member (excused).

Committee Business: Approved SSBs 3001, 3013, and 3137. Confirmation of governor's appointees.

Adjourned: 2:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 12, 2008, 1:10 p.m.

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

Members Absent: Lundby (excused).

Committee Business: Passed SF 2120. Subcommittee assignments. Presentations on deer depredation.

Adjourned: 2:00 p.m.

RULES AND ADMINISTRATION

Convened: February 12, 2008, 8:52 a.m.

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

Members Absent: Lundby (excused).

Committee Business: Approved governor's interim appointees.

Adjourned: 8:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 12, 2008, 11:00 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Iowa Racing and Gaming Commission administrator and Department of Administrative Services staff.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 12, 2008, 11:05 a.m.

Members Present: Seng, Chair; Schoenjahn, Vice Chair; and Black.

Members Absent: Gaskill, Ranking Member; and Houser (both excused).

Committee Business: Presentations on the Grape and Wine Fund and the Fish and Wildlife Trust Fund.

Adjourned: 12:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 12, 2008, 11:00 a.m.

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

Members Absent: None.

Committee Business: Presentation by the University of Iowa.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 12, 2008, 11:05 a.m.

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

Members Absent: None.

Committee Business: Presentations by College Student Aid Commission and community colleges.

Adjourned: 12:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 12, 2008, 11:00 a.m.

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

Members Absent: None.

Committee Business: Presentation by Visiting Nurse Services on collaborative health projects.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 12, 2008, 11:00 a.m.

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

Members Absent: None.

Committee Business: Presentation by Department of Public Safety staff.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 12, 2008, 10:55 a.m.

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

Members Absent: McKibben (excused).

Committee Business: Presentations on the Iowa City Readiness Center, the Gold Star Museum, and on the infrastructure budget.

Adjourned: 11:25 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 104, by Bolcom, a resolution requesting the legislative council to authorize an interim study committee to consider whether to require health benefits coverage of autologous bone marrow transplants for treatment of breast and other types of cancer.

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

INTRODUCTION OF BILLS

Senate File 2142, by Kreiman, a bill for an act relating to the issuance of deer depredation permits.

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

Senate File 2143, by Kreiman, a bill for an act relating to hunting by nonresident landowners on farm units owned by them.

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

Senate File 2144, by Kreiman, a bill for an act allowing the issuance of special destination park deer hunting licenses to nonresidents.

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

Senate File 2145, by Kreiman, a bill for an act relating to issuance of additional free deer hunting licenses to owners and tenants of farm units.

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

Senate File 2146, by Kreiman and Horn, a bill for an act relating to the criteria for cases of founded child abuse placed on the central child abuse registry.

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

Senate File 2147, by Gaskill, a bill for an act concerning bingo conducted during county fairs.

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

Senate File 2148, by Hogg, a bill for an act requiring criminal record checks of carnival workers and making penalties applicable.

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

Senate File 2149, by Kreiman and Beall, a bill for an act eliminating the assessment of court costs against an owner or driver of a motor vehicle cited for failing to carry proof of financial liability coverage.

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

Senate File 2150, by Bolkom, a bill for an act relating to the financial literacy component of the model core curriculum developed by the state board of education.

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

Senate File 2151, by Beall, Olive, Dearden, and Black, a bill for an act relating to the appointment of the membership of the Brushy creek recreation area trails advisory board.

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

Senate File 2152, by Bolkom, a bill for an act requiring electric and gas public utilities offering energy efficiency rebate programs to customers to incorporate specified small-scale renewable energy systems.

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

Senate File 2153, by committee on Local Government, a bill for an act designating peace officer communication equipment and other emergency services communication equipment as an essential county purpose and as an essential corporate purpose that authorizes the issuance of general obligation bonds and providing an effective date.

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

Senate File 2154, by committee on Labor and Business Relations, a bill for an act relating to inclined or vertical wheelchair lifts regulated by the elevator safety board.

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

Senate File 2155, by committee on Judiciary, a bill for an act relating to communications made in professional confidence concerning health care, patient access to the patient's medical file, and health care records and providing for fees.

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

Senate File 2156, by committee on Transportation, a bill for an act relating to regulation of commercial motor vehicle operators by the state department of transportation and providing penalties.

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

Senate File 2157, by committee on Labor and Business Relations, a bill for an act relating to amusement ride safety inspections conducted by special inspectors authorized by the division of labor services in the department of workforce development.

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

Senate File 2158, by Bolkcom, a bill for an act relating to nutrition labeling of food by chain restaurants having more than twenty locations and providing a penalty.

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

Senate File 2159, by committee on Education, a bill for an act relating to the statewide preschool program for four-year-old children and funding associated with the program and providing an effective date.

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

Senate File 2160, by committee on Labor and Business Relations, a bill for an act relating to employers' participation in unemployment insurance adjudications.

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

STUDY BILLS RECEIVED

SSB 3169 Veterans Affairs

Making appropriations to the department of veterans affairs.

SSB 3170 Commerce

Relating to required disclosures in real estate transactions.

SSB 3171 Commerce

Relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges

and by making changes to billing notifications for water service provided to certain residential rental property.

SSB 3172 Commerce

Relating to the licensure of real estate brokers and salespersons.

SSB 3173 Commerce

Relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2130

WAYS AND MEANS: Stewart, Chair; Houser and Seng

Senate File 2138

STATE GOVERNMENT: Kibbie, Chair; Behn and Hatch

Senate File 2139

EDUCATION: Connolly, Chair; Quirnbach and Ziemann

Senate File 2140

WAYS AND MEANS: Quirnbach, Chair; Angelo and Connolly

Senate File 2141

JUDICIARY: Kreiman, Chair; Dvorsky and Ward

Senate File 2146

HUMAN RESOURCES: Kreiman, Chair; Mulder and Schmitz

Senate File 2147

STATE GOVERNMENT: Kibbie, Chair; Danielson and Gaskill

Senate File 2150

EDUCATION: Wood, Chair; Mulder and Schoenjahn

Senate File 2158

HUMAN RESOURCES: Bolkcom, Chair; Dotzler and Hartsuch

SSB 3169

VETERANS AFFAIRS: Warnstadt, Chair; Kibbie and Seymour

SSB 3170

COMMERCE: Olive, Chair; Ward and Warnstadt

SSB 3171

COMMERCE: Olive, Chair; Angelo and Stewart

SSB 3172

COMMERCE: Olive, Chair; Courtney and Ward

SSB 3173

COMMERCE: Heckroth, Chair; Kettering and Olive

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: SENATE FILE 2159* (SSB 3068), a bill for an act relating to the statewide preschool program for four-year-old children and funding associated with the program and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Schmitz, Wood, and Ziemann. Nays, 1: Zaun. 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 Education Committee on Senate File 2159, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 2155* (formerly SF 522), a bill for an act relating to communications made in professional confidence concerning health care, patient access to the patient's medical file, and health care records and providing for fees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Kreiman, Hogg, Dvorsky, Fraise, Hancock, Horn, Quirnbach, Schoenjahn, and Warnstadt. Nays, 5: Behn, Hartsuch, Noble, Ward, and Ziemann. 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 2155, and they were attached to the committee report.

LABOR AND BUSINESS RELATIONS

Bill Title: SENATE FILE 2002, a bill for an act waiving employer charges for unemployment claims stemming from temporary workers who have replaced active duty military employees.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Dearden, Courtney, Ward, Behn, Dotzler, Dvorsky, Hahn, Hatch, Horn, Kettering, and Seng. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2154 (SSB 3043), a bill for an act relating to inclined or vertical wheelchair lifts regulated by the elevator safety board.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dearden, Courtney, Ward, Behn, Dotzler, Dvorsky, Hahn, Hatch, Horn, Kettering, and Seng. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2157 (SSB 3046), a bill for an act relating to amusement ride safety inspections conducted by special inspectors authorized by the division of labor services in the department of workforce development.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dearden, Courtney, Ward, Behn, Dotzler, Dvorsky, Hahn, Hatch, Horn, Kettering, and Seng. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2160* (SSB 3045), a bill for an act relating to employers' participation in unemployment insurance adjudications.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Dearden, Courtney, Dotzler, Dvorsky, Hatch, Horn, and Seng. Nays, 4: Ward, Behn, Hahn, and Kettering. 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 Labor and Business Committee on Senate File 2160, and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: SENATE FILE 2153 (SSB 3114), a bill for an act designating peace officer communication equipment and other emergency services communication equipment as an essential county purpose and as an essential corporate purpose that authorizes the issuance of general obligation bonds and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirmbach, Beall, Zaun, Angelo, Hartsuch, Heckroth, McKinley, Olive, Rielly, Schoenjahn, and Stewart. Nays, none. Present, 1: Kreiman. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2120, a bill for an act providing compensation and expenses for certain members of the watershed improvement review board and providing an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Black, Hancock, Gaskill, Behn, Bolkcom, Dearden, Hogg, Johnson, Kettering, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: SENATE FILE 2156 (SSB 3088), a bill for an act relating to regulation of commercial motor vehicle operators by the state department of transportation and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rielly, Danielson, Noble, Beall, Dearden, Hancock, Heckroth, Putney, Warnstadt, Zaun, and Zieman. Nays, none. Absent, 2: Houser and McCoy.

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

CHILD WELFARE ADVISORY COMMITTEE (Sec. 234.3)

George Belitsos, Ames	01/31/2008 – 04/30/2011
Cynthia Cox, Bedford	01/31/2008 – 04/30/2011
George Estle, Solon	01/31/2008 – 04/30/2009
Jerry Foxhoven, Clive	01/31/2008 – 04/30/2010
Kathleen Kilnoski, Council Bluffs	01/31/2008 – 04/30/2010
Miriam Landsman, Iowa City	01/31/2008 – 04/30/2009
Nancy Magnall, Waverly	01/31/2008 – 04/30/2010
Jean McAleer, Mason City	01/31/2008 – 04/30/2009
Matthew McDowell, Davenport	01/31/2008 – 04/30/2010
Richard Moore, Des Moines	01/31/2008 – 04/30/2011
Kathleen Penkert, Council Bluffs	01/31/2008 – 04/30/2011
Randal Peters, Maxwell	01/31/2008 – 04/30/2011
Ronald Stehl, Des Moines	01/31/2008 – 04/30/2009
David VanNingen, Rock Valley	01/31/2008 – 04/30/2009
Tiffany Wilson, Marion	01/31/2008 – 04/30/2010

DIRECTOR OF THE OFFICE OF ENERGY INDEPENDENCE (Sec. 469.3)

Roya Stanley, Des Moines	08/30/2007 – Pleasure of the Governor
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ADMINISTRATOR OF THE DIVISION ON THE STATUS OF WOMEN (Sec. 216A.51)

Rachel Scott, Des Moines	08/27/2007 – Pleasure of the Governor
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IOWA POWER FUND BOARD (Sec. 469.6)

John Bilsten, Algona	01/28/2008 – 04/30/2010
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DIRECTOR OF IOWA WORKFORCE DEVELOPMENT (Sec. 84A.1)

Elisabeth Buck, Des Moines	07/27/2007 – Pleasure of the Governor
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The appointments were referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on February 12, 2008:

ECONOMIC GROWTH

John Bilsten – Iowa Power Fund Board

HUMAN RESOURCES

George Belitsos – Child Welfare Advisory Committee
 Cynthia Cox – Child Welfare Advisory Committee
 George Estle – Child Welfare Advisory Committee
 Jerry Foxhoven – Child Welfare Advisory Committee
 Kathleen Kilnoski – Child Welfare Advisory Committee
 Miriam Landsman – Child Welfare Advisory Committee
 Nancy Magnall – Child Welfare Advisory Committee
 Jean McAleer – Child Welfare Advisory Committee
 Matthew McDowell – Child Welfare Advisory Committee
 Richard Moore – Child Welfare Advisory Committee
 Kathleen Penkert – Child Welfare Advisory Committee
 Randal Peters – Child Welfare Advisory Committee
 Ronald Stehl – Child Welfare Advisory Committee
 David VanNingen – Child Welfare Advisory Committee
 Tiffany Wilson – Child Welfare Advisory Committee

Rachel Scott – Administrator of the Division on the Status of Women

LABOR AND BUSINESS RELATIONS

Elisabeth Buck – Director of Iowa Workforce Development

NATURAL RESOURCES AND ENVIRONMENT

Roya Stanley – Director of the Office of Energy Independence

REFERRAL TO SUBCOMMITTEE OF STANDING COMMITTEE

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 12, 2008, to investigate the appointment and reappointment of the following appointees:

ECONOMIC GROWTH

As a member of the Iowa Power Fund Board:

JOHN BILSTEN – Beal, Chair; Olive and Hahn

HUMAN RESOURCES

As members of the Child Welfare Advisory Committee:

GEORGE BELITSOS – Quirnbach, Chair; Ragan and Boettger
 CYNTHIA COX – Wood, Chair; Dotzler and Mulder
 GEORGE ESTLE – Bolkcom, Chair; Johnson and Kreiman
 JERRY FOXHOVEN – Hatch, Chair; Kreiman and Seymour

KATHLEEN KILNOSKI – Seymour, Chair; Ragan and Hatch
 MIRIAM LANDSMAN – Schmitz, Chair; Hartsuch and Wood
 NANCY MAGNALL – Boettger, Chair; Dotzler and Wood
 JEAN McALEER – Ragan, Chair; Johnson and Hatch
 MATTHEW McDOWELL – Wood, Chair; Ragan and Johnson
 RICHARD MOORE – Ragan, Chair; Bolkcom and Mulder
 KATHLEEN PENKERT – Schmitz, Chair; Seymour and Hatch
 RANDAL PETERS – Dotzler, Chair; Mulder and Wood
 RONALD STEHL – Hatch, Chair; Dotzler and Hartsuch
 DAVID VANNINGEN – Johnson, Chair; Ragan and Bolkcom
 TIFFANY WILSON – Mulder, Chair; Schmitz and Ragan

As Administrator of the Division on the Status of Women:

RACHEL SCOTT – Schmitz, Chair; Kreiman and Seymour

LABOR AND BUSINESS RELATIONS

As Director of Iowa Workforce Development:

ELISABETH BUCK – Dearden, Chair; Dotzler and Ward

NATURAL RESOURCES AND ENVIRONMENT

As Director of the Office of Energy Independence:

ROYA STANLEY – Bolkcom, Chair; Hogg and Kettering

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

HUMAN RESOURCES

George Belitsos – Child Welfare Advisory Committee
 David VanNingen – Child Welfare Advisory Committee

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”:

Michael Tramontina – Director of the Department of Economic Development

PAUL McKINLEY

JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 13, 2008

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Reverend Wayne Brinkmann of St. John Lutheran Church in Clinton, Iowa. He was the guest of Senators Stewart and Wood.

The Journal of Tuesday, February 12, 2008, was approved.

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 12, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2137, a bill for an act relating to the membership requirements and oversight responsibilities of the board of educational examiners.

Read first time and **attached to companion Senate File 2100**.

House File 2151, a bill for an act relating to the advanced practice registered nurse licensure compact and providing an effective date.

Read first time and **attached to companion Senate File 2074**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Houser, until he arrives, on request of Senator Hahn; Senators Lundby and McKibben, until they arrive, on request of Senator Wieck; and Senator Hatch, until he arrives, on request of Senator Courtney.

The Senate stood at ease at 8:58 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 9:24 a.m., President Pro Tempore Danielson presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2059 and 2122.

Senate File 2059

On motion of Senator Schmitz, **Senate File 2059**, a bill for an act relating to the administration of the department of cultural affairs, was taken up for consideration.

Senator Schmitz 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. 2059), the vote was:

Yeas, 46:

Angelo	Dvorsky	Kibbie	Schoenjahn
Appel	Fraise	Kreiman	Seng
Beall	Gaskill	McCoy	Seymour
Behn	Gronstal	McKinley	Stewart
Black	Hahn	Mulder	Ward
Boettger	Hancock	Noble	Warnstadt
Bolkcom	Hartsuch	Olive	Wieck
Connolly	Heckroth	Putney	Wood
Courtney	Hogg	Quirmbach	Zaun

Danielson	Horn	Ragan	Zieman
Dearden	Johnson	Rielly	
Dotzler	Kettering	Schmitz	

Nays, none.

Absent, 4:

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

Senate File 2122

On motion of Senator Kibbie, **Senate File 2122**, a bill for an act making technical and corrective changes to the law relating to elections and voter registration and making a penalty applicable, was taken up for consideration.

Senator Kibbie 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. 2122), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

Senator Connolly took the chair at 9:40 a.m.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate Files 2059** and **2122** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Danielson, until he returns, on request of Senator Courtney.

CONSIDERATION OF BILL (Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate File 2111.

Senate File 2111

On motion of Senator Schmitz, **Senate File 2111**, a bill for an act relating to requirements for blood lead testing and dental screening of children, was taken up for consideration.

Senator Schmitz 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. 2111), the vote was:

Yeas, 45:

Angelo	Fraise	Kreiman	Seng
Appel	Gaskill	McCoy	Seymour
Beall	Gronstal	McKinley	Stewart
Behn	Hahn	Mulder	Ward
Black	Hancock	Noble	Warnstadt
Boettger	Hartsuch	Olive	Wieck
Bolkcom	Heckroth	Putney	Wood
Connolly	Hogg	Quirnbach	Zaun
Courtney	Horn	Ragan	Zieman
Dearden	Johnson	Rielly	

Dotzler	Kettering	Schmitz
Dvorsky	Kibbie	Schoenjahn

Nays, none.

Absent, 5:

Danielson	Houser	McKibben
Hatch	Lundby	

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

HOUSE AMENDMENT CONSIDERED

Senate File 572

Senator Dotzler called up for consideration **Senate File 572**, a bill for an act extending state tax benefits for use of soy-based transformer fluid by electric utilities and including effective and applicability date provisions, amended by the House in House amendment S-5001, filed February 6, 2008.

Senator Dotzler moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dotzler moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 572), the vote was:

Yeas, 45:

Angelo	Fraise	Kreiman	Seng
Appel	Gaskill	McCoy	Seymour
Beall	Gronstal	McKinley	Stewart
Behn	Hahn	Mulder	Ward
Black	Hancock	Noble	Warnstadt
Boettger	Hartsuch	Olive	Wieck
Bolkcom	Heckroth	Putney	Wood
Connolly	Hogg	Quirnbach	Zaun

Courtney	Horn	Ragan	Zieman
Dearden	Johnson	Rielly	
Dotzler	Kettering	Schmitz	
Dvorsky	Kibbie	Schoenjahn	

Nays, none.

Absent, 5:

Danielson	Houser	McKibben
Hatch	Lundby	

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

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate Files 572** and **2111** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate Files 2116 and 2117.

Senate File 2116

On motion of Senator Olive, **Senate File 2116**, a bill for an act relating to the recording of a certificate of release by the Iowa finance authority, was taken up for consideration.

Senator Olive 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. 2116), the vote was:

Yeas, 46:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gaskill	Kreiman	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKinley	Stewart

Black	Hancock	Mulder	Ward
Boettger	Hartsuch	Noble	Warnstadt
Bolkcom	Hatch	Olive	Wieck
Connolly	Heckroth	Putney	Wood
Courtney	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	Zieman
Dotzler	Johnson	Rielly	
Dvorsky	Kettering	Schmitz	

Nays, none.

Absent, 4:

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

Senate File 2117

On motion of Senator Olive, **Senate File 2117**, a bill for an act relating to coverage of closing protection letters in real estate transactions and providing an effective date, was taken up for consideration.

Senator Olive 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. 2117), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Danielson

Houser

Lundby

McKibben

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

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate Files 2116** and **2117** be **immediately messaged** to the House.

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 13, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2166, 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 and **attached to similar Senate File 2060**.

House File 2167, 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 and **attached to companion Senate File 2061**.

RECESS

On motion of Senator Courtney, the Senate recessed at 10:00 a.m. until 4:30 p.m.

APPENDIX—1**REPORTS OF COMMITTEE MEETINGS****EDUCATION**

Convened: February 13, 2008, 1:05 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: Discussion of SSB 3097, Model Core Curriculum.

Recessed: 1:35 p.m.

Reconvened: 1:55 p.m.

Adjourned: 2:00 p.m.

GOVERNMENT OVERSIGHT

Convened: February 13, 2008, 10:20 a.m.

Members Present: Courtney, Chair; Connolly, Vice Chair; Ward, Ranking Member; and Schmitz.

Members Absent: Lundby (excused).

Committee Business: Presentations by Department of Administrative Services and by Mark Hixom and Michael Ramsey on E911.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 13, 2008, 10:15 a.m.

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

Members Absent: Houser (excused).

Committee Business: Presentation by Iowa State University on the Iowa State University Veterinary Diagnostics Lab.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 13, 2008, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentations by Board of Education and community colleges on postsecondary option programs and dual enrollment opportunities.

Adjourned: 12:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 13, 2008, 10:15 a.m.

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

Members Absent: None.

Committee Business: Child welfare presentations.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 13, 2008, 10:10 a.m.

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

Members Absent: McKinley, Ranking Member (excused).

Committee Business: Presentation by the Office of Drug Control Policy.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 13, 2008, 10:15 a.m.

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

Members Absent: McKibben (excused).

Committee Business: Presentation on funding request for the Iowa Veterans Home. Discussion of TIME-21.

Adjourned: 11:35 a.m.

INTRODUCTION OF BILLS

Senate File 2161, by committee on Human Resources, a bill for an act providing for the establishment of a council on homelessness.

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

Senate File 2162, by committee on Transportation, a bill for an act relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date.

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

Senate File 2163, by committee on Human Resources, a bill for an act providing for implementation of an emergency mental health crisis services system.

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

Senate File 2164, by Beall, a bill for an act relating to water resource management by creating a water resources coordinating council and providing for a state water plan.

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

Senate File 2165, by Mulder, Ward, Hartsuch, Boettger, Seymour, Zieman, Wieck, Behn, Putney, Noble, McKinley, Zaun, Johnson, Angelo, Hancock, Rielly, Wood, Heckroth, Olive, Danielson, Schoenjahn, and Dearden, a bill for an act relating to offenses against identity by specifying a procedure to secure credit information and providing a penalty.

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

Senate File 2166, by Hancock, a bill for an act relating to the biodiesel blended fuel tax credit for retail dealers, and providing for retroactive applicability.

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

Senate File 2167, by Bolkcom, a bill for an act requiring an energy efficiency review to be conducted by a gas or electric utility prior to the issuance of a construction permit.

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

Senate File 2168, by Dotzler, Boettger, Kreiman, Hatch, and Zieman, a bill for an act relating to the practice of healing arts by unlicensed persons and providing remedies.

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

Senate File 2169, by Hahn, a bill for an act modifying notice provisions relating to the location and marking of underground facilities prior to an excavation in emergency situations.

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

STUDY BILLS RECEIVED

SSB 3174 Local Government

Relating to the authority of cities and counties to require storm shelters in manufactured home communities or mobile home parks, and providing effective and applicability dates.

SSB 3175 Appropriations

Relating to housing and shelter for lower-income persons, including by providing for the disposition of certain real estate transfer tax receipts to the general fund, the housing trust fund, and

the shelter assistance fund, and making appropriations to the housing trust fund from the rebuild Iowa infrastructure fund.

SSB 3176 Natural Resources and Environment

Relating to the deer depredation management program and providing an effective date.

SSB 3177 Natural Resources and Environment

Relating to nonresident deer hunting licenses and special landowner deer hunting licenses.

SSB 3178 Natural Resources and Environment

Relating to the compliance advisory panel, including the appointment of its members and its powers and duties.

SSB 3179 Natural Resources and Environment

Relating to water use permit fees, creating a new water use permit fund, and making appropriations.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2073

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 2078

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 2082

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 2093

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 2110

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 2112

VETERANS AFFAIRS: Ragan, Chair; Danielson and Seymour

Senate File 2113

VETERANS AFFAIRS: Danielson, Chair; Horn and McKinley

Senate File 2131

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 2142

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

Senate File 2143

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

Senate File 2144

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

Senate File 2145

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

Senate File 2151

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

Senate File 2152

NATURAL RESOURCES AND ENVIRONMENT: Hogg, Chair; Kettering and Schoenjahn

SSB 3174

LOCAL GOVERNMENT: Olive, Chair; Heckroth and McKinley

SSB 3175

APPROPRIATIONS: McCoy, Chair; Bolcom, Dvorsky, Kettering, and Behn

SSB 3176

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

SSB 3177

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

SSB 3178

NATURAL RESOURCES AND ENVIRONMENT: Wood, Chair; Bolkcom and Kettering

SSB 3179

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

FINAL COMMITTEE REPORTS OF BILL ACTION**HUMAN RESOURCES**

Bill Title: SENATE FILE 2161* (SSB 3052), a bill for an act providing for the establishment of a council on homelessness.

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.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2161, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2163* (SSB 3136), a bill for an act providing for implementation of an emergency mental health crisis services system.

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.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2163, and they were attached to the committee report.

TRANSPORTATION

Bill Title: SENATE FILE 2162* (SSB 3082), a bill for an act relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rielly, Danielson, Noble, Beall, Dearden, Hancock, Heckroth, Putney, Warnstadt, Zaun, and Zieman. Nays, none. Absent, 2: Houser and McCoy.

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 Transportation Committee on Senate File 2162, and they were attached to the committee report.

AFTERNOON SESSION

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

QUORUM CALL

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

The vote revealed 41 present, 9 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, until he returns, on request of Senator Courtney; Senators Boettger and Behn, until they return, on request of Senator Wieck; and Senator Gaskill, until he returns, on request of Senator Putney.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Stewart called up the appointment of Michael Tramontina, as Director of the Department of Economic Development, placed on the Individual Confirmation Calendar on February 12, 2008, and found on page 241 of the Senate Journal.

Senator Stewart moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 44:

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

Nays, none.

Absent, 6:

Behn	Gaskill	McCoy
Boettger	Houser	McKibben

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:43 p.m. until 8:45 a.m., Thursday, February 14, 2008.

APPENDIX—2

CERTIFICATES OF RECOGNITION

Anna Coffin, Spirit Lake—For receiving the Gold Award, the highest award given to a Girl Scout, Girl Scout Troop 104. Senator Johnson (2/13/08).

Shelbie Hurdle, Spirit Lake—For receiving the Gold Award, the highest award given to a Girl Scout, Girl Scout Troop 104. Senator Johnson (2/13/08).

Jessica Moffitt, Spirit Lake—For receiving the Gold Award, the highest award given to a Girl Scout, Girl Scout Troop 104. Senator Johnson (2/13/08).

Megan Moore, Spirit Lake—For receiving the Gold Award, the highest award given to a Girl Scout, Girl Scout Troop 104. Senator Johnson (2/13/08).

Brittany Sorenson, Spirit Lake—For receiving the Gold Award, the highest award given to a Girl Scout, Girl Scout Troop 104. Senator Johnson (2/13/08).

Emily Stover, Spirit Lake—For receiving the Gold Award, the highest award given to a Girl Scout, Girl Scout Troop 104. Senator Johnson (2/13/08).

REPORTS OF COMMITTEE MEETINGS

STATE GOVERNMENT

Convened: February 13, 2008, 3:00 p.m.

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

Members Absent: McKibben (excused).

Committee Business: Approved SSB 3067, as amended.

Adjourned: 3:30 p.m.

VETERANS AFFAIRS

Convened: February 13, 2008, 4:05 p.m.

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

Members Absent: McKibben and McKinley (both excused).

Committee Business: Approved SSB 3065.

Adjourned: 4:20 p.m.

WAYS AND MEANS

Convened: February 13, 2008, 2:10 p.m.

Members Present: Bolkcom, Chair; Angelo, Appel, Connolly, Dotzler, Hogg, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman.

Members Absent: McCoy, Vice Chair; McKibben, Ranking Member; and Houser (all excused).

Committee Business: Approved SSB 3148. Presentations by Department of Revenue.

Adjourned: 3:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 13, 2008, 10:15 a.m.

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

Members Absent: Danielson, Chair; and Stewart (both excused).

Committee Business: Presentations by IPERS, Governor's chief of staff, and the Department of Management on budget issues.

Adjourned: 11:10 a.m.

INTRODUCTION OF BILLS

Senate File 2170, by Hogg, a bill for an act relating to energy efficiency in schools, by authorizing integrated project delivery contracts for energy conservation measures or construction projects undertaken by a school corporation, providing for energy efficiency contracting pursuant to such contracts under specified circumstances, identifying and authorizing revenue sources for the purpose of providing designated contract guarantees, modifying provisions applicable to school districts receiving distributions from the energy loan fund, and providing an effective date.

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

Senate File 2171, by Beall, Dotzler, Dvorsky, Danielson, Seng, and Courtney, a bill for an act concerning the transportation of railroad workers by companies organized for that purpose and providing penalties.

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

SUBCOMMITTEE ASSIGNMENT

Senate File 2166

AGRICULTURE: Hancock, Chair; Johnson and Rielly

JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 14, 2008

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Jan Heckroth, staff chaplain at Allen Hospital in Waterloo, Iowa. She was the guest of her husband, Senator Heckroth.

The Journal of Wednesday, February 13, 2008, was approved.

SPECIAL GUESTS

President Kibbie welcomed to the chamber the Honorable Richard Vande Hoef and his wife Harriet. Former Senator Vande Hoef represented northwest Iowa and now lives in Sibley, Iowa.

The Senate rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, for the day, on request of Senator Hahn.

BILL REFERRED TO COMMITTEE

Senator Rielly asked and received unanimous consent that **Senate File 2163** be referred from the Regular Calendar to the committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Rielly, the Senate adjourned at 8:52 a.m. until 1:00 p.m., Monday, February 18, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Ron and Delores Driver—For celebrating their 50th wedding anniversary. Senator Gronstal (2/14/08).

Wayne McDonald, Clemons—For celebrating his 80th birthday. Senator McKibben (2/14/08).

Dean and Ann Miller—For celebrating their 25th wedding anniversary. Senator Gronstal (2/14/08).

Vic and Irene Schlautman—For celebrating their 65th wedding anniversary. Senator Gronstal (2/14/08).

REPORTS OF COMMITTEE MEETINGS

LOCAL GOVERNMENT

Convened: February 13, 2008, 3:05 p.m.

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

Members Absent: Heckroth and Houser (both excused).

Committee Business: Reviewed subcommittee assignments.

Adjourned: 3:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 13, 2008, 10:15 a.m.

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

Members Absent: Ward (excused).

Committee Business: Presentations by the World Food Prize ambassador, the Workers' Compensation commissioner, the Labor commissioner, and the Iowa Finance Authority director.

Adjourned: 11:50 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 14, 2008, 1:05 p.m.

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

Members Absent: Wood (excused).

Committee Business: Subcommittee assignments. Passed SF 2108. Presentation on Hewitt Watershed.

Adjourned: 1:55 p.m.

COMMERCE

Convened: February 14, 2008, 11:40 a.m.

Members Present: Warnstadt, Chair; Heckroth, Vice Chair; Behn, Ranking Member; Angelo, Bolkcom, Courtney, Kettering, McKibben, Olive, Putney, Rielly, Schoenjahn, and Ward.

Members Absent: McCoy and Stewart (both excused).

Committee Business: Approved SSB 3105.

Adjourned: 11:45 a.m.

ECONOMIC GROWTH

Convened: February 14, 2008, 1:05 p.m.

Members Present: Stewart, Chair; Olive, Vice Chair; Danielson, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, Seymour, and Zaun.

Members Absent: Houser, Ranking Member; and Beall (both excused).

Committee Business: Approved SSB 3128. Presentations on the Endow Iowa Program, the Iowa Council of Foundations, and the Ida County Community Betterment Foundation.

Adjourned: 1:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 14, 2008, 10:30 a.m.

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

Members Absent: Houser (excused).

Committee Business: Panel discussion on a five-year plan to study the effects of livestock odor.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 14, 2008, 10:30 a.m.

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

Members Absent: Wood, Chair (excused).

Committee Business: Presentations concerning library services and before and afterschool programs.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 14, 2008, 10:30 a.m.

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

Members Absent: None.

Committee Business: Medicare waiver discussion. Presentation on Elder Affairs.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 14, 2008, 10:25 a.m.

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

Members Absent: None.

Committee Business: Presentations by Department of Corrections.

Adjourned: 12:05 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: February 14, 2008, 10:20 a.m.

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

Members Absent: McKibben (excused).

Committee Business: Presentation by Department of Corrections director.

Adjourned: 12:05 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 105, by Gaskill and Ragan, a resolution honoring Winnebago Industries on its 50th anniversary.

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

INTRODUCTION OF BILLS

Senate File 2172, by committee on Human Resources, a bill for an act relating to dental homes for children.

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

Senate File 2173, by committee on Human Resources, a bill for an act relating to case permanency plans, consent decrees, and attendance at proceedings in juvenile court.

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

Senate File 2174, by committee on Ways and Means, a bill for an act providing an Iowa individual income tax checkoff for the department of human services' child abuse prevention program, making an appropriation, and providing for the Act's implementation and including a retroactive applicability date provision.

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

Senate File 2175, by committee on Veterans Affairs, a bill for an act increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice.

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

Senate File 2176, by committee on State Government, a bill for an act relating to cultural affairs by providing for the preservation of electronic records, establishing regional cultural committees, and creating a civil war sesquicentennial advisory committee.

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

Senate File 2177, by committee on Human Resources, a bill for an act relating to health-related activities and regulation by the department of public health.

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

STUDY BILLS RECEIVED

SSB 3180 Local Government

Providing that a city may adopt an ordinance regulating the siting of certain confinement feeding operation structures within an unincorporated area adjacent to the city limits.

SSB 3181 Agriculture

Regulating persons who transport, handle, store, or apply manure.

SSB 3182 Human Resources

Relating to the regulation of health-related professions.

SSB 3183 Commerce

Relating to identity theft, including providing for the notification of a breach in the security of computerized data that includes

personal information, establishing a business duty to safeguard personal information against a breach of security, and providing penalties.

SSB 3184 Ways and Means

Relating to providing sales, use, and property tax exemptions for certain web search portal businesses.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2148

JUDICIARY: Hogg, Chair; Hancock and Hartsuch

Senate File 2149

JUDICIARY: Schoenjahn, Chair; Kreiman and Noble

Senate File 2164

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

Senate File 2165

COMMERCE: Warnstadt, Chair; Kettering and Stewart

Senate File 2167

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

Senate File 2170

EDUCATION: Connolly, Chair; Wood and Zaun

SSB 3180

LOCAL GOVERNMENT: Quirmbach, Chair; Kreiman and Angelo

SSB 3181

AGRICULTURE: Black, Chair; Johnson and Seng

SSB 3182

HUMAN RESOURCES: Schmitz, Chair; Mulder and Wood

SSB 3183

COMMERCE: Warnstadt, Chair; Kettering and Stewart

SSB 3184

WAYS AND MEANS: Dotzler, Chair; Appel and Ward

FINAL COMMITTEE REPORTS OF BILL ACTION**HUMAN RESOURCES**

Bill Title: SENATE FILE 2172* (SSB 3001), a bill for an act relating to dental homes for children.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Schmitz, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirnbach, and Wood. 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 Human Resources Committee on Senate File 2172, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2173 (SSB 3013), a bill for an act relating to case permanency plans, consent decrees, and attendance at proceedings in juvenile court.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2177* (SSB 3137), a bill for an act relating to health-related activities and regulation by the department of public health.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Schmitz, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirnbach, and Wood. 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 Human Resources Committee on Senate File 2177, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2108, a bill for an act relating to the designation of a Gift to Iowa's Future Recognition Day.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Black, Hancock, Gaskill, Behn, Bolcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, and Seng. Nays, none. Absent, 1: Wood.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 2176* (SSB 3067), a bill for an act relating to cultural affairs by providing for the preservation of electronic records, establishing regional cultural committees, and creating a civil war sesquicentennial advisory committee.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Zieman, Appel, Behn, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, Schmitz, and Wood. Nays, none. Absent, 1: McKibben.

Fiscal Note: 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 2176, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: SENATE FILE 2175 (SSB 3065), a bill for an act increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Horn, Kibbie, and Ragan. Nays, none. Absent, 2: McKibben and McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2174* (SSB 3148), a bill for an act providing an Iowa individual income tax checkoff for the department of human services' child abuse prevention program, making an appropriation, and providing for the Act's implementation and including a retroactive applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bolkcom, Angelo, Appel, Dotzler, Hogg, Noble, Putney, Quirmbach, Schmitz, Seng, Stewart, Ward, and Ziemann. Nays, none. Absent, 4: McCoy, McKibben, Connolly, and 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 Ways and Means Committee on Senate File 2174, and they were attached to the committee report.

AMENDMENT FILED

S-5004 S.F. 2137 John P. Kibbie

JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 18, 2008

The Senate met in regular session at 1:03 p.m., President Kibbie presiding.

Prayer was offered by the Honorable Dave Mulder, member of the Senate from Sioux County, Sioux Center, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Christina Gibbons.

The Journal of Thursday, February 14, 2008, was approved.

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 14, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2177, a bill for an act relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license.

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

House File 2233, a bill for an act relating to providing sales, use, and property tax exemptions for certain web search portal businesses.

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

SPECIAL GUESTS

Senator Gaskill introduced to the Senate chamber his family, who were in Des Moines visiting the Capitol. Present in the balcony were Senator Gaskill and Mrs. Gaskill's two sons, daughter, and their families.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:21 p.m. until 8:45 a.m., Tuesday, February 19, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Ezra Borgstahl, Decorah—For achieving the rank of Eagle Scout, Boy Scout Troop 66. Senator Zieman (2/18/08).

Loren Greiner, Emmetsburg—For celebrating his 100th birthday. Senator Kibbie (2/18/08).

Lorraine Hass, Cedar Rapids—For celebrating her 100th birthday. Senator McKinley (2/18/08).

Josh Ihnen, Sheldon—For winning the State Class 2A Wrestling Championship at 189 pounds and posting a perfect 47–0 record. Senator Johnson (2/18/08).

Albert and Viola Lampe, Mt. Pleasant—For celebrating their 70th wedding anniversary. Senator Fraise (2/18/08).

Thanh Nguyen, Des Moines—For receiving the Prudential Spirit of Community Award. Senator Hatch (2/18/08).

Shelbi Weeks, Cambridge—For receiving the Prudential Spirit of Community Award. Senator Olive (2/18/08).

REPORTS OF COMMITTEE MEETINGS

LOCAL GOVERNMENT

Convened: February 18, 2008, 2:10 p.m.

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

Members Absent: Angelo and Hartsuch (both excused).

Committee Business: Discussion of SF 2096, regarding regulations for local control of smoking.

Adjourned: 2:20 p.m.

STATE GOVERNMENT

Convened: February 18, 2008, 2:00 p.m.

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

Members Absent: Hahn and Wood (both excused).

Committee Business: Passed SF 2147 and approved SSBs 3139 and 3150.

Adjourned: 2:45 p.m.

VETERANS AFFAIRS

Convened: February 18, 2008, 3:00 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Black, Horn, Kibbie, McKibben, McKinley, and Ragan.

Members Absent: Seymour, Ranking Member; Danielson and Hartsuch (all excused).

Committee Business: Presentations by Department of Veterans Affairs and the Iowa Veterans Commission.

Adjourned: 3:40 p.m.

INTRODUCTION OF BILLS

Senate File 2178, by committee on Economic Growth, a bill for an act relating to the annual aggregate amount of tax credits available under the endow Iowa program and to the amount of credits a taxpayer may receive.

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

Senate File 2179, by committee on Commerce, a bill for an act making specified changes relating to professional licensing and regulation under the purview of the banking division of the department of commerce.

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

Senate File 2180, by committee on Economic Growth, a bill for an act increasing the amount of investment tax credit for which an eligible housing business may qualify if specified energy efficiency standards are met, and including effective and retroactive applicability date provisions.

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

Senate File 2181, by Johnson, a bill for an act providing for the content of ethanol in ethanol blended gasoline.

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

Senate File 2182, by Danielson, a bill for an act relating to the certification of crane operators and providing an effective date.

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

Senate File 2183, by Zaun, a bill for an act providing for the state's internet address to be displayed on motor vehicle registration plates.

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

Senate File 2184, by Danielson, a bill for an act relating to the setting aside of a portion of child support payments in a separate fund to be invested and reserved for the child.

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

Senate File 2185, by Danielson, a bill for an act concerning public employment, concerning the scope of negotiations in public employment and workers' compensation for civil service police officers and fire fighters.

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

Senate File 2186, by Danielson, a bill for an act providing for the display of a rear registration plate and a front window decal on certain low-profile motor vehicles and establishing a fee.

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

Senate File 2187, by Danielson, a bill for an act relating to the registration fee for certain motor vehicles owned or used by a person with a disability or a person who uses a wheelchair.

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

Senate File 2188, by Quirmbach, Dotzler, Danielson, Kibbie, Hogg, Gronstal, Courtney, Fraise, Dearden, Dvorsky, Schmitz, Beall, Connolly, and Bolkcom, a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable.

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

STUDY BILLS RECEIVED

SSB 3185 Human Resources

Providing for establishment of a mental health services system for children and youth.

SSB 3186 Human Resources

Relating to promotion of the health care workforce, providing for tax credits, providing appropriations, and providing effective and retroactive applicability dates.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2163

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

House File 2233

WAYS AND MEANS: Dotzler, Chair; Appel and Ward

SSB 3185

HUMAN RESOURCES: Bolkcom, Chair; Johnson and Ragan

SSB 3186

HUMAN RESOURCES: Dotzler, Chair; Hatch and Seymour

FINAL COMMITTEE REPORTS OF BILL ACTION**ECONOMIC GROWTH**

Bill Title: SENATE FILE 2178 (SSB 3128), a bill for an act relating to the annual aggregate amount of tax credits available under the endow Iowa program and to the amount of credits a taxpayer may receive.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Stewart, Olive, Danielson, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, Seymour, and Zaun. Nays, none. Absent, 2: Houser and Beall.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2180* (SSB 3091), a bill for an act increasing the amount of investment tax credit for which an eligible housing business may qualify if specified energy efficiency standards are met, and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Stewart, Olive, Beall, Danielson, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, and Zaun. Nays, none. Absent, 2: Houser and 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 Economic Growth Committee on Senate File 2180, and they were attached to the committee report.

COMMERCE

Bill Title: SENATE FILE 2179 (SSB 3105), a bill for an act making specified changes relating to professional licensing and regulation under the purview of the banking division of the department of commerce.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Angelo, Bolkcom, Courtney, Kettering, McKibben, Olive, Putney, Rielly, Schoenjahn, and Ward. Nays, none. Absent, 2: McCoy and Stewart.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY
TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 19, 2008

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

Prayer was offered by Reverend Elizabeth Dilley of the Religious Coalition for Reproductive Choice in Red Oak, Iowa.

The Journal of Monday, February 18, 2008, 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 18, 2008, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 104, a concurrent resolution resolving that a joint convention of the two houses of the 2008 session of the Eighty-second General Assembly be held on Tuesday, February 19, 2008, at 10:00 a.m. for Major General Ron Dardis to deliver his message of the Condition of the Iowa National Guard.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dvorsky, until he arrives, on request of Senator Horn; and Senator Hahn, until he arrives, on request of Senator Gaskill.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 2178 and 2180** be referred from the Regular Calendar to the committee on **Ways and Means**.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolution 104.

House Concurrent Resolution 104

On motion of Senator Gronstal, **House Concurrent Resolution 104**, a concurrent resolution resolving that a joint convention of the two houses of the 2008 session of the Eighty-second General Assembly be held on Tuesday, February 19, 2008, at 10:00 a.m. for Major General Ron Dardis to deliver his message of the Condition of the Iowa National Guard, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 104, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolution 104** be **immediately messaged** to the House.

The Senate stood at ease at 9:02 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:40 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Lundby, McKibben, and Seymour, until they return, on request of Senator Wieck; and Senator McCoy, until he returns on request of Senator Gronstal.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

David VanNingen – Child Welfare Advisory Committee

Rich Eychaner – Iowa State Civil Rights Commission

Rodrick Van Wart – Electrical Examining Board

Diane Dennler – Renewable Fuel Infrastructure Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 44:

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

Nays, none.

Absent, 6:

Dvorsky	Lundby	McKibben
Hahn	McCoy	Seymour

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

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 104, 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 104, duly adopted, the joint convention was called to order at 9:55 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 Chester J. Culver to the House chamber.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Courtney, Appel, and Hartsuch, on the part of the Senate, and Representatives Wise, Petersen, and Rasmussen, on the part of the House.

Senator Gronstal moved that a committee of six, three members from the Senate and three 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, Beall, and Zaun, on the part of the Senate, and Representatives Zirkelbach, Whitead, and Windschitl, on the part of the House.

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

Major General Dardis's family and invited guests were escorted into the House chamber.

The committee waited upon Governor Chester J. 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 for that warm welcome.

I'm honored once again to stand before you and report on the condition of the Iowa National Guard—a guard that has evolved from a territorial militia, formed to provide collective security on the American frontier, to a full-spectrum operational force prepared to defend our state and nation during an age of persistent conflict.

For more than 170 years, generations of Iowans, mustered from throughout our communities to carry on this prairie soldier legacy, served through a Civil War, domestic emergencies and disasters, World Wars, and ideological struggles. Today, these global minutemen, like those who came before, carry on this proud legacy, serving their state and answering our nation's call to duty here at home and around the globe.

Speaker Murphy and President Kibbie, thank you for inviting me to provide this update. It is a great honor for me to appear before this joint convention of the Eighty-second General Assembly of the Iowa Legislature. The Iowa National Guard is indeed fortunate to have this opportunity to highlight our issues, tell our story, and above all, to thank you and all the citizens of Iowa for the overwhelming and enduring support of our men and women in uniform. We could not succeed without it.

I also want to thank and recognize your colleague, our comrade-in-arms, Representative Ray Zirkelbach, a proud member of the longest-serving unit in the history of the Global War on Terror—the “Ironman” Battalion, 1-133rd Infantry, Iowa Army National Guard! Sergeant Zirkelbach, I'm sure you don't get tired of hearing it, and I certainly never tire of saying it to our returning warriors—welcome home! Good to have you back home with your family, friends, and the Iowa Guard team. I thank you for your extraordinary service and for your family's tremendous sacrifice on behalf of our state and nation. Thank you for a job well done!

Governor Culver, members of the General Assembly, distinguished guests, and fellow Iowans: Last year I reported that the condition of the Iowa National Guard was strong—the strongest it had been in generations. Today, I stand by that assessment. We are a battle-hardened and respected fighting force that continues to carry out our federal, state, and community missions with vigor and determination. Yet, six years of war and more than 10,000 mobilized soldiers and airmen leave no doubt we are an organization that is stretched and stressed. We see it in the faces of our warriors sent off on their second, and in some cases third, deployments since 9–11; we see it in our families asked to endure lengthy, and in some cases repeated, separations; and we see it in returning soldiers and airmen struggling to reintegrate with their families and routines of their daily lives.

Ladies and gentlemen, this is what keeps me awake at night. I worry so much about the health and well-being of our soldiers and airmen and their families. We are trying to assist in every way possible and yet it never seems like enough.

These are indeed challenging times for the one percent of Americans who proudly serve their nation in uniform. And it is increasingly true for the soldiers and airmen of

the Iowa National Guard, who make up nearly two percent of our nation's National Guard forces.

Our military is not weak or hollow; it is not broken. It remains the preeminent military power in the world. And I want you and the citizens of Iowa to know that the Iowa National Guard stands ready to meet anticipated state and federal mission requirements. What we don't know and what most concerns senior leaders is this: Where is the breaking point?

As Admiral Michael Mullen, chairman of the Joint Chiefs of Staff, said recently, "The well is deep, but it is not infinite." Yet in this age of persistent conflict, the demands on our military will not subside in the near future. Protracted confrontation among state, nonstate, and individual actors willing to use violence to achieve political and ideological objectives will likely increase as trends in globalization, technological developments, shifts in demographics, competition for resources, and climate change continue to create friction among nations and throughout diverse populations.

The enduring lesson of 9–11 is that try as we might, we can't wish this reality away or close our eyes to the threat it poses to our national interest and domestic tranquility. Whether we like it or not, a network of global extremists is at war against our country, and it is clear that they seek to exploit those trends to challenge our security. Some of you may be saying, "Okay, that's an interesting comment on the current national security debate, but what does it have to do with the Iowa National Guard?" The answer is: everything!

When we were attacked on September 11, 2001, we had to respond with a Cold War Army, reduced in size by more than 300,000 soldiers from its Cold War peak, ill-suited and unprepared for the type of conflict thrust upon us. We were in that position as a result of decisions made during the previous decade to cash the peace dividend and draw down our military forces by nearly two-thirds. The Cold War was over; we had won. We basked in the glow of an overwhelming victory in Operation Desert Storm. We scanned the horizon for peer competitors and saw none. Reductions in defense spending made sense.

However well-intentioned these reductions seemed at the time, today we are paying the price for those decisions. When this decade began, the active Army was in desperate need of organizational change and transformation. The same was true for the Army National Guard. It was configured and resourced as a strategic reserve, unprepared and ill-equipped for the demands that would soon come its way.

Accelerated security demands brought by the Global War on Terror forced the country to do what it has always done in times of military necessity—turn to the National Guard. And the National Guard responded in numbers unprecedented since World War II, at one time providing more than half the combat power in Iraq. The Iowa National Guard contributed its share, mobilizing more than 100 percent of its authorized strength during the past six years.

Looking back, it is fair to say that those brave Americans fighting in this Global War on Terror, along with their families, paid for the Cold War peace dividend with their blood, sweat, and tears. And the men and women serving in the National Guard, especially, the Iowa National Guard, were no exception. Inadequate funding for personnel, equipment, and training forced the Army National Guard to cross-level units within and across state boundaries, severely impacting future unit and individual readiness. This practice did and continues to have a detrimental impact on Iowa National Guard readiness.

In order to overcome these challenges, the Army and its reserve components accelerated transformation and rebalancing efforts. This means the National Guard is no longer a strategic reserve. It is now viewed as an operational force expected to

prepare, train, and deploy in a manner and at a rate much different than we saw during the Cold War.

This is a positive development. If properly trained and equipped, the National Guard can add much-needed depth to our active component forces at a fraction of the cost. Currently, the Guard provides more than a third of the Army and Air Forces' force structure, yet consumes only seven percent of the resources needed to fund active duty forces. And keep in mind that the dollars invested in the National Guard provide twice the benefit because its capabilities are immediately available to the Governor in times of domestic emergencies and natural disasters.

Once transformation and rebalancing of the Army National Guard is complete, there will be 112 brigades, including 28 brigade combat teams, 46 multifunctional brigades, and 38 functional brigade formations. This rebalancing plan has created unique opportunities to station complete units, to the extent possible, within state boundaries. Iowa is a brigade combat team state, home to the 2nd Brigade Combat Team (BCT), 34th Infantry Division; nearly a full brigade combat team is headquartered in Boone with supporting units stationed across the state.

This realignment and restationing improves command and control of these units and greatly enhances our ability to meet manning, equipping, training, and mobilization requirements. While this is a positive development for the Iowa National Guard, it will create future challenges.

When the 2nd BCT is called to active duty, and that time will come given the current security requirements, it will be a significant event for the Iowa National Guard and the state of Iowa. We can expect more than 3,500 soldiers to deploy from this state at one time—nearly 50 percent of our Army National Guard strength.

In today's global security environment, we expect our National Guard soldiers to mobilize and deploy for 12 months once every four to five years, and our airmen for 45 days every 18 months. This means the old mantra of "one weekend a month and two weeks a year" no longer applies to these citizen-warriors.

Not including a BCT mobilization, we believe, on average, the Iowa National Guard will deploy between 800–1,200 soldiers annually, as well as approximately 600 airmen every 18 months. Given the current environment, we believe, these are sustainable taskings.

The Army Force Generation cycle and Air Expeditionary Force concept have changed expectations. With these new models come increased pre-mobilization training and preparation requirements, which will cause our soldiers and airmen to spend more time away from families and jobs in the months and weeks preceding a deployment. Our members and their families are beginning to understand and come to terms with this new reality. Employers, communities, and policymakers must do so as well. In order to sustain these deployment cycles, we must have a reserve component force that is predictable, accessible, manned, equipped, and organized to serve as an effective part of the Joint Forces.

The current state of our active military in this age of persistent conflict leaves us no choice. As the Commission on the National Guard and Reserve recently noted, there is "no reasonable alternative to increased reliance on the reserve components." Policymakers have accepted that the active Army needs to grow—current plans call for adding nearly 75,000 soldiers by 2010. But recruiting these new soldiers and developing the officers and non-commissioned officers to lead them will be a daunting and time-consuming challenge.

This means continued reliance on reserve component forces for the foreseeable future. Continued changes in laws, rules, regulations, personnel, and funding systems at the Department of Defense and congressional levels are needed in order to sustain the National Guard as an essential part of the nation's all-volunteer force. I'm talking

about changes that improve readiness, modernize antiquated mobilization policies, and enhance current programs and organizations that support service members, their families, and their employers, not just before and during deployments, but also when they return home. Investments in training and equipment are meaningless if we turn our backs on the needs of citizen-soldiers and airmen when the deployment is over. Not only is this a readiness issue for the National Guard—we need them for future missions—more importantly, it's the right and honorable thing to do. We must develop programs and regulations that fully accommodate the unique nature of reintegrating reserve component service members.

Promises to fully equip and resource the Army National Guard are promises that must be kept to our soldiers. They have served and sacrificed for our state and nation, they have proven their ability to accomplish their missions, and they have kept faith with the American people. We owe it to them and future soldiers to keep our end of the bargain.

In order to keep this promise, the Army must provide timely and predictable resources to the National Guard. The Army has pledged to boost Army National Guard spending by \$23 billion through 2011 and promised further increases in subsequent years.

Although the Air National Guard transformed to an operational force many years ago, it too faces significant funding challenges. It is faced with a rapidly-aging and overworked fleet of airplanes. The Air Force will need to invest heavily over the next several years to recapitalize its force.

The Iowa Air National Guard will benefit if the Air Force succeeds in acquiring the necessary funds to rebuild what it calls the "required force." Initial plans call for stationing the KC-X tanker at Sioux City and the F35 joint strike fighter at the Des Moines International Airport. This will ensure future flying missions for these Iowa units for years to come. In order to sustain these promises, Congress will need to maintain defense spending to a minimum of 4 percent of gross domestic product, a relatively low percentage compared to previous conflicts (38 percent during WWII, 14 percent during Korea, and 10 percent during Vietnam).

I realize that for the most part these are not policy issues that come before this body. However, these are things that directly impact the condition of the Iowa National Guard. The Iowa General Assembly and our Commander-in-Chief, Governor Culver, have been extremely supportive of our legislative proposals to help meet the needs of our Iowa National Guard soldiers and airmen, their families, and their communities.

We see this in the Iowa National Guard Education Assistance program, which is helping nearly 1,100 soldiers and airmen attend college this year. We see it in state matching dollars provided to the Guard to leverage federal military construction and maintenance funding to maintain and refurbish old armories and build future readiness centers in key demographic areas around the state. We see it in legislation that indirectly helps our soldiers and airmen, like the recently enacted military leave bill and previous legislation to help returning veterans purchase a home or help family members care for a loved one injured in battle.

Many of you continue to ask, "What more can we do for our Iowa National Guard soldiers and airmen?" You have done and are doing all that we have asked of you. Our soldiers and airmen are overwhelmed by the tremendous outpouring of support they receive from elected leaders and ordinary Iowans throughout the state who continue to send care packages and contribute their time and talents to causes that support our deployed service members. What our soldiers and airmen want more than anything else is your continued support. They will endure any hardship and sacrifice beyond

comprehension if they believe you still have faith in them. These men and women have devoted their lives to serving others.

I want to introduce you to some ordinary Iowans that serve their state and nation in extraordinary ways. These men and women live throughout our state; they represent more than 9,500 soldiers and airmen, their family members, and employers. These individuals are making a difference in communities, in our state, in our nation, and indeed for people in dangerous spots around the world. The Iowa National Guard is an organization of opportunity, giving young Iowans reason to stay in our great state to serve others, give back to their communities, and enrich their lives.

Let me give you an example of one such man. His name is Captain David Harper, a traditional soldier assigned to the Iowa Army National Guard's 224th Engineer Battalion. When he's not serving in uniform, Captain Harper is the Dean of Students at Pekin High School in Packwood, Iowa, where he also coaches football, wrestling, basketball, track, and baseball. Captain Harper selflessly gives of his time and talents to the community of Packwood, Iowa. He commits time to enhancing school facilities, performing maintenance for elderly and disadvantaged community members, delivering Thanksgiving meals, and spending time with youngsters through participation in the Big Brothers program. Captain Harper has served his community, state, and nation in a selfless manner throughout his life. He served more than 11 years as an enlisted soldier, including six months of deployment in support of Operation Desert Storm in 1991, on state active duty in support of the 1993 floods, and most recently on active duty in support of Operation Iraqi Freedom from October 2004 through January 2006. Captain Harper has chosen a career as an educator and a soldier, in order to make a positive impact on the future of his community, state, and nation. He embodies the traits, characteristics, and values that we espouse in our members. He is a role model for all Iowans and a proud member of our Iowa National Guard officer corps. Captain Harper, please stand and be recognized.

Captain Harper's contributions are significant. But he is one of many such men and women serving in the Iowa National Guard today.

The next two individuals I want to introduce are also making significant contributions to Iowa. Staff Sergeant Anthony R. Duong was our top recruiter last year, bringing 31 new soldiers into the Iowa Army National Guard. What is truly amazing about this is that he did it in the Sioux City market, an area of the state with smaller demographics and one that has never produced a top Army National Guard recruiter. Also significant is the outstanding relationship that he has developed with the high schools in the area, particularly Sioux City North High School where he is an assistant wrestling coach and peer mentor. Staff Sergeant Duong has established an exceptional reputation among athletes and the general student population because they know that he is there to do more than just recruit for the Iowa National Guard. He is there to invest in their school and to make a difference in the lives of young people in that community.

Sergeant 1st Class Steve Groon was selected as the national recipient of the In-service Recruiter/Intrastate Transfer Coordinator award. His sole mission was to talk soldiers leaving active duty into coming to Iowa where they could attend an Iowa college and serve in the Iowa National Guard. And he did this better than anyone else in the nation. Many of us talk about ways to get people to come to Iowa. Sergeant 1st Class Groon did more than that—he turned talk into action by delivering 30 new Iowans to the state last year alone.

Staff Sergeant Duong and Sergeant 1st Class Groon, please stand and be recognized for your outstanding accomplishments!

One of the unique things about Iowa is that it's still a place where a small employer can have a big impact. Augustine & Sons, a 2,000-acre grain and livestock operation

near Rose Hill, Iowa, with only two full-time employees, is a prime example of how size doesn't matter. This family farm near Oskaloosa is the first Iowa recipient of the Secretary of Defense Employer Support Freedom award presented annually to employers for outstanding support to employees serving in the National Guard and Reserves. Ladies and gentlemen, this is a big deal! There are only 15 such awards given each year in a country with millions of employers, large and small. Augustine & Sons must have been one of the smallest. In September last year, they went to Washington to receive the award and met the President, the Vice President, and the Secretary of Defense. A scheduled six-minute photo op turned into a nearly hour-long conversation with President Bush.

Augustine & Sons is making a big difference for the family of 1st Sergeant Matt Strasser, currently serving overseas with an Afghanistan National Army training team. But don't take my word for it. Listen to how 1st Sergeant Strasser describes what his employer has done for his family: "Thank you for letting me come and go during my last few weeks of work so I could spend as much time with my family as possible. Thank you for allowing my family to live on the farm during my first deployment rent free (Augustine & Sons are again providing this benefit). Thank you for taking my boys fishing, watching their sports games while I'm gone, and fixing their dirt bikes. Thank you for watching them when they're sick so my wife, Jessica, can go to work, and thank you for flowers on our kitchen table when she's had a rough day. Thank you for plowing winter's snow from the drive and for taking time away from your own families to help mine." These are just a few of the things the Augustines have done for their employee. There are many others. One of our values is selfless service—Augustine & Sons has clearly demonstrated this enduring Iowa National Guard value. Continued employer support for our deployed soldiers and airmen is crucial. 1st Sergeant Strasser said it best, "This support allows us to do what we do with total commitment and the confidence that our families and our jobs will be safe."

Dan and Mike Augustine, please stand and be recognized for all you have done for this family. Joining the Augustines are 1st Sergeant Strasser's wife Jessica and their two sons, Reese and Tyler.

One of the Iowa National Guard themes we wanted to emphasize this year is legacy of service. To do so we selected two families to represent the many families that have chosen to serve their state and nation in the Iowa National Guard over multiple generations.

But before I introduce them to you, there is another family I want you to meet that has earned an enduring place in our Iowa National Guard family. For them and nearly 20 other Iowa National Guard families over the last six years, this distinction came at a horrendous price—the loss of a loved one. A beloved husband and father, Master Sergeant Scott Carney died in a Humvee accident in Herat, Afghanistan, on August 24 last year. Master Sergeant Carney left behind a beautiful wife Jeni and two adoring sons, Jacob and Justin. Through the loss of their loved one, they learned the true meaning of service and sacrifice. For them, these are not mere words but consequential actions that have forever changed their family. Jeni, Jacob, and Justin, though your loss is great, I hope you find some small measure of comfort in knowing that Scott's legacy and dedication to serving others lives on in the men and women of the Iowa National Guard—a family to which you will always belong.

Jeni, you have been an inspiration to us during this most difficult time for your family.

The Corell family has a long and proud military legacy. A great-uncle served as a general officer during World War I. Grandfather Benjamin Preston fought in World War II as a Marine in the Pacific earning three Bronze Stars at Guadalcanal, and two Corells, a father and uncle, served in the Marine Corps after the Korean War. Colonel

Ben Corell began his career in the Iowa Army National Guard more than 22 years ago when he enlisted into Bravo Company, 1st Battalion, 133rd Infantry in Oelwein, Iowa.

His three sons followed suit. Staff Sergeant Wade Corell, a full-time active guard and reserve soldier, enlisted in the 1-133rd in 2000. He is an Operation Enduring Freedom veteran. Sergeant Travis Corell, an active guard and reserve recruiter for the Iowa Army National Guard in the Waterloo area, also enlisted into the 1-133rd in 2000 and is also an Operation Enduring Freedom veteran. Sergeant Tyler Corell enlisted into the 1-133rd in 2002, where he currently serves as a rifle team leader. He is both an Operation Enduring Freedom and Operation Iraqi Freedom veteran.

In 2005 when the 1-133rd was alerted for active duty, Colonel Corell was the battalion commander and all three of his sons served under him. His wife asked that he take only one son with him on the deployment. Tyler insisted he choose him. In all, more than 50 family members deployed with the 1-133rd to Iraq—an enduring example of our Iowa National Guard family legacy of service.

Family legacies are not unique to the Army National Guard. The Iowa Air National Guard has many as well.

The Kenagy family is a wonderful example of an Iowa Air National Guard family legacy. For three generations, the Kenagys have served their state and nation in an exemplary manner. Sr. Master Sergeant Dwight Kenagy served in the Air Guard for more than 30 years, including a deployment with the 185th Fighter Wing to Vietnam from 1968 to 1969. Master Sergeant David Kenagy enlisted in the Air Guard in 1992 as a traditional airman, and in 1995 became a full-time technician working in the area of aircraft flight equipment. Sr. Airman Keith Kenagy is currently serving on Operation Jump Start in the Arizona desert building roads. Airman 1st Class Brian Kenagy serves in the electric shop at the 185th Air Refueling Wing and will start college in the fall. And last but certainly not least, Dannette Kenagy, has represented the 185th Family Readiness Group since 1994 and has served as a state council representative in our family readiness program for many years.

David and I have a unique history. I'd like to take a few moments to share that history with you. Twelve years ago, I ejected from an F-16 on takeoff after a catastrophic engine failure. I experienced a successful ejection, and thankfully everything worked as advertised. The young man that packed my parachute that day was David Kenagy. Here is one general that is extremely happy he chose to work in the parachute shop and that he was and is a true professional in every sense of the word. Thanks David, for your dedicated service and a job well done!

At this time, I'd ask the Kenagy and Corell families to please stand and be recognized for the multiple generations of service that these and many other Iowa National Guard families have given to their state and nation!

Today, nearly 1,500 Iowa National Guard soldiers and airmen are serving or preparing to serve on active duty in support of the Global War on Terror. In the past year, nearly 800 returned from deployments. I'd like to highlight a few of their accomplishments. Soldiers and airmen, please stand as I recognize your units.

The 1st Battalion, 133rd Infantry, deployed more than 640 members in the spring of 2006 to the Iraqi province of Al-Anbar, at that time one of the most dangerous parts of the country. During their deployment, they:

- completed more than 500 security convoy missions,
- logged more 4.4 million mission miles delivering over one-third of the fuel needed to sustain coalition forces in Iraq,
- captured and processed over 60 insurgents, and
- discovered 10 weapons caches.

Originally scheduled to return home in April 2007, the 1-133rd's deployment was extended four months by the "Surge," making theirs the longest continuous deployment

of any National Guard unit during Operation Iraqi Freedom, and earning them the distinction of being the longest-serving Iowa military unit since World War II.

Two soldiers from the unit were killed in action, Sergeant 1st Class Scott E. Nisely and Sgt. Kampha B. Sourivong, during combat operations near Al Asad, Iraq, on September 30, 2006. The unit received 116 improvised explosive device strikes and had 35 soldiers awarded the Purple Heart for injuries received during enemy attacks. Thirty soldiers earned Bronze Stars (three with valor), 73 earned Combat Action Badges, 396 earned Combat Infantry Badges, 24 earned Combat Medic Badges, and 196 earned Army Commendation Medals (11 with valor). Two hundred seventy-seven soldiers had previously deployed, and more than 81 percent of eligible soldiers reenlisted during the deployment.

This unit's incredible journey was captured by the CBS program "60 Minutes," which devoted an entire hour to telling the story of the Ironman Battalion. The program, titled "Fathers, Sons, and Brothers," was a unique, one-of-a-kind project that showed the National Guard and the state of Iowa in a very favorable light. The unit is represented here today by Colonel Ben Corell, the Battalion Commander, and his son, Sergeant Tyler Corell.

The 16-soldier Afghan National Army-Combat Service Support Embedded Training Team (ANA-CSS ETT) provided advanced logistical and combat service support training to the Afghan National Army. The team was part of a multinational effort to ensure the safety and prosperity of the country of Afghanistan and the Afghan people. The embedded training team trained Afghan National Army and local police, secured cities and towns, opened new schools, donated supplies, and aided the economic and industrial development of Gardez. They performed more than 120 combat missions with the Afghan National Army while conducting resupply missions within their area of operations. The Afghan National Army training team is represented here today by Captain Steve Johnson and Command Sergeant Major John Brietsprecker.

The 1034th Combat Service Support Battalion (CSSB) deployed 76 soldiers—23 had previously deployed—to Iraq in early August 2006, where the unit conducted multifunctional logistics operations at Logistical Support Area (LSA) Anaconda near Balad, Iraq. During the last 14-month deployment, the 1034th CSSB operated the largest logistics base in the Iraqi theater of operations, managed more than 1,800 assigned soldiers, monitored the issuance of more than 32 short tons of ammunition, managed more than \$100 million dollars of equipment, and improved the overall operational readiness rate of equipment to 92 percent. Twenty-one soldiers earned Bronze Star Medals. The 1034th is represented here today by Lt. Colonel Dave Verdi and Sergeant 1st Class Jeff Peterson.

Company C, 2nd Battalion, 147th Aviation Battalion (Air Assault), mobilized in support of Operation Iraqi Freedom on April 11, 2006, and deployed overseas in September 2006. Based at Balad Air Base north of Baghdad, Company C conducted combat operations throughout Iraq, including battlefield circulation, VIP transport, and air assault missions. In June, the unit conducted several air assaults in support of the start of surge operations in Diyala province. Company C led its battalion in mission execution, conducting 740 missions and accumulating more 7,850 flight hours. Just to give you an idea of the operations tempo this unit experienced during their deployment, in an average year back in Iowa the unit typically has about 1,300 flight hours. This means they accumulated six years of flight time in one year—in a combat environment without a single aviation accident or injury. And thankfully, they completed the deployment without a single aircraft being shot down and only minor battle damage from small arms fire. Soldiers in the unit earned 28 Combat Action Badges, 13 Bronze Stars, 60 Air Medals, and 12 Army Commendation Medals.

Company C is represented here today by 1st Lieutenant Eric M. Nelson and Chief Warrant Officer Four Joedy VanVelzen.

These Iowa National Guard citizen soldiers have once again demonstrated that the citizen soldiers of the Iowa Army National Guard can and will perform above and beyond the call to duty.

The Iowa Air National Guard has also deployed a number of its members in support of the Global War on Terror. Its Medical Group team, represented here today by Lt. Colonel Mark Davis, volunteered for deployment to Iraq where they believed their civilian expertise and experience could save lives and lessen the effects of personal injuries. They left the confines and security of the base and instituted a one-of-a-kind critical care initiative, treating Iraqi civilians in their local communities, which provided much-needed hands-on care and life-saving treatment. The team completed more than 20 air evacuations, provided sick call services for hundreds of Army and Air Force personnel, provided tactical combat care training, and compassionately counseled U.S. Army mortuary staff struggling with their difficult duties. Lt. Colonel Davis has been named the Air National Guard Outstanding Biomedical Sciences Officer and Outstanding Physician Assistant of the Year.

Colonel Jennifer Walters, Captain Christopher Latcham, and Chief Master Sergeant Sean Larson from the 132nd Fighter Wing deployed to Bagram Air Base, Afghanistan, where they supported nearly 1,400 deployed airmen in 35 austere locations throughout the country. They conducted multiple command visits; assisted with the first Air Force Provincial Team rotations; resolved request for fillers and in-lieu-of conflicts; initiated retasking of airmen; assisted with the reconstruction of roads, bridges, wells, schools, and district and community centers; participated in humanitarian assistance missions; and conducted demining, unexploded ordnance, and weapons caches missions.

As we all know, the National Guard is unique among our nation's military services because of its role in coming to the aid of civilian authorities in times of natural disasters and emergencies. Few missions are as satisfying for members of the National Guard than coming to the aid of a neighbor in need.

Over the Fourth of July holiday last summer, 26 members of the Iowa National Guard did just that when they deployed to Fredonia, Kansas, to provide water purification services to the town's 2,600 residents. Fredonia's municipal water supply was contaminated by extensive flooding. One day they were grilling hamburgers in Iowa celebrating the Fourth of July, and the next day they were purifying water in Kansas. Before it was all said and done, these Iowa National Guard soldiers provided more than 3.1 million gallons of potable water for their Kansas neighbors. Those of you who remember the floods of 1993 can really appreciate what this meant for the residents of Fredonia. Representing the 1555th Quartermaster Company is Sergeant Lani Hefel and Sergeant Josh Michel.

Ladies and gentlemen, these are your soldiers and airmen who have served their state and nation this past year!

Few of us will forget the one-two punch of the ice storm/blizzard combination that nearly shut down the state last February. There's nothing like a good old-fashioned Iowa blizzard to remind us of the importance of our state mission. When that call came, the men and women of the Iowa Guard team were ready. Nearly 600 Iowa National Guard soldiers and airmen responded with the skill and professionalism the citizens of this state have come to expect. We conducted generator missions, gave highway assistance team support, provided armories for shelters, and even transported an expectant mother stranded in Marshalltown to Des Moines for medical care.

Let me share with you a little story about the uniqueness of the Iowa National Guard that was brought home to the Governor and me during the Guard's response to

this snow storm. Governor Culver and I were traveling around the affected area when we stopped in Toledo for a briefing. We walked in and there stood two Iowa National Guard soldiers, Major Todd Lucas and 1st Sergeant Willie Adams, running the Guard's storm response operations.

I said, "Governor you're not going to believe this, but the last time I saw these two was in Sharan, Afghanistan—fifteen miles from the Pakistan border—where they were serving as part of a Provincial Reconstruction Team." This story, more than any other, encapsulates the uniqueness of our mission—from prairie soldier to global minuteman—we are the Iowa National Guard!

Ladies and gentlemen, thanks for listening to my comments and thank you for your continued support of the men and women who proudly serve in the Iowa National Guard.

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 Chester J. Culver was escorted from the House chamber by the committee previously appointed.

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:55 a.m. until 8:45 a.m., Wednesday, February 20, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Robert and Gloria Beekman, Pocahontas—For celebrating their 50th wedding anniversary. Senator Kibbie (2/19/08).

Rosalia Cink, Algona—For celebrating her 90th birthday. Senator Kibbie (2/19/08).

James R. Golden—For celebrating his 80th birthday. Senator Wieck (2/19/08).

LeRoy and Joyce Kaspersen—For celebrating their 50th wedding anniversary. Senator Kibbie (2/19/08).

Jim and Glenda Kollasch, Bancroft—For celebrating their 50th wedding anniversary. Senator Kibbie (2/19/08).

Darwin Tielbur, Graettinger—For celebrating his 80th birthday. Senator Kibbie (2/19/08).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 19, 2008, 3:00 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 2014.

Adjourned: 3:50 p.m.

ECONOMIC GROWTH

Convened: February 19, 2008, 2:05 p.m.

Members Present: Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Dotzler, Hatch, Mulder, Seymour, and Zaun.

Members Absent: Danielson, Hahn, Rielly, and Schmitz (all excused).

Committee Business: Approved governor's appointee.

Adjourned: 2:10 p.m.

HUMAN RESOURCES

Convened: February 19, 2008, 1:10 p.m.

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

Members Absent: None.

Committee Business: Approved SSBs 3002 and 3111. Approved governor's appointees.

Adjourned: 1:30 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 19, 2008, 2:05 p.m.

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

Members Absent: Lundby (excused).

Committee Business: Passed SFs 2077, as amended, 2121, and 2151. Approved governor's appointee.

Adjourned: 2:30 p.m.

TRANSPORTATION

Convened: February 19, 2008, 1:00 p.m.

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

Members Absent: Dearden and McCoy (both excused).

Committee Business: Presentation on teen driving.

Adjourned: 1:55 p.m.

WAYS AND MEANS

Convened: February 19, 2008, 11:30 a.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Angelo, Appel, Dotzler, Hogg, Houser, Noble, Putney, Quirmbach, Schmitz, Seng, Stewart, and Ward.

Members Absent: McKibben, Ranking Member; Connolly and Zieman (all excused).

Committee Business: Passed HF 2233.

Adjourned: 11:40 a.m.

INTRODUCTION OF BILLS

Senate File 2189, by committee on State Government, a bill for an act concerning bingo conducted during county fairs.

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

Senate File 2190, by Warnstadt, a bill for an act relating to the filing of an examining physician's report prior to involuntary hospitalization hearings for chronic substance abusers and mentally ill persons.

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

Senate File 2191, by Zieman, a bill for an act relating to the purchase of liability insurance by the association of Iowa fairs.

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

Senate File 2192, by Hogg, a bill for an act relating to greenhouse gas emissions, specifying greenhouse gas reduction goals, carbon dioxide sequestration assessments, and cost recovery disallowance of designated public utility investments under certain circumstances.

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

Senate File 2193, by committee on State Government, a bill for an act relating to conflicts of interest, lobbying activities, and receipt of gifts by certain government officials and employees.

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

Senate File 2194, by committee on State Government, a bill for an act providing for the oversight of persons organized or doing business in this state on a nonprofit basis, providing for fees, and making an appropriation.

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

Senate File 2195, by Danielson, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

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

Senate File 2196, by Danielson, a bill for an act concerning the purchase of creditable service and postretirement adjustments to benefits under the municipal fire and police retirement system.

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

STUDY BILLS RECEIVED

SSB 3187 Education

Providing that funding of teacher compensation, professional development, early intervention, and educational excellence phase II be implemented through the school aid formula on a per pupil basis.

SSB 3188 Local Government

Relating to the office of the county recorder by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

SSB 3189 Appropriations

Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

SSB 3190 Human Resources

Requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials, establishing a cancer clinical trial review board, and providing an applicability date.

SSB 3191 Human Resources

Relating to the inclusion of licensed marital and family therapists as behavioral health participating providers under the medical assistance program.

SSB 3192 Ways and Means

Establishing a lifelong learning accounts program within the educational savings plan trust and providing tax credits for contributions made by employers to lifelong learning accounts and including an applicability date provision.

SSB 3193 Transportation

Exempting certain persons from motor vehicle manufacturer licensing requirements.

SSB 3194 Human Resources

Relating to health care reform including health information technology, wellness initiatives including an income tax checkoff, coverage for preexisting conditions, continuation of coverage for certain dependent children, and limitations on rate increases for long-term care insurance, providing an appropriation, and including an applicability provision.

SSB 3195 Human Resources

Relating to child care by revising requirements for child care homes and child development homes, restricting the presence of certain registered sex offenders on the premises of child care providers, and providing penalties and an appropriation.

SSB 3196 Human Resources

Relating to recovery from third parties liable for health care coverage provided to recipients of medical assistance, and providing an effective date.

SSB 3197 Commerce

Modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider.

SSB 3198 Agriculture

Providing for infrastructure associated with storing, blending, and dispensing renewable fuel, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2171**

TRANSPORTATION: Beall, Chair; Danielson and Houser

Senate File 2181

AGRICULTURE: Kibbie, Chair; Fraise and Johnson

Senate File 2182

LABOR AND BUSINESS RELATIONS: Dearden, Chair; Behn and Dvorsky

Senate File 2192

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

SSB 3187

EDUCATION: Schoenjahn, Chair; Boettger and Wood

SSB 3188

LOCAL GOVERNMENT: Rielly, Chair; Schoenjahn and Hartsuch

SSB 3189

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

SSB 3190

HUMAN RESOURCES: Bolkcom, Chair; Dotzler and Hartsuch

SSB 3191

HUMAN RESOURCES: Schmitz, Chair; Boettger and Ragan

SSB 3192

WAYS AND MEANS: Dotzler, Chair; Bolkcom and Ward

SSB 3193

TRANSPORTATION: Rielly, Chair; Hancock and Noble

SSB 3194

HUMAN RESOURCES: Hatch, Chair; Bolkcom, Johnson, Ragan, and Seymour

SSB 3195

HUMAN RESOURCES: Kreiman, Chair; Mulder and Schmitz

SSB 3196

HUMAN RESOURCES: Wood, Chair; Bolkcom and Seymour

SSB 3197

COMMERCE: Warnstadt, Chair; Behn and Courtney

SSB 3198

AGRICULTURE: Kibbie, Chair; Fraise, Gaskill, Johnson, and Rielly

FINAL COMMITTEE REPORTS OF BILL ACTION

STATE GOVERNMENT

Bill Title: SENATE FILE 2189 (formerly SF 2147), a bill for an act concerning bingo conducted during county fairs.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2193 (SSB 3150), a bill for an act relating to conflicts of interest, lobbying activities, and receipt of gifts by certain government officials and employees.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2194* (SSB 3139), a bill for an act providing for the oversight of persons organized or doing business in this state on a nonprofit basis, providing for fees, and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Connolly, Horn, Appel, Black, Danielson, Hatch, Kibbie, and Schmitz. Nays, 5: Zieman, Behn, Gaskill, Kettering, and McKibben. Absent, 2: Hahn and Wood.

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 2194, and they were attached to the committee report.

WAYS AND MEANS

Bill Title: HOUSE FILE 2233, a bill for an act relating to providing sales, use, and property tax exemptions for certain web search portal businesses.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Bolkcom, McCoy, Angelo, Appel, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, and Ward. Nays, none. Absent, 3: McKibben, Connolly, and Zieman.

Fiscal Note: 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 19th day of February, 2008:

Senate File 572.

MICHAEL E. MARSHALL
Secretary of the Senate

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

ECONOMIC GROWTH

John Bilsten – Iowa Power Fund Board

HUMAN RESOURCES

Cynthia Cox – Child Welfare Advisory Committee
George Estle – Child Welfare Advisory Committee
Jerry Foxhoven – Child Welfare Advisory Committee
Kathleen Kilnoski – Child Welfare Advisory Committee
Jean McAleer – Child Welfare Advisory Committee
Matthew McDowell – Child Welfare Advisory Committee
Richard Moore – Child Welfare Advisory Committee
Kathleen Penkert – Child Welfare Advisory Committee
Randal Peters – Child Welfare Advisory Committee
Ronald Stehl – Child Welfare Advisory Committee

Rachel Scott – Administrator of the Division on the Status of Women

NATURAL RESOURCES AND ENVIRONMENT

Roya Stanley – Director of the Office of Energy Independence

AMENDMENTS FILED

S-5005	S.F.	2089	Zaun
S-5006	S.F.	2089	Zaun
S-5007	S.F.	2089	Zaun

JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 20, 2008

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 Tuesday, February 19, 2008, was approved.

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 19, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2165, a bill for an act relating to business corporations, by providing for distributions and business opportunities.

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

House File 2189, a bill for an act relating to the regulation and certification of shorthand reporters and the appropriation of fees to offset costs.

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

House File 2194, a bill for an act relating to exemptions to state minimum wage requirements.

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

House File 2196, a bill for an act requiring the department of transportation to study the acceptance of electronic payments at its customer service sites and sites operated by county treasurers.

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

House File 2212, a bill for an act creating a smokefree air Act and providing penalties.

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

INTRODUCTION OF RESOLUTION

Senate Resolution 106, by Dotzler, Hartsuch, and Noble, a resolution to recognize the Iowa Small Business Development Centers and honor 2007 award winners Anna Bradley and Marguerite White.

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:50 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:55 a.m., President Kibbie presiding.

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 105, a resolution honoring Winnebago Industries on its 50th anniversary.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, and Ragan. Nays, none. Absent, 2: Lundby and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 106, a resolution to recognize the Iowa Small Business Development Centers and honor 2007 award winners Anna Bradley and Marguerite White.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, and Ragan. Nays, none. Absent, 2: Lundby and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 105 and 106.

Senate Resolution 105

On motion of Senator Ragan, **Senate Resolution 105**, a resolution honoring Winnebago Industries on its 50th anniversary, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved the adoption of Senate Resolution 105, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Gaskill introduced to the chamber Bruce Hertzke, the chairman and chief executive officer of Winnebago Industries who addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

Senate Resolution 106

On motion of Senator Dotzler, **Senate Resolution 106**, a resolution to recognize the Iowa Small Business Development Centers and honor 2007 award winners Anna Bradley and Marguerite White, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler moved the adoption of Senate Resolution 106, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Dotzler introduced to the chamber Anna Bradley, winner of the 2007 Deb Dalziel Woman Entrepreneur Achievement Award.

The Senate rose and expressed its welcome.

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 9:23 a.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2233 and Senate File 2174.

House File 2233

On motion of Senator Dotzler, **House File 2233**, a bill for an act relating to providing sales, use, and property tax exemptions for certain web search portal businesses, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler 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?" (H.F. 2233), the vote was:

Yeas, 45:

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

Nays, 2:

Dearden	Kreiman
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Present, 1:

Zaun

Absent, 2:

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

Senate File 2174

On motion of Senator Appel, **Senate File 2174**, a bill for an act providing an Iowa individual income tax checkoff for the department of human services' child abuse prevention program, making an appropriation, and providing for the Act's implementation and including a retroactive applicability date provision, was taken up for consideration.

Senator Appel 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. 2174), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Lundby McKibben

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2136.

Senate File 2136

On motion of Senator Olive, **Senate File 2136**, a bill for an act relating to real estate broker trust accounts and abolishing the local housing assistance program, was taken up for consideration.

Senator Olive 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. 2136), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Lundby McKibben

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 Files 2136 and 2174** and **House File 2233** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:50 a.m. until 8:45 a.m., Thursday, February 21, 2008.

APPENDIX

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF EDUCATION

Child Development Coordinating Council Shared Visions Annual Report, pursuant to Iowa Code section 256A.3 (8). Report received on February 19, 2008.

DEPARTMENT OF REVENUE

Iowa Capital Investment Board 2007 Annual Report, pursuant to Iowa Code section 15E.46. Report received on February 19, 2008.

PRESENTATION OF VISITORS

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

Gilbert High School cheerleaders, accompanied by their coach, Tami Miller. Senator Quirmbach.

CERTIFICATES OF RECOGNITION

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

Marshall Beal, Wilton—For achieving the rank of Eagle Scout, Boy Scout Troop 151. Senator Hahn (2/20/08).

Donna Day—For receiving the Humboldt-Dakota City Spirit Inspiration Award. Senator Kibbie (2/20/08).

John and Jody Eppley—For receiving the Humboldt-Dakota City Spirit Family Tradition Award. Senator Kibbie (2/20/08).

Gilbert High School Cheerleaders—For representing Iowa in the UCA National Competition, February 8–10, 2008, in Orlando, Florida. Senator Quirmbach (2/20/08).

Jim Gronbach—For receiving the Humboldt-Dakota City Spirit Good Neighbor Award. Senator Kibbie (2/20/08).

Mabel Guilford, Dubuque—For celebrating her 100th birthday. Senator Connolly (2/20/08).

Habitat for Humanity—For receiving the Humboldt-Dakota City Spirit Neighborhood Restoration/Beautification Award. Senator Kibbie (2/20/08).

Joe Hassett—For receiving the Humboldt-Dakota City Spirit Youth Champion Award. Senator Kibbie (2/20/08).

Jet Company—For receiving the Humboldt-Dakota City Spirit Horizon Award. Senator Kibbie (2/20/08).

Humboldt County 4-H Clubs—For receiving the Humboldt-Dakota City Spirit Young Leaders Award. Senator Kibbie (2/20/08).

RAGBRAI Committee—For receiving the Humboldt-Dakota City Spirit Cooperation Award. Senator Kibbie (2/20/08).

Steve Samuels—For receiving the Humboldt-Dakota City Chamber of Commerce President's Award. Senator Kibbie (2/20/08).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 14, 2008, 10:20 a.m.

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

Members Absent: None.

Committee Business: Presentation by Iowa Credit Union Foundation.

Adjourned: 10:50 a.m.

EDUCATION

Convened: February 19, 2008, 4:10 p.m.

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

Members Absent: None.

Committee Business: Approved SSB 3097, as amended.

Recessed: 4:15 p.m.

Reconvened: 4:30 p.m.

Adjourned: 5:30 p.m.

JUDICIARY

Convened: February 19, 2008, 5:40 p.m.

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

Members Absent: McKibben, Ranking Member (excused).

Committee Business: Passed SFs 2022, 2057, and 2072. Approved SSBs 3076 and 3122.

Adjourned: 6:10 p.m.

EDUCATION

Convened: February 20, 2008, 1:05 p.m.

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

Members Absent: Kreiman and Quirmbach (both excused).

Committee Business: Approved SSB 3072. Presentation by Dr. Judy Jeffrey of the Department of Education and Dr. Ben Allen of the University of Northern Iowa.

Adjourned: 1:40 p.m.

GOVERNMENT OVERSIGHT

Convened: February 20, 2008, 10:35 a.m.

Members Present: Courtney, Chair; Connolly, Vice Chair; Ward, Ranking Member; and Schmitz.

Members Absent: Lundby (excused).

Committee Business: Subcommittee assignments. Presentation on wastewater discharge by the DNR.

Adjourned: 11:30 a.m.

LABOR AND BUSINESS RELATIONS

Convened: February 20, 2008, 1:15 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: Approved SSBs 3042, 3047, 3049, and 3073. Approved the governor's appointee.

Adjourned: 1:40 p.m.

RULES AND ADMINISTRATION

Convened: February 20, 2008, 8:50 a.m.

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

Members Absent: Lundby and Zieman (both excused).

Committee Business: Approved SRs 105 and 106.

Adjourned: 8:55 a.m.

WAYS AND MEANS

Convened: February 20, 2008, 2:05 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; McKibben, Ranking Member; Appel, Dotzler, Hogg, Houser, Noble, Putney, Quirmbach, Schmitz, Seng, Stewart, Ward, and Zieman.

Members Absent: Angelo and Connolly (both excused).

Committee Business: Passed SF 2130.

Adjourned: 2:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 20, 2008, 10:25 a.m.

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

Members Absent: Hartsuch (excused).

Committee Business: Budget overview by LSA Fiscal Division.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 20, 2008, 10:30 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Department of Education on early childhood, the Lead the Way project, and core curriculum.

Adjourned: 12:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 20, 2008, 10:35 a.m.

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

Members Absent: None.

Committee Business: Presentation by Department of Public Health on the I-Smile program.

Adjourned: 11:35 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 107, by McKibben, Putney, and Rielly, a resolution honoring the men's soccer team from Marshalltown Community College for their third-place finish in the National Junior College Athletic Association National Soccer Tournament.

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

INTRODUCTION OF BILLS

Senate File 2197, by committee on Natural Resources and Environment, a bill for an act relating to water quality by establishing a water resources coordinating council, authorizing a marketing campaign, directing assistance to local communities for monitoring and measurement, and creating a regional assessment program, a community-based improvement program, and a wastewater and storm water infrastructure program.

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

Senate File 2198, by committee on Natural Resources and Environment, a bill for an act relating to the appointment of the membership of the Brushy creek recreation area trails advisory board.

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

Senate File 2199, by committee on Human Resources, a bill for an act allowing appeal of denials of dental insurance coverage based on medical necessity.

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

Senate File 2200, by Olive, a bill for an act requiring radon gas information in certain transfers of real estate.

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

Senate File 2201, by Zaun, McKinley, Ward, Noble, Putney, Gaskill, Behn, Wieck, Zieman, Houser, Kettering, Boettger, Hartsuch, Mulder, and Johnson, a bill for an act relating to the exemption under the individual income tax of certain federal tax rebates and including a retroactive applicability date provision.

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

Senate File 2202, by Gaskill, a bill for an act relating to rules for discharging wastewater from water well drilling sites.

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

Senate File 2203, by committee on Agriculture, a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators.

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

Senate File 2204, by committee on Human Resources, a bill for an act relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, garnishment of money held by the state for a person who owes delinquent child support, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, collection of support from certain obligors, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates.

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

Senate File 2205, by Zaun, a bill for an act expanding institutional eligibility for the Iowa tuition grant program.

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

Senate File 2206, by Hartsuch, a bill for an act concerning investment of certain public funds in companies doing business in countries that support international terrorism by the treasurer of state, public retirement systems in Iowa, and the state board of regents.

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

Senate File 2207, by Kreiman, a bill for an act relating to grandparent and great-grandparent visitation.

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

Senate File 2208, by Kreiman, a bill for an act limiting the forest reservation acreage property tax exemption and including effective and applicability date provisions.

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

Senate File 2209, by Zaun, a bill for an act relating to the membership of the vision Iowa board and including an applicability provision.

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

Senate File 2210, by Heckroth, a bill for an act relating to alternative energy system tax credits under the individual and corporate income taxes for the installation of alternative energy systems and including a retroactive applicability date provision.

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

Senate File 2211, by committee on Judiciary, a bill for an act relating to the residency of a district judge nominee.

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

Senate File 2212, by committee on Judiciary, a bill for an act relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights.

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

STUDY BILLS RECEIVED

SSB 3199 Economic Growth

Relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements.

SSB 3200 Commerce

Relating to identity theft, including providing for the notification of a breach in the security of computerized data that includes personal information, establishing a business duty to safeguard personal information against a breach of security, and providing penalties.

SSB 3201 State Government

Concerning department of administrative services operations.

SSB 3202 Veterans Affairs

Concerning the definition of veteran.

SSB 3203 Human Resources

Relating to Alzheimer's disease and similar forms of irreversible dementia.

SSB 3204 Judiciary

Relating to civil liability for social hosts providing alcoholic beverages to persons under legal age.

SSB 3205 Judiciary

Relating to sentencing a person after a third or subsequent felony conviction, and providing a penalty.

SSB 3206 Judiciary

Relating to the admissibility of medical records and bills in civil cases.

SSB 3207 Judiciary

Providing that certain liability insurance policy information is required to be given to claimants.

SSB 3208 Judiciary

Relating to the involvement of the juvenile court and the county attorney in certain child abuse cases.

SSB 3209 Judiciary

Relating to the emancipation of a minor.

SSB 3210 Judiciary

Relating to scrap metal transactions, prohibiting certain sales, imposing criminal penalties, and providing an effective date.

SSB 3211 Judiciary

Relating to public intoxication by using or consuming a controlled substance or by inhaling or consuming an inhalant and making a penalty applicable.

SSB 3212 Judiciary

Relating to deferred judgment criminal records.

SSB 3213 Judiciary

Relating to offenses against identity by establishing a procedure to secure credit information and providing a penalty.

SSB 3214 Judiciary

Relating to registration requirements for sex offenders.

SSB 3215 Judiciary

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

SSB 3216 Appropriations

Relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2086
(Reassigned)

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

Senate File 2168

STATE GOVERNMENT: Hatch, Chair; Danielson and Zieman

Senate File 2169

STATE GOVERNMENT: Wood, Chair; Danielson and Hahn

Senate File 2178

WAYS AND MEANS: Stewart, Chair; Angelo and Dotzler

Senate File 2180

WAYS AND MEANS: Hogg, Chair; Bolkom and Houser

Senate File 2184

JUDICIARY: Kreiman, Chair; Dvorsky and Hartsuch

Senate File 2185

STATE GOVERNMENT: Danielson, Chair; Gaskill and Kibbie

Senate File 2188

STATE GOVERNMENT: Danielson, Chair; Hahn and Kibbie

Senate File 2190

HUMAN RESOURCES: Kreiman, Chair; Ragan and Seymour

Senate File 2195

ECONOMIC GROWTH: Olive, Chair; Beall and Zaun

Senate File 2196

STATE GOVERNMENT: Danielson, Chair; Kibbie and Zieman

House File 2194

LABOR AND BUSINESS RELATIONS: Ward, Chair; Kettering and Seng

SSB 3199

ECONOMIC GROWTH: Danielson, Chair; Houser and Rielly

SSB 3200

COMMERCE: Warnstadt, Chair; Kettering and Stewart

SSB 3201

STATE GOVERNMENT: Danielson, Chair; Horn and Kettering

SSB 3202

VETERANS AFFAIRS: Kibbie, Chair; McKinley and Warnstadt

SSB 3203

HUMAN RESOURCES: Ragan, Chair; Boettger and Bolkcom

SSB 3204

JUDICIARY: Kreiman, Chair; Behn and Hancock

SSB 3205

JUDICIARY: Kreiman, Chair; Behn and Dvorsky

SSB 3206

JUDICIARY: Hogg, Chair; Ward and Warnstadt

SSB 3207

JUDICIARY: Horn, Chair; Fraise and Zieman

SSB 3208

JUDICIARY: Kreiman, Chair; Schoenjahn and Ward

SSB 3209

JUDICIARY: Kreiman, Chair; Schoenjahn and Ward

SSB 3210

JUDICIARY: Horn, Chair; Fraise and Hartsuch

SSB 3211

JUDICIARY: Kreiman, Chair; Dvorsky and Noble

SSB 3212

JUDICIARY: Hogg, Chair; Behn and Hancock

SSB 3213

JUDICIARY: Warnstadt, Chair; Hartsuch and Kreiman

SSB 3214

JUDICIARY: Kreiman, Chair; Dvorsky and Noble

SSB 3215

JUDICIARY: Noble, Chair; Kreiman and Ward

SSB 3216

APPROPRIATIONS: Dvorsky, Chair; and Kettering

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: SENATE FILE 2203 (formerly SF 2014), a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators.

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.

HUMAN RESOURCES

Bill Title: SENATE FILE 2199 (SSB 3002), a bill for an act allowing appeal of denials of dental insurance coverage based on medical necessity.

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 2204 (SSB 3111), a bill for an act relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, garnishment of money held by the state for a person who owes delinquent child support, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, collection of support from certain obligors, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates.

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.

JUDICIARY

Bill Title: SENATE FILE 2211 (formerly SF 2057), a bill for an act relating to the residency of a district judge nominee.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2212* (SSB 3122), a bill for an act relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirmbach, 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 2212, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2197* (formerly SF 2121), a bill for an act relating to water quality by establishing a water resources coordinating council, authorizing a marketing campaign, directing assistance to local communities for monitoring and measurement, and creating a regional assessment program, a community-based improvement program, and a wastewater and storm water infrastructure program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Hancock, Gaskill, Behn, Bolkcom, Dearden, Hogg, Johnson, Kettering, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Lundby.

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 Natural Resources and Environment Committee on Senate File 2197, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2198 (formerly SF 2151), a bill for an act relating to the appointment of the membership of the Brushy creek recreation area trails advisory board.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Hancock, Gaskill, Behn, Bolkcom, Dearden, Hogg, Johnson, Kettering, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2130, a bill for an act relating to certain county distress criteria under the enterprise zone program.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, McCoy, McKibben, Appel, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, 2: Angelo and Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 20, 2008, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 572 – Extending state tax benefits for use of soy-based transformer fluid by electric utilities and including effective and applicability date provisions.

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

LABOR AND BUSINESS RELATIONS

Elisabeth Buck – Director of Workforce Development

AMENDMENT FILED

S-5008 S.F. 2176 Dennis H. Black

JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 21, 2008

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

Prayer was offered by Pastor Tim Phillips of Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, February 20, 2008, was approved.

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 20, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2195, a bill for an act relating to certain county distress criteria under the enterprise zone program.

Read first time and **attached to companion Senate File 2130**.

House File 2213, a bill for an act relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date.

Read first time and **attached to companion Senate File 2162**.

House File 2215, a bill for an act relating to private activity bond allocation procedures and single-project limitations.

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

SPECIAL GUESTS

Senator Beall introduced to the chamber Consul General Arvydas Daunoravicius of the Republic of Lithuania, who addressed the Senate with brief remarks. He was accompanied by Tadas Kubilius, assistant to the Consul General; Robert Denson, president and CEO of DACC; Verl Long, coordinator of DACC student support services; and Hadi Atal, DACC academic advisor.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:55 a.m. until 1:00 p.m., Monday, February 25, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Eileen Graves, Sibley—For 30 years of dedicated service to court administration in the state of Iowa. Senator Johnson (2/21/08).

Jessie Michael Keune, West Union—For achieving the rank of Eagle Scout, Boy Scout Troop 54. Senator Heckroth (2/21/08).

Sam Wagner, Davenport—For receiving the Prudential Spirit of Community Award. Senator Seng (2/21/08).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 20, 2008, 10:20 a.m.

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

Members Absent: None.

Committee Business: Observed Iowa Parole Board hearings.

Adjourned: 11:40 a.m.

AGRICULTURE

Convened: February 21, 2008, 1:10 p.m.

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

Members Absent: Rielly, Vice Chair; Kibbie, Olive, and Putney (all excused).

Committee Business: Presentation by Dr. Michael Duffy, director of Beginning Farmers Center, ISU Extension.

Adjourned: 1:35 p.m.

ECONOMIC GROWTH

Convened: February 21, 2008, 2:05 p.m.

Members Present: Stewart, Chair; Houser, Ranking Member; Beall, Danielson, Dotzler, Hahn, Mulder, Schmitz, Seymour, and Zaun.

Members Absent: Olive, Vice Chair; Hatch and Rielly (all excused).

Committee Business: Approved SSB 3129, as amended. Presentations by the Department of Cultural Affairs on the Great Places program and on historic tax credits.

Adjourned: 2:40 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 21, 2008, 2:10 p.m.

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

Members Absent: Hogg, Lundby, and Noble (all excused).

Committee Business: Passed SF 2086, as amended.

Adjourned: 2:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 21, 2008, 11:00 a.m.

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

Members Absent: Stewart (excused).

Committee Business: Budget overview presented by the LSA Fiscal Division.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 21, 2008, 11:00 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Iowa Egg Council and Poultry Association.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 21, 2008, 10:40 a.m.

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

Members Absent: None.

Committee Business: Presentations by IPTV and Iowa independent colleges and universities.

Adjourned: 11:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 21, 2008, 11:00 a.m.

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

Members Absent: McKinley, Ranking Member; and Hogg (both excused).

Committee Business: Presentation by director of Civil Rights Commission.

Adjourned: 11:15 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: February 21, 2008, 10:55 a.m.

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

Members Absent: McKibben (excused).

Committee Business: Discussion of TIME-21.

Adjourned: 11:25 a.m.

INTRODUCTION OF BILLS

Senate File 2213, by Black and Olive, a bill for an act providing for the stockpiling of dry manure from a confinement feeding operation and making penalties applicable.

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

Senate File 2214, by committee on Judiciary, a bill for an act relating to modification of a child custody order during the time a parent is serving active duty.

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

Senate File 2215, by committee on Judiciary, a bill for an act establishing a tool and die lien Act.

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

Senate File 2216, by committee on Education, a bill for an act 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.

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

Senate File 2217, by committee on Judiciary, a bill for an act relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem.

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

Senate File 2218, by committee on Education, a bill for an act allowing the director of the department of education to withhold certain state funding from school districts, area education agencies, and community colleges when required report submissions are late.

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

Senate File 2219, by committee on Labor and Business Relations, a bill for an act relating to contractor registration through the division of labor services of the department of workforce development and the appropriation of fees for the use of the division.

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

Senate File 2220, by committee on Labor and and Business Relations, a bill for an act relating to unemployment insurance tax penalties.

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

Senate File 2221, by committee on Labor and Business Relations, a bill for an act relating to workers' compensation benefit payments for burial expenses.

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

Senate File 2222, by committee on Labor and Business Relations, a bill for an act relating to payment of wages.

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

Senate File 2223, by committee on Natural Resources and Environment, a bill for an act relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, and providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, and providing effective and applicability dates.

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

Senate File 2224, by Warnstadt, a bill for an act concerning the home ownership assistance program for members of the military.

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

Senate File 2225, by Bolkcom, a bill for an act relating to the disposal of solid waste in sanitary landfills by prohibiting the final disposal of mercury-containing lamps.

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

Senate File 2226, by Bolkcom, a bill for an act prohibiting the issuance of certificates, permits, and licenses for the construction of certain electric power generating facilities that are fueled by coal for a specified time period, and providing an effective date.

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

Senate File 2227, by McKinley, a bill for an act requiring a regulatory analysis of administrative rules impacting small business.

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

Senate File 2228, by Olive, Johnson, Putney, Fraise, and Courtney, a bill for an act appropriating moneys to support research, development, production, and use of products or coproducts associated with energy production.

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

Senate File 2229, by Zaun, McKinley, Ward, Houser, Boettger, Zieman, Putney, Kettering, Hahn, and Hartsuch, a bill for an act prohibiting state agencies from engaging in political advertising.

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

STUDY BILLS RECEIVED

SSB 3217 Natural Resources and Environment

Proposing an amendment to the Constitution of the State of Iowa to use a portion of state revenue from the tax imposed on the retail sales of tangible personal property and services for the benefit of the state's natural resources.

SSB 3218 Labor and Business Relations

Relating to workers' compensation provisions for continued medically related benefits in certain settlements of workers' compensation claims and to funding of the second injury fund and providing an effective date.

SSB 3219 Government Oversight

Relating to the distribution and permissible expenditures of moneys deposited in the wireless E911 emergency communications fund.

SSB 3220 Agriculture

Providing for reporting regarding commercial feed coproducts by biorefineries, and providing a penalty.

SSB 3221 Agriculture

Relating to the management of cooperative associations.

SSB 3222 Local Government

Providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective and applicability date provisions.

SSB 3223 Commerce

Relating to indemnity provisions in construction contracts.

SSB 3224 Economic Growth

Relating to economic development by creating a sustainable community development initiative.

SSB 3225 Human Resources

Relating to disease prevention and wellness including the Iowa healthy communities initiative and the governor's council on physical fitness and nutrition.

SSB 3226 Natural Resources and Environment

Relating to natural resources, by providing for the powers and duties of the natural resource commission, and the regulation of public lands and outdoor recreation, providing for penalties, and providing for fees.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2131 (Reassigned)

APPROPRIATIONS: Seng, Chair; Dvorsky and Kettering

Senate File 2191

COMMERCE: McCoy, Chair; Rielly and Wood

Senate File 2200

COMMERCE: Olive, Chair; Angelo and Heckroth

Senate File 2202

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

Senate File 2205

EDUCATION: Quirnbach, Chair; Connolly and Mulder

Senate File 2207

JUDICIARY: Kreiman, Chair; Hartsuch and Quirnbach

Senate File 2208

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Kettering and Schoenjahn

Senate File 2209

ECONOMIC GROWTH: Olive, Chair; Houser and Rielly

Senate File 2210

NATURAL RESOURCES AND ENVIRONMENT: Hancock; Chair; Noble and Wood

Senate File 2225

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom; Chair; Behn and Ragan

Senate File 2226

NATURAL RESOURCES AND ENVIRONMENT: Wood, Chair; Bolkcom and Kettering

House File 2165

JUDICIARY: Fraise, Chair; Horn and Ward

House File 2189

JUDICIARY: Kreiman, Chair; Behn and Dvorsky

House File 2212

STATE GOVERNMENT: Appel, Chair; Connolly and Zieman

SSB 3187
(Reassigned)

EDUCATION: Heckroth, Chair; Boettger and Wood

SSB 3217

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

SSB 3218

LABOR AND BUSINESS RELATIONS: Ward, Chair; Behn and Dearden

SSB 3219

GOVERNMENT OVERSIGHT: Courtney, Chair; Schmitz and Ward

SSB 3220

AGRICULTURE: Courtney, Chair; Boettger and Kibbie

SSB 3221

AGRICULTURE: Olive, Chair; Boettger and Fraise

SSB 3222

LOCAL GOVERNMENT: Stewart, Chair; Rielly and Zaun

SSB 3223

COMMERCE: Warnstadt, Chair; Angelo and Courtney

SSB 3224

ECONOMIC GROWTH: Rielly, Chair; Dotzler and Mulder

SSB 3225

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Wood

SSB 3226

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

FINAL COMMITTEE REPORTS OF BILL ACTION**EDUCATION**

Bill Title: SENATE FILE 2216* (SSB 3097), a bill for an act 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Schoenjahn, Appel, Mulder, Beall, Connolly, Heckroth, Quirnbach, Schmitz, and Wood. Nays, 6: Boettger, Johnson, Kreiman, McKinley, Zaun, and Ziemann. 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 Education Committee on Senate File 2216, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2218 (SSB 3072), a bill for an act allowing the director of the department of education to withhold certain state funding from school districts, area education agencies, and community colleges when required report submissions are late.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Johnson, McKinley, Wood, Zaun, and Ziemann. Nays, none. Absent, 3: Kreiman, Quirnbach, and Schmitz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 2214* (formerly SF 2072), a bill for an act relating to modification of a child custody order during the time a parent is serving active duty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirnbach, Schoenjahn, Ward, Warnstadt, and Ziemann. 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 2214, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2215* (formerly SF 2022), a bill for an act establishing a tool and die lien Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Kreiman, Hogg, Dvorsky, Fraise, Hancock, Horn, Quirnbach, Schoenjahn, and Warnstadt. Nays, 5: Behn, Hartsuch, Noble, Ward, and Ziemann. 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 2215, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2217* (SSB 3076), a bill for an act relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirnbach, Schoenjahn, Ward, Warnstadt, and Ziemann. 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 2217, and they were attached to the committee report.

LABOR AND BUSINESS RELATIONS

Bill Title: SENATE FILE 2219 (SSB 3042), a bill for an act relating to contractor registration through the division of labor services of the department of workforce development and the appropriation of fees for the use of the division.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Dearden, Courtney, Dotzler, Dvorsky, Hatch, Horn, and Seng. Nays, 4: Ward, Behn, Hahn, and Kettering. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2220* (SSB 3073), a bill for an act relating to unemployment insurance tax penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Dearden, Courtney, Dotzler, Dvorsky, Hatch, Horn, and Seng. Nays, 4: Ward, Behn, Hahn, and Kettering. 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 Labor and Business Relations Committee on Senate File 2220, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2221 (SSB 3049), a bill for an act relating to workers' compensation benefit payments for burial expenses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Dearden, Courtney, Dotzler, Dvorsky, Hatch, Horn, and Seng. Nays, 4: Ward, Behn, Hahn, and Kettering. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2222* (SSB 3047), a bill for an act relating to payment of wages.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dearden, Courtney, Ward, Behn, Dotzler, Dvorsky, Hahn, Hatch, Horn, Kettering, 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 Labor and Business Relations Committee on Senate File 2222, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2223* (formerly SF 2077), a bill for an act relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, and providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, and providing effective and applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Hancock, Gaskill, Behn, Bolkcom, Dearden, Hogg, Johnson, Kettering, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Lundby.

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 Natural Resources and Environment Committee on Senate File 2223, and they were attached to the committee report.

AMENDMENT FILED

S-5009 S.F. 2137 John P. Kibbie

JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY
TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 25, 2008

The Senate met in regular session at 1:00 p.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Rhonda Greenway.

The Journal of Thursday, February 21, 2008, was approved.

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 21, 2008, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2059, a bill for an act relating to the administration of the department of cultural affairs.

ALSO: That the House has on February 21, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2197, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information.

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

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 2219, 2220, and 2223** be referred from the Regular Calendar to the committee on **Ways and Means**.

The Senate stood at ease at 1:07 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:07 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Ward, until she arrives, on request of Senator Wieck.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

George Belitsos – Child Welfare Advisory Committee
Cynthia Cox – Child Welfare Advisory Committee
George Estle – Child Welfare Advisory Committee
Jerry Foxhoven – Child Welfare Advisory Committee
Kathleen Kilnoski – Child Welfare Advisory Committee
Jean McAleer – Child Welfare Advisory Committee
Richard Moore – Child Welfare Advisory Committee
Randal Peters – Child Welfare Advisory Committee
Ronald Stehl – Child Welfare Advisory Committee

Valynda Akin – Electrical Examining Board
Lori Mease – Electrical Examining Board
Andrea Rivera-Harrison – Electrical Examining Board
Randy VanVoorst – Electrical Examining Board

Sherry Sievers – Iowa Emergency Response Commission

Rachel Scott – Administrator of the Division on the Status of Women

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Ward

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Hogg called up the appointment of John Baldwin, as Director of the Department of Corrections, placed on the Individual Confirmation Calendar on February 7, 2008, and found on page 206 of the Senate Journal.

Senator Hogg moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn

Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Dearden called up the appointment of Elisabeth Buck, as Director of Workforce Development, placed on the Individual Confirmation Calendar on February 20, 2008, and found on page 326 of the Senate Journal.

Senator Dearden moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman

Dearden	Houser	Quirnbach
Dotzler	Johnson	Ragan
Dvorsky	Kettering	Rielly

Nays, none.

Absent, 1:

Ward

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2061, 2100, and 2074.

Senate File 2061

On motion of Senator Schmitz, **Senate File 2061**, a bill for an act relating to controlled substance schedules and the reporting requirements to the board of pharmacy and making penalties applicable, was taken up for consideration.

Senator Schmitz asked and received unanimous consent that **House File 2167** be **substituted** for **Senate File 2061**.

House File 2167

On motion of Senator Schmitz, **House File 2167**, a bill for an act relating to controlled substance schedules and the reporting requirements to the board of pharmacy and making penalties applicable, was taken up for consideration.

Senator Schmitz 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?" (H.F. 2167), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Ward

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

WITHDRAWN

Senator Schmitz asked and received unanimous consent that **Senate File 2061** be **withdrawn** from further consideration of the Senate.

Senate File 2100

On motion of Senator Schmitz, **Senate File 2100**, a bill for an act relating to the membership requirements and oversight responsibilities of the board of educational examiners, was taken up for consideration.

Senator Schmitz asked and received unanimous consent that **House File 2137** be **substituted** for **Senate File 2100**.

House File 2137

On motion of Senator Schmitz, **House File 2137**, a bill for an act relating to the membership requirements and oversight responsibilities of the board of educational examiners, was taken up for consideration.

Senator Schmitz 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?" (H.F. 2137), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Ward

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

WITHDRAWN

Senator Schmitz asked and received unanimous consent that **Senate File 2100** be **withdrawn** from further consideration of the Senate.

Senate File 2074

On motion of Senator Quirmbach, **Senate File 2074**, a bill for an act relating to the advanced practice registered nurse licensure compact and providing an effective date, was taken up for consideration.

Senator Quirmbach asked and received unanimous consent that **House File 2151** be **substituted** for **Senate File 2074**.

House File 2151

On motion of Senator Quirmbach, **House File 2151**, a bill for an act relating to the advanced practice registered nurse licensure compact and providing an effective date, was taken up for consideration.

Senator Quirmbach 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?” (H.F. 2151), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Ward

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

WITHDRAWN

Senator Quirnbach asked and received unanimous consent that **Senate File 2074** be **withdrawn** from further consideration of the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 261

Senator Bolkom called up for consideration **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, amended by the House in House amendment S-5003, filed February 11, 2008.

Senator Bolkom moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Bolkom moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 261), the vote was:

Yeas, 42:

Appel	Fraise	Kreiman	Schmitz
Beall	Gaskill	Lundby	Schoenjahn
Black	Gronstal	McCoy	Seng
Boettger	Hancock	McKibben	Seymour
Bolkom	Hatch	Mulder	Stewart
Cannolly	Heckroth	Noble	Warnstadt
Courtney	Hogg	Olive	Wieck
Danielson	Horn	Putney	Wood
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kibbie	Rielly	

Nays, 7:

Angelo
Behn

Hahn
Hartsuch

Kettering
McKinley

Zaun

Absent, 1:

Ward

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 261** and **House Files 2137, 2151, and 2167** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:50 p.m. until 5:00 p.m.

APPENDIX—1

PRESENTATION OF VISITORS

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

The 2008 Dowling Catholic High School basketball team from West Des Moines, accompanied by Coach John Wilkenson and his assistant coaches. Senator Zaun.

CERTIFICATES OF RECOGNITION

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

Jack Leaman, Mason City—For being elected to the College of Fellows of the American Institute of Certified Planners. Senator Ragan (2/25/08).

Ethan and Maxine Rasmussen—For celebrating their 60th wedding anniversary. Senator Gronstal (2/25/08).

Harry and Lila Springer—For celebrating their 60th wedding anniversary. Senator Gronstal (2/25/08).

Dan and Rosella Storjohahn—For celebrating their 69th wedding anniversary. Senator Gronstal (2/25/08).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 21, 2008, 10:55 a.m.

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

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Presentation by Iowa Protection and Advocacy Services.

Adjourned: 11:30 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 108, by Johnson, a resolution recognizing the Uncommon Public Service Award.

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

Senate Resolution 109, by Kettering, a resolution honoring Amy Peyton, a Distinguished Finalist in the 2008 Prudential Spirit of Community Awards Program.

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

INTRODUCTION OF BILLS

Senate File 2230, by committee on Natural Resources and Environment, a bill for an act authorizing the issuance of special nonresident turkey and deer hunting licenses to certain persons who have severe physical disabilities or a terminal illness.

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

Senate File 2231, by committee on Economic Growth, a bill for an act increasing the total aggregate amount of tax credits issued for business investment and contributions to seed capital funds and coinvestment funds and repealing a venture capital fund investment tax credit.

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

Senate File 2232, by Bolkcom, a bill for an act establishing a low head dam public hazard program.

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

Senate File 2233, by Schoenjahn, a bill for an act relating to the preneed sale of cemetery and funeral merchandise and funeral services.

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

Senate File 2234, by Wood, a bill for an act providing for research related to mitigation of odor emitted from livestock operations.

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

STUDY BILLS RECEIVED

SSB 3227 State Government

Making revisions and modifications to uniform finance procedures for bonds issued by the state.

SSB 3228 State Government

Concerning the duties and responsibilities of the auditor of state.

SSB 3229 Human Resources

Relating to reimbursement of providers of child welfare services.

SSB 3230 Agriculture

Urging the United States Environmental Protection Agency to take all actions necessary to provide American consumers with the opportunity to use higher ethanol blended gasoline for general use in conventional engines.

SSB 3231 Judiciary

Relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

SSB 3232 Judiciary

Creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

SSB 3233 Appropriations

Relating to and making appropriations to the justice system and including an effective date.

SSB 3234 Appropriations

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents.

SSB 3235 Appropriations

Relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2206**

STATE GOVERNMENT: Danielson, Chair; Kibbie and Zieman

Senate File 2213

AGRICULTURE: Olive, Chair; Black and Johnson

Senate File 2219

WAYS AND MEANS: Seng, Chair; Dotzler and Ward

Senate File 2220

WAYS AND MEANS: Dotzler, Chair; Angelo and Seng

Senate File 2223

WAYS AND MEANS: Hogg, Chair; Angelo and Stewart

Senate File 2224

VETERANS AFFAIRS: Warnstadt, Chair; Danielson and Seymour

Senate File 2227

STATE GOVERNMENT: Kibbie, Chair; Connolly and Ziemann

Senate File 2228

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 2229

STATE GOVERNMENT: Wood, Chair; Danielson and Ziemann

Senate File 2233

COMMERCE: Schoenjahn, Chair; Bolcom and Ward

Senate File 2234

AGRICULTURE: Courtney, Chair; Johnson and Kibbie

House File 2165

(Reassigned)

JUDICIARY: Hogg, Chair; Behn and Kreiman

House File 2197

EDUCATION: Quirnbach, Chair; Beall and McKinley

SSB 3227

STATE GOVERNMENT: Kibbie, Chair; Connolly and Hahn

SSB 3228

STATE GOVERNMENT: Danielson, Chair; Appel and McKibben

SSB 3229

HUMAN RESOURCES: Kreiman, Chair; Hartsuch and Schmitz

SSB 3230

AGRICULTURE: Kibbie, Chair; Boettger, Fraise, Johnson, and Rielly

SSB 3231

JUDICIARY: Horn, Chair; Hogg and Ward

SSB 3232

JUDICIARY: Fraise, Chair; Hogg and Ward

SSB 3233

APPROPRIATIONS: Dvorsky, Chair; and Kettering

SSB 3234

APPROPRIATIONS: Dvorsky, Chair; and Kettering

SSB 3235

APPROPRIATIONS: Dvorsky, Chair; and Kettering

FINAL COMMITTEE REPORTS OF BILL ACTION**ECONOMIC GROWTH**

Bill Title: SENATE FILE 2231* (SSB 3129), a bill for an act increasing the total aggregate amount of tax credits issued for business investment and contributions to seed capital funds and coinvestment funds and repealing a venture capital fund investment tax credit.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Stewart, Houser, Beall, Danielson, Dotzler, Hahn, Mulder, Schmitz, Seymour, and Zaun. Nays, none. Absent, 3: Olive, Hatch, and Rielly.

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 2231, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2230* (formerly SF 2086), a bill for an act authorizing the issuance of special nonresident turkey and deer hunting licenses to certain persons who have severe physical disabilities or a terminal illness.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Black, Hancock, Gaskill, Behn, Bolkom, Dearden, Johnson, Kettering, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 3: Hogg, Lundby, and Noble.

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 Natural Resources and Environment Committee on Senate File 2230, and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 5:02 p.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.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2130, 2108, 2089, 2177, and 2203.

Senate File 2130

On motion of Senator Stewart, **Senate File 2130**, a bill for an act relating to certain county distress criteria under the enterprise zone program, with report of committees on Economic Growth and Appropriations recommending passage, was taken up for consideration.

Senator Stewart asked and received unanimous consent that **House File 2195** be **substituted** for **Senate File 2130**.

House File 2195

On motion of Senator Stewart, **House File 2195**, a bill for an act relating to certain county distress criteria under the enterprise zone program, was taken up for consideration.

Senator Stewart 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?” (H.F. 2195), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Ward

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

WITHDRAWN

Senator Stewart asked and received unanimous consent that **Senate File 2130** be **withdrawn** from further consideration of the Senate.

Senate File 2108

On motion of Senator Hancock, **Senate File 2108**, a bill for an act relating to the designation of a Gift to Iowa’s Future Recognition Day, with report of committee recommending passage, was taken up for consideration.

Senator Hancock offered amendment S-5012, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5012 was adopted by a voice vote.

Senator Hancock 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. 2108), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Ward

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

Senate File 2089

On motion of Senator Quirmbach, **Senate File 2089**, a bill for an act relating to applications for absentee ballots, was taken up for consideration.

Senator Zaun offered amendment S-5006, filed by him on February 19, 2008, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5006 be adopted?" (S.F. 2089), the vote was:

Yeas, 12:

Angelo	Hartsuch	McKinley	Seymour
Behn	Johnson	Noble	Wieck
Hahn	Kettering	Putney	Zaun

Nays, 37:

Appel	Dvorsky	Kibbie	Schmitz
Beall	Fraise	Kreiman	Schoenjahn
Black	Gaskill	Lundby	Seng
Boettger	Gronstal	McCoy	Stewart
Bolkcom	Hancock	McKibben	Warnstadt
Connolly	Hatch	Mulder	Wood
Courtney	Heckroth	Olive	Zieman
Danielson	Hogg	Quirnbach	
Dearden	Horn	Ragan	
Dotzler	Houser	Rielly	

Absent, 1:

Ward

Amendment S-5006 lost.

Senator Zaun offered amendment S-5007, filed by him on February 19, 2008, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5007 be adopted?" (S.F. 2089), the vote was:

Yeas, 18:

Angelo	Hartsuch	McKinley	Wieck
Behn	Houser	Mulder	Zaun
Boettger	Johnson	Noble	Zieman
Gaskill	Kettering	Putney	
Hahn	McKibben	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn

Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	Wood
Dearden	Hogg	Ragan	

Absent, 1:

Ward

Amendment S-5007 lost.

Senator Zaun offered amendment S-5005, filed by him on February 19, 2008, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5005 be adopted?" (S.F. 2089), the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Mulder	Zaun
Gaskill	Kettering	Noble	Zieman
Hahn	Lundby	Putney	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 1:

Ward

Amendment S-5005 lost.

Senator Quirmbach 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. 2089), the vote was:

Yeas, 43:

Appel	Fraise	Kibbie	Rielly
Beall	Gaskill	Kreiman	Schmitz
Black	Gronstal	Lundby	Schoenjahn
Boettger	Hahn	McCoy	Seng
Bolkcom	Hancock	McKibben	Seymour
Connolly	Hatch	Mulder	Stewart
Courtney	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Putney	Wood
Dotzler	Houser	Quirmbach	Zieman
Dvorsky	Kettering	Ragan	

Nays, 6:

Angelo	Hartsuch	McKinley
Behn	Johnson	Zaun

Absent, 1:

Ward

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

Senate File 2177

On motion of Senator Schmitz, **Senate File 2177**, a bill for an act relating to health-related activities and regulation by the department of public health, was taken up for consideration.

Senator Hartsuch offered amendment S-5011, filed by him from the floor to page 6 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-5011 be adopted?” (S.F. 2177), the vote was:

Yeas, 21:

Angelo	Houser	Noble	Wood
Behn	Johnson	Putney	Zaun
Boettger	Kettering	Rielly	Zieman
Gaskill	McKibben	Seng	

Hahn	McKinley	Seymour
Hartsuch	Mulder	Wieck

Nays, 28:

Appel	Dearden	Heckroth	Olive
Beall	Dotzler	Hogg	Quirnbach
Black	Dvorsky	Horn	Ragan
Bolkcom	Fraise	Kibbie	Schmitz
Connolly	Gronstal	Kreiman	Schoenjahn
Courtney	Hancock	Lundby	Stewart
Danielson	Hatch	McCoy	Warnstadt

Absent, 1:

Ward

Amendment S-5011 lost.

Senator Schmitz 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. 2177), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Ward

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

Senate File 2203

On motion of Senator Seng, **Senate File 2203**, a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators, was taken up for consideration.

Senator Seng 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. 2203), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Ward

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 Files 2089, 2108, 2177, and 2203** and **House File 2195** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:00 p.m. until 8:45 a.m., Tuesday, February 26, 2008.

APPENDIX—2

CERTIFICATES OF RECOGNITION

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

Virgil Anderson, Denison—For celebrating his 80th birthday. Senator Seymour (2/25/08).

Lawrence Bartels, Schleswig—For celebrating his 90th birthday. Senator Seymour (2/25/08).

Reynold Gehlsen, Denison—For celebrating his 80th birthday. Senator Seymour (2/25/08).

Lynn and Leeta Grap, Persia—For celebrating their 60th wedding anniversary. Senator Seymour (2/25/08).

Harvey and Thelma Hansen, Onawa—For celebrating their 60th wedding anniversary. Senator Seymour (2/25/08).

Thelma and Calvin Johnsen, Logan—For celebrating their 60th wedding anniversary. Senator Seymour (2/25/08).

Darell and Hazel Muller, Harlan—For celebrating their 60th wedding anniversary. Senator Boettger (2/25/08).

John Poggensee, Denison—For celebrating his 80th birthday. Senator Seymour (2/25/08).

Verl and Ruth Wynn, Creston—For celebrating their 60th wedding anniversary. Senator Boettger (2/25/08).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: February 25, 2008, 4:10 p.m.

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

Members Absent: Angelo and Ward (both excused).

Committee Business: Approved SSBs 3170, 3172, and 3197.

Adjourned: 4:20 p.m.

LOCAL GOVERNMENT

Convened: February 25, 2008, 3:00 p.m.

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

Members Absent: None.

Committee Business: Passed SF 2105.

Adjourned: 3:10 p.m.

STATE GOVERNMENT

Convened: February 25, 2008, 3:00 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 HFs 580 and 2212, as amended.

Recessed: 3:20 p.m.

Reconvened: 3:30 p.m.

Adjourned: 3:45 p.m.

INTRODUCTION OF BILLS

Senate File 2235, by Dotzler, a bill for an act concerning fine arts projects in state buildings.

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

Senate File 2236, by Danielson, a bill for an act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date.

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

Senate File 2237, by McKinley, a bill for an act relating to eligibility for assistance from the grow Iowa values fund.

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

Senate File 2238, by Bolkom, a bill for an act providing for waterway infrastructure, and making penalties applicable.

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

Senate File 2239, by Bolkom, Black, Dearden, Courtney, and Dotzler, a bill for an act creating an international trade and globalization advisory council.

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

Senate File 2240, by Dotzler, Danielson, Zieman, Courtney, Beall, Seng, and Horn, a bill for an act relating to permissible prizes for use of an electrical and mechanical amusement device and the penalties for awarding an improper cash prize.

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

Senate File 2241, by Dotzler, a bill for an act relating to economic development by making the Sac and Fox tribe of the Mississippi in Iowa eligible for certain economic development programs.

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

SUBCOMMITTEE ASSIGNMENT

House File 2215

ECONOMIC GROWTH: Beall, Chair; Hahn and Schmitz

FINAL COMMITTEE REPORTS OF BILL ACTION

STATE GOVERNMENT

Bill Title: HOUSE FILE 580, a bill for an act regulating electioneering communications for campaign finance and disclosure purposes and making civil remedies applicable.

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: HOUSE FILE 2212, a bill for an act creating a smokefree air Act and providing penalties.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5013.

Final Vote: Ayes, 8: Connolly, Horn, Appel, Danielson, Hatch, Kibbie, Schmitz, and Wood. Nays, none. Present, 7: Zieman, Behn, Black, Gaskill, Hahn, Kettering, and McKibben. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5010	S.F.	2216	Frank B. Wood
S-5011	S.F.	2177	David L. Hartsuch
S-5012	S.F.	2108	Tom Hancock
S-5013	H.F.	2212	State Government

JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 26, 2008

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

Prayer was offered by Stacie Ruth Stoelting from Cherokee, Iowa, who sang “The Lord’s Prayer.” She was the guest of Senator Wieck.

The Journal of Monday, February 25, 2008, was approved.

RECESS

On motion of Senator Courtney, the Senate recessed at 8:51 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:55 a.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 109, a resolution honoring Amy Peyton, a Distinguished Finalist in the 2008 Prudential Spirit of Community Awards Program.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gronstal, Kibbie, Angelo, Courtney, Dearden, Dvorsky, and Ragan. Nays, none. Absent, 4: Wieck, Danielson, Lundby, and Zieman.

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 109.

Senate Resolution 109

On motion of Senator Kettering, **Senate Resolution 109**, a resolution honoring Amy Peyton, a Distinguished Finalist in the 2008 Prudential Spirit of Community Awards Program, was taken up for consideration.

Senator Kettering moved the adoption of Senate Resolution 109, which motion prevailed by a voice vote.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2231** be referred from the Regular Calendar to the committee on **Ways and Means**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:00 a.m. until 5:30 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

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

Donald Allen—For celebrating his 100th birthday. Senator Gronstal (2/26/08).

Jacob Ballweg, Waverly-Shell Rock High School—For winning the Iowa State Wrestling Championship at 119 pounds. Senator Heckroth (2/26/08).

Mark Ballweg, Waverly-Shell Rock High School—For winning the Iowa State Wrestling Championship at 135 pounds. Senator Heckroth (2/26/08).

Minnie Burdock, Oskaloosa—For celebrating her 103rd birthday. Senator Rielly (2/26/08).

Cleo Oxenreider, Lacona—For celebrating his 100th birthday. Senator Appel (2/26/08).

Hazel Pinckney, Macksburg—For celebrating her 90th birthday. Senator Appel (2/26/08).

Eric Pitzen, Stacyville—For being named Intern of the Year for the greenhouse industry. Senator Ragan (2/26/08).

Eric Thompson, Waverly-Shell Rock High School—For winning the Iowa State Wrestling Championship at 285 pounds. Senator Heckroth (2/26/08).

Cecil Wetzel, Peru—For celebrating his 80th birthday. Senator Appel (2/26/08).

Laverne Williams, Denison—For celebrating his 80th birthday. Senator Seymour (2/26/08).

Dylan Wrage, Waverly-Shell Rock High School—For winning the Iowa State Wrestling Championship at 189 pounds. Senator Heckroth (2/26/08).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: February 26, 2008, 1:05 p.m.

Members Present: Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, Seymour, and Zaun.

Members Absent: Danielson (excused).

Committee Business: Presentation by University of Iowa on economic impact of housing. Approved SSB 3131, as amended.

Adjourned: 2:00 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 26, 2008, 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: Passed SF 2202, as amended. Approved SSB 3134, as amended.

Adjourned: 1:25 p.m.

RULES AND ADMINISTRATION

Convened: February 26, 2008, 8:51 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Angelo, Courtney, Dearden, Dvorsky, and Ragan.

Members Absent: Wieck, Ranking Member; Danielson, Lundby, and Zieman (all excused).

Committee Business: Approved SR 109.

Adjourned: 8:55 a.m.

TRANSPORTATION

Convened: February 26, 2008, 2:35 p.m.

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

Members Absent: Danielson, Vice Chair (excused).

Committee Business: Approved SSBs 3083 and 3084.

Adjourned: 2:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 26, 2008, 10:20 a.m.

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

Members Absent: Danielson, Chair; and Hartsuch (both excused).

Committee Business: Discussion of pending bills.

Adjourned: 10:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 26, 2008, 10:25 a.m.

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

Members Absent: None.

Committee Business: Proposed budget discussions.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 26, 2008, 10:30 a.m.

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

Members Absent: None.

Committee Business: Presentation by Attorney General Tom Miller on his office's operations and budget.

Adjourned: 11:05 a.m.

INTRODUCTION OF BILLS

Senate File 2242, by Bolkcom and Hatch, a bill for an act creating the office of insurance consumer advocate, providing penalties, and making an appropriation.

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

Senate File 2243, by Bolkcom, a bill for an act relating to binding international trade agreements by providing for the consent of the general assembly and providing an effective date.

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

Senate File 2244, by Dotzler, a bill for an act relating to certain state board of regents contracts and the construction, repair, and improvement of buildings or grounds under charge of the state board of regents.

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

Senate File 2245, by Dotzler, Danielson, and Putney, a bill for an act providing for county grants from the revitalize Iowa's sound economy (RISE) fund for secondary road repair projects prior to statewide touring events.

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

Senate File 2246, by committee on Commerce, a bill for an act relating to required disclosures in real estate transactions.

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

Senate File 2247, by Bolkom, a bill for an act relating to abandoned vehicles found near bodies of water by providing for civil penalties.

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

STUDY BILLS RECEIVED

SSB 3236 Ways and Means

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

SSB 3237 Commerce

Revising the definition of alternative and renewable energy applicable to specified energy independence initiatives.

SSB 3238 Commerce

To regulate viatical settlements, and providing for fees and penalties.

SSB 3239 Judiciary

Relating to the time limit on executions of judgments and orders.

SSB 3240 Judiciary

Establishing second deputy sheriff positions in certain counties.

SSB 3241 Judiciary

Relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

SSB 3242 Ways and Means

Relating to a sales tax exemption on certain railroad materials.

SSB 3243 Ways and Means

Relating to property tax measures for commercial, industrial, and residential property by authorizing the imposition by a city of a local income surcharge and requiring that a portion of the revenues be used for property tax credits and by limiting the percentage of actual value at which residential property shall be assessed.

SSB 3244 State Government

Relating to public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, providing an appropriation, including an implementation provision, and providing effective and retroactive applicability dates.

SSB 3245 Appropriations

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other related matters, and making penalties applicable.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2231**

WAYS AND MEANS: Stewart, Chair; Appel and Putney

Senate File 2235

STATE GOVERNMENT: Danielson, Chair; Gaskill and Schmitz

Senate File 2236

EDUCATION: Heckroth, Chair; Johnson and Schmitz

Senate File 2237

ECONOMIC GROWTH: Rielly, Chair; Hatch and Houser

Senate File 2238

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

Senate File 2239

STATE GOVERNMENT: Black, Chair; Behn and Danielson

Senate File 2240

STATE GOVERNMENT: Kibbie, Chair; Danielson and Hahn

Senate File 2241

ECONOMIC GROWTH: Dotzler, Chair; Houser and Olive

Senate File 2244

EDUCATION: Connolly, Chair; Heckroth and Zieman

SSB 3236

WAYS AND MEANS: Bolkcom, Chair; McCoy and McKibben

SSB 3237

COMMERCE: McCoy, Chair; Behn and Bolkcom

SSB 3238

COMMERCE: Rielly, Chair; Angelo and Heckroth

SSB 3239

JUDICIARY: Kreiman, Chair; Hartsuch and Horn

SSB 3240

JUDICIARY: Hogg, Chair; Kreiman and Noble

SSB 3241

JUDICIARY: Noble, Chair; Fraise and Hartsuch

SSB 3242

WAYS AND MEANS: Dotzler, Chair; Putney and Seng

SSB 3243

WAYS AND MEANS: Quirnbach, Chair; Angelo and McCoy

SSB 3244

STATE GOVERNMENT: Connolly, Chair; Appel, Kettering, Wood, and Zieman

SSB 3245

APPROPRIATIONS: Dvorsky, Chair; and Kettering

FINAL COMMITTEE REPORT OF BILL ACTION**COMMERCE**

Bill Title: SENATE FILE 2246 (SSB 3170), a bill for an act relating to required disclosures in real estate transactions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Bolkcom, Courtney, Kettering, McCoy, McKibben, Olive, Putney, Rielly, Schoenjahn, and Stewart. Nays, none. Absent, 2: Angelo and Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EVENING SESSION

The Senate reconvened at 5:33 p.m., President Kibbie presiding.

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 26, 2008, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2101, a bill for an act transferring administration of the entrepreneurs with disabilities program to the department of education.

ALSO: That the House has on February 26, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2310, a bill for an act requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child's parent, guardian, custodian, or other person responsible for the child's care and child abuse.

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

The Senate stood at ease at 5:34 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:53 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kreiman, until he returns, on request of Senator Horn.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2214, 2002, and 2154.

Senate File 2214

On motion of Senator Warnstadt, **Senate File 2214**, a bill for an act relating to modification of a child custody order during the time a parent is serving active duty, was taken up for consideration.

Senator Warnstadt 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. 2214), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Kreiman

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

Senate File 2002

On motion of Senator Horn, **Senate File 2002**, a bill for an act waiving employer charges for unemployment claims stemming from temporary workers who have replaced active duty military employees, with report of committee recommending passage, was taken up for consideration.

Senator Horn 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. 2002), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Kreiman

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

The Senate stood at ease at 6:06 p.m. until the fall of the gavel.

The Senate resumed session at 6:12 p.m., President Kibbie presiding.

Senate File 2154

On motion of Senator Seng, **Senate File 2154**, a bill for an act relating to inclined or vertical wheelchair lifts regulated by the elevator safety board, was taken up for consideration.

Senator Seng 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. 2154), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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 Files 2002, 2154, and 2214** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2216.

Senate File 2216

On motion of Senator Schoenjahn, **Senate File 2216**, a bill for an act 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, was taken up for consideration.

Senator McKinley offered amendment S-5025, filed by him from the floor to pages 1-4 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5025 be adopted?" (S.F. 2216), the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Ward
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	Zieman
Hahn	Kreiman	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Lundby	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Connolly	Hancock	Mulder	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, none.

Amendment S-5025 lost.

Senator Zaun offered amendment S-5020, filed by him from the floor to pages 1, 2, and 4 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5020 be adopted?" (S.F. 2216), the vote was:

Yeas, 19:

Angelo	Houser	McKinley	Ward
Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman
Hartsuch	McKibben	Seymour	

Nays, 31:

Appel	Dotzler	Hogg	Rielly
Beall	Dvorsky	Horn	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gaskill	Kreiman	Seng
Connolly	Gronstal	McCoy	Stewart
Courtney	Hancock	Olive	Warnstadt
Danielson	Hatch	Quirnbach	Wood
Dearden	Heckroth	Ragan	

Absent, none.

Amendment S-5020 lost.

Senator Johnson offered amendment S-5028, filed by him from the floor to pages 1 and 3 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5028 be adopted?" (S.F. 2216), the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Ward
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Noble	Zaun

Gaskill	Kettering	Putney	Zieman
Hahn	Lundby	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Connolly	Hancock	Mulder	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, none.

Amendment S-5028 lost.

Senator Wood withdrew amendment S-5010, filed by him on February 25, 2008, to pages 1 and 3 of the bill.

Senator Wood offered amendment S-5014, filed by him from the floor to pages 1 and 3 of the bill.

Senator Wood asked and received unanimous consent that action on amendment S-5014 be deferred.

Senator Zaun offered amendment S-5024, filed by him from the floor to pages 1 and 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5024 be adopted?" (S.F. 2216), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKinley	Ward
Behn	Houser	Mulder	Wieck
Boettger	Johnson	Noble	Wood
Gaskill	Kettering	Putney	Zaun
Hahn	McKibben	Seymour	Zieman

Nays, 30:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz

Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	
Dearden	Hogg	Ragan	

Absent, none.

Amendment S-5024 lost.

Senator Zaun offered amendment S-5019, filed by him from the floor to page 1 of the bill.

Senator Zaun asked and received unanimous consent that action on amendment S-5019 be deferred.

The Senate resumed consideration of amendment S-5014, previously deferred.

Senator Wood moved the adoption of amendment S-5014.

Amendment S-5014 was adopted by a voice vote.

With the adoption of S-5014, the Chair ruled amendment S-5019, filed by Senator Zaun from the floor to page 1 of the bill, out of order.

Senator Schoenjahn offered amendment S-5018, filed by him from the floor to page 2 of the bill.

Senator Schoenjahn asked and received unanimous consent that action on amendment S-5018 be deferred.

Senator McKinley withdrew amendment S-5022, filed by him from the floor to page 2 of the bill.

Senator Johnson offered amendment S-5021, filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5021 be adopted?" (S.F. 2216), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKinley	Seymour
Behn	Houser	Mulder	Ward
Boettger	Johnson	Noble	Wieck
Gaskill	Kettering	Olive	Zaun
Hahn	McKibben	Putney	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	Lundby	Stewart
Connolly	Hancock	McCoy	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, none.

Amendment S-5021 lost.

Senator McKinley offered amendment S-5023, filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5023 be adopted?" (S.F. 2216), the vote was:

Yeas, 18:

Angelo	Hartsuch	McKinley	Wieck
Behn	Houser	Noble	Zaun
Boettger	Johnson	Putney	Zieman
Gaskill	Kettering	Seymour	
Hahn	McKibben	Ward	

Nays, 32:

Appel	Dotzler	Horn	Ragan
Beall	Dvorsky	Kibbie	Rielly
Black	Fraise	Kreiman	Schmitz
Bolkcom	Gronstal	Lundby	Schoenjahn
Connolly	Hancock	McCoy	Seng
Courtney	Hatch	Mulder	Stewart

Danielson	Heckroth	Olive	Warnstadt
Dearden	Hogg	Quirnbach	Wood

Absent, none.

Amendment S-5023 lost.

Senator McKinley offered amendment S-5027, filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5027 be adopted?" (S.F. 2216), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, none.

Amendment S-5027 lost.

Senator Johnson offered amendment S-5029, filed by him from the floor to pages 1 and 2 of the bill.

Senator Johnson called for the following division of amendment S-5029:

Division S-5029A: Page 1, line 2—page 2, line 33;

Division S-5029B: Page 2, line 34—page 3, line 10;

Division S-5029C: Page 3, lines 11—43;

Division S-5029D: Page 3, line 44–page 4, line 20; and
 Division S-5029E: Page 4, lines 21–48.

Senator Johnson moved the adoption of amendment S-5029A.

A record roll call was requested.

On the question “Shall amendment S-5029A be adopted?” (S.F. 2216),
 the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Ward
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	Zieman
Hahn	Lundby	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Cannolly	Hancock	Mulder	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, none.

Amendment S-5029A lost.

Senator Johnson moved the adoption of amendment S-5029B.

A record roll call was requested.

On the question “Shall amendment S-5029B be adopted?” (S.F. 2216),
 the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Ward
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	Zieman
Hahn	Lundby	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Connolly	Hancock	Mulder	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, none.

Amendment S-5029B lost.

Senator Johnson moved the adoption of amendment S-5029C.

A record roll call was requested.

On the question "Shall amendment S-5029C be adopted?" (S.F. 2216), the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Ward
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	Zieman
Hahn	Lundby	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Connolly	Hancock	Mulder	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, none.

Amendment S-5029C lost.

Senator Johnson moved the adoption of amendment S-5029D.

A record roll call was requested.

On the question “Shall amendment S–5029D be adopted?” (S.F. 2216), the vote was:

Yeas, 19:

Angelo	Houser	McKinley	Ward
Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman
Hartsuch	McKibben	Seymour	

Nays, 31:

Appel	Dotzler	Hogg	Rielly
Beall	Dvorsky	Horn	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gaskill	Kreiman	Seng
Connolly	Gronstal	McCoy	Stewart
Courtney	Hancock	Olive	Warnstadt
Danielson	Hatch	Quirnbach	Wood
Dearden	Heckroth	Ragan	

Absent, none.

Amendment S–5029D lost.

Senator Johnson moved the adoption of amendment S–5029E.

A record roll call was requested.

On the question “Shall amendment S–5029E be adopted?” (S.F. 2216), the vote was:

Yeas, 19:

Angelo	Houser	McKinley	Ward
Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman
Hartsuch	McKibben	Seymour	

Nays, 31:

Appel	Dotzler	Hogg	Rielly
Beall	Dvorsky	Horn	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gaskill	Kreiman	Seng
Connolly	Gronstal	McCoy	Stewart
Courtney	Hancock	Olive	Warnstadt

Danielson	Hatch	Quirnbach	Wood
Dearden	Heckroth	Ragan	

Absent, none.

Amendment S-5029E lost.

Senator McKinley offered amendment S-5030, filed by him from the floor to page 1 of amendment S-5018, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5030 be adopted?" (S.F. 2216), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, none.

Amendment S-5030 lost.

The Senate resumed consideration of amendment S-5018, previously deferred.

Senator Schoenjahn moved the adoption of amendment S-5018.

A record roll call was requested.

On the question "Shall amendment S-5018 be adopted?" (S.F. 2216), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

Amendment S-5018 was adopted.

Senator Schoenjahn 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. 2216), the vote was:

Yeas, 36:

Appel	Dvorsky	Houser	Ragan
Beall	Fraise	Kibbie	Rielly
Black	Gaskill	Lundby	Schmitz
Bolkcom	Gronstal	McCoy	Schoenjahn
Connolly	Hancock	McKibben	Seng
Courtney	Hatch	Mulder	Seymour
Danielson	Heckroth	Olive	Stewart
Dearden	Hogg	Putney	Warnstadt
Dotzler	Horn	Quirnbach	Wood

Nays, 14:

Angelo	Hartsuch	McKinley	Zaun
Behn	Johnson	Noble	Zieman
Boettger	Kettering	Ward	
Hahn	Kreiman	Wieck	

Absent, none.

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 2216** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:42 p.m. until 8:45 a.m., Wednesday, February 27, 2008.

APPENDIX—2**REPORTS OF COMMITTEE MEETINGS****AGRICULTURE**

Convened: February 26, 2008, 4:05 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 2166 and approved SSB 3230. Presentation by Renewable Energy Group.

Recessed: 4:40 p.m.

Reconvened: 4:50 p.m.

Adjourned: 5:00 p.m.

HUMAN RESOURCES

Convened: February 26, 2008, 2:35 p.m.

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

Members Absent: None.

Committee Business: Approved SSBs 3098, 3113, 3135, 3156, 3185, and 3191. Approved governor's appointees.

Adjourned: 3:40 p.m.

INTRODUCTION OF BILLS

Senate File 2248, by committee on Commerce, a bill for an act modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider.

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

Senate File 2249, by committee on Local Government, a bill for an act relating to certain local hotel and motel tax elections.

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

Senate File 2250, by committee on Commerce, a bill for an act relating to the licensure of real estate brokers and salespersons.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: SENATE FILE 2248* (SSB 3197), a bill for an act modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Bolkcom, Courtney, Kettering, McCoy, McKibben, Olive, Putney, Rielly, Schoenjahn, and Stewart. Nays, none. Absent, 2: Angelo and Ward.

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 Commerce Committee on Senate File 2248, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2250* (SSB 3172), a bill for an act relating to the licensure of real estate brokers and salespersons.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Bolkcom, Courtney, Kettering, McCoy, McKibben, Olive, Putney, Rielly, Schoenjahn, and Stewart. Nays, none. Absent, 2: Angelo and Ward.

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 Commerce Committee on Senate File 2250, and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: SENATE FILE 2249, a bill for an act relating to certain local hotel and motel tax elections.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirnbach, Beall, Zaun, Angelo, Heckroth, Houser, McKinley, Olive, Rielly, Schoenjahn, and Stewart. Nays, none. Present, 2: Hartsuch and Kreiman. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 26, 2008, when the votes were taken on Senate Files 2002 and 2214. Had I been present, I would have voted "Yea."

KEITH KREIMAN

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

HUMAN RESOURCES

Miriam Landsman – Child Welfare Advisory Committee
Nancy Magnall – Child Welfare Advisory Committee
Tiffany Wilson – Child Welfare Advisory Committee

AMENDMENTS FILED

S-5014	S.F.	2216	Frank B. Wood
S-5015	S.F.	2162	Larry Noble
S-5016	S.F.	2189	Tom Hancock
S-5017	S.F.	2230	David Johnson
S-5018	S.F.	2216	Brian Schoenjahn
S-5019	S.F.	2216	Brad Zaun
S-5020	S.F.	2216	Brad Zaun
S-5021	S.F.	2216	David Johnson
S-5022	S.F.	2216	Paul McKinley
S-5023	S.F.	2216	Paul McKinley

S-5024	S.F.	2216	Brad Zaun
S-5025	S.F.	2216	Paul McKinley
S-5026	H.F.	2212	Mary A. Lundby
S-5027	S.F.	2216	Paul McKinley
S-5028	S.F.	2216	David Johnson
S-5029	S.F.	2216	David Johnson
S-5030	S.F.	2216	Paul McKinley
S-5031	S.F.	2035	Staci Appel

JOURNAL OF THE SENATE

FORTY-FIFTH CALENDAR DAY
TWENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 27, 2008

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

The Senate observed a moment of silence in memory of Army Specialist Chad Groepper of Kingsley, Iowa, who died February 17, 2008, from wounds suffered in Iraq.

The Journal of Tuesday, February 26, 2008, was approved.

The Senate stood at ease at 8:57 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 9:23 a.m., President Pro Tempore Danielson presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Angelo, until he arrives, on request of Senator Ward.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2125 and 2137.

Senate File 2125

On motion of Senator Kibbie, **Senate File 2125**, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus

for a certain period of active duty military service and including an effective date and retroactive applicability provision, was taken up for consideration.

Senator Kibbie 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. 2125), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Angelo

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

Senate File 2137

On motion of Senator Kibbie, **Senate File 2137**, a bill for an act relating to the regulation of motor fuel, by providing standards for gasoline and for the advertisement of renewable fuel, was taken up for consideration.

Senator Kibbie offered amendment S-5009, filed by him on February 21, 2008, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5009 was adopted by a voice vote.

With the adoption of amendment S-5009, the Chair ruled amendment S-5004, filed by Senator Kibbie on February 14, 2008, to page 1 of the bill, out of order.

Senator Kibbie 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. 2137), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Angelo

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 Files 2125 and 2137** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:40 a.m. until 3:00 p.m.

APPENDIX—1**CERTIFICATE OF RECOGNITION**

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

Larry and Lavon Keck, Marshalltown—For celebrating their 50th wedding anniversary. Senator McKibben (2/27/08).

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

Convened: February 26, 2008, 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 Veterans Affairs Commission.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 27, 2008, 10:50 a.m.

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

Members Absent: None.

Committee Business: Proposed budget distribution.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 27, 2008, 10:55 a.m.

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

Members Absent: None.

Committee Business: Discussion of pending bills.

Adjourned: 11:00 a.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 101, by Dotzler, a concurrent resolution requesting the legislative council to establish an interim study committee concerning the creation of a statewide, standardized health care pool to obtain and provide health care benefits to employees of the state, cities, counties, and school districts.

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

INTRODUCTION OF BILLS

Senate File 2251, by committee on Human Resources, a bill for an act requiring certification of the performance of an eye examination, and submission of the results of such examination, when a child is enrolled in kindergarten.

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

Senate File 2252, by committee on Human Resources, a bill for an act relating to the inclusion of licensed marital and family therapists as behavioral health participating providers under the medical assistance program.

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

Senate File 2253, by Beall, a bill for an act establishing an educational assistance stipend for eligible veterans and providing an appropriation.

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

Senate File 2254, by Dotzler, a bill for an act relating to community attraction and tourism by allocating funds to the creation of water trails and parks.

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

Senate File 2255, by Dotzler, a bill for an act to allow a real property owner to petition for severance from a city if the owner's real property has not received municipal services for a period of at least ten years.

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

Senate File 2256, by Dotzler, a bill for an act relating to the authority of a public agency to spend property tax revenues under a contract or agreement with another public or private agency.

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

Senate File 2257, by Kreiman, a bill for an act concerning the employment of unauthorized aliens and providing a penalty.

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

Senate File 2258, by Lundby, a bill for an act relating to the mistreatment of animals not classified as livestock and providing penalties.

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

Senate File 2259, by Ragan and Gaskill, a bill for an act providing for the establishment of a community college tuition assistance pilot program for employees of health care facilities serving adults with mental illness or mental retardation.

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

Senate File 2260, by Bolkom, a bill for an act establishing a public interest law loan repayment program and making an appropriation.

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

Senate File 2261, by committee on Transportation, a bill for an act relating to requirements for operation of a motor vehicle in merging traffic and providing a penalty.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 2232

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

Senate File 2242

COMMERCE: Heckroth, Chair; Kettering and Olive

Senate File 2243

STATE GOVERNMENT: Danielson, Chair; Behn and Hatch

Senate File 2245

TRANSPORTATION: Danielson, Chair; Hancock and Putney

House File 2310

HUMAN RESOURCES: Kreiman, Chair; Hartsuch and Quirmbach

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: SENATE FILE 2251 (SSB 3098), a bill for an act requiring certification of the performance of an eye examination, and submission of the results of such examination, when a child is enrolled in kindergarten.

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 2252 (SSB 3191), a bill for an act relating to the inclusion of licensed marital and family therapists as behavioral health participating providers under the medical assistance program.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: SENATE FILE 2261 (SSB 3084), a bill for an act relating to requirements for operation of a motor vehicle in merging traffic and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rielly, Beall, Dearden, Hancock, Heckroth, Houser, McCoy, Putney, Warnstadt, Zaun, and Ziemann. Nays, 1: Noble. Absent, 1: Danielson.

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 27th day of February, 2008:

Senate File 2059.

MICHAEL E. MARSHALL
Secretary of the Senate

AFTERNOON SESSION

The Senate reconvened at 3:30 p.m., President Kibbie presiding.

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 27, 2008, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 249, a bill for an act relating to the conference of eligibility on and conditions of eligibility for individuals for certain programs under the purview of the department of human services. (S-5033)

ALSO: That the House has on February 27, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2309, a bill for an act relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, garnishment of money held by the state for a person who owes delinquent child support, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, collection of support from certain obligors, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates.

Read first time and attached to **similar Senate File 2204**.

The Senate stood at ease at 3:32 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:00 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2156, 2217, and House File 2212.

Senate File 2156

On motion of Senator Danielson, **Senate File 2156**, a bill for an act relating to regulation of commercial motor vehicle operators by the state department of transportation and providing penalties, was taken up for consideration.

Senator Danielson 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. 2156), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

Senate File 2217

On motion of Senator Kreiman, **Senate File 2217**, a bill for an act relating to providing legal representation to an eligible indigent

person and the appointment of a guardian ad litem, was taken up for consideration.

Senator Kreiman 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. 2217), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2212.

House File 2212

On motion of Senator Appel, **House File 2212**, a bill for an act creating a smokefree air Act and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Appel offered amendment S-5035, filed by her from the floor striking and replacing everything after the enacting clause of the bill.

Senator Appel offered amendment S-5036, filed by her from the floor to pages 1-11 of amendment S-5035.

Senator Gronstal asked and received unanimous consent that action on amendment S-5036 to amendment S-5035 be **deferred**.

The Senate stood at ease at 5:16 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:27 p.m., President Kibbie presiding.

Senator Dotzler offered amendment S-5038, filed by him from the floor to page 7 of amendment S-5035.

The Senate stood at ease at 5:55 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 6:41 p.m., President Kibbie presiding.

Senator Dotzler moved the adoption of S-5038 to amendment S-5035.

A record roll call was requested.

On the question "Shall amendment S-5038 be adopted?" (H.F. 2212), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 24:

Angelo	Hahn	Kettering	Seymour
Behn	Hancock	Kreiman	Ward
Black	Hartsuch	McKibben	Warnstadt
Boettger	Horn	McKinley	Wieck

Dotzler	Houser	Putney	Zaun
Gaskill	Johnson	Seng	Zieman

Nays, 26:

Appel	Dvorsky	Lundby	Rielly
Beall	Fraise	McCoy	Schmitz
Bolkcom	Gronstal	Mulder	Schoenjahn
Connolly	Hatch	Noble	Stewart
Courtney	Heckroth	Olive	Wood
Danielson	Hogg	Quirnbach	
Dearden	Kibbie	Ragan	

Absent, none.

Amendment S-5038 lost.

Senator Lundby offered amendment S-5037, filed by her from the floor to page 7 of amendment S-5035, and moved its adoption.

Amendment S-5037 lost by a voice vote.

The Senate resumed consideration of amendment S-5036 to amendment S-5035, previously deferred.

Senator Appel moved the adoption of S-5036.

A record roll call was requested.

On the question "Shall amendment S-5036 be adopted?" (H.F. 2212), the vote was:

Yeas, 30:

Appel	Fraise	Kreiman	Schmitz
Beall	Gronstal	Lundby	Schoenjahn
Bolkcom	Hartsuch	McCoy	Seng
Connolly	Hatch	Mulder	Stewart
Courtney	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirnbach	Wood
Dearden	Horn	Ragan	
Dvorsky	Kibbie	Rielly	

Nays, 20:

Angelo	Gaskill	Kettering	Seymour
Behn	Hahn	McKibben	Ward
Black	Hancock	McKinley	Wieck

Boettger	Houser	Noble	Zaun
Dotzler	Johnson	Putney	Zieman

Absent, none.

Amendment S-5036 was adopted.

The Senate resumed consideration of amendment S-5035, previously deferred.

Senator Appel moved the adoption of amendment S-5035, as amended.

Amendment S-5035 was adopted by a voice vote.

With the adoption of amendment S-5035, the Chair ruled amendment S-5026, filed by Senator Lundby on February 26, 2008, to page 8 of the bill, and amendment S-5013, filed by the committee on State Government on February 25, 2008, to pages 2, 4, 6, 8, and 10-12 of the bill, out of order.

Senator Appel 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?" (H.F. 2212), the vote was:

Yeas, 29:

Appel	Dvorsky	Lundby	Schmitz
Beall	Fraise	McCoy	Schoenjahn
Black	Gronstal	Mulder	Stewart
Bolkcom	Hartsuch	Noble	Ward
Connolly	Hatch	Olive	Wood
Courtney	Heckroth	Quirnbach	
Danielson	Hogg	Ragan	
Dearden	Kibbie	Rielly	

Nays, 21:

Angelo	Hancock	McKibben	Wieck
Behn	Horn	McKinley	Zaun
Boettger	Houser	Putney	Zieman
Dotzler	Johnson	Seng	

Gaskill
Hahn

Kettering
Kreiman

Seymour
Warnstadt

Absent, none.

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 Files 2156** and **2217** and **House File 2212** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:30 p.m. until 8:45 a.m., Thursday, February 28, 2008.

APPENDIX—2**REPORTS OF COMMITTEE MEETINGS****JUDICIARY**

Convened: February 27, 2008, 2:35 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 SFs 2095 and 2103, and HF 2165. Approved SSBs 3124 and 3213.

Adjourned: 3:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 27, 2008, 10:50 a.m.

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

Members Absent: None.

Committee Business: Discussion of education appropriations budget.

Adjourned: 11:00 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: February 27, 2008, 10:45 a.m.

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

Members Absent: None.

Committee Business: Subcommittee assignments. Passed committee appropriations bill.

Adjourned: 11:15 a.m.

INTRODUCTION OF BILLS

Senate File 2262, by committee on Human Resources, a bill for an act relating to child care and family support subsidy services regulated or administered by the department of human services.

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

Senate File 2263, by committee on Transportation, a bill for an act providing increased penalties for speeding violations committed by a motor vehicle operator in a road work zone.

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

Senate File 2264, by committee on Agriculture, a bill for an act relating to the biodiesel blended fuel tax credit for retail dealers, and providing for retroactive applicability.

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

Senate File 2265, by committee on Human Resources, a bill for an act providing for establishment of a mental health services system for children and youth.

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

Senate File 2266, by committee on Human Resources, a bill for an act requiring a preliminary investigation to be conducted by the county medical examiner in the event of the death of a resident of certain state facilities administered by the department of human services.

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

Senate File 2267, by committee on Natural Resources and Environment, a bill for an act relating to rules for discharging wastewater from water well drilling sites.

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

Senate File 2268, by committee on Economic Growth, a bill for an act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the Iowa summer youth corps account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing a retroactive applicability provision.

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

Senate File 2269, by committee on Human Resources, a bill for an act revising family investment program requirements for limited benefit plans.

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

Senate File 2270, by Warnstadt, a bill for an act relating to the operation and responsibilities of the state and local governments by creating a government restructuring council, establishing a government restructuring council fund, and providing an effective date.

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

Senate File 2271, by Dearden, a bill for an act limiting the hours an employee may work in a twenty-four-hour period.

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

STUDY BILLS RECEIVED

SSB 3246 Transportation

Modifying uninsured and underinsured motor vehicle liability coverage requirements.

SSB 3247 Government Oversight

Concerning the ability of the lottery authority to operate a joint lottery with a lottery operated outside of the United States.

SSB 3248 Judiciary

Relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date.

SSB 3249 Commerce

Relating to foreclosure consultants and foreclosure reconveyances, providing for criminal and civil penalties, and providing an effective date.

SSB 3250 Natural Resources and Environment

Proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

SSB 3251 Commerce

Relating to authorized delayed deposit service transactions, and making penalties applicable.

SSB 3252 Natural Resources and Environment

Relating to energy efficiency by establishing specified standards and goals relating to energy production and utilization, and establishing a commission on energy efficiency standards and practices.

SSB 3253 Appropriations

Establishing measures to increase Iowa's skilled workforce and providing appropriations and an applicability date.

SUBCOMMITTEE ASSIGNMENTS

SSB 3246

TRANSPORTATION: Rielly, Chair; Warnstadt and Zaun

SSB 3247

GOVERNMENT OVERSIGHT: Courtney, Chair; Connolly, Ward, Lundby, and Schmitz

SSB 3248

JUDICIARY: Hogg, Chair; Quirnbach and Ward

SSB 3249

COMMERCE: Olive, Chair; Angelo and Heckroth

SSB 3250

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

SSB 3251

COMMERCE: Warnstadt, Chair; Bolkcom and Kettering

SSB 3252

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

SSB 3253

APPROPRIATIONS: Dvorsky, Chair; and Kettering

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 2264 (formerly SF 2166), a bill for an act relating to the biodiesel blended fuel tax credit for retail dealers, and providing for retroactive applicability.

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.

ECONOMIC GROWTH

Bill Title: SENATE FILE 2268* (SSB 3131), a bill for an act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the Iowa summer youth corps account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing a retroactive applicability provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Stewart, Olive, Houser, Beall, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, Seymour, and Zaun. Nays, none. Absent, 1: Danielson.

Fiscal Note: 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 2268, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: SENATE FILE 2262* (SSB 3156), a bill for an act relating to child care and family support subsidy services regulated or administered by the department of human resources.

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.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2262, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2265* (SSB 3185), a bill for an act providing for establishment of a mental health services system for children and youth.

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.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2265, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2266* (SSB 3113), a bill for an act requiring a preliminary investigation to be conducted by the county medical examiner in the event of the death of a resident of certain state facilities administered by the department of human services.

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.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2266, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2269 (SSB 3135), a bill for an act revising family investment program requirements for limited benefit plans.

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.

JUDICIARY

Bill Title: HOUSE FILE 2165, a bill for an act relating to business corporations, by providing for distributions and business opportunities.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Kreiman, Hogg, McKibben, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirmbach, Schoenjahn, Ward, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2267* (formerly SF 2202), a bill for an act relating to rules for discharging wastewater from water well drilling sites.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Black, Hancock, Gaskill, Behn, Bolkcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, 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 Natural Resources and Environment Committee on Senate File 2267, and they were attached to the committee report

TRANSPORTATION

Bill Title: SENATE FILE 2263 (SSB 3083), a bill for an act providing increased penalties for speeding violations committed by a motor vehicle operator in a road work zone.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rielly, Noble, Beall, Dearden, Hancock, Heckroth, Houser, McCoy, Putney, Warnstadt, Zaun, and Zieman. Nays, none. Absent, 1: Danielson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

PETITIONS

The following petitions were presented and placed on file:

From residents of Hamilton County and surrounding areas requesting that the Iowa Legislature defeat proposed legislation banning smoking in public places. Senator Olive.

From residents of Clinton County and surrounding areas requesting that the Iowa Legislature defeat proposed legislation banning smoking in public places. Senator Olive.

AMENDMENTS FILED

S-5032	S.F.	2204	Keith A. Kreiman
S-5033	S.F.	249	House
S-5034	S.F.	2199	Keith A. Kreiman Amanda Ragan David Johnson
S-5035	H.F.	2212	Staci Appel
S-5036	H.F.	2212	Staci Appel
S-5037	H.F.	2212	Mary A. Lundby
S-5038	H.F.	2212	William Dotzler

JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 28, 2008

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

Prayer was offered by Reverend Lori Wunder of the First Presbyterian Church in Cedar Rapids, Iowa. She was the guest of Senator Hogg.

The Journal of Wednesday, February 27, 2008, was approved.

BILLS REFERRED TO COMMITTEE

Senator Bolkom asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

S.F. 2264	Ways and Means
S.F. 2265	Appropriations
S.F. 2268	Ways and Means

ADJOURNMENT

On motion of Senator Bolkom, the Senate adjourned at 8:56 a.m. until 1:00 p.m., Monday, March 3, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Big Creek Historical Society, Polk City—For the restoration of the historic city hall in Polk City. Senator Noble (2/28/08).

Senior Master Sgt. Ben Ramirez, Disciples of Christ Church, Jefferson—For being the chaplain of the day. Senator Beall (2/28/08).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: February 27, 2008, 1:05 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: Passed SF 2080 and approved SSBs 3010 and 3071.

Recessed: 2:30 p.m.

Reconvened: 7:40 p.m.

Adjourned: 8:15 p.m.

APPROPRIATIONS

Convened: February 28, 2008, 1:30 p.m.

Members Present: Dvorsky, Chair; Kettering, Ranking Member; Behn, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood.

Members Absent: McCoy, Vice Chair; Angelo, Connolly, and Gaskill (all excused).

Committee Business: Approved SSB 3100.

Recessed: 1:35 p.m.

Reconvened: 1:45 p.m.

Adjourned: 1:50 p.m.

VETERANS AFFAIRS

Convened: February 28, 2008, 1:05 p.m.

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

Members Absent: Black and McKibben (both excused).

Committee Business: Passed SF 2048 and approved SSB 3032. Presentation by Commandant Dan Steen, Iowa Veterans Home.

Adjourned: 1:30 p.m.

WAYS AND MEANS

Convened: February 28, 2008, 2:05 p.m.

Members Present: Bolkcom, Chair; Appel, Dotzler, Hogg, Noble, Quirmbach, Schmitz, Seng, Stewart, Ward, and Zieman.

Members Absent: McCoy, Vice Chair; McKibben, Ranking Member; Angelo, Connolly, Houser, and Putney (all excused).

Committee Business: Presentations by the Iowa Taxpayers Association and the Iowa Policy Project on the research activities credit.

Adjourned: 3:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 28, 2008, 11:25 a.m.

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

Members Absent: None.

Committee Business: Passed LSB 5000JA.

Adjourned: 12:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 28, 2008, 11:40 a.m.

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

Members Absent: None.

Committee Business: Passed LSB 5006JA, as amended, and LSB 5007JA, as amended.

Recessed: 12:05 p.m.

Reconvened: 12:15 p.m.

Adjourned: 12:30 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 102, by committee on Agriculture, a concurrent resolution urging the United States Environmental Protection Agency to take all actions necessary to provide American consumers with the opportunity to use higher ethanol blended gasoline for general use in conventional engines.

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

INTRODUCTION OF BILLS

Senate File 2272, by Quirmbach, a bill for an act providing for the procurement of designated biobased products by state government.

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

Senate File 2273, by Quirmbach, a bill for an act creating a supplementary weighting plan for school districts that have enrolled students residing in group foster care facilities and residential substance abuse treatment program facilities.

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

Senate File 2274, by Olive, Heckroth, and Rielly, a bill for an act relating to the operation of county hospitals and the duties and powers of county hospital trustees.

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

Senate File 2275, by committee on Judiciary, a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases.

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

Senate File 2276, by committee on Natural Resources and Environment, a bill for an act relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

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

Senate File 2277, by committee on Judiciary, a bill for an act relating to offenses against identity by establishing a procedure to secure credit information and providing a penalty.

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

STUDY BILLS RECEIVED

SSB 3254 Human Resources

Relating to the Iowa juvenile home by restricting placements of children at the home and including an applicability provision.

SSB 3255 Labor and Business Relations

Relating to safe walkways for railroad workers and making penalties applicable.

SSB 3256 Natural Resources and Environment

Relating to the control of beverage containers by expanding the types of beverage containers covered and increasing the reimbursement amount paid to dealers.

SSB 3257 Labor and Business Relations

Relating to the imposition of penalty benefits in workers' compensation cases.

SSB 3258 Agriculture

Regulating some livestock markets as animal feeding operations.

SSB 3259 Agriculture

Providing for animal feeding operations involving livestock markets.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2254**

ECONOMIC GROWTH: Schmitz, Chair; Dotzler and Houser

Senate File 2257

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

Senate File 2258

AGRICULTURE: Courtney, Chair; Fraise and Gaskill

Senate File 2265

APPROPRIATIONS: Bolkom, Chair; Dvorsky, Johnson, Ragan, and Seymour

Senate File 2273

EDUCATION: Quirnbach, Chair; Beall and Boettger

SSB 3254

HUMAN RESOURCES: Kreiman, Chair; Hartsuch and Schmitz

SSB 3255

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

SSB 3256

NATURAL RESOURCES AND ENVIRONMENT: Seng, Chair; Behn and Hancock

SSB 3257

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

SSB 3258

AGRICULTURE: Kibbie, Chair; Black and Johnson

SSB 3259

AGRICULTURE: Kibbie, Chair; Black and Johnson

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: SENATE CONCURRENT RESOLUTION 102 (SSB 3230), a concurrent resolution urging the United States Environmental Protection Agency to take all actions necessary to provide American consumers with the opportunity to use higher ethanol blended gasoline for general use in conventional engines.

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.

JUDICIARY

Bill Title: SENATE FILE 2275* (formerly SF 2095), a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, McKibben, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirnbach, Schoenjahn, Ward, Warnstadt, and Zieman. 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 Judiciary Committee on Senate File 2275, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2277* (SSB 3213), a bill for an act relating to offenses against identity by establishing a procedure to secure credit information and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, McKibben, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirnbach, Schoenjahn, Ward, Warnstadt, and Ziemann. 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 Judiciary Committee on Senate File 2277, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2276* (SSB 3134), a bill for an act relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Hancock, Gaskill, Bolkcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Behn.

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 Natural Resources and Environment Committee on Senate File 2276, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: SENATE FILE 2048*, a bill for an act concerning eligibility criteria for special gold star motor vehicle registration plates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Beall, Warnstadt, Seymour, Danielson, Hartsuch, Horn, Kibbie, McKinley, and Ragan. Nays, none. Absent, 2: Black and 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 Veterans Affairs Committee on Senate File 2048, and they were attached to the committee report.

AMENDMENT FILED

S-5039 S.F. 2134 Steve Warnstadt

JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY
TWENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 3, 2008

The Senate met in regular session at 1:00 p.m., President Kibbie presiding.

Prayer was offered by Pastor Leila Blackburn of the Griswold Methodist Church in Griswold, Iowa. She was the guest of Senator Boettger.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Chase Hall.

The Journal of Thursday, February 28, 2008, was approved.

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 28, 2008, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2123, a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions. (S-5040)

ALSO: That the House has on February 28, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2417, a bill for an act exempting certain federal tax rebates under the state individual income tax and including a retroactive applicability date provision.

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:05 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:10 p.m., President Kibbie presiding.

The Senate stood at ease at 1:12 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:15 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2222, 2221, and 2211.

Senate File 2222

On motion of Senator Dvorsky, **Senate File 2222**, a bill for an act relating to payment of wages, was taken up for consideration.

Senator Dvorsky 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. 2222), the vote was:

Yeas, 49:

Angelo
Appel

Gaskill
Gronstal

Kreiman
Lundby

Schoenjahn
Seng

Beall	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Behn

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

Senate File 2221

On motion of Senator Dvorsky, **Senate File 2221**, a bill for an act relating to workers' compensation benefit payments for burial expenses, was taken up for consideration.

Senator Dvorsky 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. 2221), the vote was:

Yeas, 39:

Angelo	Dvorsky	Johnson	Ragan
Appel	Fraise	Kettering	Rielly
Beall	Gaskill	Kibbie	Schmitz
Black	Gronstal	Kreiman	Schoenjahn
Bolkcom	Hahn	Lundby	Seng
Connolly	Hancock	McCoy	Seymour
Courtney	Hatch	McKibben	Stewart
Danielson	Heckroth	Olive	Warnstadt
Dearden	Hogg	Putney	Wood
Dotzler	Horn	Quirnbach	

Nays, 10:

Boettger	McKinley	Ward	Zieman
Hartsuch	Mulder	Wieck	
Houser	Noble	Zaun	

Absent, 1:

Behn

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

Senate File 2211

On motion of Senator Hogg, **Senate File 2211**, a bill for an act relating to the residency of a district judge nominee, was taken up for consideration.

Senator Hogg 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. 2211), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Behn

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 Files 2211, 2221, and 2222** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Miriam Landsman – Child Welfare Advisory Committee
 Nancy Magnall – Child Welfare Advisory Committee
 Matthew McDowell – Child Welfare Advisory Committee
 Kathleen Penkert – Child Welfare Advisory Committee

Roya Stanley – Director of the Office of Energy Independence

John Bilsten – Iowa Power Fund Board
 Peter Hemken – Iowa Power Fund Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Behn

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2173, 2157, and 2035.

Senate File 2173

On motion of Senator Kreiman, **Senate File 2173**, a bill for an act relating to case permanency plans, consent decrees, and attendance at proceedings in juvenile court, was taken up for consideration.

Senator Kreiman 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. 2173), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Behn

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

Senate File 2157

On motion of Senator Horn, **Senate File 2157**, a bill for an act relating to amusement ride safety inspections conducted by special inspectors authorized by the division of labor services in the department of workforce development, was taken up for consideration.

Senator Horn 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. 2157), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Behn

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

Senate File 2035

On motion of Senator Appel, **Senate File 2035**, a bill for an act relating to campaign signs and contributions, with report of committee recommending passage, was taken up for consideration.

Senator Appel offered amendment S-5031, filed by her on February 26, 2008, to page 4 of the bill, and moved its adoption.

Amendment S-5031 was adopted by a voice vote.

Senator Appel 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. 2035), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Behn

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 Files 2035, 2157, and 2173** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:44 p.m. until 8:45 a.m., Tuesday, March 4, 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 REVENUE

Streamlined Sales Tax Advisory Council 2007 annual report, pursuant to Iowa Code section 423.9A. Report received on March 3, 2008.

CERTIFICATES OF RECOGNITION

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

Meghan Busswitz, Cedar Rapids—For her efforts to Write Women Back into History. Senator Appel (3/3/08).

Lauren M. Ceplecha, Ankeny—For her efforts to Write Women Back into History. Senator Appel (3/3/08).

Connor Drahos, Cedar Rapids—For his efforts to Write Women Back into History. Senator Appel (3/3/08).

Rachel Henning, DeWitt—For her efforts to Write Women Back into History. Senator Appel (3/3/08).

Tyler Hupp, Cedar Rapids—For his efforts to Write Women Back into History. Senator Appel (3/3/08).

Kaitlin Moews, Indianola—For her efforts to Write Women Back into History. Senator Appel (3/3/08).

Madison Noble, Ankeny—For her efforts to Write Women Back into History. Senator Appel (3/3/08).

Jordan Schill, Urbandale—For her efforts to Write Women Back into History. Senator Appel (3/3/08).

Ryan Watters, Marion—For his efforts to Write Women Back into History. Senator Appel (3/3/08).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: March 3, 2008, 1:05 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Ragan, and Zieman.

Members Absent: Courtney, Danielson, Dearden, Dvorsky, and Lundby (all excused).

Committee Business: Passed SR 103.

Adjourned: 1:10 p.m.

INTRODUCTION OF BILLS

Senate File 2278, by committee on Education, a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards.

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

Senate File 2279, by committee on Education, a bill for an act establishing health, nutrition, and cardiopulmonary resuscitation certification requirements for students, school districts, and accredited nonpublic schools.

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

Senate File 2280, by committee on Judiciary, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

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

Senate File 2281, by committee on Judiciary, a bill for an act prohibiting employment discrimination against an employee witness in certain civil proceedings.

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

Senate File 2282, by committee on Education, a bill for an act relating to the elimination of reporting or data collection requirements related to the department of education.

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

Senate File 2283, by committee on Veterans Affairs, a bill for an act concerning eligibility criteria for special gold star motor vehicle registration plates.

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

Senate File 2284, by Angelo, a bill for an act relating to an assault that occurs between persons in an intimate relationship and the crime of domestic abuse assault and making penalties applicable.

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

Senate File 2285, by Hatch, a bill for an act requiring certain identity documents to be provided to children subject to a court order for out-of-home placement.

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

Senate File 2286, by committee on Appropriations, a bill for an act 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.

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

Senate File 2287, by Warnstadt, a bill for an act subjecting vital records violations to identity theft penalties under specified circumstances.

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

Senate File 2288, by Warnstadt, a bill for an act modifying penalties for criminal offenses related to opiates and opium derivatives.

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

Senate File 2289, by committee on Veterans Affairs, a bill for an act concerning state educational assistance to children of deceased veterans and the war orphans educational assistance fund, and including an effective date and retroactive applicability provision.

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

STUDY BILLS RECEIVED

SSB 3260 Labor and Business Relations

Requiring employers to provide notice of plant closings and layoffs, and providing remedies and penalties.

SSB 3261 Ways and Means

Relating to the definition of retail sale under the sales and use taxes to include separate charges for paint and other vehicle body materials used during a motor vehicle collision repair.

SSB 3262 Appropriations

Relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate File 531

JUDICIARY: Kreiman, Chair; Schoenjahn and Zieman

Senate File 2191
(Reassigned)

COMMERCE: Rielly, Chair; McCoy and Ward

Senate File 2247

LOCAL GOVERNMENT: Heckroth, Chair; McKinley and Stewart

Senate File 2253

VETERANS AFFAIRS: Beall, Chair; McKinley and Warnstadt

Senate File 2255

LOCAL GOVERNMENT: Rielly, Chair; Angelo and Heckroth

Senate File 2256

LOCAL GOVERNMENT: Rielly, Chair; Angelo and Heckroth

Senate File 2264

WAYS AND MEANS: Appel, Chair; Stewart and Zieman

Senate File 2268

WAYS AND MEANS: Schmitz, Chair; Appel and Houser

Senate File 2270

STATE GOVERNMENT: Wood, Chair; Danielson and Kettering

Senate File 2272

STATE GOVERNMENT: Kibbie, Chair; Wood and Zieman

Senate File 2274

LOCAL GOVERNMENT: Olive, Chair; Hartsuch and Rielly

Senate File 2285

JUDICIARY: Kreiman, Chair; Noble and Quirnbach

SSB 3244
(Reassigned)

STATE GOVERNMENT: Connolly, Chair; Kettering, Kibbie, Wood, and Zieman

SSB 3260

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

SSB 3261

WAYS AND MEANS: McCoy, Chair; Noble and Seng

SSB 3262

APPROPRIATIONS: Danielson, Chair; Dvorsky, Connolly, Kettering, and Putney

FINAL COMMITTEE REPORTS OF BILL ACTION**APPROPRIATIONS**

Bill Title: SENATE FILE 2286 (SSB 3100), a bill for an act 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 21: Dvorsky, Kettering, Behn, Black, Boettger, Bolkom, Danielson, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 4: McCoy, Angelo, Connolly, and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: SENATE FILE 2278* (SSB 3071), a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Schmitz, Wood, Zaun, and Ziemann. 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 Education Committee on Senate File 2278, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2279* (formerly SF 2080), a bill for an act establishing health, nutrition, and cardiopulmonary resuscitation certification requirements for students, school districts, and accredited nonpublic schools.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Schoenjahn, Appel, Mulder, Beall, Connolly, Heckroth, Johnson, Quirnbach, Schmitz, and Wood. Nays, 4: Boettger, McKinley, Zaun, and Ziemann. 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 Education Committee on Senate File 2279, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2282* (SSB 3010), a bill for an act relating to the elimination of reporting or data collection requirements related to the department of education.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Johnson, Kreiman, Quirnbach, Schmitz, Wood, and Ziemann. Nays, 2: McKinley and Zaun. 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 Education Committee on Senate File 2282, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 2280* (SSB 3124), a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, McKibben, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirnbach, Schoenjahn, Ward, Warnstadt, and Ziemann. 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 Judiciary Committee on Senate File 2280, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2281* (formerly SF 2103), a bill for an act prohibiting employment discrimination against an employee witness in certain civil proceedings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, McKibben, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirnbach, Schoenjahn, Ward, Warnstadt, and Zieman. 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 Judiciary Committee on Senate File 2281, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 103, a resolution designating March 2008 as Iowa Women's History Month.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Gronstal, Kibbie, Wieck, Angelo, Ragan, and Zieman. Nays, none. Absent, 5: Courtney, Danielson, Dearden, Dvorsky, and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: SENATE FILE 2283 (formerly SF 2048), a bill for an act concerning eligibility criteria for special gold star motor vehicle registration plates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Beall, Warnstadt, Seymour, Danielson, Hartsuch, Horn, Kibbie, McKinley, and Ragan. Nays, none. Absent, 2: Black and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2289* (SSB 3032), a bill for an act concerning state educational assistance to children of deceased veterans and the war orphans

educational assistance fund, and including an effective date and retroactive applicability provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Beall, Warnstadt, Seymour, Danielson, Hartsuch, Horn, Kibbie, McKinley, and Ragan. Nays, none. Absent, 2: Black and 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 Veterans Affairs Committee on Senate File 2289, and they were attached to the committee report.

PETITION

The following petition was presented and placed on file:

From 125 residents of Humboldt County opposing legislation on a smoking ban. Senator Kibbie.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 28, 2008, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2059 – Relating to the administration of the department of cultural affairs.

AMENDMENTS FILED

S-5040	S.F.	2123	House
S-5041	S.F.	2277	Steve Warnstadt
S-5042	S.F.	2204	Keith A. Kreiman

JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 4, 2008

The Senate met in regular session at 8:45 a.m., Senator Dvorsky presiding.

Prayer was offered by Vince Homan, pastor of the United Methodist Church in What Cheer, Iowa. He was the guest of Senator Rielly.

The Journal of Monday, March 3, 2008, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 103.

Senate Resolution 103

On motion of Senator Appel, **Senate Resolution 103**, a resolution designating March 2008 as Iowa Women's History Month, with report of committee recommending passage, was taken up for consideration.

Senator Appel moved the adoption of Senate Resolution 103, which motion prevailed by a voice vote.

SPECIAL GUESTS

In celebration of Women's History Month, Senator Appel welcomed to the Senate chamber student winners of the 24th Annual "Write Women Back into History" Essay Contest. The contest is sponsored by the Iowa Commission on the Status of Women, the Iowa Department of Education, and the State Historical Society of Iowa.

Sixth and Seventh Grades:

First Place: Tyler Hupp of Prairie Middle School in Cedar Rapids

Second Place: Meghan Busswitz of College Community Schools/
Prairie Middle School in Cedar Rapids

Third Place: Connor Drahos of Prairie Middle School in Cedar Rapids

Eighth and Ninth Grades:

First Place: Ryan Watters of Vernon Middle School in Marion

Second Place: Jordan Schill of Urbandale Middle School in Urbandale

Third Place: Kaitlin Moews of Indianola Middle School in Indianola

Best Essay on Women in Science, Technology, Engineering, and Math
for Sixth and Seventh Grades:

First Place: Madison Noble of Parkview Middle School in Ankeny

Second Place: Lauren M. Ceplecha of Parkview Middle School in
Ankeny

Best Essay on Women in Science, Technology, Engineering, and Math
for Eighth and Ninth Grades:

First Place: Rachel Henning of Central-Clinton Community High
School in DeWitt

The Senate rose and expressed its welcome.

The Senate stood at ease at 8:55 a.m. until the fall of the gavel for
the purpose of a Republican party caucus.

The Senate resumed session at 9:12 a.m., Senator Dvorsky
presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Angelo, Behn, and McKibben, until they arrive, on request of Senator
Wieck; and Senator McCoy, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2204.

Senate File 2204

On motion of Senator Kreiman, **Senate File 2204**, a bill for an act relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, garnishment of money held by the state for a person who owes delinquent child support, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, collection of support from certain obligors, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates, was taken up for consideration.

Senator Kreiman withdrew amendment S-5032, filed by him on February 27, 2008, to pages 2 and 8 of the bill.

Senator Kreiman offered amendment S-5042, filed by him on March 3, 2008, to page 8 of the bill, and moved its adoption.

Amendment S-5042 was adopted by a voice vote.

Senator Kreiman asked and received unanimous consent that **House File 2309** be **substituted** for **Senate File 2204**.

House File 2309

On motion of Senator Kreiman, **House File 2309**, a bill for an act relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, garnishment of money held by the state for a person who owes delinquent child support, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, collection of support from certain obligors, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates, was taken up for consideration.

Senator Kreiman offered amendment S-5043, filed by him from the floor to pages 6-9 and to the title page of the bill, and moved its adoption.

Amendment S-5043 was adopted by a voice vote.

Senator Kreiman 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?" (H.F. 2309), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Angelo	Behn	McCoy	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

WITHDRAWN

Senator Kreiman asked and received unanimous consent that **Senate File 2204** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2309** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:31 a.m. until 8:45 a.m., Wednesday, March 5, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Mike Bearden—For exemplary service to the community of Gladbrook, Iowa. Senator Putney (3/4/08).

Michael Ray Walsh, III, Varina—For celebrating his 80th birthday. Senator Kibbie (3/4/08).

Wright Medical Center, Clarion—For achieving outstanding results through strategic pillar teams. Senator Olive (3/4/08).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 3, 2008, 4:05 p.m.

Members Present: Warnstadt, Chair; Heckroth, Vice Chair; Bolkcom, Courtney, Kettering, McCoy, McKibben, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward.

Members Absent: Behn, Ranking Member; and Angelo (both excused).

Committee Business: Approved SSBs 3104, 3173, and 3200.

Adjourned: 4:35 p.m.

LOCAL GOVERNMENT

Convened: March 3, 2008, 2:55 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: Passed SF 2005 and approved SSBs 3188, as amended, and 3222.

Adjourned: 3:30 p.m.

STATE GOVERNMENT

Convened: March 3, 2008, 2:50 p.m.

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

Members Absent: Behn (excused).

Committee Business: Passed SF 2239 and approved SSBs 3028, 3142, 3201, and 3227, as amended.

Adjourned: 3:30 p.m.

AGRICULTURE

Convened: March 4, 2008, 10:35 a.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 2213 and approved SSBs 3181 and 3221.

Recessed: 10:40 a.m.

Reconvened: 11:10 a.m.

Adjourned: 11:30 a.m.

ECONOMIC GROWTH

Convened: March 4, 2008, 1:05 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: Passed SFs 2195 and 2209, HF 2215, and approved SSBs 3199, as amended, and 3224, as amended.

Adjourned: 1:45 p.m.

EDUCATION

Convened: March 4, 2008, 9:40 a.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: Passed SF 2236, as amended, and approved SSB 3187, as amended.

Recessed: 9:45 a.m.

Reconvened: 10:00 a.m.

Adjourned: 10:30 a.m.

HUMAN RESOURCES

Convened: March 4, 2008, 2:35 p.m.

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

Members Absent: Johnson (excused).

Committee Business: Passed SF 2034 and approved SSBs 3182, 3190, 3196, 3203, and 3225.

Adjourned: 3:30 p.m.

LABOR AND BUSINESS RELATIONS

Convened: March 4, 2008, 9:40 a.m.

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

Members Absent: Behn (excused).

Committee Business: Passed HF 2194 and approved SSBs 3048 and 3218.

Adjourned: 9:45 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 4, 2008, 1:05 p.m.

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

Members Absent: Behn (excused).

Committee Business: Passed SF 2225, as amended, and approved SSBs 3176, as amended, and 3178.

Adjourned: 1:30 p.m.

WAYS AND MEANS

Convened: March 4, 2008, 12:45 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; McKibben, Ranking Member; Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirmbach, Schmitz, Seng, Stewart, Ward, and Ziemann.

Members Absent: Angelo (excused).

Committee Business: Passed HF 2417.

Adjourned: 12:50 p.m.

INTRODUCTION OF BILLS

Senate File 2290, by Beall and Olive, a bill for an act relating to the authority of certain licensed physicians, licensed psychiatrists, psychiatric advanced registered nurse practitioners, and physician assistants regarding the evaluation and treatment of certain persons including chronic substance abusers and persons with mental illness, and making a penalty applicable.

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

Senate File 2291, by committee on State Government, a bill for an act concerning department of administrative services operations.

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

Senate File 2292, by committee on State Government, a bill for an act expanding the time period during which a complaint may be filed with the Iowa civil rights commission.

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

Senate File 2293, by Beall, Appel, Black, Bolkcom, Dvorsky, and Quirnbach, a bill for an act providing for the regulation of persons involved in keeping pets and other animals, and making penalties applicable.

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

Senate File 2294, by Kettering, a bill for an act relating to the maximum amount of property taxes due or rent constituting property taxes paid that may be considered in calculating the elderly and disabled property tax credit or rent reimbursement and including an applicability date provision.

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

Senate File 2295, by Dearden, a bill for an act relating to operating a motor vehicle while fatigued and providing penalties.

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

Senate File 2296, by Bolkcom, a bill for an act relating to nurse staffing levels in hospitals and providing a penalty.

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

Senate File 2297, by committee on Local Government, a bill for an act providing a method for the acquisition of title to abandoned vacant lots by cities.

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

Senate File 2298, by committee on Local Government, a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective and applicability date provisions.

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

Senate File 2299, by committee on State Government, a bill for an act creating an international trade and globalization advisory council.

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

Senate File 2300, by Kettering, a bill for an act providing a sales tax exemption from the sale of clothing.

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

Senate File 2301, by committee on State Government, a bill for an act making revisions and modifications to uniform finance procedures for bonds issued by the state.

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

Senate File 2302, by committee on Commerce, a bill for an act specifying a duty of agency applicable to licensed mortgage brokers and making penalties applicable.

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

Senate File 2303, by committee on Labor and Business Relations, a bill for an act relating to workers' compensation provisions for continued medically related benefits in certain settlements of workers' compensation claims and to funding of the second injury fund and providing an effective date.

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

Senate File 2304, by committee on Labor and Business Relations, a bill for an act relating to the boiler and pressure vessel safety and elevator safety revolving funds under the control of the labor commissioner.

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

Senate File 2305, by committee on Local Government, a bill for an act relating to county officers by authorizing reimbursement of certain expenses, making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

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

Senate File 2306, by committee on Commerce, a bill for an act relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date.

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

STUDY BILLS RECEIVED

SSB 3263 Government Oversight

Relating to state agency reporting of the receipt of gifts, bequests, and grants.

SSB 3264 Appropriations

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date.

SSB 3265 Appropriations

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

SSB 3266 Appropriations

Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment

for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, and the 2009 tax-exempt bond proceeds restricted capital funds account and related matters, and providing effective and retroactive applicability date provisions.

SSB 3267 Transportation

Allocating revenues to the TIME-21 fund, increasing motor vehicle and trailer registration fees, title fees, and driver's license fees, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, making penalties applicable, and providing effective dates.

SSB 3268 Commerce

Providing for life settlement arrangements, providing penalties, providing for fees, and providing an effective date.

SSB 3269 Appropriations

Relating to and making appropriations to the judicial branch.

SSB 3270 Appropriations

Relating to and making appropriations to the justice system.

SUBCOMMITTEE ASSIGNMENTS

Senate File 86
(Reassigned)

LOCAL GOVERNMENT: Schoenjahn, Chair; Heckroth and McKinley

Senate File 2271

LABOR AND BUSINESS RELATIONS: Dearden, Chair; Seng and Ward

Senate File 2284

HUMAN RESOURCES: Kreiman, Chair; Hartsuch and Quirmbach

Senate File 2287

COMMERCE: Warnstadt, Chair; Angelo and Schoenjahn

Senate File 2288

JUDICIARY: Warnstadt, Chair; Kreiman and Noble

Senate File 2290

HUMAN RESOURCES: Hatch, Chair; Dotzler and Hartsuch

Senate File 2293

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

Senate File 2294

WAYS AND MEANS: Quirmbach, Chair; Putney and Seng

Senate File 2300

WAYS AND MEANS: Quirmbach, Chair; Houser and Schmitz

House File 2196

TRANSPORTATION: Rielly, Chair; Putney and Warnstadt

House File 2417

WAYS AND MEANS: Bolkcom, Chair; Stewart and Zieman

SSB 3263

GOVERNMENT OVERSIGHT: Courtney, Chair; Schmitz and Lundby

SSB 3264

APPROPRIATIONS: Danielson, Chair; Dvorsky, Hahn, Kettering, and McCoy

SSB 3265

APPROPRIATIONS: McCoy, Chair; Dvorsky, Kettering, Putney, and Warnstadt

SSB 3266

APPROPRIATIONS: Dvorsky, Chair; and Kettering

SSB 3267

TRANSPORTATION: Rielly, Chair; Danielson, Noble, Putney, Warnstadt, and Zieman

SSB 3268

COMMERCE: Rielly, Chair; Angelo and Heckroth

SSB 3269

APPROPRIATIONS: Hancock, Chair; Angelo, Dvorsky, Fraise, and Kettering

SSB 3270

APPROPRIATIONS: Hancock, Chair; Angelo, Dvorsky, Fraise, and Kettering

FINAL COMMITTEE REPORTS OF BILL ACTION**COMMERCE**

Bill Title: SENATE FILE 2302* (SSB 3104), a bill for an act specifying a duty of agency applicable to licensed mortgage brokers and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Warnstadt, Heckroth, Bolkcom, Courtney, Kettering, McCoy, McKibben, Olive, Rielly, Schoenjahn, Stewart, and Ward. Nays, 1: Putney. Absent, 2: Behn and Angelo.

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 Commerce Committee on Senate File 2302, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2306* (SSB 3173), a bill for an act relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Bolkcom, Courtney, Kettering, McCoy, McKibben, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 2: Behn and Angelo.

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 Commerce Committee on Senate File 2306, and they were attached to the committee report.

ECONOMIC GROWTH

Bill Title: HOUSE FILE 2215, a bill for an act relating to private activity bond allocation procedures and single-project limitations.

Recommendation: DO PASS.

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.

LABOR AND BUSINESS RELATIONS

Bill Title: SENATE FILE 2303 (SSB 3218), a bill for an act relating to workers' compensation provisions for continued medically related benefits in certain settlements of workers' compensation claims and to funding of the second injury fund and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Dearden, Courtney, Ward, Dotzler, Dvorsky, Hahn, Hatch, Horn, Kettering, and Seng. Nays, none. Absent, 1: Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2304 (SSB 3048), a bill for an act relating to the boiler and pressure vessel safety and elevator safety revolving funds under the control of the labor commissioner.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Dearden, Courtney, Ward, Dotzler, Dvorsky, Hahn, Hatch, Horn, Kettering, and Seng. Nays, none. Absent, 1: Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2194, a bill for an act relating to exemptions to state minimum wage requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Dearden, Courtney, Ward, Dotzler, Dvorsky, Hahn, Hatch, Horn, Kettering, and Seng. Nays, none. Absent, 1: Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: SENATE FILE 2297 (formerly SF 2005), a bill for an act providing a method for the acquisition of title to abandoned vacant lots by cities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Beall, Zaun, Angelo, Hartsuch, Heckroth, Houser, Kreiman, Olive, Rielly, Schoenjahn, and Stewart. Nays, none. Present, 1: McKinley. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2298 (SSB 3222), a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Quirnbach, Beall, Zaun, Angelo, Hartsuch, Heckroth, Houser, Kreiman, McKinley, Olive, Rielly, Schoenjahn, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2305* (SSB 3188), a bill for an act relating to county officers by authorizing reimbursement of certain expenses, making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Quirnbach, Beall, Zaun, Angelo, Hartsuch, Heckroth, Houser, Kreiman, McKinley, Olive, Rielly, Schoenjahn, and Stewart. 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 Local Government Committee on Senate File 2305, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 2291 (SSB 3201), a bill for an act concerning department of administrative services operations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Zieman, Appel, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, 1: Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2292 (SSB 3028), a bill for an act expanding the time period during which a complaint may be filed with the Iowa civil rights commission.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Zieman, Appel, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, 1: Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2299 (formerly SF 2239), a bill for an act creating an international trade and globalization advisory council.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Zieman, Appel, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, 1: Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2301* (SSB 3227), a bill for an act making revisions and modifications to uniform finance procedures for bonds issued by the state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Zieman, Appel, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, 1: Behn.

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 2301, and they were attached to the committee report.

WAYS AND MEANS

Bill Title: HOUSE FILE 2417, a bill for an act exempting certain federal tax rebates under the state individual income tax and including a retroactive applicability date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Bolkom, McCoy, McKibben, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, 1: Angelo.

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 4th day of March, 2008:

Senate File 2101.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5043	H.F.	2309	Keith A. Kreiman
S-5044	S.F.	2281	Robert M. Hogg

JOURNAL OF THE SENATE

FIFTY-SECOND CALENDAR DAY
THIRTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 5, 2008

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

Prayer was offered by Pastor Tim Leathers of the Heartland Fellowship Church in Wilton, Iowa. He was the guest of Senator Hahn.

The Journal of Tuesday, March 4, 2008, was approved.

Senator Wood took the chair at 9:05 a.m.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:15 a.m. until 8:45 a.m., Thursday, March 6, 2008.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: March 4, 2008, 4:05 p.m.

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

Members Absent: Behn (excused).

Committee Business: Passed SF 531 and approved SSBs 3212, 3215, 3232, 3240, 3241, and 3248.

Adjourned: 4:34 p.m.

TRANSPORTATION

Convened: March 4, 2008, 2:35 p.m.

Members Present: Rielly, Chair; Danielson, Vice Chair; Noble, Ranking Member; Beall, Dearden, Hancock, Heckroth, Houser, McCoy, Putney, Warnstadt, Zaun, and Ziemán.

Members Absent: None.

Committee Business: Passed SF 2171 and approved SSBs 3085 and 3127.

Recessed: 2:45 p.m.

Reconvened: 3:10 p.m.

Adjourned: 3:50 p.m.

APPROPRIATIONS

Convened: March 5, 2008, 12:40 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Behn, Black, Bolkom, Connolly, Danielson, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood.

Members Absent: Angelo, Boettger, and Gaskill (all excused).

Committee Business: Passed SF 2131, as amended, and approved SSB 3262.

Recessed: 12:45 p.m.

Reconvened: 1:00 p.m.

Adjourned: 1:25 p.m.

COMMERCE

Convened: March 5, 2008, 11:25 a.m.

Members Present: Warnstadt, Chair; Heckroth, Vice Chair; Behn, Ranking Member; Bolkom, Courtney, Kettering, McCoy, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward.

Members Absent: Angelo and McKibben (both excused).

Committee Business: Passed SFs 2091, 2115, 2191, and 2233, and approved SSBs 3108, 3171, 3238, and 3268.

Adjourned: 12:15 p.m.

LABOR AND BUSINESS RELATIONS

Convened: March 5, 2008, 1:40 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: Approved SSBs 3044, as amended, 3255, 3257, and 3260.

Adjourned: 2:20 p.m.

LOCAL GOVERNMENT

Convened: March 5, 2008, 10:30 a.m.

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

Members Absent: None.

Committee Business: Passed SFs 2247, as amended, and 2256, as amended.

Adjourned: 11:10 a.m.

STATE GOVERNMENT

Convened: March 5, 2008, 10:00 a.m.

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

Members Absent: Gaskill and McKibben (both excused).

Committee Business: Passed SF 2188 and approved SSBs 3117, as amended, and 3164, as amended.

Adjourned: 11:20 a.m.

VETERANS AFFAIRS

Convened: March 5, 2008, 2:30 p.m.

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

Members Absent: McKibben and McKinley (both excused).

Committee Business: Passed SF 2224 and approved SSBs 3035, 3202, and 3274.

Adjourned: 3:00 p.m.

INTRODUCTION OF BILLS

Senate File 2307, by committee on Education, a bill for an act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date.

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

Senate File 2308, by committee on Commerce, a bill for an act relating to identity theft by providing for the notification of a breach in the security of computerized data that includes personal information, and providing penalties.

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

Senate File 2309, by committee on Economic Growth, a bill for an act relating to the membership of the vision Iowa board and including an applicability provision.

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

Senate File 2310, by Warnstadt, a bill for an act relating to targeted jobs withholding credit agreements for certain pilot project cities located in border counties.

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

Senate File 2311, by Seng, a bill for an act establishing the foster child scholarship program Act.

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

Senate File 2312, by committee on State Government, a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

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

Senate File 2313, by committee on Human Resources, a bill for an act requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials, establishing a cancer clinical trial review board, and providing an applicability date.

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

Senate File 2314, by Dotzler, a bill for an act requiring imposition of a penalty for certain delays in commencement or terminations of workers' compensation benefits, and providing an applicability date.

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

Senate File 2315, by committee on Economic Growth, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

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

Senate File 2316, by committee on Judiciary, a bill for an act creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

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

Senate File 2317, by committee on Judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

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

Senate File 2318, by committee on Veterans Affairs, a bill for an act concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans.

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

STUDY BILLS RECEIVED

SSB 3271 Education

Providing postsecondary education lending requirements for lending institutions, the Iowa student loan liquidity corporation, accredited postsecondary institutions, and private student loan creditors.

SSB 3272 Judiciary

Relating to the rights of a victim of an alleged sexual assault and notification of these rights by a peace officer.

SSB 3273 Ways and Means

Authorizing a city or county to collect a public safety impact fee for each night of lodging rental within the jurisdiction of the city or county.

SSB 3274 Veterans Affairs

Concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2285 (Reassigned)

JUDICIARY: Kreiman, Chair; Hartsuch and Quirmbach

Senate File 2311

EDUCATION: Wood, Chair; Connolly and Mulder

SSB 3271

EDUCATION: Quirmbach, Chair; Connolly and Zieman

SSB 3272

JUDICIARY: Kreiman, Chair; Hartsuch and Quirmbach

SSB 3273

WAYS AND MEANS: Hogg, Chair; Noble and Stewart

SSB 3274

VETERANS AFFAIRS: Beall, Chair; Warnstadt, Seymour, Black, Danielson, Hartsuch, Horn, Kibbie, McKibben, McKinley, and Ragan

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: SENATE FILE 2308* (SSB 3200), a bill for an act relating to identity theft by providing for the notification of a breach in the security of computerized data that includes personal information, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Bolkcom, Courtney, Kettering, McCoy, McKibben, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 2: Behn and Angelo.

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 Commerce Committee on Senate File 2308, and they were attached to the committee report.

ECONOMIC GROWTH

Bill Title: SENATE FILE 2309 (formerly SF 2209), a bill for an act relating to the membership of the vision Iowa board and including an applicability provision.

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 2315 (formerly SF 2195), a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Stewart, Olive, Houser, Beall, Danielson, Dotzler, Hahn, Mulder, Rielly, Schmitz, Seymour, and Zaun. Nays, none. Present, 1: Hatch. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: SENATE FILE 2307* (formerly SF 2236), a bill for an act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Kreiman, McKinley, Quirmbach, Schmitz, Wood, Zaun, and Zieman. Nays, none. Absent, 1: Johnson.

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 Education Committee on Senate File 2307, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: SENATE FILE 2313 (SSB 3190), a bill for an act requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials, establishing a cancer clinical trial review board, and providing an applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Ragan, Schmitz, Bolkcom, Dotzler, Hatch, Kreiman, Mulder, Quirnbach, and Wood. Nays, 3: Seymour, Boettger, and Hartsuch. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 531, a bill for an act relating to expunging a record of conviction for theft in the fifth degree offenses.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2316 (SSB 3232), a bill for an act creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2317* (SSB 3215), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

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

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 2317, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 2312* (SSB 3142), a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Connolly, Horn, Zieman, Appel, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, and Schmitz. Nays, none. Present, 2: Black and Wood. Absent, 1: Behn.

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 2312, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: SENATE FILE 2318* (SSB 3274), a bill for an act concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Horn, Kibbie, and Ragan. Nays, none. Absent, 2: McKibben and McKinley.

Fiscal Note: 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 2318, and they were attached to the committee report.

AMENDMENT FILED

S-5045 S.F. 2291 Jeff Danielson

JOURNAL OF THE SENATE

FIFTY-THIRD CALENDAR DAY
THIRTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 6, 2008

The Senate met in regular session at 8:44 a.m., President Kibbie presiding.

Prayer was offered by Pastor David Loy of the Community of Christ Church in Cedar Rapids, Iowa. He was the guest of Senator Horn.

The Journal of Wednesday, March 5, 2008, 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 March 5, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2359, a bill for an act concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans.

Read first time and **attached to similar Senate File 2318**.

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Courtney asked and received unanimous consent that the following bills on the Senate Calendar, no longer eligible under Joint Rule 20, be placed on the Unfinished Business Calendar:

S.F. 2060 (and attached H.F. 2166)
S.F. 2162 (and attached H.F. 2213)
S.F. 2318 (and attached H.F. 2359)
H.F. 2165
H.F. 2194
H.F. 2215
H.F. 2417

BILLS REFERRED TO COMMITTEE

Senator Courtney asked and received unanimous consent that the following bills on the Senate Calendar be referred to the following committees:

S.F. 2291	Ways and Means
S.F. 2298	Ways and Means
S.F. 2313	Commerce
S.F. 2315	Ways and Means

ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 8:51 a.m. until 1:00 p.m., Monday, March 10, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Nicholas Berte, Humboldt—For achieving the rank of Eagle Scout, Boy Scout Troop 108. Senator Kibbie (3/6/08).

Coach Lisa Bluder, Iowa City—For being named the Big Ten Conference Women's Coach of the Year for 2008. Senator Dvorsky (3/6/08).

Coach Lisa Bluder and the University of Iowa Women's Basketball Team—For winning the Big Ten Championship. Senator Dvorsky (3/6/08).

Marjorie Bode, Algona—For celebrating her 90th birthday. Senator Kibbie (3/6/08).

Evert and Donna Broesder, Algona—For celebrating their 50th wedding anniversary. Senator Kibbie (3/6/08).

Raymond and Phyllis Carpenter, Emmetsburg—For celebrating their 50th wedding anniversary. Senator Kibbie (3/6/08).

Lester and Lois Handeland, Emmetsburg—For celebrating their 60th wedding anniversary. Senator Kibbie (3/6/08).

Christopher Ludwig, Corwith—For achieving the rank of Eagle Scout, Boy Scout Troop 71. Senator Kibbie (3/6/08).

Coach Bill McTaggart and the Iowa City-City High Girls' Basketball Team—For winning the 2008 Girls' Class 4A Iowa State Basketball Championship. Senator Dvorsky (3/6/08).

Coach Brian O'Donnell and the Springville High School Girls' Basketball Team—For winning the 2008 Girls' Class 1A Iowa State Basketball Championship. Senator Dvorsky (3/6/08).

Father Eugene Schumacher, Bancroft—For celebrating his 79th birthday. Senator Kibbie (3/6/08).

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: March 5, 2008, 4:10 p.m.

Members Present: Kreiman, Chair; Hogg, Vice Chair; Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Quirmbach, Schoenjahn, Ward, Warnstadt, and Ziemann.

Members Absent: McKibben, Ranking Member; and Noble (both excused).

Committee Business: Passed SF 2285 and approved SSBs 3016, 3075, 3161, 3204, 3209, 3231, 3239, and 3272.

Adjourned: 5:00 p.m.

ECONOMIC GROWTH

Convened: March 6, 2008, 2:30 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: Passed SF 2241, as amended.

Adjourned: 3:05 p.m.

HUMAN RESOURCES

Convened: March 6, 2008, 1:10 p.m.

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

Members Absent: None.

Committee Business: Approved SSBs 3140, 3186, and 3229.

Adjourned: 2:20 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 6, 2008, 2:30 p.m.

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

Members Absent: Gaskill, Ranking Member (excused).

Committee Business: Passed SFs 2083, as amended, 2210, as amended, and 2232, as amended, and approved SSBs 3166 and 3250, as amended.

Adjourned: 3:05 p.m.

STATE GOVERNMENT

Convened: March 6, 2008, 10:10 a.m.

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

Members Absent: Gaskill (excused).

Committee Business: Passed SFs 2062, 2235, 2240, 2243, and 2272, and approved SSB 3244.

Adjourned: 11:20 a.m.

TRANSPORTATION

Convened: March 6, 2008, 1:05 p.m.

Members Present: Rielly, Chair; Danielson, Vice Chair; Noble, Ranking Member; Beall, Dearden, Hancock, Heckroth, Houser, McCoy, Putney, Warnstadt, Zaun, and Zieman.

Members Absent: None.

Committee Business: Passed SF 2245 and approved SSB 3267.

Recessed: 1:15 p.m.

Reconvened: 1:25 p.m.

Adjourned: 2:00 p.m.

VETERANS AFFAIRS

Convened: March 6, 2008, 11:15 a.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: Passed SF 2253.

Adjourned: 11:20 a.m.

INTRODUCTION OF BILLS

Senate File 2319, by committee on Human Resources, a bill for an act relating to disease prevention and wellness including the Iowa healthy communities initiative and the governor's council on physical fitness and nutrition.

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

Senate File 2320, by committee on Judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

Senate File 2321, by committee on Natural Resources and Environment, a bill for an act relating to the recycling of mercury-containing lamps by providing for a study.

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

Senate File 2322, by committee on Judiciary, a bill for an act establishing second deputy sheriff positions in certain counties.

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

Senate File 2323, by committee on Transportation, a bill for an act concerning the transportation of railroad workers by companies organized for that purpose and providing penalties.

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

Senate File 2324, by committee on Human Resources, a bill for an act relating to transfer procedures for and compensation of health care providers not participating in IowaCare.

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

Senate File 2325, by committee on Economic Growth, a bill for an act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date.

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

Senate File 2326, by committee on Commerce, a bill for an act barring insurers from requiring repair businesses to buy parts and supplies from specified sellers and providing penalties.

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

Senate File 2327, by committee on Economic Growth, a bill for an act relating to economic development by creating a sustainable community development initiative.

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

Senate File 2328, by committee on Natural Resources and Environment, a bill for an act relating to the deer depredation management program, establishing a deer study advisory committee, and providing an effective date.

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

Senate File 2329, by committee on Education, a bill for an act providing that funding of teacher compensation, professional development, early intervention, and educational excellence phase II be implemented through the school aid formula on a per pupil basis.

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

Senate File 2330, by committee on Local Government, a bill for an act relating to the authority of a public agency to spend property tax revenues under a contract or agreement with another public agency.

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

Senate File 2331, by committee on Judiciary, a bill for an act relating to filing and docketing fees collected by the clerk of the district court for parking violations and tribal judgments, fees for examination and admission to practice law, appropriations from the jury and witness fee revolving fund, and providing an effective date.

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

Senate File 2332, by committee on Labor and Business Relations, a bill for an act requiring employers to provide notice of plant closings and layoffs, and providing remedies and penalties.

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

Senate File 2333, by committee on Veterans Affairs, a bill for an act relating to the regulation of veterans commemorative property.

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

Senate File 2334, by committee on Human Resources, a bill for an act relating to recovery from third parties liable for health care coverage provided to recipients of medical assistance, and providing an effective date.

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

Senate File 2335, by committee on Judiciary, a bill for an act relating to the rights of a victim of an alleged sexual assault and notification of these rights by a peace officer.

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

Senate File 2336, by committee on Transportation, a bill for an act concerning the licensure of motor vehicle drivers under eighteen years of age and making a penalty applicable.

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

Senate File 2337, by committee on Commerce, a bill for an act relating to the purchase of liability insurance by the association of Iowa fairs.

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

Senate File 2338, by committee on Human Resources, a bill for an act relating to the regulation of health-related professions.

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

Senate File 2339, by committee on Local Government, a bill for an act relating to abandoned vehicles found near bodies of water by providing for civil penalties.

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

Senate File 2340, by committee on Judiciary, a bill for an act requiring certain identity documents to be provided to children subject to a court order for out-of-home placement.

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

Senate File 2341, by committee on Human Resources, a bill for an act relating to Alzheimer's disease and similar forms of irreversible dementia.

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

STUDY BILL RECEIVED

SSB 3275 Ways and Means

Relating to providing information to certain persons about the availability of volunteer income tax assistance programs and the federal and state earned income tax credits.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2291

WAYS AND MEANS: Connolly, Chair; Dotzler and Zieman

Senate File 2298

WAYS AND MEANS: Quirmbach, Chair; Houser and Seng

Senate File 2310

WAYS AND MEANS: Quirmbach, Chair; Angelo and Bolkcom

Senate File 2314

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

Senate File 2315

WAYS AND MEANS: Connolly, Chair; Houser and Stewart

SSB 3275

WAYS AND MEANS: Schmitz, Chair; Bolkcom and Noble

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2131, 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: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5046.

Final Vote: Ayes, 22: Dvorsky, McCoy, Kettering, Behn, Black, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 3: Angelo, Boettger, and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Bill Title: SENATE FILE 2326 (SSB 3108), a bill for an act barring insurers from requiring repair businesses to buy parts and supplies from specified sellers and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Bolkcom, Courtney, Kettering, McCoy, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 2: Angelo and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2337 (formerly SF 2191), a bill for an act relating to the purchase of liability insurance by the association of Iowa fairs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Bolkcom, Courtney, Kettering, McCoy, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 2: Angelo and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH

Bill Title: SENATE FILE 2325* (SSB 3199), a bill for an act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date.

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 2325, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2327* (SSB 3224), a bill for an act relating to economic development by creating a sustainable community development initiative.

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 2327, and they were attached to the committee report.

EDUCATION

Bill Title: SENATE FILE 2329* (SSB 3187), a bill for an act providing that funding of teacher compensation, professional development, early intervention, and educational excellence phase II be implemented through the school aid formula on a per pupil basis.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Schmitz, Wood, Zaun, and Zieman. 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 Education Committee on Senate File 2329, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: SENATE FILE 2319 (SSB 3225), a bill for an act relating to disease prevention and wellness including the Iowa healthy communities initiative and the governor's council on physical fitness and nutrition.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2324* (formerly SF 2034), a bill for an act relating to transfer procedures for and compensation of health care providers not participating in IowaCare.

Recommendation: APPROVED COMMITTEE BILL.

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

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 2324, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2334 (SSB 3196), a bill for an act relating to recovery from third parties liable for health care coverage provided to recipients of medical assistance, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2338* (SSB 3182), a bill for an act relating to the regulation of health-related professions.

Recommendation: APPROVED COMMITTEE BILL.

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

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 2338, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2341* (SSB 3203), a bill for an act relating to Alzheimer's disease and similar forms of irreversible dementia.

Recommendation: APPROVED COMMITTEE BILL.

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

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 2341, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 2320* (SSB 3241), a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

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

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 2320 and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2322 (SSB 3240), a bill for an act establishing second deputy sheriff positions in certain counties.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2331 (SSB 3016), a bill for an act relating to filing and docketing fees collected by the clerk of the district court for parking violations and tribal judgments, fees for examination and admission to practice law, appropriations from the jury and witness fee revolving fund, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Kreiman, Hogg, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Quirmbach, Schoenjahn, Ward, Warnstadt, and Ziemann. Nays, none. Absent, 2: McKibben and Noble.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2335 (SSB 3272), a bill for an act relating to the rights of a victim of an alleged sexual assault and notification of these rights by a peace officer.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Kreiman, Hogg, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Quirmbach, Schoenjahn, Ward, Warnstadt, and Ziemann. Nays, none. Absent, 2: McKibben and Noble.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2340 (formerly SF 2285), a bill for an act requiring certain identity documents to be provided to children subject to a court order for out-of-home placement.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Kreiman, Hogg, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Quirmbach, Schoenjahn, Ward, Warnstadt, and Ziemann. Nays, none. Absent, 2: McKibben and Noble.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LABOR AND BUSINESS RELATIONS

Bill Title: SENATE FILE 2332 (SSB 3260), a bill for an act requiring employers to provide notice of plant closings and layoffs, and providing remedies and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Dearden, Courtney, Ward, Dotzler, Dvorsky, Hatch, Horn, and Seng. Nays, 3: Behn, Hahn, and Kettering. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: SENATE FILE 2330* (formerly SF 2256), a bill for an act relating to the authority of a public agency to spend property tax revenues under a contract or agreement with another public agency.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Quirnbach, Beall, Zaun, Angelo, Hartsuch, Heckroth, Houser, Kreiman, McKinley, Olive, Rielly, Schoenjahn, and Stewart. 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 Local Government Committee on Senate File 2330, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2339* (formerly SF 2247), a bill for an act relating to abandoned vehicles found near bodies of water by providing for civil penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Quirnbach, Beall, Zaun, Angelo, Hartsuch, Heckroth, Houser, Kreiman, McKinley, Olive, Rielly, Schoenjahn, and Stewart. 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 Local Government Committee on Senate File 2339, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2321* (formerly SF 2225), a bill for an act relating to the recycling of mercury-containing lamps by providing for a study.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Hancock, Gaskill, Bolkcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Behn.

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 Natural Resources and Environment Committee on Senate File 2321, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2328* (SSB 3176), a bill for an act relating to the deer depredation management program, establishing a deer study advisory committee, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Hancock, Gaskill, Bolkecom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1 Behn.

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 Natural Resources and Environment Committee on Senate File 2328, and they were attached to the committee report.

TRANSPORTATION

Bill Title: SENATE FILE 2323 (formerly SF 2171), a bill for an act concerning the transportation of railroad workers by companies organized for that purpose and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Rielly, Danielson, Beall, Dearden, Hancock, Heckroth, McCoy, Warnstadt, and Ziemann. Nays, 4: Noble, Houser, Putney, and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2336* (SSB 3085), a bill for an act concerning the licensure of motor vehicle drivers under eighteen years of age and making a penalty applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Danielson, Noble, Beall, Dearden, Hancock, Heckroth, Houser, McCoy, Putney, Warnstadt, Zaun, and Ziemann. 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 Transportation Committee on Senate File 2336, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: SENATE FILE 2333* (SSB 3035), a bill for an act relating to the regulation of veterans commemorative property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Horn, Kibbie, and Ragan. Nays, none. Absent, 2: McKibben and McKinley.

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 2333, and they were attached to the committee report.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 5, 2008, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2101 – Transferring administration of the entrepreneurs with disabilities program to the department of education.

AMENDMENT FILED

S-5046 S.F. 2131 Appropriations

JOURNAL OF THE SENATE

FIFTY-SEVENTH CALENDAR DAY
THIRTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 10, 2008

The Senate met in regular session at 1:00 p.m., President Kibbie presiding.

Prayer was offered by Reverend Tim Peters of the Church of the Brethren in Prairie City, Iowa. He was the guest of Senator Black.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Caslon Hatch.

The Journal of Thursday, March 6, 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 March 6, 2008, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2309, a bill for an act relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 2324 and 2327** be referred from the Regular Calendar to the committee on **Appropriations**.

The Senate stood at ease at 1:10 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:15 p.m., President Kibbie presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 2123

Senator Appel called up for consideration **Senate File 2123**, a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions, amended by the House in House amendment S-5040, filed March 3, 2008.

Senator McKibben asked and received unanimous consent that action on House amendment S-5040 and **Senate File 2123** be **deferred**.

President Pro Tempore Danielson took the chair at 2:23 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Ward, until she arrives, on request of Senator Wieck.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2417.

House File 2417

On motion of Senator Bolkcom, **House File 2417**, a bill for an act exempting certain federal tax rebates under the state individual income tax and including a retroactive applicability date provision, placed on the Unfinished Business Calendar on March 6, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom 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?" (H.F. 2417), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Gaskill Ward

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2301 and 2292.

Senate File 2301

On motion of Senator Kibbie, **Senate File 2301**, a bill for an act making revisions and modifications to uniform finance procedures for bonds issued by the state, was taken up for consideration.

Senator Kibbie 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. 2301), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

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

Senate File 2292

On motion of Senator Hatch, **Senate File 2292**, a bill for an act expanding the time period during which a complaint may be filed with the Iowa civil rights commission, was taken up for consideration.

Senator Hatch 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. 2292), the vote was:

Yeas, 35:

Angelo	Dotzler	Johnson	Schmitz
Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Black	Gronstal	Lundby	Seymour
Bolkcom	Hancock	McCoy	Stewart
Connolly	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirmbach	Wood
Danielson	Hogg	Ragan	Zieman
Dearden	Horn	Rielly	

Nays, 13:

Behn	Houser	Mulder	Zaun
Boettger	Kettering	Noble	
Hahn	McKibben	Putney	
Hartsuch	McKinley	Wieck	

Absent, 2:

Gaskill	Ward
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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 Files 2292 and 2301 and House File 2417 be immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:34 p.m. until 3:30 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

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

Charlotte Fagen, Sigourney—For celebrating her 90th birthday. Senator Rielly (3/10/08).

Naomi Foster—For celebrating her 90th birthday. Senator Gronstal (3/10/08).

James Hepp, Rockwell City—For achieving the rank of Eagle Scout. Senator Beall (3/10/08).

Florence Hotchkin—For celebrating her 100th birthday. Senator Rielly (3/10/08).

Patricia Rogers—For celebrating her 90th birthday. Senator Gronstal (3/10/08).

INTRODUCTION OF RESOLUTIONS

Senate Resolution 110, by Bolkcom, a resolution requesting that the legislative council create a study committee relating to beverage container laws.

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

Senate Resolution 111, by Mulder, a resolution to honor Northwestern College as it celebrates its sesquicentennial.

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

INTRODUCTION OF BILLS

Senate File 2342, by committee on Judiciary, a bill for an act relating to the time limit on executions of judgments and orders.

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

Senate File 2343, by committee on Judiciary, a bill for an act relating to civil liability for social hosts providing alcoholic beverages to persons under legal age.

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

Senate File 2344, by committee on Labor and Business Relations, a bill for an act relating to the imposition of penalty benefits in workers' compensation cases.

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

Senate File 2345, by committee on Labor and Business Relations, a bill for an act relating to safe walkways for railroad workers and making penalties applicable.

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

Senate File 2346, by committee on Agriculture, a bill for an act providing for the stockpiling of dry manure from a confinement feeding operation and making penalties applicable.

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

Senate File 2347, by committee on Appropriations, a bill for an act relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, and providing an effective date.

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

Senate File 2348, by committee on Agriculture, a bill for an act relating to the management of cooperative associations.

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

Senate File 2349, by committee on Commerce, a bill for an act relating to the preneed sale of cemetery and funeral merchandise and funeral services.

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

Senate File 2350, by committee on Judiciary, a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

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

Senate File 2351, by committee on Commerce, a bill for an act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property.

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

Senate File 2352, by committee on Veterans Affairs, a bill for an act concerning the definition of veteran.

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

Senate File 2353, by committee on Judiciary, a bill for an act relating to the appointment of certain judicial officers, the retirement of senior judges, and the entry of temporary custody and visitation orders.

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

Senate File 2354, by committee on Veterans Affairs, a bill for an act concerning the home ownership assistance program for members of the military.

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

Senate File 2355, by committee on State Government, a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable.

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

Senate File 2356, by committee on Judiciary, a bill for an act relating to the judicial branch including contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, and records kept by the clerk.

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

Senate File 2357, by committee on Commerce, a bill for an act requiring disclosure of employer group health benefit claims and premium information to certain employers.

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

Senate File 2358, by committee on Veterans Affairs, a bill for an act establishing an educational assistance stipend for eligible veterans and providing an appropriation.

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

Senate File 2359, by committee on State Government, a bill for an act concerning fine arts projects in state buildings.

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

Senate File 2360, by committee on Natural Resources and Environment, a bill for an act 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.

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

Senate File 2361, by committee on State Government, a bill for an act providing for the procurement of designated biobased products by state government.

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

Senate File 2362, by committee on Agriculture, a bill for an act providing for research related to mitigation of odor emitted from livestock operations.

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

Senate File 2363, by committee on Agriculture, a bill for an act regulating some livestock markets as animal feeding operations.

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

Senate File 2364, by committee on Judiciary, a bill for an act relating to the emancipation of a minor.

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

Senate File 2365, by committee on State Government, a bill for an act relating to binding international trade agreements by providing for the consent of the general assembly and providing an effective date.

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

Senate File 2366, by committee on Transportation, a bill for an act providing for county grants from the revitalize Iowa's sound economy (RISE) fund for secondary road repair projects prior to statewide touring events.

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

Senate File 2367, by committee on Natural Resources and Environment, a bill for an act relating to the compliance advisory panel, including the appointment of its members and its powers and duties.

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

Senate File 2368, by committee on State Government, a bill for an act concerning persons voluntarily excluded from gambling facilities.

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

Senate File 2369, by committee on Agriculture, a bill for an act regulating persons who transport, handle, store, or apply manure.

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

Senate File 2370, by committee on Human Resources, a bill for an act relating to promotion of the health care workforce, providing for tax credits, providing appropriations, and providing effective and retroactive applicability dates.

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

Senate File 2371, by committee on Economic Growth, a bill for an act relating to economic development by making federally recognized Indian tribes that own land in Iowa eligible for certain economic development programs.

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

Senate File 2372, by committee on Commerce, a bill for an act relating to the issuance or redemption of gift certificates, establishing restrictions on fees and charges, prohibiting expiration dates, and making penalties applicable.

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

Senate File 2373, by committee on State Government, a bill for an act relating to public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including an implementation provision, and providing effective and retroactive applicability dates.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 2346 (formerly SF 2213), a bill for an act providing for the stockpiling of dry manure from a confinement feeding operation and making penalties applicable.

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 2348 (SSB 3221), a bill for an act relating to the management of cooperative associations.

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 2362 (formerly SF 2234), a bill for an act providing for research related to mitigation of odor emitted from livestock operations.

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 2363 (SSB 3258), a bill for an act regulating some livestock markets as animal feeding operations.

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 2369* (SSB 3181), a bill for an act regulating persons who transport, handle, store, or apply manure.

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 2369, and they were attached to the committee report.

APPROPRIATIONS

Bill Title: SENATE FILE 2347* (SSB 3262), a bill for an act relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 22: Dvorsky, McCoy, Kettering, Behn, Black, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 3: Angelo, Boettger, and Gaskill.

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 Appropriations Committee on Senate File 2347, and they were attached to the committee report.

COMMERCE

Bill Title: SENATE FILE 2349* (formerly SF 2233), a bill for an act relating to the preneed sale of cemetery and funeral merchandise and funeral services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Bolkcom, Courtney, Kettering, McCoy, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 2: Angelo and 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 Commerce Committee on Senate File 2349, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2351* (SSB 3171), a bill for an act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Bolkcom, Courtney, Kettering, McCoy, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 2: Angelo and 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 Commerce Committee on Senate File 2351, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2357* (formerly SF 2115), a bill for an act requiring disclosure of employer group health benefit claims and premium information to certain employers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Bolkcom, Courtney, Kettering, McCoy, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 2: Angelo and 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 Commerce Committee on Senate File 2357, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2372* (formerly SF 2091), a bill for an act relating to the issuance or redemption of gift certificates, establishing restrictions on fees and charges, prohibiting expiration dates, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Warnstadt, Heckroth, Bolkcom, Courtney, McCoy, Olive, Rielly, Schoenjahn, Stewart, and Ward. Nays, 3: Behn, Kettering, and Putney. Absent, 2: Angelo and 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 Commerce Committee on Senate File 2372, and they were attached to the committee report.

ECONOMIC GROWTH

Bill Title: SENATE FILE 2371* (formerly SF 2241), a bill for an act relating to economic development by making federally recognized Indian tribes that own land in Iowa eligible for certain economic development programs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Stewart, Olive, Beall, Danielson, Dotzler, Hatch, Mulder, Rielly, and Schmitz. Nays, 4: Houser, Hahn, Seymour, and Zaun. 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 2371, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: SENATE FILE 2370* (SSB 3186), a bill for an act relating to promotion of the health care workforce, providing for tax credits, providing appropriations, and providing effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Schmitz, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirnbach, and Wood. 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 Human Resources Committee on Senate File 2370, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 2342 (SSB 3239), a bill for an act relating to the time limit on executions of judgments and orders.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Kreiman, Hogg, Dvorsky, Fraise, Hancock, Horn, Quirnbach, Schoenjahn, and Warnstadt. Nays, 4: Behn, Hartsuch, Ward, and Ziemann. Absent, 2: McKibben and Noble.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2343 (SSB 3204), a bill for an act relating to civil liability for social hosts providing alcoholic beverages to persons under legal age.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Kreiman, Hogg, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Quirnbach, Schoenjahn, Ward, Warnstadt, and Ziemann. Nays, none. Absent, 2: McKibben and Noble.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2350 (SSB 3231), a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Kreiman, Hogg, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Quirnbach, Schoenjahn, Ward, Warnstadt, and Ziemann. Nays, none. Absent, 2: McKibben and Noble.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2353* (SSB 3161), a bill for an act relating to the appointment of certain judicial officers, the retirement of senior judges, and the entry of temporary custody and visitation orders.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Kreiman, Hogg, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Quirnbach, Schoenjahn, Ward, Warnstadt, and Ziemann. Nays, none. Absent, 2: McKibben and Noble.

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 2353, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2356* (SSB 3075), a bill for an act relating to the judicial branch including contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, and records kept by the clerk.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Kreiman, Hogg, Behn, Dvorsky, Fraise, Hartsuch, Horn, Quirmbach, Schoenjahn, Ward, Warnstadt, and Ziemann. Nays, 1: Hancock. Absent, 2: McKibben and Noble.

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 2356, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2364 (SSB 3209), a bill for an act relating to the emancipation of a minor.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Kreiman, Hogg, Dvorsky, Fraise, Hancock, Horn, Quirmbach, Schoenjahn, Ward, Warnstadt, and Ziemann. Nays, 2: Behn and Hartsuch. Absent, 2: McKibben and Noble.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LABOR AND BUSINESS RELATIONS

Bill Title: SENATE FILE 2344 (SSB 3257), a bill for an act relating to the imposition of penalty benefits in workers' compensation cases.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Dearden, Courtney, Dotzler, Dvorsky, Hatch, Horn, and Seng. Nays, 4: Ward, Behn, Hahn, and Kettering. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2345 (SSB 3255), a bill for an act relating to safe walkways for railroad workers and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Dearden, Courtney, Dotzler, Dvorsky, Hatch, Horn, and Seng. Nays, 4: Ward, Behn, Hahn, and Kettering. Absent, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2360 (SSB 3166), a bill for an act 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Hancock, Behn, Bolkcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2367 (SSB 3178), a bill for an act relating to the compliance advisory panel, including the appointment of its members and its powers and duties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Hancock, Gaskill, Bolkcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 2355* (formerly SF 2188), a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Connolly, Horn, Black, Danielson, Hatch, Kettering, Kibbie, Schmitz, and Wood. Nays, 3: Ziemann, Behn, and Hahn. Absent, 3: Appel, Gaskill, and 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 Natural Resources and Environment Committee on Senate File 2355, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2359 (formerly SF 2235), a bill for an act concerning fine arts projects in state buildings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Connolly, Horn, Appel, Black, Danielson, Hatch, Kibbie, Schmitz, and Wood. Nays, 5: Zieman, Behn, Hahn, Kettering, and McKibben. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2361 (formerly SF 2272), a bill for an act providing for the procurement of designated biobased products by state government.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Zieman, Appel, Behn, Black, Danielson, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2365 (formerly SF 2243), a bill for an act relating to binding international trade agreements by providing for the consent of the general assembly and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Connolly, Horn, Appel, Black, Danielson, Hatch, Kibbie, Schmitz, and Wood. Nays, 5: Zieman, Behn, Hahn, Kettering, and McKibben. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2368* (formerly SF 2062), a bill for an act concerning persons voluntarily excluded from gambling facilities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Zieman, Appel, Behn, Black, Danielson, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, 1: Gaskill.

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 2368, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2373* (SSB 3244), a bill for an act relating to public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including an implementation provision, and providing effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Connolly, Horn, Black, Danielson, Hatch, Kibbie, Schmitz, and Wood. Nays, 5: Zieman, Behn, Hahn, Kettering, and McKibben. Present, 1: Appel. Absent, 1: Gaskill.

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 2373, and they were attached to the committee report.

TRANSPORTATION

Bill Title: SENATE FILE 2366 (formerly SF 2245), a bill for an act providing for county grants from the revitalize Iowa's sound economy (RISE) fund for secondary road repair projects prior to statewide touring events.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Rielly, Danielson, Beall, Dearden, Hancock, Heckroth, and Warnstadt. Nays, 6: Noble, Houser, McCoy, Putney, Zaun, and Zieman. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: SENATE FILE 2352* (SSB 3202), a bill for an act concerning the definition of veteran.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Horn, Kibbie, and Ragan. Nays, none. Absent, 2: McKibben and McKinley.

Fiscal Note: 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 2352, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2354* (formerly SF 2224), a bill for an act concerning the home ownership assistance program for members of the military.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Horn, Kibbie, and Ragan. Nays, none. Absent, 2: McKibben and McKinley.

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 2354, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2358 (formerly SF 2253), a bill for an act establishing an educational assistance stipend for eligible veterans and providing an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Horn, Kibbie, McKibben, McKinley, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2318.

Senate File 2318

On motion of Senator Danielson, **Senate File 2318**, a bill for an act concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans, placed on the Unfinished Business Calendar on March 6, 2008, was taken up for consideration.

Senator Danielson offered amendment S-5047, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5047 was adopted by a voice vote.

Senator Danielson asked and received unanimous consent that **House File 2359** be **substituted** for **Senate File 2318**.

House File 2359

On motion of Senator Danielson, **House File 2359**, a bill for an act concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans, was taken up for consideration.

Senator Angelo offered amendment S-5054, filed by him from the floor to page 1 and to the title page of the bill.

Senator Gronstal raised the point of order that amendment S-5054 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5054 out of order.

Senator Danielson 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?" (H.F. 2359), the vote was:

Yeas, 42:

Appel	Fraise	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Ward
Connolly	Heckroth	Noble	Warnstadt
Courtney	Hogg	Olive	Wieck
Danielson	Horn	Putney	Wood
Dearden	Houser	Ragan	Zaun
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schmitz	

Nays, 7:

Angelo	Hartsuch	Mulder	Zieman
Behn	Johnson	Quirnbach	

Absent, 1:

Gaskill

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

WITHDRAWN

Senator Danielson asked and received unanimous consent that **Senate File 2318** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2286.

Senate File 2286

On motion of Senator Hatch, **Senate File 2286**, a bill for an act 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, was taken up for consideration.

Senator Hatch 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. 2286), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Gaskill

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2282.

Senate File 2282

On motion of Senator Schoenjahn, **Senate File 2282**, a bill for an act relating to the elimination of reporting or data collection requirements related to the department of education, was taken up for consideration.

Senator McKinley offered amendment S-5053, filed by him from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5053 be adopted?" (S.F. 2282), the vote was:

Yeas, 21:

Angelo	Hartsuch	McKinley	Wieck
Behn	Houser	Mulder	Zaun
Boettger	Johnson	Noble	Zieman
Bolkcom	Kettering	Putney	
Connolly	Lundby	Seymour	
Hahn	McKibben	Ward	

Nays, 28:

Appel	Dvorsky	Horn	Rielly
Beall	Fraise	Kibbie	Schmitz
Black	Gronstal	Kreiman	Schoenjahn
Courtney	Hancock	McCoy	Seng
Danielson	Hatch	Olive	Stewart
Dearden	Heckroth	Quirnbach	Warnstadt
Dotzler	Hogg	Ragan	Wood

Absent, 1:

Gaskill

Amendment S-5053 lost.

Senator Boettger offered amendment S-5049, filed by her from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5049 be adopted?" (S.F. 2282), the vote was:

Yeas, 19:

Angelo	Houser	McKinley	Ward
Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman
Hartsuch	McKibben	Seymour	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 1:

Gaskill

Amendment S-5049 lost.

Senator Schoenjahn 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. 2282), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Ragan
Beall	Dvorsky	Kibbie	Rielly
Black	Fraise	Kreiman	Schmitz
Bolkcom	Gronstal	Lundby	Schoenjahn
Connolly	Hancock	McCoy	Seng
Courtney	Hatch	Mulder	Stewart
Danielson	Heckroth	Olive	Warnstadt
Dearden	Hogg	Quirnbach	Wood

Nays, 17:

Angelo	Houser	Noble	Zaun
Behn	Johnson	Putney	Zieman
Boettger	Kettering	Seymour	
Hahn	McKibben	Ward	
Hartsuch	McKinley	Wieck	

Absent, 1:

Gaskill

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 Files 2282 and 2286** and **House File 2359** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2281, 2276, and 2263.

Senate File 2281

On motion of Senator Hogg, **Senate File 2281**, a bill for an act prohibiting employment discrimination against an employee witness in certain civil proceedings, was taken up for consideration.

Senator Hogg offered amendment S-5044, filed by him on March 4, 2008, to page 1 of the bill, and moved its adoption.

Amendment S-5044 was adopted by a voice vote.

Senator Hogg 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. 2281), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Gaskill

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

Senate File 2276

On motion of Senator Hogg, **Senate File 2276**, a bill for an act relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions, was taken up for consideration.

Senator Hogg 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. 2276), the vote was:

Yeas, 49:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt

Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Courtney	Horn	Putney	Zaun
Danielson	Houser	Quirnbach	Zieman
Dearden	Johnson	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Gaskill

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

Senate File 2263

On motion of Senator Putney, **Senate File 2263**, a bill for an act providing increased penalties for speeding violations committed by a motor vehicle operator in a road work zone, was taken up for consideration.

Senator Putney 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. 2263), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Gaskill

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

BUSINESS PENDING

Senate File 2123

The Senate resumed consideration of **Senate File 2123**, a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions, and House amendment S-5040, previously deferred.

Senator McKibben offered amendment S-5058, filed by Senator McKibben, et al., from the floor to page 1 of amendment S-5040.

Senator Appel raised the point of order that amendment S-5058 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-5058 in order.

Senator McKibben moved the adoption of amendment S-5058 to amendment S-5040.

A record roll call was requested.

On the question "Shall amendment S-5058 be adopted?" (S.F. 2123), the vote was:

Yeas, 22:

Angelo	Houser	Mulder	Wieck
Behn	Johnson	Noble	Wood
Boettger	Kettering	Putney	Zaun
Hahn	Lundby	Rielly	Zieman
Hancock	McKibben	Seymour	
Hartsuch	McKinley	Ward	

Nays, 27:

Appel	Dearden	Hogg	Ragan
Beall	Dotzler	Horn	Schmitz
Black	Dvorsky	Kibbie	Schoenjahn
Bolkcom	Fraise	Kreiman	Seng
Connolly	Gronstal	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	

Absent, 1:

Gaskill

Amendment S-5058 lost.

Senator Ziemann offered amendment S-5056, filed by Senator Ziemann, et al., from the floor to page 1 and to the title provisions of amendment S-5040.

Senator Appel raised the point of order that amendment S-5056 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5056 out of order.

Senator Ziemann withdrew amendment S-5057, filed by Senator Ziemann, et al., from the floor to page 1 and to the title provisions of amendment S-5040.

Senator Ziemann asked and received unanimous consent that action on House amendment S-5040 and **Senate File 2123** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2263, 2276, and 2281** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2249, 2230, 2060, and 2261.

Senate File 2249

On motion of Senator Beall, **Senate File 2249**, a bill for an act relating to certain local hotel and motel tax elections, was taken up for consideration.

Senator Beall 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. 2249), the vote was:

Yeas, 48:

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

Nays, 1:

Kreiman

Absent, 1:

Gaskill

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

Senate File 2230

On motion of Senator Dearden, **Senate File 2230**, a bill for an act authorizing the issuance of special nonresident turkey and deer hunting licenses to certain persons who have severe physical disabilities or a terminal illness, was taken up for consideration.

Senator Johnson offered amendment S-5017, filed by him on February 26, 2008, to page 1 of the bill, and moved its adoption.

Amendment S-5017 was adopted by a voice vote.

Senator Johnson offered amendment S-5055, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5055 was adopted by a voice vote.

Senator Dearden 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. 2230), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Gaskill

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

Senate File 2060

On motion of Senator Schmitz, **Senate File 2060**, a bill for an act relating to the practice of pharmacy, including provisions governing tech-check-tech programs and specifying applicable penalty

provisions, placed on the Unfinished Business Calendar on March 6, 2008, was taken up for consideration.

Senator Schmitz asked and received unanimous consent that **House File 2166** be **substituted** for **Senate File 2060**.

House File 2166

On motion of Senator Schmitz, **House File 2166**, a bill for an act relating to the practice of pharmacy, including provisions governing tech-check-tech programs and specifying applicable penalty provisions, was taken up for consideration.

Senator Schmitz 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?" (H.F. 2166), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Gaskill

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

WITHDRAWN

Senator Schmitz asked and received unanimous consent that **Senate File 2060** be **withdrawn** from further consideration of the Senate.

Senate File 2261

On motion of Senator Beall, **Senate File 2261**, a bill for an act relating to requirements for operation of a motor vehicle in merging traffic and providing a penalty, was taken up for consideration.

Senator Beall 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. 2261), the vote was:

Yeas, 27:

Appel	Dearden	Heckroth	Rielly
Beall	Dotzler	Hogg	Schmitz
Black	Dvorsky	Horn	Schoenjahn
Bolkcom	Fraise	Kibbie	Stewart
Connolly	Gronstal	Lundby	Warnstadt
Courtney	Hancock	Quirnbach	Wood
Danielson	Hatch	Ragan	

Nays, 22:

Angelo	Johnson	Mulder	Ward
Behn	Kettering	Noble	Wieck
Boettger	Kreiman	Olive	Zaun
Hahn	McCoy	Putney	Zieman
Hartsuch	McKibben	Seng	
Houser	McKinley	Seymour	

Absent, 1:

Gaskill

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 Files 2230, 2249, and 2261** and **House File 2166** be **immediately messaged** to the House.

The Senate stood at ease at 6:00 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 6:23 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Courtney, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2269, 2316, 2262, 2266, and 2305.

Senate File 2269

On motion of Senator Hatch, **Senate File 2269**, a bill for an act revising family investment program requirements for limited benefit plans, was taken up for consideration.

Senator Hatch 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. 2269), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gronstal	Kreiman	Schmitz
Beall	Hahn	Lundby	Schoenjahn
Behn	Hancock	McCoy	Seng
Black	Hartsuch	McKibben	Seymour
Boettger	Hatch	McKinley	Stewart

Bolkcom	Heckroth	Mulder	Ward
Connolly	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney Gaskill

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

Senate File 2316

On motion of Senator Fraise, **Senate File 2316**, a bill for an act creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision, was taken up for consideration.

Senator Fraise 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. 2316), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Courtney Gaskill

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

Senate File 2262

On motion of Senator Schmitz, **Senate File 2262**, a bill for an act relating to child care and family support subsidy services regulated or administered by the department of human services, was taken up for consideration.

Senator Schmitz 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. 2262), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

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

Senate File 2266

On motion of Senator Quirmbach, **Senate File 2266**, a bill for an act requiring a preliminary investigation to be conducted by the county medical examiner in the event of the death of a resident of

certain state facilities administered by the department of human services, was taken up for consideration.

Senator Quirmbach 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. 2266), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Gaskill

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

Senate File 2305

On motion of Senator Rielly, **Senate File 2305**, a bill for an act relating to county officers by authorizing reimbursement of certain expenses, making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder, was taken up for consideration.

Senator Rielly offered amendment S-5060, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5060 was adopted by a voice vote.

Senator Rielly 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. 2305), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Gaskill

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 Files 2262, 2266, 2269, 2305, and 2316** be **immediately messaged** to the House.

The Senate stood at ease at 6:43 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 6:50 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2248.

Senate File 2248

On motion of Senator Warnstadt, **Senate File 2248**, a bill for an act modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider, was taken up for consideration.

Senator Warnstadt 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. 2248), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Gaskill

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 2248** be **immediately messaged** to the House.

The Senate stood at ease at 6:55 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 8:30 p.m., President Kibbie presiding.

QUORUM CALL

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

The vote revealed 41 present, 9 absent, and a quorum present.

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 March 10, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2119, a bill for an act relating to taking the fingerprints of a child by a governmental unit.

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

House File 2265, a bill for an act relating to the sale of a pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability.

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

House File 2268, a bill for an act making specified revisions to the consumer credit code to conform to federal statutory updates and

prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement.

Read first time and **attached to companion Senate File 2109.**

House File 2283, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service, providing a penalty, and including an effective date and retroactive applicability provision.

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

House File 2287, a bill for an act increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice.

Read first time and **attached to companion Senate File 2175.**

House File 2338, a bill for an act relating to attendance at child in need of assistance proceedings.

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

House File 2366, a bill for an act designating peace officer communication equipment and other emergency services communication equipment as an essential county purpose and as an essential corporate purpose that authorizes the issuance of general obligation bonds and providing an effective date.

Read first time and **attached to companion Senate File 2153.**

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and Lundby, until they return, on request of Senator Wieck.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2162 and House Files 2194 and 2165.

Senate File 2162

On motion of Senator Rielly, **Senate File 2162**, a bill for an act relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date, placed on the Unfinished Business Calendar on March 6, 2008, was taken up for consideration.

Senator Noble withdrew amendment S-5015, filed by him on February 26, 2008, to page 12 of the bill.

Senator Rielly asked and received unanimous consent that **House File 2213** be **substituted** for **Senate File 2162**.

House File 2213

On motion of Senator Rielly, **House File 2213**, a bill for an act relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date, was taken up for consideration.

Senator Rielly 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?" (H.F. 2213), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Schmitz
Appel	Fraise	Kreiman	Schoenjahn
Beall	Gronstal	McCoy	Seng
Behn	Hahn	McKibben	Seymour
Black	Hancock	McKinley	Stewart
Boettger	Hartsuch	Mulder	Ward
Bolkcom	Hatch	Noble	Warnstadt
Connolly	Heckroth	Olive	Wieck
Courtney	Hogg	Putney	Wood

Danielson	Horn	Quirnbach	Zaun
Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	

Nays, none.

Absent, 3:

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

WITHDRAWN

Senator Rielly asked and received unanimous consent that **Senate File 2162** be **withdrawn** from further consideration of the Senate.

House File 2194

On motion of Senator Ward, **House File 2194**, a bill for an act relating to exemptions to state minimum wage requirements, placed on the Unfinished Business Calendar on March 6, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Ward 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?" (H.F. 2194), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Gaskill Houser Lundby

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

House File 2165

On motion of Senator Hogg, **House File 2165**, a bill for an act relating to business corporations, by providing for distributions and business opportunities, placed on the Unfinished Business Calendar on March 6, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Hogg 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?” (H.F. 2165), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Gaskill Houser Lundby

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 **House Files 2165, 2194, and 2213** be **immediately messaged** to the House.

The Senate stood at ease at 8:55 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 9:17 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2337.

Senate File 2337

On motion of Senator Rielly, **Senate File 2337**, a bill for an act relating to the purchase of liability insurance by the association of Iowa fairs, was taken up for consideration.

Senator Rielly 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. 2337), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Schmitz
Appel	Fraise	Kreiman	Schoenjahn
Beall	Gronstal	McCoy	Seng
Behn	Hahn	McKibben	Seymour
Black	Hancock	McKinley	Stewart
Boettger	Hartsuch	Mulder	Ward
Bolkcom	Hatch	Noble	Warnstadt
Connolly	Heckroth	Olive	Wieck
Courtney	Hogg	Putney	Wood
Danielson	Horn	Quirmbach	Zaun

Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	

Nays, none.

Absent, 3:

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

HOUSE AMENDMENT CONSIDERED

Senate File 249

Senator Kreiman called up for consideration **Senate File 249**, a bill for an act relating to the conference of eligibility on and conditions of eligibility for individuals for certain programs under the purview of the department of human services, amended by the House in House amendment S-5033, filed February 27, 2008.

Senator Kreiman moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Kreiman moved that the bill, as amended by the House and concurred in by the Senate, 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. 249), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Schmitz
Appel	Fraise	Kreiman	Schoenjahn
Beall	Gronstal	McCoy	Seng
Behn	Hahn	McKibben	Seymour
Black	Hancock	McKinley	Stewart
Boettger	Hartsuch	Mulder	Ward
Bolkcom	Hatch	Noble	Warnstadt
Connolly	Heckroth	Olive	Wieck

Courtney	Hogg	Putney	Wood
Danielson	Horn	Quirnbach	Zaun
Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	

Nays, none.

Absent, 3:

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

President Pro Tempore Danielson took the chair at 9:25 p.m.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2198.

Senate File 2198

On motion of Senator Ragan, **Senate File 2198**, a bill for an act relating to the appointment of the membership of the Brushy creek recreation area trails advisory board, was taken up for consideration.

Senator Ragan 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. 2198), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Schmitz
Appel	Fraise	Kreiman	Schoenjahn
Beall	Gronstal	McCoy	Seng
Behn	Hahn	McKibben	Seymour
Black	Hancock	McKinley	Stewart
Boettger	Hartsuch	Mulder	Ward
Bolkcom	Hatch	Noble	Warnstadt
Connolly	Heckroth	Olive	Wieck
Courtney	Hogg	Putney	Wood
Danielson	Horn	Quirnbach	Zaun

Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	

Nays, none.

Absent, 3:

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

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 102.

Senate Concurrent Resolution 102

On motion of President Kibbie, **Senate Concurrent Resolution 102**, a concurrent resolution urging the United States Environmental Protection Agency to take all actions necessary to provide American consumers with the opportunity to use higher ethanol blended gasoline for general use in conventional engines, with report of committee recommending passage, was taken up for consideration.

President Kibbie moved the adoption of Senate Concurrent Resolution 102, which motion prevailed by a voice vote.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2304.

Senate File 2304

On motion of Senator Hatch, **Senate File 2304**, a bill for an act relating to the boiler and pressure vessel safety and elevator safety revolving funds under the control of the labor commissioner, was taken up for consideration.

Senator Hatch 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. 2304), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Gaskill	Houser	Lundby
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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 Concurrent Resolution 102** and **Senate Files 249, 2198, 2304, and 2337** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2123

The Senate resumed consideration of **Senate File 2123**, a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions, and House amendment S-5040, previously deferred.

President Kibbie took the chair at 9:43 p.m.

Senator Johnson withdrew amendment S-5066, filed by him from the floor to page 1 of amendment S-5040.

Senator Behn offered amendment S-5068, filed by him from the floor to page 1 of amendment S-5040.

Senator Appel raised the point of order that amendment S-5068 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5068 out of order.

Senator Zieman offered amendment S-5063, filed by him from the floor to page 1 of amendment S-5040 of the bill.

Senator Appel raised the point of order that amendment S-5063 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5063 out of order.

Senator Zieman withdrew amendment S-5064, filed by him from the floor to page 1 of amendment S-5040.

Senator Zieman withdrew amendment S-5065, filed by him from the floor to page 1 of amendment S-5040.

Senator Angelo offered amendment S-5067, filed by him from the floor to page 1 of amendment S-5040.

Senator Appel raised the point of order that amendment S-5067 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5067 out of order.

Senator Appel moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Appel moved that the bill, as amended by the House and concurred in by the Senate, 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. 2123), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Gaskill	Houser	Lundby
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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 2123** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:05 p.m. until 8:45 a.m., Tuesday, March 11, 2008.

APPENDIX—2

CERTIFICATES OF RECOGNITION

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

Jake Bradfield, Sibley—For achieving the rank of Eagle Scout, Boy Scout Troop 174. Senator Johnson (3/10/08).

Tyler Hoekstra, Ocheyedan—For achieving the rank of Eagle Scout, Boy Scout Troop 174. Senator Johnson (3/10/08).

Faye Huibregtse, Sanborn—For celebrating her 100th birthday. Senator Johnson (3/10/08).

Coach Jim Eekhoff and the Western Christian Wolfpack—For winning the 2A State Basketball Championship. Senator Mulder (3/10/08).

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 10, 2008, when the votes were taken on Senate Files 2262, 2269, and 2316. Had I been present, I would have voted “Yea” on all.

THOMAS G. COURTNEY

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 6, 2008, 11:25 a.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 SFs 2234 and 2017. Approved SSBs 3198, 3258, and 3259.

Recessed: 11:30 a.m.

Reconvened: 11:45 a.m.

Adjourned: 12:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 10, 2008, 2:45 p.m.

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

Members Absent: Gaskill, Ranking Member; and Lundby (both excused).

Committee Business: Presentation by Kenneth Cook of the Environmental Working Group.

Adjourned: 3:40 p.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 2002, by committee on Natural Resources and Environment, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

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

INTRODUCTION OF BILLS

Senate File 2374, by committee on Transportation, a bill for an act relating to policies for the administration of highways and the regulation of motor vehicles by the department of transportation and to deposits made by a county to the secondary road fund, including matters concerning the bid threshold for emergency highway repairs, the fee for replacement of special dealer registration plates, antique motor vehicle registration fees, used motor vehicle dealer education requirements, disqualification from operating a commercial motor vehicle, an exemption from the civil penalty imposed for certain driver's license sanctions, access to persons with disabilities parking spaces for certain disabled veterans, and permits and fees for the movement of certain oversize or overweight vehicles, drinking driver courses offered at state correctional facilities, and providing an effective date.

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

Senate File 2375, by committee on Natural Resources and Environment, a bill for an act relating to alternative energy system tax credits under the individual and corporate income taxes for the installation of alternative energy systems and including a retroactive applicability date provision.

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

Senate File 2376, by Zieman, a bill for an act exempting from the sales and use taxes certain materials used by body shops in furnishing vehicle repair services.

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

Senate File 2377, by committee on Labor and Business Relations, a bill for an act relating to unemployment insurance benefits and compliance with federal law and including effective date and applicability provisions.

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

Senate File 2378, by committee on State Government, a bill for an act relating to open records and public meetings and providing an effective date.

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

Senate File 2379, by committee on State Government, a bill for an act relating to the regulation of the practice of certified public accounting and providing an effective date.

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

Senate File 2380, by committee on Natural Resources and Environment, a bill for an act establishing a low head dam public hazard program.

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

Senate File 2381, by committee on Agriculture, a bill for an act relating to animal feeding operations, by providing for open feedlot operations.

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

Senate File 2382, by committee on Judiciary, a bill for an act relating to deferred judgment criminal records.

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

Senate File 2383, by committee on Agriculture, a bill for an act relating to hybrid cats, by providing that a person may possess, breed, and transport the offspring of a domestic cat and a cat classified as a dangerous wild animal or a subsequent generation originating from that offspring, and providing an effective date.

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

Senate File 2384, by committee on Human Resources, a bill for an act relating to reimbursement of providers of child welfare services and providing an applicability date.

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

Senate File 2385, by committee on Commerce, a bill for an act providing for life settlement arrangements, providing penalties, providing for fees, and providing an effective date.

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

Senate File 2386, by committee on Natural Resources and Environment, a bill for an act relating to the achievement of improved energy efficiency through the establishment of a commission on energy efficiency standards and practices, and providing for the periodic reporting of energy efficiency results and savings by gas and electric public utilities.

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

Senate File 2387, by committee on State Government, a bill for an act relating to permissible prizes for use of an electrical and mechanical amusement device and the penalties for awarding an improper cash prize.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 2381* (SSB 3259), a bill for an act relating to animal feeding operations, by providing for open feedlot operations.

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 2381, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2383* (formerly SF 2017), a bill for an act relating to hybrid cats, by providing that a person may possess, breed, and transport the offspring of a domestic cat and a cat classified as a dangerous wild animal or a subsequent generation originating from that offspring, and providing an effective date.

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 2383, and they were attached to the committee report.

COMMERCE

Bill Title: SENATE FILE 2385* (SSB 3268), a bill for an act providing for life settlement arrangements, providing penalties, providing for fees, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Bolkcom, Courtney, Kettering, McCoy, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 2: Angelo and 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 Commerce Committee on Senate File 2385 and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: SENATE FILE 2384* (SSB 3229), a bill for an act relating to reimbursement of providers of child welfare services and providing an applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Schmitz, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirnbach, and Wood. 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 Human Resources Committee on Senate File 2384, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 2382* (SSB 3212), a bill for an act relating to deferred judgment criminal records.

Recommendation: APPROVED COMMITTEE BILL.

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

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 2382, and they were attached to the committee report.

LABOR AND BUSINESS RELATIONS

Bill Title: SENATE FILE 2377* (SSB 3044), a bill for an act relating to unemployment insurance benefits and compliance with federal law and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Dearden, Courtney, Dotzler, Dvorsky, Hatch, Horn, and Seng. Nays, 4: Ward, Behn, Hahn, and Kettering. 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 Labor and Business Relations Committee on Senate File 2377, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE JOINT RESOLUTION 2002* (SSB 3250), a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Hancock, Behn, Bolkcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Gaskill.

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 Natural Resources and Environment Committee on Senate Joint Resolution 2002, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2375* (formerly SF 2210), a bill for an act relating to alternative energy system tax credits under the individual and corporate income taxes for the installation of alternative energy systems and including a retroactive applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Hancock, Behn, Bolkcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Gaskill.

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 Natural Resources and Environment Committee on Senate File 2375, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2380* (formerly SF 2232), a bill for an act establishing a low head dam public hazard program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Hancock, Behn, Bolcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Gaskill.

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 Natural Resources and Environment Committee on Senate File 2380, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2386* (formerly SF 2083), a bill for an act relating to the achievement of improved energy efficiency through the establishment of a commission on energy efficiency standards and practices, and providing for the periodic reporting of energy efficiency results and savings by gas and electric public utilities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes 14: Black, Hancock, Behn, Bolcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Gaskill.

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 Natural Resources and Environment Committee on Senate File 2386, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 2378* (SSB 3164), a bill for an act relating to open records and public meetings and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Connolly, Horn, Zieman, Black, Danielson, Hatch, Kettering, Kibbie, Schmitz and Wood. Nays, none. Present, 2: Behn and Hahn. Absent, 3: Appel, Gaskill, and 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 State Government Committee on Senate File 2378, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2379* (SSB 3117), a bill for an act relating to the regulation of the practice of certified public accounting and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Connolly, Horn, Zieman, Behn, Black, Danielson, Hahn, Hatch, Kettering, Kibbie, Schmitz, and Wood. Nays, none. Absent, 3: Appel, Gaskill, and 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 State Government Committee on Senate File 2379, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2387* (formerly SF 2240), a bill for an act relating to permissible prizes for use of an electrical and mechanical amusement device and the penalties for awarding an improper cash prize.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Zieman, Appel, Behn, Black, Danielson, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, 1: Gaskill.

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 2387, and they were attached to the committee report.

TRANSPORTATION

Bill Title: SENATE FILE 2374* (SSB 3127), a bill for an act relating to policies for the administration of highways and the regulation of motor vehicles by the department of transportation and to deposits made by a county to the secondary road fund, including matters concerning the bid threshold for emergency highway repairs, the fee for replacement of special dealer registration plates, antique motor vehicle registration fees, used motor vehicle dealer education requirements, disqualification from operating a commercial motor vehicle, an exemption from the civil penalty imposed for certain driver's license sanctions, access to persons with disabilities parking spaces for certain disabled veterans, and permits and fees for the movement of certain oversize or overweight vehicles, drinking driver courses offered at state correctional facilities, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Danielson, Noble, Beall, Dearden, Hancock, Heckroth, Houser, McCoy, Putney, Warnstadt, Zaun, and Ziemann. 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 Transportation Committee on Senate File 2374, and they were attached to the committee report.

AMENDMENTS FILED

S-5047	S.F.	2318	Jeff Danielson
S-5048	S.F.	2291	Jeff Danielson
S-5049	S.F.	2282	Nancy J. Boettger
S-5050	S.F.	2252	Becky Schmitz
S-5051	S.F.	2320	Judiciary
S-5052	S.F.	2317	Judiciary
S-5053	S.F.	2282	Paul McKinley
S-5054	H.F.	2359	Jeff Angelo
S-5055	S.F.	2230	David Johnson
S-5056	S.F.	2123	Mark Ziemann
			Nancy J. Boettger
			Ron Wieck
			Steve Kettering
			Paul McKinley
			Brad Zaun
			James F. Hahn
			John Putney
			Larry McKibben
			Larry Noble
			Jeff Angelo
			Mary A. Lundby
			Dave Mulder
			James Seymour
			Jerry Behn
			Pat Ward
			David L. Hartsuch
			David Johnson
			Hubert Houser

S-5057	S.F.	2123	Mark Ziemann Nancy J. Boettger Ron Wieck Steve Kettering Paul McKinley Brad Zaun James F. Hahn John Putney Larry McKibben Larry Noble Jeff Angelo Mary A. Lundby Dave Mulder James Seymour Jerry Behn Pat Ward David L. Hartsuch David Johnson Hubert Houser
S-5058	S.F.	2123	Mark Ziemann Nancy J. Boettger Ron Wieck Steve Kettering Paul McKinley Brad Zaun James F. Hahn John Putney Larry McKibben Larry Noble Jeff Angelo Mary A. Lundby Dave Mulder James Seymour Jerry Behn Pat Ward David L. Hartsuch David Johnson Hubert Houser
S-5059	S.F.	2275	Keith Kreiman Pat Ward

S-5060	S.F.	2305	Thomas Rielly
S-5061	S.F.	2172	Becky Schmitz
S-5062	S.F.	2347	Jeff Danielson
S-5063	S.F.	2123	Mark Ziemann
S-5064	S.F.	2123	Mark Ziemann
S-5065	S.F.	2123	Mark Ziemann
S-5066	S.F.	2123	David Johnson
S-5067	S.F.	2123	Jeff Angelo
S-5068	S.F.	2123	Jerry Behn
S-5069	S.F.	2332	Dick L. Dearden
S-5070	S.F.	2278	David Johnson

JOURNAL OF THE SENATE

FIFTY-EIGHTH CALENDAR DAY
THIRTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 11, 2008

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

Prayer was offered by Father Clem Currans of the Holy Family Catholic Church in Emmetsburg, Iowa. He was the guest of Senator Kibbie.

The Journal of Monday, March 10, 2008, was approved.

SPECIAL GUESTS

Senator Kibbie introduced to the Senate chamber David Stanton, T.D., a Fine Gael member of the Irish Parliament, and his wife Mary. He will represent the Republic of Ireland at the annual St. Patrick's Day celebration in Emmetsburg. He has been his party's spokesperson on labor affairs, consumer rights and trade, social and family affairs, and education and science.

Mr. Stanton addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

Senator Kibbie introduced the 2008 Miss Shamrock, April Gunderson, and her mother Roslyn Gunderson of Ringsted, Iowa. They were accompanied by Mickey Conlon and Andy Joyce of Emmetsburg.

Senator Kibbie introduced the Irish Little Dancers from Emmetsburg, who were present in the Senate gallery.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:07 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:45 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Gaskill and McKibben, until they arrive, on request of Senator Wieck.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2320, 2317, and 2289.

Senate File 2320

On motion of Senator Noble, **Senate File 2320**, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Kreiman offered amendment S-5051, filed by the committee on Judiciary on March 10, 2008, to pages 11, 12, 20, 49, 54, and 100 of the bill, and moved its adoption.

Amendment S-5051 was adopted by a voice vote.

Senator Noble 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. 2320), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kettering	Rielly
Appel	Fraise	Kibbie	Schmitz
Beall	Gronstal	Kreiman	Schoenjahn

Behn	Hahn	Lundby	Seng
Black	Hancock	McCoy	Seymour
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Hatch	Mulder	Ward
Connolly	Heckroth	Noble	Warnstadt
Courtney	Hogg	Olive	Wieck
Danielson	Horn	Putney	Wood
Dearden	Houser	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman

Nays, none.

Absent, 2:

Gaskill McKibben

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

Senate File 2317

On motion of Senator Noble, **Senate File 2317**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Kreiman offered amendment S-5052, filed by the committee on Judiciary on March 10, 2008, to pages 28-30 and 95 of the bill, and moved its adoption.

Amendment S-5052 was adopted by a voice vote.

Senator Noble 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. 2317), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kettering	Rielly
Appel	Fraise	Kibbie	Schmitz
Beall	Gronstal	Kreiman	Schoenjahn

Behn	Hahn	Lundby	Seng
Black	Hancock	McCoy	Seymour
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Hatch	Mulder	Ward
Connolly	Heckroth	Noble	Warnstadt
Courtney	Hogg	Olive	Wieck
Danielson	Horn	Putney	Wood
Dearden	Houser	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman

Nays, none.

Absent, 2:

Gaskill McKibben

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

Senate File 2289

On motion of Senator Warnstadt, **Senate File 2289**, a bill for an act concerning state educational assistance to children of deceased veterans and the war orphans educational assistance fund, and including an effective date and retroactive applicability provision, was taken up for consideration.

Senator Warnstadt 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. 2289), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Gaskill McKibben

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2347.

Senate File 2347

On motion of Senator Danielson, **Senate File 2347**, a bill for an act relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, and providing an effective date, was taken up for consideration.

Senator Danielson offered amendment S-5062, filed by him on March 10, 2008, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5062 was adopted by a voice vote.

Senator Kettering asked and received unanimous consent that action on **Senate File 2347** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2289, 2317, and 2320** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:10 a.m. until 1:30 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

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

Mary Connell—For celebrating her 90th birthday. Senator Gronstal (3/11/08).

Dan and Peggy Manhunt—For celebrating their 25th wedding anniversary. Senator Gronstal (3/11/08).

Paul and Diane Stapleton—For celebrating their 50th wedding anniversary. Senator Gronstal (3/11/08).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: March 11, 2008, 11:05 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood.

Members Absent: Gaskill (excused).

Committee Business: Approved SSB 3265.

Recessed: 11:10 a.m.

Reconvened: 11:25 a.m.

Adjourned: 11:30 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 112, by Seymour, Hatch, and Ragan, a resolution recognizing the month of March 2008 as Deep Vein Thrombosis Awareness Month.

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

INTRODUCTION OF BILL

Senate File 2388, by Boettger, a bill for an act exempting pension income and retirement pay from the state individual income tax and including a retroactive applicability date provision.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 2259

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 2260

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 2313

COMMERCE: Bolkcom, Chair; Kettering and Rielly

Senate File 2376

WAYS AND MEANS: McCoy, Chair; Seng and Zieman

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 11th day of March, 2008:

Senate File 2123.

MICHAEL E. MARSHALL
Secretary of the Senate

AFTERNOON SESSION

The Senate reconvened at 1:43 p.m., President Kibbie presiding.

BUSINESS PENDING

Senate File 2347

The Senate resumed consideration of **Senate File 2347**, a bill for an act relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, and providing an effective date, previously deferred.

Senator Hahn offered amendment S-5073, filed by Senators Hahn and Zieman from the floor to page 1 and to the title page of the bill, and moved its adoption.

Senator Dvorsky raised the point of order that amendment S-5073 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5073 out of order.

Senator Danielson 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. 2347), the vote was:

Yeas, 47:

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

Nays, 1:

Warnstadt

Absent, 2:

Gaskill

McKibben

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2153.

Senate File 2153

On motion of Senator Olive, **Senate File 2153**, a bill for an act designating peace officer communication equipment and other emergency services communication equipment as an essential county purpose and as an essential corporate purpose that authorizes the issuance of general obligation bonds and providing an effective date, was taken up for consideration.

Senator Olive asked and received unanimous consent that **House File 2366** be **substituted** for **Senate File 2153**.

House File 2366

On motion of Senator Olive, **House File 2366**, a bill for an act designating peace officer communication equipment and other emergency services communication equipment as an essential county purpose and as an essential corporate purpose that authorizes the issuance of general obligation bonds and providing an effective date, was taken up for consideration.

The Senate stood at ease at 1:53 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:23 p.m., President Kibbie presiding.

Senator Olive 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?" (H.F. 2366), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Gaskill McKibben

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

WITHDRAWN

Senator Olive asked and received unanimous consent that **Senate File 2153** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2347** and **House File 2366** be **immediately messaged** to the House.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

S.F. 2331	Appropriations
S.F. 2370	Appropriations
S.F. 2375	Ways and Means
S.F. 2384	Appropriations

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2325.

Senate File 2325

On motion of Senator Danielson, **Senate File 2325**, a bill for an act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date, was taken up for consideration.

Senator Danielson offered amendment S-5077, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5077 was adopted by a voice vote.

Senator McKinley offered amendment S-5074, filed by him from the floor to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5074 be adopted?" (S.F. 2325), the vote was:

Yeas, 17:

Angelo	Houser	Noble	Zaun
Behn	Johnson	Putney	Zieman
Boettger	Kettering	Seymour	
Hahn	McKinley	Ward	
Hartsuch	Mulder	Wieck	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	Wood
Dearden	Hogg	Ragan	

Absent, 2:

Gaskill McKibben

Amendment S-5074 lost.

Senator Zaun offered amendment S-5078, filed by Senator Zaun, et al., from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5078 be adopted?" (S.F. 2325), the vote was:

Yeas, 18:

Angelo	Houser	Noble	Wieck
Behn	Johnson	Putney	Zaun
Boettger	Kettering	Rielly	Zieman
Hahn	McKinley	Seymour	
Hartsuch	Mulder	Ward	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	Lundby	Stewart
Connolly	Hancock	McCoy	Warnstadt
Courtney	Hatch	Olive	Wood
Danielson	Heckroth	Quirmbach	
Dearden	Hogg	Ragan	

Absent, 2:

Gaskill McKibben

Amendment S-5078 lost.

Senator McKinley offered amendment S-5075, filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5075 be adopted?" (S.F. 2325), the vote was:

Yeas, 18:

Angelo	Hartsuch	Mulder	Wieck
Behn	Houser	Noble	Zaun
Boettger	Johnson	Putney	Zieman
Hahn	Kettering	Seymour	
Hancock	McKinley	Ward	

Nays, 30:

Appel	Dotzler	Kibbie	Schmitz
Beall	Dvorsky	Kreiman	Schoenjahn
Black	Fraise	Lundby	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirnbach	Wood
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Absent, 2:

Gaskill	McKibben
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Amendment S-5075 lost.

Senator Danielson 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. 2325), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kettering	Rielly
Appel	Fraise	Kibbie	Schmitz
Beall	Gronstal	Kreiman	Schoenjahn
Behn	Hahn	Lundby	Seng
Black	Hancock	McCoy	Seymour
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Hatch	Mulder	Ward

Connolly	Heckroth	Noble	Warnstadt
Courtney	Hogg	Olive	Wieck
Danielson	Horn	Putney	Wood
Dearden	Houser	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman

Nays, none.

Absent, 2:

Gaskill McKibben

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 2325** be **immediately messaged** to the House.

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 March 11, 2008, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2111, a bill for an act relating to requirements for blood lead testing and dental screening of children. (S-5079)

ALSO: That the House has on March 11, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2164, a bill for an act relating to voluntary diversity or court-ordered school desegregation plans under the state's open enrollment law.

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

House File 2372, a bill for an act limiting the scope of the electronic benefits transfer program maintained by the department of human services.

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

House File 2385, a bill for an act relating to allowable investments by the treasurer of state and other authorized state agencies.

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

House File 2392, a bill for an act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property.

Read first time and **attached to similar Senate File 2351**.

House File 2400, a bill for an act relating to water quality by establishing a water resources coordinating council, authorizing a marketing campaign, directing assistance to local communities for monitoring and measurement, providing for a wastewater and storm water infrastructure assessment, and creating a regional assessment program and a community-based improvement program.

Read first time and **attached to similar Senate File 2197**.

House File 2440, a bill for an act providing an exemption for certain military personnel and veterans from a requirement to complete a hunter safety and ethics education course before obtaining a hunting license.

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

House File 2539, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision.

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:50 p.m. until 8:45 a.m., Wednesday, March 12, 2008.

APPENDIX—2

CERTIFICATES OF RECOGNITION

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

Paula Behrendt, Harlan—For being named Shelby County Citizen of the Year. Senator Boettger (3/11/08).

Collin Deardorff, Yale—For achieving the rank of Eagle Scout, Boy Scout Troop 152. Senator Boettger (3/11/08).

Norma McMahon, Atlantic—For celebrating her 80th birthday. Senator Boettger (3/11/08).

Jennie Miller, Menlo—For celebrating her 90th birthday. Senator Boettger (3/11/08).

Emily Mortvedt, Story City—For winning the 2008 Poetry Out Loud in Iowa contest. Senator Olive (3/11/08).

Mr. and Mrs. Les Portwood, Harlan—For celebrating their 65th wedding anniversary. Senator Boettger (3/11/08).

Mildred Ryan, Stuart—For celebrating her 100th birthday. Senator Boettger (3/11/08).

Helen Warner, Harlan—For celebrating her 90th birthday. Senator Boettger (3/11/08).

PRESENTATION OF VISITORS

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

Buzurgmehr Ravshanovich Erov, Abdukholik Sanavarovich Kholikov, Mukhabbat Fedorovna Usmanova, Ulmasdjon Beknazarovich Usmonov, and Shohin Mirtolibovich Rizoiev, judges from Tajikistan who were guests of the Iowa Council for International Understanding and the U.S. Library of Congress. Senators Boettger and Beall.

INTRODUCTION OF BILLS

Senate File 2389, by committee on Transportation, a bill for an act allocating revenues to the TIME-21 fund, increasing motor vehicle and trailer registration fees, title fees, and driver's license fees, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, making penalties applicable, and providing effective dates.

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

Senate File 2390, by committee on Human Resources, a bill for an act relating to health care reform in Iowa including the Iowa choice health care coverage program; continuation of dependent health care coverage; the bureau of health insurance oversight; medical homes; prevention and chronic care management; the Iowa health information technology system; long-term living and patient autonomy; health care quality, consumer information, cost-containment, and health care access; the certificate of need program; and health care transparency; and including an applicability provision.

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

Senate File 2391, by committee on Agriculture, a bill for an act relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing standards for renewable fuel, providing for state purchases of renewable fuel, and providing an effective date.

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

Senate File 2392, by committee on Commerce, a bill for an act to regulate viatical settlements, and providing for fees and penalties.

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

Senate File 2393, by Kettering, a bill for an act relating to the amount of net income for which individual income tax is not owed and for which a return is not required to be filed and including a retroactive applicability date provision.

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

STUDY BILLS RECEIVED

SSB 3276 Ways and Means

Relating to the carryforward of unused investment tax credits under the high quality job creation and enterprise zone programs and including effective and applicability date provisions.

SSB 3277 Appropriations

Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

SSB 3278 Appropriations

Relating to state budgeting processes and certain funds and providing effective dates.

SSB 3279 Appropriations

Relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, striking provisions related to county attorney collections, providing for liens against a decedent's estate, selling or writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2324

APPROPRIATIONS: Dvorsky, Chair; and Kettering

House File 2119

JUDICIARY: Fraise, Chair; Kreiman and Noble

House File 2265

JUDICIARY: Quirnbach, Chair; Hartsuch and Warnstadt

House File 2338

JUDICIARY: Kreiman, Chair; Hancock and Ward

SSB 3276

WAYS AND MEANS: Stewart, Chair; Dotzler and Putney

SSB 3277

APPROPRIATIONS: Dvorsky, Chair; and Kettering

SSB 3278

APPROPRIATIONS: Dvorsky, Chair; and Kettering

SSB 3279

APPROPRIATIONS: Dvorsky, Chair; Bolcom, Kettering, McCoy, and Ward

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: SENATE FILE 2391* (SSB 3198), a bill for an act relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing standards for renewable fuel, providing for state purchases of renewable fuel, and providing an effective date.

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 2391, and they were attached to the committee report.

COMMERCE

Bill Title: SENATE FILE 2392* (SSB 3238), a bill for an act to regulate viatical settlements, and providing for fees and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Bolkcom, Courtney, Kettering, McCoy, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 2: Angelo and 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 Commerce Committee on Senate File 2392, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: SENATE FILE 2390* (SSB 3140), a bill for an act relating to health care reform in Iowa including the Iowa choice health care coverage program; continuation of dependent health care coverage; the bureau of health insurance oversight; medical homes; prevention and chronic care management; the Iowa health information technology system; long-term living and patient autonomy; health care quality, consumer information, cost-containment, and health care access; the certificate of need program; and health care transparency; and including an applicability provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Schmitz, Seymour, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Mulder, Quirnbach, and Wood. Nays, 2: Boettger and Hartsuch. 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 2390, and they were attached to the committee report.

TRANSPORTATION

Bill Title: SENATE FILE 2389* (SSB 3267), a bill for an act allocating revenues to the TIME-21 fund, increasing motor vehicle and trailer registration fees, title fees, and driver's license fees, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, making penalties applicable, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rielly, Danielson, Noble, Beall, Dearden, Heckroth, Houser, McCoy, Putney, Warnstadt, and Zieman. Nays, 2: Hancock and Zaun. 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 Transportation Committee on Senate File 2389, and they were attached to the committee report.

AMENDMENTS FILED

S-5071	S.F.	2099	John P. Kibbie
S-5072	S.F.	2339	William Heckroth
S-5073	S.F.	2347	James F. Hahn Mark Zieman
S-5074	S.F.	2325	Paul McKinley
S-5075	S.F.	2325	Paul McKinley
S-5076	S.F.	2277	Steve Warnstadt
S-5077	S.F.	2325	Jeff Danielson
S-5078	S.F.	2325	Brad Zaun Tom Rielly Rich Olive Frank B. Wood William Heckroth Tom Hancock Larry Noble Dave Mulder
S-5079	S.F.	2111	House
S-5080	S.F.	2197	Brian Schoenjahn

JOURNAL OF THE SENATE

FIFTY-NINTH CALENDAR DAY
THIRTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 12, 2008

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

Prayer was offered by Father Ken Gehling, chaplain at the North Iowa Mercy Medical Center in Mason City, Iowa. He was the guest of Senator Ragan.

The Journal of Tuesday, March 11, 2008, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

S.F. 2358	Appropriations
S.F. 2374	Appropriations
S.F. 2389	Ways and Means

The Senate stood at ease at 9:08 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:18 a.m., President Kibbie presiding.

SPECIAL GUEST

Senator Connolly welcomed to the chamber the Honorable Tony Bisignano, former member of the Senate from Polk County.

The Senate rose and expressed its welcome.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Ward, until she arrives, on request of Senator Wieck; and Senator Stewart, until he arrives, and Senator Courtney, for the day, on request of Senator Gronstal.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2382, 2380, and 2361.

Senate File 2382

On motion of Senator Hogg, **Senate File 2382**, a bill for an act relating to deferred judgment criminal records, was taken up for consideration.

Senator Hogg 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. 2382), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

President Pro Tempore Danielson took the chair at 10:28 a.m.

Senate File 2380

On motion of Senator Bolkcom, **Senate File 2380**, a bill for an act establishing a low head dam public hazard program, was taken up for consideration.

Senator Bolkcom 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. 2380), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

Senate File 2361

On motion of Senator Kibbie, **Senate File 2361**, a bill for an act providing for the procurement of designated biobased products by state government, was taken up for consideration.

Senator Kibbie 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. 2361), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Courtney	Gaskill	Stewart	Ward
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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 Files 2361, 2380, and 2382** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2367 and 2354.

Senate File 2367

On motion of Senator Wood, **Senate File 2367**, a bill for an act relating to the compliance advisory panel, including the appointment of its members and its powers and duties, was taken up for consideration.

Senator Wieck asked and received unanimous consent that action on **Senate File 2367** be **deferred**.

Senate File 2354

On motion of Senator Warnstadt, **Senate File 2354**, a bill for an act concerning the home ownership assistance program for members of the military, was taken up for consideration.

Senator Warnstadt offered amendment S-5084, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5084 was adopted by a voice vote.

Senator Warnstadt 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. 2354), the vote was:

Yeas, 46:

Angelo	Fraise	Kibbie	Rielly
Appel	Gronstal	Kreiman	Schmitz
Beall	Hahn	Lundby	Schoenjahn
Behn	Hancock	McCoy	Seng
Black	Hartsuch	McKibben	Seymour
Boettger	Hatch	McKinley	Warnstadt
Bolkcom	Heckroth	Mulder	Wieck
Connolly	Hogg	Noble	Wood
Danielson	Horn	Olive	Zaun

Dearden	Houser	Putney	Zieman
Dotzler	Johnson	Quirnbach	
Dvorsky	Kettering	Ragan	

Nays, none.

Absent, 4:

Courtney	Gaskill	Stewart	Ward
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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 2354** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Bolkom.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2348, 2341, and 2338.

Senate File 2348

On motion of Senator Olive, **Senate File 2348**, a bill for an act relating to the management of cooperative associations, was taken up for consideration.

Senator Olive 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. 2348), the vote was:

Yeas, 45:

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

Nays, none.

Absent, 5:

Courtney	McCoy	Ward
Gaskill	Stewart	

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

Senate File 2341

On motion of Senator Ragan, **Senate File 2341**, a bill for an act relating to Alzheimer’s disease and similar forms of irreversible dementia, was taken up for consideration.

Senator Ragan 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. 2341), the vote was:

Yeas, 45:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gronstal	Kreiman	Schoenjahn
Beall	Hahn	Lundby	Seng
Behn	Hancock	McKibben	Seymour
Black	Hartsuch	McKinley	Warnstadt
Boettger	Hatch	Mulder	Wieck
Bolkcom	Heckroth	Noble	Wood

Connolly	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 5:

Courtney	McCoy	Ward
Gaskill	Stewart	

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

Senate File 2338

On motion of Senator Schmitz, **Senate File 2338**, a bill for an act relating to the regulation of health-related professions, was taken up for consideration.

Senator Zieman asked and received unanimous consent that action on **Senate File 2338** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2341** and **2348** be **immediately messaged** to the House.

President Kibbie took the chair at 11:05 a.m.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2335 and 2333.

Senate File 2335

On motion of Senator Kreiman, **Senate File 2335**, a bill for an act relating to the rights of a victim of an alleged sexual assault and

notification of these rights by a peace officer, was taken up for consideration.

Senator Kreiman 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. 2335), the vote was:

Yeas, 45:

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

Nays, none.

Absent, 5:

Courtney	McCoy	Ward
Gaskill	Stewart	

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

Senate File 2333

On motion of Senator Black, **Senate File 2333**, a bill for an act relating to the regulation of veterans commemorative property, was taken up for consideration.

Senator Black 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. 2333), the vote was:

Yeas, 45:

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

Nays, none.

Absent, 5:

Courtney	McCoy	Ward
Gaskill	Stewart	

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 Files 2333** and **2335** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:18 a.m. until 2:00 p.m.

APPENDIX—1

PRESENTATION OF VISITORS

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

Twenty-two students from former Soviet republics attending various Iowa high schools. Senator Beall.

CERTIFICATES OF RECOGNITION

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

Coach Tom Brands and the University of Iowa wrestling team—For winning the 2008 Big Ten Wrestling Championship. Senator Dvorsky (3/12/08).

Jacob Dagele, Sheldon—For receiving the Scouting Spirit Award, Boy Scout Troop 155. Senator Johnson (3/12/08).

Matt Gatens, Iowa City-City High—For being named 2008 Iowa Mr. Basketball, as a member of the Class 4-A state basketball champions. Senator Dvorsky (3/12/08).

Paullina Public Library—For celebrating their 100th anniversary. Senator Johnson (3/12/08).

Coach Brad Randall and the Solon High School boys' basketball team—For winning third place in the 2008 Boys' Class 2-A basketball championship. Senator Dvorsky (3/12/08).

Coach Andy Woodley and the Iowa City-City High boys' basketball team—For winning the 2008 Boys' Class 4-A basketball championship. Senator Dvorsky (3/12/08).

Danielle Wozney, Muscatine High School—For being named to the Iowa Newspaper Association All-State basketball squad, Class 4-A, Second Team. Senator Hahn (3/12/08).

REPORT OF COMMITTEE MEETING

LOCAL GOVERNMENT

Convened: March 12, 2008, 1:10 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: Discussion of pending bills.

Adjourned: 2:05 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 113, by Heckroth and Johnson, a resolution honoring the work of the department of elder affairs and Iowa's area agencies on aging home-delivered nutrition programs and March for Meals campaign.

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

Senate Resolution 114, by Appel, a resolution designating the second week in June as Home Education Week in Iowa.

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

INTRODUCTION OF BILLS

Senate File 2394, by committee on Appropriations, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date.

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

Senate File 2395, by committee on Judiciary, a bill for an act relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date.

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

Senate File 2396, by Noble, a bill for an act relating to the establishment of and disbursement from a property taxpayer rebate

fund, providing appropriations, and including an effective date provision.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 2331

APPROPRIATIONS: Hancock, Chair; Behn and Dvorsky

Senate File 2370

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

Senate File 2375

WAYS AND MEANS: Hogg, Chair; Houser and Stewart

Senate File 2384

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 2393

WAYS AND MEANS: Quirmbach, Chair; Bolkcom and Houser

House File 2539

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

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2394 (SSB 3265), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 24: Dvorsky, McCoy, Kettering, Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 2395 (SSB 3248), a bill for an act relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 11, 2008, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2123 – Updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions.

AFTERNOON SESSION

The Senate reconvened at 2:12 p.m., President Kibbie presiding.

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 March 12, 2008, **amended the Senate amendment, concurred in the Senate amendment as amended, and passed** the following bill in which the concurrence of the Senate is asked:

House File 2212, a bill for an act creating a smokefree air Act and providing penalties. (S-5087)

QUORUM CALL

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

The vote revealed 37 present, 13 absent, and a quorum present.

The Senate stood at ease at 2:15 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:39 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2368.

Senate File 2368

On motion of Senator Wood, **Senate File 2368**, a bill for an act concerning persons voluntarily excluded from gambling facilities, was taken up for consideration.

Senator Wood offered amendment S-5085, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5085 was adopted by a voice vote.

Senator McKinley offered amendment S-5089, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5089 was adopted by a voice vote.

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. 2368), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gronstal	Kreiman	Schmitz
Beall	Hahn	Lundby	Schoenjahn
Behn	Hancock	McCoy	Seng
Black	Hartsuch	McKibben	Seymour
Boettger	Hatch	McKinley	Stewart
Bolkcom	Heckroth	Mulder	Ward
Connolly	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney Gaskill

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

Senate File 2367

The Senate resumed consideration of **Senate File 2367**, a bill for an act relating to the compliance advisory panel, including the

appointment of its members and its powers and duties, previously deferred.

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. 2367), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gronstal	Kreiman	Schmitz
Beall	Hahn	Lundby	Schoenjahn
Behn	Hancock	McCoy	Seng
Black	Hartsuch	McKibben	Seymour
Boettger	Hatch	McKinley	Stewart
Bolkcom	Heckroth	Mulder	Ward
Connolly	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirmbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney Gaskill

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2355.

Senate File 2355

On motion of Senator Danielson, **Senate File 2355**, a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable, was taken up for consideration.

Senator Ziemann offered amendment S-5090, filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5090 be adopted?" (S.F. 2355), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Hahn	Kettering	Noble	Zaun
Hancock	Lundby	Putney	Ziemann

Nays, 28:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Cannolly	Hatch	Olive	Stewart
Danielson	Heckroth	Quirnbach	Warnstadt
Dearden	Hogg	Ragan	Wood

Absent, 2:

Courtney	Gaskill
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Amendment S-5090 lost.

Senator Danielson offered amendment S-5086, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5086 was adopted by a voice vote.

With the adoption of amendment S-5086, the Chair ruled amendment S-5088, filed by Senator McKinley from the floor to page 1 of the bill, out of order.

Senator Danielson 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. 2355), the vote was:

Yeas, 38:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gronstal	Kreiman	Schoenjahn
Beall	Hahn	Lundby	Seng
Black	Hancock	McCoy	Seymour
Bolkcom	Hatch	McKibben	Stewart
Connolly	Heckroth	Olive	Ward
Danielson	Hogg	Putney	Warnstadt
Dearden	Horn	Quirnbach	Wood
Dotzler	Houser	Ragan	
Dvorsky	Kettering	Rielly	

Nays, 10:

Behn	Johnson	Noble	Zieman
Boettger	McKinley	Wieck	
Hartsuch	Mulder	Zaun	

Absent, 2:

Courtney	Gaskill
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2329, 2321, and 2250.

Senate File 2329

On motion of Senator Heckroth, **Senate File 2329**, a bill for an act providing that funding of teacher compensation, professional development, early intervention, and educational excellence phase II be implemented through the school aid formula on a per pupil basis, was taken up for consideration.

Senator McKinley offered amendment S-5091, filed by him from the floor to page 1 of the bill.

Senator McKinley asked and received unanimous consent that action on amendment S-5091 and **Senate File 2329** be **deferred**.

Senate File 2321

On motion of Senator Bolkcom, **Senate File 2321**, a bill for an act relating to the recycling of mercury-containing lamps by providing for a study, was taken up for consideration.

Senator Bolkcom 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. 2321), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gronstal	Kreiman	Schmitz
Beall	Hahn	Lundby	Schoenjahn
Behn	Hancock	McCoy	Seng
Black	Hartsuch	McKibben	Seymour
Boettger	Hatch	McKinley	Stewart
Bolkcom	Heckroth	Mulder	Ward
Connolly	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirmbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney	Gaskill
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2250

On motion of Senator Olive, **Senate File 2250**, a bill for an act relating to the licensure of real estate brokers and salespersons, was taken up for consideration.

Senator Olive 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. 2250), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gronstal	Kreiman	Schmitz
Beall	Hahn	Lundby	Schoenjahn
Behn	Hancock	McCoy	Seng
Black	Hartsuch	McKibben	Seymour
Boettger	Hatch	McKinley	Stewart
Bolkcom	Heckroth	Mulder	Ward
Connolly	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney Gaskill

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2303, 2212, 2179, and 2176.

Senate File 2303

On motion of Senator Ward, **Senate File 2303**, a bill for an act relating to workers' compensation provisions for continued medically related benefits in certain settlements of workers' compensation claims and to funding of the second injury fund and providing an effective date, was taken up for consideration.

Senator Ward 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. 2303), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gronstal	Kreiman	Schmitz
Beall	Hahn	Lundby	Schoenjahn
Behn	Hancock	McCoy	Seng
Black	Hartsuch	McKibben	Seymour
Boettger	Hatch	McKinley	Stewart
Bolkcom	Heckroth	Mulder	Ward
Connolly	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney	Gaskill
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2212

On motion of Senator Kreiman, **Senate File 2212**, a bill for an act relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights, was taken up for consideration.

Senator Kreiman 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. 2212), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gronstal	Kreiman	Schmitz

Beall	Hahn	Lundby	Schoenjahn
Behn	Hancock	McCoy	Seng
Black	Hartsuch	McKibben	Seymour
Boettger	Hatch	McKinley	Stewart
Bolkcom	Heckroth	Mulder	Ward
Connolly	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirmbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney Gaskill

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2179

On motion of Senator Olive, **Senate File 2179**, a bill for an act making specified changes relating to professional licensing and regulation under the purview of the banking division of the department of commerce, was taken up for consideration.

Senator Olive offered amendment S-5083, filed by him from the floor to page 5 of the bill, and moved its adoption.

Amendment S-5083 was adopted by a voice vote.

Senator Olive 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. 2179), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gronstal	Kreiman	Schmitz
Beall	Hahn	Lundby	Schoenjahn
Behn	Hancock	McCoy	Seng
Black	Hartsuch	McKibben	Seymour
Boettger	Hatch	McKinley	Stewart

Bolkcom	Heckroth	Mulder	Ward
Connolly	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney Gaskill

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2176

On motion of Senator Black, **Senate File 2176**, a bill for an act relating to cultural affairs by providing for the preservation of electronic records, establishing regional cultural committees, and creating a civil war sesquicentennial advisory committee, was taken up for consideration.

Senator Black withdrew amendment S-5008, filed by him on February 20, 2008, to page 1 and to the title page of the bill.

Senator Black offered amendment S-5094, filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5094 was adopted by a voice vote.

Senator Black 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. 2176), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gronstal	Kreiman	Schmitz
Beall	Hahn	Lundby	Schoenjahn
Behn	Hancock	McCoy	Seng
Black	Hartsuch	McKibben	Seymour
Boettger	Hatch	McKinley	Stewart

Bolkcom	Heckroth	Mulder	Ward
Connolly	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney Gaskill

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2176, 2179, 2212, 2250, 2303, 2321, 2355, and 2367**, be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2338

The Senate resumed consideration of **Senate File 2338**, a bill for an act relating to the regulation of health-related professions, previously deferred.

Senator Zaun offered amendment S-5097, filed by him from the floor to page 1 and to the title page of the bill.

Senator Bolkcom raised the point of order that amendment S-5097 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5097 out of order.

Senator Schmitz offered amendment S-5093, filed by her from the floor to page 21 of the bill, and moved its adoption.

Amendment S-5093 was adopted by a voice vote.

Senator Schmitz 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. 2338), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gronstal	Kreiman	Schmitz
Beall	Hahn	Lundby	Schoenjahn
Behn	Hancock	McCoy	Seng
Black	Hartsuch	McKibben	Seymour
Boettger	Hatch	McKinley	Stewart
Bolkcom	Heckroth	Mulder	Ward
Connolly	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirmbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney Gaskill

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2133 and 2129.

Senate File 2133

On motion of Senator Rielly, **Senate File 2133**, a bill for an act relating to the Iowa crop improvement association, was taken up for consideration.

Senator Rielly 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. 2133), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gronstal	Kreiman	Schmitz
Beall	Hahn	Lundby	Schoenjahn
Behn	Hancock	McCoy	Seng
Black	Hartsuch	McKibben	Seymour
Boettger	Hatch	McKinley	Stewart
Bolkcom	Heckroth	Mulder	Ward
Connolly	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney Gaskill

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2129

On motion of Senator Schmitz, **Senate File 2129**, 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, was taken up for consideration.

Senator Schmitz 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. 2129), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gronstal	Kreiman	Schmitz
Beall	Hahn	Lundby	Schoenjahn
Behn	Hancock	McCoy	Seng
Black	Hartsuch	McKibben	Seymour
Boettger	Hatch	McKinley	Stewart
Bolkcom	Heckroth	Mulder	Ward

Connolly	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney Gaskill

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 Files 2129, 2133, and 2338** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2329

The Senate resumed consideration of **Senate File 2329**, a bill for an act providing that funding of teacher compensation, professional development, early intervention, and educational excellence phase II be implemented through the school aid formula on a per pupil basis, and amendment S-5091, previously deferred.

Senator McKinley withdrew amendment S-5091.

The Senate stood at ease at 4:20 p.m. until the fall of the gavel.

The Senate resumed session at 4:45 p.m., President Kibbie presiding.

Senator McKinley offered amendment S-5095, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5095 be adopted?” (S.F. 2329), the vote was:

Yeas, 18:

Angelo	Houser	Mulder	Wieck
Behn	Johnson	Noble	Zaun
Boettger	Kettering	Putney	Zieman
Hahn	McKibben	Seymour	
Hartsuch	McKinley	Ward	

Nays, 30:

Appel	Dvorsky	Kibbie	Schmitz
Beall	Fraise	Kreiman	Schoenjahn
Black	Gronstal	Lundby	Seng
Bolkcom	Hancock	McCoy	Stewart
Connolly	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	
Dotzler	Horn	Rielly	

Absent, 2:

Courtney	Gaskill
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Amendment S–5095 lost.

Senator McKinley offered amendment S–5099, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5099 be adopted?” (S.F. 2329), the vote was:

Yeas, 17:

Angelo	Houser	Noble	Zaun
Behn	Johnson	Putney	Zieman
Boettger	Kettering	Seymour	
Hahn	McKibben	Ward	
Hartsuch	McKinley	Wieck	

Nays, 31:

Appel	Dvorsky	Kibbie	Rielly
Beall	Fraise	Kreiman	Schmitz
Black	Gronstal	Lundby	Schoenjahn

Bolkcom	Hancock	McCoy	Seng
Connolly	Hatch	Mulder	Stewart
Danielson	Heckroth	Olive	Warnstadt
Dearden	Hogg	Quirnbach	Wood
Dotzler	Horn	Ragan	

Absent, 2:

Courtney	Gaskill
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Amendment S-5099 lost.

Senator McKinley offered amendment S-5092, filed by Senator McKinley, et al., from the floor to page 12 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5092 be adopted?" (S.F. 2329), the vote was:

Yeas, 17:

Angelo	Houser	Noble	Zaun
Behn	Johnson	Putney	Zieman
Boettger	Kettering	Seymour	
Hahn	McKibben	Ward	
Hartsuch	McKinley	Wieck	

Nays, 31:

Appel	Dvorsky	Kibbie	Rielly
Beall	Fraise	Kreiman	Schmitz
Black	Gronstal	Lundby	Schoenjahn
Bolkcom	Hancock	McCoy	Seng
Connolly	Hatch	Mulder	Stewart
Danielson	Heckroth	Olive	Warnstadt
Dearden	Hogg	Quirnbach	Wood
Dotzler	Horn	Ragan	

Absent, 2:

Courtney	Gaskill
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Amendment S-5092 lost.

Senator Heckroth 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. 2329), the vote was:

Yeas, 46:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gronstal	Lundby	Schoenjahn
Beall	Hahn	McCoy	Seng
Behn	Hancock	McKibben	Seymour
Black	Hartsuch	McKinley	Stewart
Boettger	Hatch	Mulder	Ward
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, 2:

Kreiman	Warnstadt
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Absent, 2:

Courtney	Gaskill
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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 2329** be **immediately messaged** to the House.

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 March 12, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2384, a bill for an act relating to the deposit of public funds with corporate credit unions.

Read first time and referred to committee on **Commerce**.

House File 2423, a bill for an act relating to the risk pool for county mental health, mental retardation, and developmental disabilities services by revising procedural and qualifying requirements.

Read first time and referred to committee on **Human Resources**.

House File 2450, a bill for an act relating to certain department of economic development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, the administration of targeted industries development, and providing an effective date.

Read first time and referred to committee on **Economic Growth**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:38 p.m. until 8:45 a.m., Thursday, March 13, 2008.

APPENDIX—2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Clarence Appleget, Sigourney—For celebrating his 50-year membership with the American Legion Post 0019. Senator Rielly (3/12/08).

Jim and Kathy Sandvig, Rolfe—For celebrating their 50th wedding anniversary. Senator Kibbie (3/12/08).

Edward Schoenthal, Waukon—For achieving the rank of Eagle Scout, Boy Scout Troop 64. Senator Ziemann (3/12/08).

Charmion L. Schultz, Quasqueton—For celebrating her 80th birthday. Senator Schoenjahn (3/12/08).

Ed Stephenson, What Cheer—For volunteering his time for 48 years placing flags on veterans' headstones. Senator Rielly (3/12/08).

Alden and Juanita Skow, Livermore—For celebrating their 50th wedding anniversary. Senator Kibbie (3/12/08).

Gerald and Eunice Wee—For celebrating their 68th wedding anniversary. Senator Kibbie (3/12/08).

Clay Central/Everly FFA—For being named top FFA Chapter in Clay County, Iowa. Senator Johnson (3/12/08).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: March 12, 2008, 11:35 a.m.

Members Present: Seng, Chair; Schoenjahn, Vice Chair; Black and Houser.

Members Absent: Gaskill, Ranking Member (excused).

Committee Business: Passed budget bill, 5004JA.

Adjourned: 12:05 p.m.

STUDY BILLS RECEIVED

SSB 3280 Agriculture

Urging the United States Congress to support the continuation of the horse processing industry, including horse processing facilities, the delivery and transportation of horses for processing, and the export of products processed at those facilities.

SSB 3281 Agriculture

Endorsing the national initiative for the increased production of renewable energy through agricultural production.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2388

WAYS AND MEANS: Bolkcom, Chair; Appel and Zieman

Senate File 2396

WAYS AND MEANS: Quirnbach, Chair; Angelo and Bolkcom

House File 2164

EDUCATION: Kreiman, Chair; Beall and Boettger

House File 2372

HUMAN RESOURCES: Wood, Chair; Boettger and Ragan

House File 2385

ECONOMIC GROWTH: Beall, Chair; Hahn and Schmitz

SSB 3280

AGRICULTURE: Appel, Chair; Houser and Olive

SSB 3281

AGRICULTURE: Fraise, Chair; Boettger and Kibbie

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2368 passed the Senate on March 12, 2008.

MICHAEL E. GRONSTAL

AMENDMENTS FILED

S-5081	S.F.	2120	David Johnson
S-5082	S.F.	2349	Brian Schoenjahn
S-5083	S.F.	2179	Rich Olive
S-5084	S.F.	2354	Steve Warnstadt
S-5085	S.F.	2368	Frank B. Wood
S-5086	S.F.	2355	Jeff Danielson
S-5087	H.F.	2212	House
S-5088	S.F.	2355	Paul McKinley
S-5089	S.F.	2368	Paul McKinley
S-5090	S.F.	2355	Mark Zieman
S-5091	S.F.	2329	Paul McKinley
S-5092	S.F.	2329	Paul McKinley
			John Putney
			Jerry Behn
			Ron Wieck
			Mark Zieman
			James A. Seymour
			Nancy J. Boettger
			James F. Hahn
			Steve Kettering
			Larry McKibben
			David Johnson
			Brad Zaun
			Larry Noble
S-5093	S.F.	2338	Becky Schmitz
S-5094	S.F.	2176	Dennis H. Black
S-5095	S.F.	2329	Paul McKinley
S-5096	S.F.	2189	Tom Hancock
S-5097	S.F.	2338	Brad Zaun
S-5098	S.F.	2379	Jack Hatch
S-5099	S.F.	2329	Paul McKinley
S-5100	S.F.	2251	Frank B. Wood
S-5101	S.F.	2356	Robert E. Dvorsky

JOURNAL OF THE SENATE

SIXTIETH CALENDAR DAY
THIRTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 13, 2008

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by Pastor Richard Pokora of Redeemer Lutheran Church in Bettendorf, Iowa. He was the guest of Senator Hartsuch.

The Journal of Wednesday, March 12, 2008, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKibben and Ward, until they arrive, on request of Senator Wieck.

The Senate stood at ease at 8:57 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:58 a.m., President Pro Tempore Danielson presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2363, 2381, and 2193.

Senate File 2363

On motion of Senator Kibbie, **Senate File 2363**, a bill for an act regulating some livestock markets as animal feeding operations, was taken up for consideration.

Senator Kibbie 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. 2363), the vote was:

Yeas, 48:

Angelo	Dvorsky	Johnson	Ragan
Appel	Fraise	Kettering	Rielly
Beall	Gaskill	Kibbie	Schmitz
Behn	Gronstal	Kreiman	Schoenjahn
Black	Hahn	Lundby	Seng
Boettger	Hancock	McCoy	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Cannolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Noble	Wieck
Danielson	Hogg	Olive	Wood
Dearden	Horn	Putney	Zaun
Dotzler	Houser	Quirmbach	Zieman

Nays, none.

Absent, 2:

McKibben Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2381

On motion of Senator Kibbie, **Senate File 2381**, a bill for an act relating to animal feeding operations, by providing for open feedlot operations, was taken up for consideration.

Senator Kibbie 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. 2381), the vote was:

Yeas, 48:

Angelo	Dvorsky	Johnson	Ragan
Appel	Fraise	Kettering	Rielly
Beall	Gaskill	Kibbie	Schmitz
Behn	Gronstal	Kreiman	Schoenjahn
Black	Hahn	Lundby	Seng
Boettger	Hancock	McCoy	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Cannolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Noble	Wieck
Danielson	Hogg	Olive	Wood
Dearden	Horn	Putney	Zaun
Dotzler	Houser	Quirmbach	Zieman

Nays, none.

Absent, 2:

McKibben	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2193

On motion of Senator Kibbie, **Senate File 2193**, a bill for an act relating to conflicts of interest, lobbying activities, and receipt of gifts by certain government officials and employees, was taken up for consideration.

Senator Kibbie 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. 2193), the vote was:

Yeas, 48:

Angelo	Dvorsky	Johnson	Ragan
Appel	Fraise	Kettering	Rielly
Beall	Gaskill	Kibbie	Schmitz
Behn	Gronstal	Kreiman	Schoenjahn
Black	Hahn	Lundby	Seng
Boettger	Hancock	McCoy	Seymour
Bolkcom	Hartsuch	McKinley	Stewart

Connolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Noble	Wieck
Danielson	Hogg	Olive	Wood
Dearden	Horn	Putney	Zaun
Dotzler	Houser	Quirmbach	Zieman

Nays, none.

Absent, 2:

McKibben Ward

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 Files 2193, 2363, and 2381** be **immediately messaged** to the House.

President Kibbie took the chair at 10:12 a.m.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2369.

Senate File 2369

On motion of Senator Black, **Senate File 2369**, a bill for an act regulating persons who transport, handle, store, or apply manure, was taken up for consideration.

Senator Black 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. 2369), the vote was:

Yeas, 48:

Angelo	Dvorsky	Johnson	Ragan
Appel	Fraise	Kettering	Rielly
Beall	Gaskill	Kibbie	Schmitz

Behn	Gronstal	Kreiman	Schoenjahn
Black	Hahn	Lundby	Seng
Boettger	Hancock	McCoy	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Connolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Noble	Wieck
Danielson	Hogg	Olive	Wood
Dearden	Horn	Putney	Zaun
Dotzler	Houser	Quirnbach	Zieman

Nays, none.

Absent, 2:

McKibben Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2212

Senator Appel called up for consideration **House File 2212**, a bill for an act creating a smokefree air Act and providing penalties, amended by the Senate and further amended by the House in House amendment S-5087 to Senate amendment H-8054, filed March 12, 2008.

The Senate stood at ease at 10:23 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 11:27 a.m., President Kibbie presiding.

QUORUM CALL

Senator Dvorsky requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

The Senate resumed consideration of House amendment S-5087 to Senate amendment H-8054, and House File 2212.

Senator Appel moved that the Senate concur in the House amendment to the Senate amendment, and requested that the senators vote “No.”

A record roll call was requested.

On the question, “Shall the motion to concur be adopted?” (H.F. 2212), the vote was:

Yeas, 23:

Angelo	Hahn	Kettering	Seymour
Behn	Hancock	McKibben	Ward
Black	Hartsuch	McKinley	Wieck
Boettger	Horn	Noble	Zaun
Dotzler	Houser	Putney	Zieman
Gaskill	Johnson	Seng	

Nays, 27:

Appel	Dvorsky	Kreiman	Rielly
Beall	Fraise	Lundby	Schmitz
Bolkcom	Gronstal	McCoy	Schoenjahn
Connolly	Hatch	Mulder	Stewart
Courtney	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirnbach	Wood
Dearden	Kibbie	Ragan	

Absent, none.

The motion failed and the Senate **refused to concur** in the House amendment to the Senate amendment.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2369** and **House File 2212** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Angelo, until he returns, on request of Senator Wieck.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2356, 2353, and 2349.

Senate File 2356

On motion of Senator Kreiman, **Senate File 2356**, a bill for an act relating to the judicial branch including contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, and records kept by the clerk, was taken up for consideration.

Senator Dvorsky offered amendment S-5101, filed by him on March 12, 2008, to pages 1 and 2 and to the title page of the bill, and moved its adoption.

Amendment S-5101 was adopted by a voice vote.

Senator Kreiman 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. 2356), the vote was:

Yeas, 49:

Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Angelo

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

SPECIAL GUEST

President Kibbie welcomed to the chamber the Honorable Maggie Tinsman, former member of the Senate from Davenport.

The Senate rose and expressed its welcome.

MOTION TO RECONSIDER WITHDRAWN

Senate File 2368

Senator Gronstal withdrew the motion to reconsider **Senate File 2368**, a bill for an act concerning persons voluntarily excluded from gambling facilities, filed by him on March 12, 2008, and found on page 613 of the Senate Journal.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2340 and 2322.

Senate File 2340

On motion of Senator Kreiman, **Senate File 2340**, a bill for an act requiring certain identity documents to be provided to children subject to a court order for out-of-home placement, was taken up for consideration.

Senator Kreiman 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. 2340), the vote was:

Yeas, 49:

Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirmbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Angelo

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2322

On motion of Senator Hogg, **Senate File 2322**, a bill for an act establishing second deputy sheriff positions in certain counties, was taken up for consideration.

Senator Hogg 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. 2322), the vote was:

Yeas, 49:

Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck

Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Angelo

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Danielson asked and received unanimous consent that **Senate Files 2322, 2340, 2356, and 2368** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT

In accordance with Senate Rule 59, Senator Danielson called up the following eligible appointee on the En Bloc Confirmation Calendar:

Tiffany Wilson – Child Welfare Advisory Committee

Senator Danielson moved that the foregoing appointee be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 49:

Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman

Dotzler	Johnson	Ragan
Dvorsky	Kettering	Rielly
Fraise	Kibbie	Schmitz

Nays, none.

Absent, 1:

Angelo

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hartsuch, until he returns, on request of Senator Zaun; Senator McKibben, until he returns, on request of Senator Zieman; and Senator Ward, until she returns, on request of Senator Boettger.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2349.

Senate File 2349

On motion of Senator Schoenjahn, **Senate File 2349**, a bill for an act relating to the preneed sale of cemetery and funeral merchandise and funeral services, was taken up for consideration.

Senator Schoenjahn offered amendment S-5082, filed by him on March 12, 2008, to pages 1-5 of the bill.

Senator Danielson offered amendment S-5108, filed by him from the floor to page 1 of amendment S-5082, and moved its adoption.

Amendment S-5108 was adopted by a voice vote.

Senator Schoenjahn moved the adoption of amendment S-5082, as amended.

Amendment S-5082 was adopted by a voice vote.

Senator Schoenjahn 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. 2349), the vote was:

Yeas, 43:

Appel	Dvorsky	Johnson	Schmitz
Beall	Fraise	Kettering	Schoenjahn
Behn	Gaskill	Kibbie	Seng
Black	Gronstal	Kreiman	Seymour
Boettger	Hahn	Lundby	Stewart
Bolkcom	Hancock	McKinley	Warnstadt
Connolly	Hatch	Mulder	Wieck
Courtney	Heckroth	Olive	Wood
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	Zieman
Dotzler	Houser	Rielly	

Nays, 3:

McCoy	Noble	Putney
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Absent, 4:

Angelo	Hartsuch	McKibben	Ward
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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 2349** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 12:40 p.m. until 1:00 p.m., Monday, March 17, 2008.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Five students from the Fort Dodge Blast and the Girl Scouts Afterschool Program, Fort Dodge, accompanied by Principal Jerry Spittal and Sherri Schill. Senator Beall.

Mr. Rodrigo Yanez, Chile; Mr. Louis Kwame Amo, Ghana; Ms. Alison Stone, Jamaica; Mr. Rodrigo Amaya Pineros, Colombia; and Ms. Rina Rasmussen, Denmark, who were visiting through the U.S. Department of State's International Visitor Leadership Program, sponsored by the Iowa Council for International Understanding. Senator Beall.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Martha V. Hanson, Britt—For celebrating her 100th birthday. Senator Gaskill (3/13/08).

South O'Brien FFA—For being named the top out-of-county FFA chapter at the 2008 Ag Outlook in Spencer. Senator Johnson (3/13/08).

INTRODUCTION OF RESOLUTION

Senate Resolution 115, by Danielson, a resolution honoring and commemorating the University of Northern Iowa Institute for Decision Making for 20 years of economic development service in Iowa.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILL RECEIVED

SSB 3282 Ways and Means

Relating to delayed deposit service transactions, specifying a maximum finance charge applicable to such transactions, increasing application fees, and making penalties applicable.

SUBCOMMITTEE ASSIGNMENTS

House File 2283

VETERANS AFFAIRS: Kibbie, Chair; Beall and Seymour

House File 2384

COMMERCE: Schoenjahn, Chair; Heckroth and Ward

House File 2423

HUMAN RESOURCES: Bolkcom, Chair; Seymour and Wood

House File 2450

ECONOMIC GROWTH: Stewart, Chair; Dotzler and Houser

SSB 3282

WAYS AND MEANS: Bolkcom, Chair; Angelo and Stewart

AMENDMENTS FILED

S-5102	S.F.	2334	Frank B. Wood
S-5103	S.F.	2351	Rich Olive
S-5104	S.F.	2252	Becky Schmitz
S-5105	S.F.	2308	Steve Warnstadt
S-5106	S.F.	2132	Keith Kreiman Wally E. Horn Tom Rielly
S-5107	S.F.	2312	Thomas G. Courtney
S-5108	S.F.	2349	Jeff Danielson
S-5109	S.F.	2312	James F. Hahn
S-5110	S.F.	2387	John P. Kibbie

JOURNAL OF THE SENATE

SIXTY-FOURTH CALENDAR DAY
THIRTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 17, 2008

The Senate met in regular session at 1:00 p.m., President Kibbie presiding.

Prayer was offered by the Honorable Dave Mulder, member of the Senate from Sioux County, Sioux Center, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Michael Palsic.

The Journal of Thursday, March 13, 2008, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:05 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:08 p.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 108, a resolution recognizing the Uncommon Public Service Award.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gronstal, Kibbie, Wieck, Angelo, Courtney, Dvorsky, and Ragan. Nays, none. Absent, 4: Danielson, Dearden, Lundby, and Zieman.

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 108.

Senate Resolution 108

On motion of Senator Dvorsky, **Senate Resolution 108**, a resolution recognizing the Uncommon Public Service Award, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 108, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Johnson welcomed to the chamber former Governor Robert E. Ray, who was present to announce the 2008 recipients of the Uncommon Public Service Award. This award is given to Iowa legislators who demonstrate uncommon service and commitment to the people of Iowa. This year's recipients were Senator David Johnson and Representative Mark Smith.

Senator Johnson and Representative Smith addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation of Senator Johnson and Representative Smith's public service to Iowa.

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 March 13, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2266, a bill for an act relating to the regulation of explosives, and the possession of an incendiary or explosive device or material, and providing penalties.

Read first time and referred to committee on **Judiciary**.

ALSO: That the House has on March 13, 2008, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2154, a bill for an act relating to inclined or vertical wheelchair lifts regulated by the elevator safety board. (S-5111)

ALSO: That the House has on March 13, 2008, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2156, a bill for an act relating to regulation of commercial motor vehicle operators by the state department of transportation and providing penalties.

Senate File 2221, a bill for an act relating to workers' compensation benefit payments for burial expenses.

Senate File 2304, a bill for an act relating to the boiler and pressure vessel safety and elevator safety revolving funds under the control of the labor commissioner.

Senate File 2317, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

The Senate stood at ease at 1:32 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:53 p.m., President Kibbie presiding.

RECESS

On motion of Senator Dvorsky, the Senate recessed at 2:54 p.m. until 4:30 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Dubuque Wahlert Golden Eagles Boys' Basketball Team and Coach Tom English—For winning the 3-A Boys' Basketball State Championship. Senator Connolly (3/17/08).

Gerald and Mary Grosenbach, Grinnell—For celebrating their 70th wedding anniversary. Senator Rielly (3/17/08).

David Phillips, Norwalk—For achieving the rank of Eagle Scout, Boy Scout Troop 301. Senator Appel (3/17/08).

Brance Rivera, Muscatine—For being named to the 2008 Louisville Slugger Preseason High School All-American Baseball Team. Senator Hahn (3/17/08).

Myron and Tina Widmer—For celebrating 70 years in business at Winegarden Hardware. Senator Rielly (3/17/08).

Leland and Lois Winegarden—For Winegarden Hardware's 70-year celebration. Senator Rielly (3/17/08).

Helen Winters, Davenport—For celebrating her 100th birthday. Senator Seng (3/17/08).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: March 12, 2008, 11:30 a.m.

Members Present: Connolly, Vice Chair; and Schmitz.

Members Absent: Courtney, Chair; Ward, Ranking Member; and Lundby (all excused).

Committee Business: Presentations on unsewered rural communities and finance of wastewater system upgrades and presentations on child welfare system reforms, juvenile justice, and mental health systems.

Adjourned: 12:45 p.m.

LOCAL GOVERNMENT

Convened: March 17, 2008, 3:40 p.m.

Members Present: Quirnbach, Chair; Beall, Vice Chair; Zaun, Ranking Member; Angelo, Hartsuch, Heckroth, Houser, Kreiman, McKinley, Olive, Rielly, Schoenjahn, and Stewart.

Members Absent: None.

Committee Business: Passed HF 247.

Adjourned: 3:45 p.m.

TRANSPORTATION

Convened: March 17, 2008, 3:05 p.m.

Members Present: Rielly, Chair; Danielson, Vice Chair; Noble, Ranking Member; Beall, Dearden, Hancock, Heckroth, Houser, McCoy, Putney, Warnstadt, Zaun, and Zieman.

Members Absent: None.

Committee Business: Passed HF 2196.

Adjourned: 3:10 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 116, by Bolkcom, a resolution urging the United States Congress to address the trade in goods manufactured with toxic materials.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILLS RECEIVED

SSB 3283 Appropriations

Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

SSB 3284 Ways and Means

Relating to improved energy efficiency in schools, by authorizing integrated project delivery contracts for energy conservation measures or construction projects undertaken by a school corporation, providing for energy efficiency contracting pursuant to such contracts under specified circumstances, identifying and authorizing revenue sources for the purpose of providing designated contract guarantees, modifying provisions applicable to school districts receiving distributions from the energy loan fund, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2358**

APPROPRIATIONS: Dvorsky, Chair; Danielson and Seymour

Senate File 2374

APPROPRIATIONS: Dvorsky, Chair; Danielson, Hogg, Kettering, and Putney

Senate File 2389

WAYS AND MEANS: McCoy, Chair; Bolcom and Putney

House File 2266

JUDICIARY: Kreiman, Chair; Hancock and Noble

SSB 3283

APPROPRIATIONS: Seng, Chair; Black, Dvorsky, Gaskill, and Kettering

SSB 3284

WAYS AND MEANS: Hogg, Chair; Dotzler, and Noble

RECONVENED

The Senate reconvened at 4:26 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Ward, until she arrives, on request of Senator Wieck.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2383, 2379, and 2357.

Senate File 2383

On motion of Senator Seng, **Senate File 2383**, a bill for an act relating to hybrid cats, by providing that a person may possess, breed, and transport the offspring of a domestic cat and a cat classified as a dangerous wild animal or a subsequent generation originating from that offspring, and providing an effective date, was taken up for consideration.

Senator McCoy asked and received unanimous consent that action on **Senate File 2383** be **deferred**.

Senate File 2379

On motion of Senator Hatch, **Senate File 2379**, a bill for an act relating to the regulation of the practice of certified public accounting and providing an effective date, was taken up for consideration.

Senator Hatch offered amendment S-5098, filed by him on March 12, 2008, to pages 5 and 15 of the bill, and moved its adoption.

Amendment S-5098 was adopted by a voice vote.

Senator Hatch 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. 2379), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2357

On motion of Senator Rielly, **Senate File 2357**, a bill for an act requiring disclosure of employer group health benefit claims and premium information to certain employers, was taken up for consideration.

Senator Rielly 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. 2357), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt

Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

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 Files 2357** and **2379** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hartsuch, until he returns, on request of Senator Wieck.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2344, 2308, and 2302.

Senate File 2344

On motion of Senator Dotzler, **Senate File 2344**, a bill for an act relating to the imposition of penalty benefits in workers' compensation cases, was taken up for consideration.

Senator Dotzler 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. 2344), the vote was:

Yeas, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Nays, 18:

Angelo	Houser	McKinley	Wieck
Behn	Johnson	Mulder	Zaun
Boettger	Kettering	Noble	Zieman
Gaskill	Lundby	Putney	
Hahn	McKibben	Seymour	

Absent, 2:

Hartsuch	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2308

On motion of Senator Warnstadt, **Senate File 2308**, a bill for an act relating to identity theft by providing for the notification of a breach in the security of computerized data that includes personal information, and providing penalties, was taken up for consideration.

Senator Warnstadt withdrew amendment S-5105, filed by him on March 13, 2008, to pages 1 and 2 and to the title page of the bill.

Senator Warnstadt withdrew amendment S-5113, filed by him from the floor to pages 1 and 2 and to the title page of the bill.

Senator Warnstadt offered amendment S-5115, filed by him from the floor to pages 1 and 2 and to the title page of the bill, and moved its adoption.

Amendment S-5115 was adopted by a voice vote.

Senator Warnstadt 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. 2308), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kettering	Ragan
Appel	Fraise	Kibbie	Rielly
Beall	Gaskill	Kreiman	Schmitz
Behn	Gronstal	Lundby	Schoenjahn
Black	Hahn	McCoy	Seng
Boettger	Hancock	McKibben	Seymour
Bolkcom	Hatch	McKinley	Stewart
Connolly	Heckroth	Mulder	Warnstadt
Courtney	Hogg	Noble	Wieck
Danielson	Horn	Olive	Wood
Dearden	Houser	Putney	Zaun
Dotzler	Johnson	Quirmbach	Zieman

Nays, none.

Absent, 2:

Hartsuch Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 2302

On motion of Senator Stewart, **Senate File 2302**, a bill for an act specifying a duty of agency applicable to licensed mortgage brokers and making penalties applicable, was taken up for consideration.

Senator Stewart offered amendment S-5120, filed by him from the floor to page 1 and to the title page of the bill.

Senator Dearden asked and received unanimous consent that action on amendment S-5120 and **Senate File 2302** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2308** and **2344** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2280, 2277, and 2267.

Senate File 2280

On motion of Senator Schoenjahn, **Senate File 2280**, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers, was taken up for consideration.

Senator Schoenjahn 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. 2280), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2277

On motion of Senator Warnstadt, **Senate File 2277**, a bill for an act relating to offenses against identity by establishing a procedure to secure credit information and providing a penalty, was taken up for consideration.

Senator Warnstadt offered amendment S-5076, filed by him on March 11, 2008, to pages 1-4 of the bill, and moved its adoption.

Amendment S-5076 was adopted by a voice vote.

Senator Warnstadt offered amendment S-5041, filed by him on March 3, 2008, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5041 was adopted by a voice vote.

Senator Warnstadt 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. 2277), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2267

On motion of Senator Gaskill, **Senate File 2267**, a bill for an act relating to rules for discharging wastewater from water well drilling sites, was taken up for consideration.

Senator Gaskill 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. 2267), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirmbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

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 Files 2267, 2277, and 2280** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2278, 2252, 2251, and 2246.

Senate File 2278

On motion of Senator Appel, **Senate File 2278**, a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards, was taken up for consideration.

Senator Putney offered amendment S-5112, filed by him from the floor to pages 8, 15, and 25 of the bill, and moved its adoption.

Amendment S-5112 was adopted by a voice vote.

Senator Johnson withdrew amendment S-5070, filed by him on March 10, 2008, to pages 22 and 23 of the bill.

Senator Johnson withdrew amendment S-5117, filed by him from the floor to pages 22 and 23 of the bill.

Senator Johnson asked and received unanimous consent that action on **Senate File 2278** be **deferred**.

Senate File 2252

On motion of Senator Schmitz, **Senate File 2252**, a bill for an act relating to the inclusion of licensed marital and family therapists as behavioral health participating providers under the medical assistance program, was taken up for consideration.

Senator Schmitz withdrew amendment S-5050, filed by her on March 10, 2008, to page 1 and to the title page of the bill.

Senator Schmitz offered amendment S-5104, filed by her on March 13, 2008, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5104 was adopted by a voice vote.

Senator Schmitz 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. 2252), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 2251

On motion of Senator Wood, **Senate File 2251**, a bill for an act requiring certification of the performance of an eye examination, and submission of the results of such examination, when a child is enrolled in kindergarten, was taken up for consideration.

Senator Wood withdrew amendment S-5100, filed by him on March 12, 2008, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Wood offered amendment S-5119, filed by him from the floor striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5119 was adopted by a voice vote.

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. 2251), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirmbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 2246

On motion of Senator Olive, **Senate File 2246**, a bill for an act relating to required disclosures in real estate transactions, was taken up for consideration.

Senator Olive 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. 2246), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

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 Files 2246, 2251, and 2252** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2197, 2175, 2172, 2160, and 2159.

Senate File 2197

On motion of Senator Schoenjahn, **Senate File 2197**, a bill for an act relating to water quality by establishing a water resources coordinating council, authorizing a marketing campaign, directing assistance to local communities for monitoring and measurement, and creating a regional assessment program, a community-based improvement program, and a wastewater and storm water infrastructure program, was taken up for consideration.

Senator Schoenjahn offered amendment S-5080, filed by him on March 11, 2008, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5080 was adopted by a voice vote.

Senator Schoenjahn asked and received unanimous consent that **House File 2400** be **substituted** for **Senate File 2197**.

House File 2400

On motion of Senator Schoenjahn, **House File 2400**, a bill for an act relating to water quality by establishing a water resources coordinating council, authorizing a marketing campaign, directing assistance to local communities for monitoring and measurement, and creating a regional assessment program, a community-based improvement program, and a wastewater and storm water infrastructure program, was taken up for consideration.

Senator Schoenjahn 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?" (H.F. 2400), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart

Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Schoenjahn asked and received unanimous consent that **Senate File 2197** be **withdrawn** from further consideration of the Senate.

Senate File 2175

On motion of Senator Warnstadt, **Senate File 2175**, a bill for an act increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice, was taken up for consideration.

Senator Warnstadt asked and received unanimous consent that **House File 2287** be **substituted** for **Senate File 2175**.

House File 2287

On motion of Senator Warnstadt, **House File 2287**, a bill for an act increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice, was taken up for consideration.

Senator Warnstadt 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?" (H.F. 2287), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Warnstadt asked and received unanimous consent that **Senate File 2175** be **withdrawn** from further consideration of the Senate.

Senate File 2172

On motion of Senator Schmitz, **Senate File 2172**, a bill for an act relating to dental homes for children, was taken up for consideration.

Senator Schmitz offered amendment S-5061, filed by her on March 10, 2008, to page 1 of the bill, and moved its adoption.

Amendment S-5061 was adopted by a voice vote.

Senator Schmitz 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. 2172), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2160

On motion of Senator Courtney, **Senate File 2160**, a bill for an act relating to employers’ participation in unemployment insurance adjudications, was taken up for consideration.

Senator Courtney 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. 2160), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt

Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Nays, 18:

Angelo	Hartsuch	McKinley	Wieck
Behn	Houser	Mulder	Zaun
Boettger	Johnson	Noble	Zieman
Gaskill	Kettering	Putney	
Hahn	McKibben	Seymour	

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2159

On motion of Senator Appel, **Senate File 2159**, a bill for an act relating to the statewide preschool program for four-year-old children and funding associated with the program and providing an effective date, was taken up for consideration.

Senator Appel 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. 2159), the vote was:

Yeas, 47:

Angelo	Dvorsky	Johnson	Ragan
Appel	Fraise	Kettering	Rielly
Beall	Gaskill	Kibbie	Schmitz
Behn	Gronstal	Kreiman	Schoenjahn
Black	Hahn	Lundby	Seng
Boettger	Hancock	McCoy	Seymour
Bolkcom	Hartsuch	McKibben	Stewart
Connolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Noble	Wieck
Danielson	Hogg	Olive	Wood
Dearden	Horn	Putney	Zieman
Dotzler	Houser	Quirnbach	

Nays, 2:

McKinley

Zaun

Absent, 1:

Ward

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 Files 2159, 2160, and 2172** and **House Files 2287 and 2400** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2132 and 2131.

Senate File 2132

On motion of Senator Horn, **Senate File 2132**, a bill for an act relating to notices regarding the disposition of seized property and providing an effective date, was taken up for consideration.

Senator Kreiman offered amendment S-5106, filed by Senators Kreiman, Horn, and Rielly on March 13, 2008, to page 1 of the bill, and moved its adoption.

Amendment S-5106 was adopted by a voice vote.

Senator Horn 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. 2132), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2131

On motion of Senator Appel, **Senate File 2131**, 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, with report of committee on Appropriations recommending amendment and passage, was taken up for consideration.

Senator Seng offered amendment S-5046, filed by the committee on Appropriations on March 6, 2008, to pages 3-5 and to the title page of the bill.

Senator Lundby asked and received unanimous consent that action on amendment S-5046 and **Senate File 2131** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 2111

Senator Schmitz called up for consideration **Senate File 2111**, a bill for an act relating to requirements for blood lead testing and dental screening of children, amended by the House in House amendment S-5079, filed March 11, 2008.

Senator Schmitz moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Schmitz moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2111), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirmbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

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 Files 2111** and **2132** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2278

The Senate resumed consideration of **Senate File 2278**, a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards, previously deferred.

Senator Johnson offered amendment S-5125, filed by him from the floor to page 22 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5125 be adopted?" (S.F. 2278), the vote was:

Yeas, 21:

Angelo	Houser	McKinley	Wood
Behn	Johnson	Mulder	Zaun
Boettger	Kettering	Noble	Zieman
Gaskill	Lundby	Putney	
Hahn	McCoy	Seymour	
Hartsuch	McKibben	Wieck	

Nays, 28:

Appel	Dearden	Heckroth	Ragan
Beall	Dotzler	Hogg	Rielly
Black	Dvorsky	Horn	Schmitz
Bolkcom	Fraise	Kibbie	Schoenjahn
Connolly	Gronstal	Kreiman	Seng
Courtney	Hancock	Olive	Stewart
Danielson	Hatch	Quirnbach	Warnstadt

Absent, 1:

Ward

Amendment S-5125 lost.

Senator Appel 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. 2278), the vote was:

Yeas, 34:

Appel	Dotzler	Kibbie	Ragan
Beall	Fraise	Kreiman	Rielly
Black	Gaskill	Lundby	Schmitz
Boettger	Gronstal	McKibben	Schoenjahn
Bolkcom	Hancock	McKinley	Seng
Connolly	Hatch	Mulder	Stewart
Courtney	Heckroth	Olive	Warnstadt
Danielson	Horn	Putney	
Dearden	Houser	Quirmbach	

Nays, 15:

Angelo	Hartsuch	McCoy	Wood
Behn	Hogg	Noble	Zaun
Dvorsky	Johnson	Seymour	Zieman
Hahn	Kettering	Wieck	

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2109 and House File 2215.

Senate File 2109

On motion of Senator Stewart, **Senate File 2109**, a bill for an act making specified revisions to the consumer credit code to conform to federal statutory updates and prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement, was taken up for consideration.

Senator Stewart asked and received unanimous consent that **House File 2268** be **substituted** for **Senate File 2109**.

House File 2268

On motion of Senator Stewart, **House File 2268**, a bill for an act making specified revisions to the consumer credit code to conform to federal statutory updates and prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement, was taken up for consideration.

Senator Stewart 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?" (H.F. 2268), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Stewart asked and received unanimous consent that **Senate File 2109** be **withdrawn** from further consideration of the Senate.

House File 2215

On motion of Senator Beall, **House File 2215**, a bill for an act relating to private activity bond allocation procedures and single-project limitations, placed on the Unfinished Business Calendar on March 6, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Beall 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?" (H.F. 2215), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

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 2278** and **House Files 2215** and **2268** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2371** be referred from the Regular Calendar to the committee on **Appropriations**.

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 March 17, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2390, a bill for an act relating to the licensing and regulation of plumbers and mechanical professionals and providing effective dates.

Read first time and referred to committee on **State Government**.

House File 2410, a bill for an act relating to alarm system installer or contractor certification and electrician licensure provisions, and providing an effective date.

Read first time and referred to committee on **State Government**.

House File 2411, a bill for an act providing for changes in electrician licensure requirements for specified licensure classifications, and providing an effective date.

Read first time and referred to committee on **State Government**.

House File 2452, a bill for an act relating to vehicle titles and registration plates for specialty vehicles, and providing a penalty and an effective date.

Read first time and referred to committee on **Transportation**.

House File 2547, a bill for an act modifying provisions relating to statewide licensure and certification of electricians and alarm system contractors and installers, and providing an effective date.

Read first time and referred to committee on **State Government**.

ALSO: That the House has on March 17, 2008, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2292, a bill for an act expanding the time period during which a complaint may be filed with the Iowa civil rights commission.

Senate File 2320, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:50 p.m. until 8:45 a.m., Tuesday, March 18, 2008.

APPENDIX—2

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Mataya Chantell Huling, Garner—For receiving the Girl Scout Gold Award.
Senator Gaskill (3/17/08)

INTRODUCTION OF BILLS

Senate File 2397, by Zieman, a bill for an act establishing a state sales tax rebate program for certain select cities to be used for revitalization projects in those cities.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

FINAL COMMITTEE REPORTS OF BILL ACTION

LOCAL GOVERNMENT

Bill Title: HOUSE FILE 247, a bill for an act providing voting member representation on joint E911 service boards for cities or townships providing fire protection services through a volunteer fire department.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Quirnbach, Beall, Zaun, Angelo, Hartsuch, Heckroth, Houser, Kreiman, McKinley, Olive, Rielly, Schoenjahn, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: HOUSE FILE 2196, a bill for an act requiring the department of transportation to study the acceptance of electronic payments at its customer service sites and sites operated by county treasurers.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Rielly, Danielson, Noble, Beall, Dearden, Hancock, Heckroth, Houser, McCoy, Putney, Warnstadt, Zaun, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5111	S.F.	2154	House
S-5112	S.F.	2278	John Putney
S-5113	S.F.	2308	Steve Warnstadt
S-5114	S.F.	2395	Robert M. Hogg
S-5115	S.F.	2308	Steve Warnstadt
S-5116	S.F.	2342	Herman C. Quirmbach
S-5117	S.F.	2278	David Johnson
S-5118	S.F.	2319	Joe Bolkom
S-5119	S.F.	2251	Frank B. Wood
S-5120	S.F.	2302	Roger Stewart
S-5121	S.F.	2302	Dick L. Dearden
S-5122	S.F.	2302	Dick L. Dearden
S-5123	S.F.	2279	Staci Appel
S-5124	S.F.	2323	Daryl Beall
S-5125	S.F.	2278	David Johnson

JOURNAL OF THE SENATE

SIXTY-FIFTH CALENDAR DAY
THIRTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 18, 2008

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by Pastor Bill Thalacker of the Bennington Lutheran Church in Waterloo, Iowa. He was the guest of Senator Heckroth.

The Journal of Monday, March 17, 2008, was approved.

The Senate stood at ease at 8:53 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:40 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Angelo, McKibben, and Ward, until they arrive, on request of Senator Wieck.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2351, 2323, 2319, and 2279.

Senate File 2351

On motion of Senator Olive, **Senate File 2351**, a bill for an act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property, was taken up for consideration.

Senator Olive offered amendment S-5103, filed by him on March 13, 2008, to page 3 of the bill.

Senator Dvorsky asked and received unanimous consent that action on amendment S-5103 and **Senate File 2351** be **deferred**.

Senate File 2323

On motion of Senator Beall, **Senate File 2323**, a bill for an act concerning the transportation of railroad workers by companies organized for that purpose and providing penalties, was taken up for consideration.

Senator Beall offered amendment S-5124, filed by him on March 17, 2008, to pages 1-4 and to the title page of the bill, and moved its adoption.

Amendment S-5124 was adopted by a voice vote.

Senator Beall 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. 2323), the vote was:

Yeas, 32:

Appel	Dotzler	Hogg	Ragan
Beall	Dvorsky	Horn	Rielly
Black	Fraise	Kibbie	Schmitz
Bolkcom	Gronstal	Kreiman	Schoenjahn
Connolly	Hahn	Lundby	Seng
Courtney	Hancock	McCoy	Stewart
Danielson	Hatch	Olive	Warnstadt
Dearden	Heckroth	Quirnbach	Wood

Nays, 15:

Behn	Houser	Mulder	Wieck
Boettger	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	Zieman
Hartsuch	McKinley	Seymour	

Absent, 3:

Angelo	McKibben	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 2319

On motion of Senator Bolkcom, **Senate File 2319**, a bill for an act relating to disease prevention and wellness including the Iowa healthy communities initiative and the governor's council on physical fitness and nutrition, was taken up for consideration.

Senator Bolkcom offered amendment S-5118, filed by him on March 17, 2008, to page 2 of the bill, and moved its adoption.

Amendment S-5118 was adopted by a voice vote.

Senator Bolkcom 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. 2319), the vote was:

Yeas, 47:

Appel	Fraise	Kettering	Rielly
Beall	Gaskill	Kibbie	Schmitz
Behn	Gronstal	Kreiman	Schoenjahn
Black	Hahn	Lundby	Seng
Boettger	Hancock	McCoy	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Connolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Noble	Wieck
Danielson	Hogg	Olive	Wood
Dearden	Horn	Putney	Zaun
Dotzler	Houser	Quirmbach	Zieman
Dvorsky	Johnson	Ragan	

Nays, none.

Absent, 3:

Angelo

McKibben

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2279

On motion of Senator Appel, **Senate File 2279**, a bill for an act establishing health, nutrition, and cardiopulmonary resuscitation certification requirements for students, school districts, and accredited nonpublic schools, was taken up for consideration.

Senator Mulder asked and received unanimous consent that action on **Senate File 2279** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2319** and **2323** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2275 and 2199.

Senate File 2275

On motion of Senator Kreiman, **Senate File 2275**, a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases, was taken up for consideration.

Senator Kreiman offered amendment S-5059, filed by Senators Kreiman and Ward on March 10, 2008, to page 1 of the bill, and moved its adoption.

Amendment S-5059 was adopted by a voice vote.

Senator Kreiman 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. 2275), the vote was:

Yeas, 47:

Appel	Fraise	Kettering	Rielly
Beall	Gaskill	Kibbie	Schmitz
Behn	Gronstal	Kreiman	Schoenjahn
Black	Hahn	Lundby	Seng
Boettger	Hancock	McCoy	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Connolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Noble	Wieck
Danielson	Hogg	Olive	Wood
Dearden	Horn	Putney	Zaun
Dotzler	Houser	Quirmbach	Zieman
Dvorsky	Johnson	Ragan	

Nays, none.

Absent, 3:

Angelo	McKibben	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2199

On motion of Senator Kreiman, **Senate File 2199**, a bill for an act allowing appeal of denials of dental insurance coverage based on medical necessity, was taken up for consideration.

Senator Kreiman offered amendment S-5034, filed by Senators Kreiman, Ragan, and Johnson on February 27, 2008, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5034 was adopted by a voice vote.

Senator Rielly withdrew amendment S-5130, filed by him from the floor to page 1 of the bill.

Senator Kreiman 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. 2199), the vote was:

Yeas, 47:

Appel	Fraise	Kettering	Rielly
Beall	Gaskill	Kibbie	Schmitz
Behn	Gronstal	Kreiman	Schoenjahn
Black	Hahn	Lundby	Seng
Boettger	Hancock	McCoy	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Connolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Noble	Wieck
Danielson	Hogg	Olive	Wood
Dearden	Horn	Putney	Zaun
Dotzler	Houser	Quirmbach	Zieman
Dvorsky	Johnson	Ragan	

Nays, none.

Absent, 3:

Angelo	McKibben	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2199** and **2275** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2373** be referred from the Regular Calendar to the committee on **Appropriations**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:15 a.m. until 1:00 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Brian Erickson, Mount Pleasant—For achieving the rank of Eagle Scout, Boy Scout Troop 24. Senator Fraise (3/18/08).

David Charles Fulcher, Fairfield—For achieving the rank of Eagle Scout, Boy Scout Troop 108. Senator Schmitz (3/18/08).

Bryce Shabazz—For being named the Boys and Girls Clubs' Youth of the Year for the state of Iowa. Senator Dearden (3/18/08).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Bryce Shabazz, who was named the Boys and Girls Clubs' "Youth of the Year" for the state of Iowa, and his mother, Meme, and his grandmother, Nyo. Senator Dearden.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: March 17, 2008, 1:05 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Courtney, Dvorsky, and Ragan.

Members Absent: Danielson, Dearden, Lundby, and Zieman (all excused).

Committee Business: Approved SR 108.

Adjourned: 1:08 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 117, by Lundby, a resolution celebrating the 100th birthday of the United States Army Reserve, honoring the commitment, dedication, and service to America, and wishing for its continued support to our soldiers.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

INTRODUCTION OF BILL

Senate File 2398, by Beall, a bill for an act providing an individual income tax checkoff for the spaying and neutering of dogs and cats, and providing an appropriation and for the Act's implementation.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

SUBCOMMITTEE ASSIGNMENTS

Senate File 2371

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 2397

WAYS AND MEANS: Quirmbach, Chair; Bolcom and Ziemann

Senate File 2398

WAYS AND MEANS: Connolly, Chair; Houser and Quirmbach

House File 2390

STATE GOVERNMENT: Danielson, Chair; Horn and Ziemann

House File 2410

STATE GOVERNMENT: Danielson, Chair; Behn and Horn

House File 2411

STATE GOVERNMENT: Danielson, Chair; Horn and Ziemann

House File 2452

TRANSPORTATION: Danielson, Chair; Hancock and Ziemann

House File 2547

STATE GOVERNMENT: Danielson, Chair; Horn and Ziemann

AFTERNOON SESSION

The Senate reconvened at 1:12 p.m., President Kibbie presiding.

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 March 18, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2364, a bill for an act relating to school district financing arrangements, specifying funds into which loan proceeds shall be deposited and from which principal and interest payments shall be expended, and authorizing utilization of physical plant and equipment levy revenue to guarantee school district energy savings contracts.

Read first time and referred to committee on **Education**.

House File 2542, a bill for an act concerning work-related injuries suffered and claims made outside of this state.

Read first time and referred to committee on **Labor and Business Relations**.

House File 2568, a bill for an act relating to the calculation of certain weekly workers' compensation benefits by requiring certain weekly workers' compensation benefits to be calculated by including an employee's shift differential pay and by changing the basis for calculating the weekly rate for certain injured inmates.

Read first time and referred to committee on **Labor and Business Relations**.

House File 2589, a bill for an act relating to unemployment insurance tax penalties, and providing an effective date.

Read first time and referred to committee on **Labor and Business Relations**.

SPECIAL GUEST

Senator Beall welcomed to the chamber the Honorable Mary Kramer, former senator from Polk County. She served as President of the Senate and has been a United States Ambassador to Barbados and the Eastern Caribbean.

The Senate rose and expressed its welcome.

QUORUM CALL

Senator Dotzler requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent, and a quorum present.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2312.

Senate File 2312

On motion of Senator Appel, **Senate File 2312**, a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions, was taken up for consideration.

Senator Hogg offered amendment S-5127, filed by him from the floor to pages 1-12 of the bill.

Senator Hogg asked that action on amendment S-5127 be deferred.

Senator Mulder offered amendment S-5135, filed by Senators Mulder, Wood, and Zaun from the floor to pages 1-13 and 59 and to the title page of the bill.

The Senate stood at ease at 1:28 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:43 p.m., President Pro Tempore Danielson presiding.

Senator Mulder moved the adoption of amendment S-5135.

A nonrecord roll call was requested.

The ayes were 16, nays 26.

Amendment S-5135 lost.

The Senate resumed consideration of amendment S-5127, previously deferred.

Senator Hogg moved the adoption of amendment S-5127.

A nonrecord roll call was requested.

The ayes were 17, nays 27.

Amendment S-5127 lost.

Senator Courtney withdrew amendment S-5107, filed by him on March 13, 2008, to pages 1, 4, 5, 11, and 12 of the bill.

Senator Quirnbach offered amendment S-5126, filed by him from the floor to page 14 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 26, nays 20.

Amendment S-5126 was adopted.

Senator Hahn offered amendment S-5109, filed by him on March 13, 2008, to page 44 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5109 be adopted?” (S.F. 2312), the vote was:

Yeas, 16:

Behn	Hartsuch	McKinley	Seymour
Boettger	Houser	Mulder	Wieck
Gaskill	Johnson	Noble	Zaun
Hahn	Kettering	Putney	Zieman

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, 3:

Angelo	McKibben	Ward
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Amendment S–5109 lost.

Senator McKinley offered amendment S–5136, filed by Senators McKinley and Kreiman from the floor to page 50 of the bill, and moved its adoption.

Amendment S–5136 lost by a voice vote.

Senator Appel 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. 2312), the vote was:

Yeas, 43:

Appel	Dvorsky	Houser	Ragan
Beall	Fraise	Johnson	Rielly
Behn	Gaskill	Kettering	Schmitz
Black	Gronstal	Kibbie	Schoenjahn
Boettger	Hahn	Lundby	Seng
Bolkcom	Hancock	McCoy	Seymour
Connolly	Hartsuch	McKinley	Stewart

Courtney	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Putney	Zieman
Dotzler	Horn	Quirnbach	

Nays, 4:

Kreiman	Mulder	Wood	Zaun
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Absent, 3:

Angelo	McKibben	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

Senate File 2279

The Senate resumed consideration of **Senate File 2279**, a bill for an act establishing health, nutrition, and cardiopulmonary resuscitation certification requirements for students, school districts, and accredited nonpublic schools, previously deferred.

Senator Boettger withdrew amendment S-5133, filed by her from the floor to pages 1-3 of the bill.

Senator Zieman offered amendment S-5131, filed by him from the floor to page 1 of the bill.

Senator Connolly raised the point of order that amendment S-5131 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5131 out of order.

Senator Zaun offered amendment S-5128, filed by him from the floor to pages 1-3 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5128 be adopted?” (S.F. 2279), the vote was:

Yeas, 19:

Behn	Hartsuch	McKinley	Seymour
Boettger	Houser	Mulder	Wieck
Gaskill	Johnson	Noble	Zaun
Hahn	Kettering	Putney	Zieman
Hancock	Lundby	Seng	

Nays, 28:

Appel	Dearden	Hogg	Ragan
Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Kibbie	Schmitz
Bolkcom	Fraise	Kreiman	Schoenjahn
Connolly	Gronstal	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood

Absent, 3:

Angelo	McKibben	Ward
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Amendment S–5128 lost.

Senator Boettger offered amendment S–5137, filed by her from the floor to page 1 of the bill, and moved its adoption.

Amendment S–5137 was adopted by a voice vote.

Senator Boettger offered amendment S–5132, filed by her from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5132 be adopted?” (S.F. 2279), the vote was:

Yeas, 17:

Behn	Houser	Mulder	Zaun
Boettger	Johnson	Noble	Zieman
Gaskill	Kettering	Putney	
Hahn	Lundby	Seymour	
Hartsuch	McKinley	Wieck	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 3:

Angelo	McKibben	Ward
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Amendment S-5132 lost.

Senator Appel offered amendment S-5123, filed by her on March 17, 2008, to pages 2 and 3 and to the title page of the bill.

Senator Johnson offered amendment S-5146, filed by him from the floor to page 1 of amendment S-5123, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5146 to amendment S-5123 be adopted?" (S.F. 2279), the vote was:

Yeas, 16:

Behn	Hartsuch	Lundby	Seymour
Boettger	Houser	McKinley	Wieck
Gaskill	Johnson	Noble	Zaun
Hahn	Kettering	Putney	Zieman

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Connolly	Hancock	Mulder	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, 3:

Angelo	McKibben	Ward
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Amendment S-5146 lost.

Senator Mulder withdrew amendment S-5138, filed by Senators Mulder and Wood from the floor to page 1 of amendment S-5123.

Senator Appel offered amendment S-5140, filed by her from the floor to page 17 of amendment S-5123, and moved its adoption.

Amendment S-5140 was adopted by a voice vote.

Senator McKinley offered amendment S-5144, filed by him from the floor to page 1 of amendment S-5123, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5144 to amendment S-5123 be adopted?" (S.F. 2279), the vote was:

Yeas, 16:

Behn	Hartsuch	Lundby	Seymour
Boettger	Houser	McKinley	Wieck
Gaskill	Johnson	Noble	Zaun
Hahn	Kettering	Putney	Zieman

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Connolly	Hancock	Mulder	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, 3:

Angelo	McKibben	Ward
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Amendment S-5144 lost.

Senator Zaun offered amendment S-5141, filed by him from the floor to page 1 of amendment S-5123.

Senator Connolly raised the point of order that amendment S-5141 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5141 out of order.

Senator Appel moved the adoption of amendment S-5123, as amended.

Amendment S-5123 was adopted by a voice vote.

Senator Appel 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. 2279), the vote was:

Yeas, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	McCoy	Seng
Bolkcom	Gronstal	Mulder	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Nays, 17:

Behn	Houser	McKinley	Zaun
Boettger	Johnson	Noble	Zieman
Gaskill	Kettering	Putney	
Hahn	Kreiman	Seymour	
Hartsuch	Lundby	Wieck	

Absent, 3:

Angelo	McKibben	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2387.

Senate File 2387

On motion of Senator Kibbie, **Senate File 2387**, a bill for an act relating to permissible prizes for use of an electrical and mechanical amusement device and the penalties for awarding an improper cash prize, was taken up for consideration.

Senator Kibbie offered amendment S-5110, filed by him on March 13, 2008, to pages 1-3 of the bill, and moved its adoption.

Amendment S-5110 was adopted by a voice vote.

Senator Kibbie 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. 2387), the vote was:

Yeas, 47:

Appel	Fraise	Kettering	Rielly
Beall	Gaskill	Kibbie	Schmitz
Behn	Gronstal	Kreiman	Schoenjahn
Black	Hahn	Lundby	Seng
Boettger	Hancock	McCoy	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Connolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Noble	Wieck
Danielson	Hogg	Olive	Wood
Dearden	Horn	Putney	Zaun
Dotzler	Houser	Quirnbach	Zieman
Dvorsky	Johnson	Ragan	

Nays, none.

Absent, 3:

Angelo	McKibben	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 2312

Senator Ziemann withdrew the following motions to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S-5126 to Senate File 2312 was adopted by the Senate on March 18, 2008.

ALSO: I move to reconsider the vote by which Senate File 2312 passed the Senate on March 18, 2008.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2279, 2312, and 2387** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:38 p.m. until 8:45 a.m., Wednesday, March 19, 2008.

APPENDIX—2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Emery and Mabel Petersen, Elk Horn—For celebrating their 60th wedding anniversary. Senator Boettger (3/18/08).

Aaron Roberts, Audubon—For achieving the rank of Eagle Scout, Boy Scout Troop 103. Senator Boettger (3/18/08).

Bill and Shirley Shaw, Audubon—For celebrating their 50th wedding anniversary. Senator Boettger (3/18/08).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: March 18, 2008, 4:45 p.m.

Members Present: Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Danielson, Dotzler, Hahn, Mulder, Rielly, Schmitz, Seymour, and Zaun.

Members Absent: Hatch (excused).

Committee Business: Passed HF 2450, as amended.

Adjourned: 4:50 p.m.

RULES AND ADMINISTRATION

Convened: March 18, 2008, 4:40 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Ziemann.

Members Absent: Angelo (excused).

Committee Business: Approved SRs 117 and 118.

Adjourned: 4:45 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 118, by Ward, Angelo, Appel, Beall, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dearden, Dotzler, Dvorsky, Fraise, Gaskill, Gronstal, Hahn, Hancock, Hartsuch, Hatch, Heckroth, Hogg, Horn, Houser, Johnson, Kettering, Kibbie, Kreiman, Lundby, McCoy, McKinley, Mulder, Noble, Olive, Putney, Quirmbach, Ragan, Rielly, Schmitz, Schoenjahn, Seng, Seymour, Stewart, Warnstadt, Wieck, Wood, Zaun, and Zieman, a resolution honoring the remarkable achievements of Iowa's own Shawn Johnson.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILLS RECEIVED

SSB 3285 Appropriations

Relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, authorizing increased allocations for administrative costs, and providing an effective date and applicability provision.

SSB 3286 Ways and Means

Relating to wage payment collection and employment classification issues arising between employers and individuals who provide services to employers and including an appropriation and an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2373

APPROPRIATIONS: Connolly, Chair; Dvorsky, Kettering, Ward, and Wood

SSB 3285

APPROPRIATIONS: Dotzler, Chair; Danielson, Dvorsky, Johnson, and Kettering

SSB 3286

WAYS AND MEANS: Bolkcom, Chair; Angelo and Dotzler

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 117, a resolution celebrating the 100th birthday of the United States Army Reserve, honoring the commitment, dedication, and service to America, and wishing for its continued support to our soldiers.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, Wieck, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 118, a resolution honoring the remarkable achievements of Iowa's own Shawn Johnson.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, Wieck, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2278, Amendment S-5112, the following correction was made:

1. Page 2, line 9: "3." was corrected to "Sec. 57."

MICHAEL E. MARSHALL
Secretary of the Senate

PETITION

The following petition was presented and placed on file:

From approximately 5,000 residents of Iowa favoring legislation dealing with a factory farm moratorium. Senator Gronstal.

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

ACCOUNTANCY EXAMINING BOARD (Sec. 542.4)	
Thomas Engelmann, Davenport	05/01/2008 – 04/30/2011
Marianne Mickelson, West Des Moines	05/01/2008 – 04/30/2011
COMMISSION ON THE STATUS OF AFRICAN-AMERICANS (Sec. 216A.142)	
Krystal Madlock, Waterloo	05/01/2008 – 04/30/2012
Rosemary Parson, Urbandale	05/01/2008 – 04/30/2012
Stephan Pearson, Sioux City	05/01/2008 – 04/30/2012
Jerome Thomas, Dubuque	05/01/2008 – 04/30/2012
AGRICULTURAL DEVELOPMENT AUTHORITY (Sec. 175.3)	
Kathleen Delate, Ames	05/01/2008 – 04/30/2014
Gregory Steelsmith, Beaman	05/01/2008 – 04/30/2014
Annette Townsley, Letts	05/01/2008 – 04/30/2014
ALCOHOLIC BEVERAGES COMMISSION (Sec. 123.5-6)	
Greg Nashleanas, Sioux City	05/01/2008 – 04/30/2013
ARCHITECTURAL EXAMINING BOARD (Sec. 544A.1)	
Terry Allers, Fort Dodge	05/01/2008 – 04/30/2011
Thomas Clause, Winterset	05/01/2008 – 04/30/2011
Sue Jarboe, Urbandale	05/01/2008 – 04/30/2011
BOARD OF ATHLETIC TRAINING (Sec. 147.14(18))	
Pamela Davis, Bettendorf	05/01/2008 – 04/30/2011
Melody Higgins, Asbury	05/01/2008 – 04/30/2011
Lynn Lindaman, West Des Moines	05/01/2008 – 04/30/2011
BOARD OF BARBERING (Sec. 147.14(1))	
Clark (Sam) Kauffman, Audubon	05/01/2008 – 04/30/2011
Robert Van Vooren, Durant	05/01/2008 – 04/30/2011
BOARD OF BEHAVIORAL SCIENCE (Sec. 147.14(13))	
Darcie Davis-Gage, Waterloo	05/01/2008 – 04/30/2011
Lonnie Marshall, Cedar Rapids	03/17/2008 – 04/30/2009
Marcia Michaels, Ames	05/01/2008 – 04/30/2011
Siew-San Wong, Urbandale	05/01/2008 – 04/30/2011

COMMISSION FOR THE BLIND (Sec. 216B.2)	
Sandra Ryan, Ankeny	05/01/2008 – 04/30/2011
IOWA CAPITAL INVESTMENT BOARD (Sec. 15E.63)	
Carol Garrett, Bettendorf	05/01/2008 – 04/30/2013
BOARD OF CHIROPRACTIC (Sec. 147.14(8))	
Karla Henderson, Holstein	05/01/2008 – 04/30/2011
Steven Kraus, Carroll	05/01/2008 – 05/19/2009
Dori Rammelsberg-Dvorak, Clutier	05/01/2008 – 04/30/2011
CITY DEVELOPMENT BOARD (Sec. 368.9)	
Claudia Niles, Carroll	05/01/2008 – 04/30/2014
DIRECTOR OF THE IOWA STATE CIVIL RIGHTS COMMISSION (Sec. 216.3)	
Ralph Rosenberg, Ames	05/01/2008 – Pleasure of the Governor
COMMISSION ON COMMUNITY ACTION AGENCIES (Sec. 216A.92A)	
Amber Crystal Amos, Des Moines	03/17/2008 – 04/30/2009
Kathy Beauchamp, Des Moines	05/01/2008 – 04/30/2011
Michelle Hatfield, Sioux City	03/17/2008 – 04/30/2010
Merl McFarlane, Oelwein	05/01/2008 – 04/30/2011
Amy Peiffer, Stockton	05/01/2008 – 04/30/2011
BOARD OF COSMETOLOGY ARTS AND SCIENCES (Sec. 147.14(14))	
Dana Atkins, Burlington	05/01/2008 – 04/30/2011
Becky Brockmann, Hartley	05/01/2008 – 04/30/2011
Richard Mosley, Urbandale	05/01/2008 – 04/30/2011
Kimberly Setzer, Whittetmore	05/01/2008 – 04/30/2011
Karen Thomsen, Cumberland	05/01/2008 – 04/30/2011
CREDIT UNION REVIEW BOARD (Sec. 533.53)	
Tahira Hira, Ames	03/17/2008 – 04/30/2010
Barbara Oliver-Hall, Des Moines	05/01/2008 – 04/30/2011
SUPERINTENDENT OF CREDIT UNIONS (Sec. 533.104)	
James Forney, Polk City	07/01/2007 – 04/30/2011
COMMISSION ON THE DEAF (Sec. 216A.112)	
Jacquelyn Fletcher, Burlington	05/01/2008 – 04/30/2011
Tammy Westoff Gentry, Des Moines	05/01/2008 – 04/30/2011
James Grover, Sioux City	05/01/2008 – 04/30/2011
BOARD OF DENTISTRY (Sec. 147.14(4))	
Perry Grimes, Cedar Rapids	05/01/2008 – 04/30/2011
Diane Meier, Iowa Falls	05/01/2008 – 04/30/2011
VaLinda Parsons, Ames	05/01/2008 – 04/30/2011
BOARD OF DIETETICS (Sec. 147.14(11))	
Christine O'Brien, Burlington	05/01/2008 – 04/30/2011
Robert Schweers, Ankeny	05/01/2008 – 04/30/2011

IOWA DRUG POLICY ADVISORY COUNCIL (Sec. 80E.2)

Jeffrey Hughes, Grinnell	05/01/2008 – 04/30/2012
Christina Wilson, West Des Moines	05/01/2008 – 04/30/2012

STATE BOARD OF EDUCATION (Sec. 256.3)

Jude Fitzpatrick, West Des Moines	05/01/2008 – 04/30/2014
Joan Jaimes, Marshalltown	03/17/2008 – 04/30/2012
Valorie Kruse, Sioux City	05/01/2008 – 04/30/2014
Max Phillips, Woodward	05/01/2008 – 04/30/2014
LaMetta Wynn, Clinton	05/01/2008 – 04/30/2014

COMMISSION OF ELDER AFFAIRS (Sec. 231.11)

Linda Larkin, Fort Madison	05/01/2008 – 04/30/2012
Gloria Reber, Iowa Falls	05/01/2008 – 04/30/2012

ELECTRICAL EXAMINING BOARD (Sec. 103.2)

Chad Campion, Iowa City	05/01/2008 – 04/30/2011
Lori Mease, Des Moines	05/01/2008 – 04/30/2011
Andrea Rivera-Harrison, Des Moines	05/01/2008 – 04/30/2011

EMPLOYMENT APPEAL BOARD (Sec. 10A.601)

Monique Kuester, Urbandale	05/01/2008 – 04/30/2014
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FACILITATOR OF THE IOWA EMPOWERMENT BOARD (Sec. 28.3(6b))

Shanell Wagler, Panora	05/01/2008 – Pleasure of the Governor
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IOWA EMPOWERMENT BOARD (Sec. 28.3)

John Calhoun, Polk City	05/01/2008 – 04/30/2011
John Dotson, Central City	05/01/2008 – 04/30/2011

ENGINEERING AND LAND SURVEYING EXAMINING BOARD (Sec. 542B.3)

Gary Benjamin, Clive	05/01/2008 – 04/30/2011
Gowri Kalavala, West Des Moines	05/01/2008 – 04/30/2011
Jerry Shellberg, Red Oak	05/01/2008 – 04/30/2011

ENVIRONMENTAL PROTECTION COMMISSION (Sec. 455A.6)

Scott Mahr, Coralville	03/17/2008 – 04/30/2009
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GENERATION IOWA COMMISSION (Sec. 15.421)

Ragen Cote, Sioux City	05/01/2008 – 04/30/2011
Christian Fong, Cedar Rapids	05/01/2008 – 04/30/2011
Emiliano Lerda, Urbandale	05/01/2008 – 04/30/2011
Sophia Magill, Ames	05/01/2008 – 04/30/2011
Melissa Schoneberg, Mason City	05/01/2008 – 04/30/2011

IOWA GRAIN INDEMNITY FUND BOARD (Sec. 203D.4)

Sandy Simpson, Onawa	05/01/2008 – 04/30/2011
Sharon Smith, Knoxville	05/01/2008 – 04/30/2011

HEALTHY AND WELL KIDS IN IOWA (HAWK-I) BOARD (Sec. 514I.5)

Kimberly Carson, Des Moines	05/01/2008 – 04/30/2010
John Ortega, Bettendorf	05/01/2008 – 04/30/2010

BOARD OF HEARING AID DISPENSERS (Sec. 154A.2-3)

Mary Ricketts, Davenport	05/01/2008 – 04/30/2011
Virginia Rowen, Des Moines	05/01/2008 – 04/30/2011

HIGHER EDUCATION LOAN AUTHORITY (Sec. 261A.5-6)

Janet Piller, Urbandale	05/01/2008 – 04/30/2014
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INTERIOR DESIGN EXAMINING BOARD (Sec. 544C.2)

Frederic Malven, Nevada	05/01/2008 – 04/30/2011
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IOWACCESS ADVISORY COUNCIL (Sec. 8A.221)

Sheila Castaneda, Dubuque	05/01/2008 – 04/30/2012
Kelly Hayworth, Coralville	05/01/2008 – 04/30/2012
Richard Neri, Waukee	05/01/2008 – 04/30/2010
Kathleen Richardson, Des Moines	05/01/2008 – 04/30/2012

COMMISSION ON THE STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE (Sec. 216A.152)

Frank Osako, Cedar Rapids	05/01/2008 – 04/30/2012
Alma Reed, Carlisle	05/01/2008 – 04/30/2012
Kristopher Walters, Urbandale	05/01/2008 – 04/30/2012

IOWA GREAT PLACES ADVISORY BOARD (Sec. 303.3C(2a))

David Bernstein, Sioux City	05/01/2008 – 04/30/2011
Robert Fritsch, Dubuque	05/01/2008 – 04/30/2011
Thomas Hanafan, Council Bluffs	05/01/2008 – 04/30/2011
Dustin Heland-Embree, Estherville	05/01/2008 – 04/30/2010

IOWA POWER FUND BOARD (Sec. 469.6)

Patricia Higby, Cedar Falls	05/01/2008 – 04/30/2011
Thomas Wind, Jefferson	05/01/2008 – 04/30/2011

CHIEF EXECUTIVE OFFICER OF THE IPERS (Sec. 97B.3)

Donna Mueller, Windsor Heights	05/01/2008 – Pleasure of the Governor
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STATE JUDICIAL NOMINATING COMMISSION (Sec. 46.1)

Margaret Redenbaugh, Storm lake	02/25/2008 – 04/30/2009
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LANDSCAPE ARCHITECTURAL EXAMINING BOARD (Sec. 544B.3)

Laura Hawks, Iowa City	05/01/2008 – 04/30/2011
Carolyn Magnani, Johnston	05/01/2008 – 04/30/2011
Mark Ripplinger, Cedar Falls	05/01/2008 – 04/30/2011

IOWA LAW ENFORCEMENT ACADEMY COUNCIL (Sec. 80B.6)

Angela Bonar, Middletown	05/01/2008 – 04/30/2012
Regina Clemens, Granger	05/01/2008 – 04/30/2012

IOWA LOTTERY AUTHORITY BOARD OF DIRECTORS (Sec. 99G.8)

Brad Schroeder, Pleasant Hill	05/01/2008 – 04/20/2012
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BOARD OF MASSAGE THERAPY (Sec. 147.14(17))

Larry Dallenbach, Arlington	05/01/2008 – 04/30/2011
Kathy Spencer-Jensen, Sioux City	05/01/2008 – 04/30/2011
Marilyn Spina, Des Moines	05/01/2008 – 04/30/2011

BOARD OF MEDICINE (Sec. 147.14(2))

Janice Galli, Sioux City	05/01/2008 – 04/30/2011
Jeffrey Snyder, Crescent	03/17/2008 – 04/30/2010
Paul Thurlow, Dubuque	05/01/2008 – 04/30/2011
Rodney Zeitler, Iowa City	05/01/2008 – 04/30/2011

MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES,
AND BRAIN INJURY COMMISSION (Sec. 225C.5(1))

Julie Fidler Dixon, Cambridge	05/01/2008 – 04/30/2011
Rick Hecht, Sac City	05/01/2008 – 04/30/2011
Susan Koch-Seehase, Sumner	05/01/2008 – 04/30/2011
Patricia Penning, Le Mars	05/01/2008 – 04/30/2011
John Willey, Maquoketa	05/01/2008 – 04/30/2011

MENTAL HEALTH RISK POOL BOARD (Sec. 426B.5(2))

Rebecca Eskildsen, Charlotte	05/01/2008 – 04/30/2011
John Grush, Boone	05/01/2008 – 04/30/2011

BOARD OF MORTUARY SCIENCE (Sec. 147.14(16))

Judith McClure, St. Charles	05/01/2008 – 04/30/2011
Martin Mitchell, Marshalltown	05/01/2008 – 04/30/2011
Tyrone Orr, Davenport	05/01/2008 – 04/30/2011

BOARD OF NURSING (Sec. 147.14(3))

John Connors, Des Moines	05/01/2008 – 04/30/2011
Lisa Flanagan, La Motte	05/01/2008 – 04/30/2011
Lynne Pothast, Gilman	05/01/2008 – 04/30/2011

BOARD OF NURSING HOME ADMINISTRATORS (Sec. 155.2)

Joseph Hickey, Dubuque	05/01/2008 – 04/30/2011
Richard Mishler, Spencer	03/18/2008 – 04/30/2010
Cynthia Thorland, Des Moines	05/01/2008 – 04/30/2011

BOARD OF OPTOMETRY (Sec. 147.14(6))

Terry Brown, Jefferson	05/01/2008 – 04/30/2011
Jeffrey Foreman, Fort Dodge	05/01/2008 – 04/30/2011
Carolyn Warkentin, North Liberty	05/01/2008 – 04/30/2011

BOARD OF PAROLE (Sec. 904A.1-3)

Richard Bordwell, Washington	05/01/2008 – 04/30/2012
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PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEMS

TRUSTEE (Sec. 97A.5)

Terrance Lillis, Urbandale	05/01/2008 – 04/30/2010
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BOARD OF PHARMACY (Sec. 147.14(5))

Vernon Benjamin, Argyle	05/01/2008 – 04/30/2011
Annabelle Diehl, Osceola	05/01/2008 – 04/30/2011
Edward Maier, Mapleton	05/01/2008 – 04/30/2011

BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY (Sec. 147.14(10))

Byron Bork, Coralville	05/01/2008 – 04/30/2011
Jenifer Furness, Davenport	05/01/2008 – 04/30/2011
Armando Rosales, Atlantic	05/01/2008 – 06/25/2010

BOARD OF PHYSICIAN ASSISTANTS (Sec. 147.14(12))

Daniel Gillette, Sioux City	05/01/2008 – 04/30/2011
Ronald Moore, West Union	05/01/2008 – 04/30/2011

BOARD OF PODIATRY (Sec. 147.14(19))

Patsy Hastings, Jefferson	05/01/2008 – 04/30/2011
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PREVENTION OF DISABILITIES POLICY COUNCIL (Sec. 225B.3)

Joan Bruhn, Sioux City	05/01/2008 – 04/30/2011
Marianne (Mary) Nehus, Davenport	05/01/2008 – 04/30/2011

BOARD OF PSYCHOLOGY (Sec. 147.14(7))

Sarah Henderson, Cedar Rapids	05/01/2008 – 04/30/2011
Brenda Payne, Iowa City	05/01/2008 – 04/30/2011

ADJUTANT GENERAL OF THE IOWA DEPARTMENT OF PUBLIC DEFENSE
(Sec. 29A.11)

Ron Dardis, Des Moines	05/01/2008 – Pleasure of the Governor
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PUBLIC EMPLOYMENT RELATIONS BOARD (Sec. 20.5)

Neil Barrick, Johnston	05/01/2008 – 04/30/2012
Sue Warner, Johnston	05/01/2008 – 04/30/2012

STATE RACING AND GAMING COMMISSION (Sec. 99D.5)

Kathryne Cutler, Council Bluffs	05/01/2008 – 04/30/2011
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IOWA RAILWAY FINANCE AUTHORITY (Sec. 327I.5-6)

Dianna Darold, Hudson	05/01/2008 – 04/30/2014
Philip Dorweiler, West Des Moines	05/01/2008 – 04/30/2014

REAL ESTATE APPRAISER EXAMINING BOARD (Sec. 543D.4)

Michael Lara, West Des Moines	05/01/2008 – 04/30/2011
Amy Thorne, West Des Moines	05/01/2008 – 04/30/2011

REAL ESTATE COMMISSION (Sec. 543B.8)

Daniel Berry, Iowa City	05/01/2008 – 04/30/2011
Patricia Daniels, Des Moines	05/01/2008 – 04/30/2011
Laurel (Lori) Diehl, Mason City	05/01/2008 – 04/30/2011
James O'Neill, Council Bluffs	05/01/2008 – 04/30/2011

RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE (Sec. 159A.4)	
Carrie Dodds, New Virginia	05/01/2008 – 04/30/2011
Kevin Lewis, Urbandale	05/01/2008 – 04/30/2011
Laura Rowe, Minburn	05/01/2008 – 04/30/2011
RENEWABLE FUEL INFRASTRUCTURE BOARD (Sec. 15G.202)	
Cindi Grover, Elma	02/15/2008 – 04/30/2010
BOARD OF RESPIRATORY CARE (Sec. 147.14(15))	
Akshay Mahadevia, Bettendorf	05/01/2008 – 04/30/2011
Mary Kathelene Semke, Jefferson	05/01/2008 – 04/30/2011
SCHOOL BUDGET REVIEW COMMITTEE (Sec. 257.30)	
Don Hansen, Algona	05/01/2008 – 04/30/2011
BOARD OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS (Sec. 147.14 (21))	
Amy Cook, Stanwood	05/01/2008 – 04/30/2011
Stuart Thiessen, Des Moines	05/01/2008 – 04/30/2011
BOARD OF SOCIAL WORK (Sec. 147.14(20))	
LaMark Combs, Davenport	05/01/2008 – 04/30/2011
Beth Harms, Sioux City	03/17/2008 – 04/30/2010
Joyce Westphal, Lenox	05/01/2008 – 03/15/2010
BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY (Sec. 147.14(9))	
Christine Donner-Tiernan, Fort Dodge	05/01/2008 – 04/30/2011
Lori Walton, Waukee	05/01/2008 – 04/30/2011
TECHNOLOGY GOVERNANCE BOARD (Sec. 8A.204)	
Atul Gupta, Grimes	05/01/2008 – 04/30/2010
IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION (Sec. 8D.3)	
Robert Hardman, Cedar Falls	05/01/2008 – 04/30/2014
COMMISSION ON TOBACCO USE PREVENTION AND CONTROL (Sec. 142A.3)	
Nora Kurtovic, Waterloo	05/01/2008 – 04/30/2011
Christopher Squier, Iowa City	05/01/2008 – 04/30/2011
TRANSPORTATION COMMISSION (Sec. 307.3)	
Deborah Durham, Sioux City	05/01/2008 – 04/30/2012
Amy Reasner, Cedar Rapids	05/01/2008 – 04/30/2012
COMMISSION OF VETERANS AFFAIRS (Sec. 35A.2)	
Francis McAllister, Burlington	05/01/2008 – 04/30/2012
Saralee Sickles, Polk City	03/17/2008 – 04/30/2010
Mickey Williams, Harlan	05/01/2008 – 04/30/2012
BOARD OF VETERINARY MEDICINE (Sec. 169.5)	
Tom Colvin, Runnells	05/01/2008 – 04/30/2011
Rexanne Struve, Manning	05/01/2008 – 04/30/2011

VISION IOWA BOARD (Sec. 15F.102)

Charles Graf, Clinton	05/01/2008 – 04/30/2011
David Odekirk, Waterloo	05/01/2008 – 04/30/2011
Tammy Robinson, New Hampton	05/01/2008 – 04/30/2011

COMMISSION ON THE STATUS OF WOMEN (Sec. 216A.52-53)

Rizwana Amjed, Clive	05/01/2008 – 04/30/2012
Chad Leonard, Dallas Center	05/01/2008 – 04/30/2012
Phyllis Peters, Ames	03/18/2008 – 04/30/2010
Judy Stafford, Sioux City	05/01/2008 – 04/30/2012
J. Marc Ward, Des Moines	05/01/2008 – 04/30/2012

IOWA WORKFORCE DEVELOPMENT BOARD (Sec. 84A.1A)

Jean Logan, Sioux City	05/01/2008 – 04/30/2012
Ken Sagar, Des Moines	05/01/2008 – 04/30/2012
Karen Vanderhoef, Iowa City	05/01/2008 – 04/30/2012

BY THE IOWA DEPARTMENT OF
AGRICULTURE AND LAND STEWARDSHIP

GRAPE AND WINE DEVELOPMENT COMMISSION (Sec. 175A.2)

Karen Foster, Glenwood	05/01/2008 – 04/30/2011
Linda Larson-Melin, Madrid	05/01/2008 – 04/30/2011

The appointments were referred to the committee on **Rules and Administration**.

GOVERNOR'S DEFERRAL LETTERS

The following letters from the Governor were received in the office of the Secretary of the Senate on March 18, 2008:

Pursuant to Iowa Code section 542.4, please accept this letter as the notice of deferment of the appointment to the Accountancy Examining Board, formerly held by Nancy Bruner. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 216A.142, please accept this letter as the notice of deferment of the appointment to the Commission on the Status of African-Americans, formerly held by Marlene Jessop. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 216A.142, please accept this letter as the notice of deferment of the appointment to the Commission on the Status of African-Americans, formerly held by Treylla Lee-Chavis. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 28.3, please accept this letter as the notice of deferment of the appointment to the Iowa Empowerment Board, formerly held by Arnold Honkamp. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 455A.6, please accept this letter as the notice of deferment of the appointment to the Environmental Protection Commission, formerly held by Darrell Hanson. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 16.2, please accept this letter as the notice of deferment of the appointment to the Iowa Finance Authority, formerly held by Vincent Lintz. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code, please accept this letter as the notice of deferred appointment of the State Public Defender in the Department of Inspections and Appeals. This Administration will begin the selection process which will result in determining the most appropriate person to nominate for this position. Further correspondence will be provided when an appointment is complete.

Pursuant to Iowa Code section 544C.2, please accept this letter as the notice of deferment of the appointment to the Interior Design Examining Board, formerly held by Jason Alread. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 544C.2, please accept this letter as the notice of deferment of the appointment to the Interior Design Examining Board, formerly held by Kathleen Flack. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 216A.152, please accept this letter as the notice of deferment of the appointment to the Commission on the Status of Iowans of Asian and Pacific Islander Heritage, formerly held by Ning Chia. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 216A.152, please accept this letter as the notice of deferment of the appointment to the Commission on the Status of Iowans of Asian and Pacific Islander Heritage, formerly held by Barry Thongvanh. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code, please accept this letter as the notice of deferred appointment of the CEO to the Iowa Lottery Authority. This Administration will begin

the selection process which will result in determining the most appropriate person to nominate for this position. Further correspondence will be provided when an appointment is complete.

Pursuant to Iowa Code section 147.14(17), please accept this letter as the notice of deferment of the appointment to the Board of Massage Therapy, formerly held by Kenneth Lang. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 426B.5(2), please accept this letter as the notice of deferment of the appointment to the Mental Health Risk Pool Board, formerly held by Karen Strawn. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 455A.5, please accept this letter as the notice of deferment of the appointment to the Natural Resource Commission, formerly held by Lennis Moore. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 147.14(19), please accept this letter as the notice of deferment of the appointment to the Board of Podiatry, formerly held by Robert Yoho. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 147.14(7), please accept this letter as the notice of deferment of the appointment to the Board of Psychology, formerly held by John Tedesco. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 99D.5, please accept this letter as the notice of deferment of the appointment to the State Racing and Gaming Commission, formerly held by Gerald Bair. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 543D.4, please accept this letter as the notice of deferment of the appointment to the Real Estate Appraiser Examining Board, formerly held by Debra Floyd. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 147.14(20), please accept this letter as the notice of deferment of the appointment to the Board of Social Work, formerly held by Christine Hoffman. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 142A.3, please accept this letter as the notice of deferment of the appointment to the Tobacco Use Prevention and Control, formerly held by Andrea Coziahr. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 35A.2, please accept this letter as the notice of deferment of the appointment to the Commission of Veterans Affairs, formerly held by Cecelia Schroeder. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

AMENDMENTS FILED

S-5126	S.F.	2312	Herman C. Quirmbach
S-5127	S.F.	2312	Robert M. Hogg
S-5128	S.F.	2279	Brad Zaun
S-5129	S.F.	2364	Keith A. Kreiman
S-5130	S.F.	2199	Thomas Rielly
S-5131	S.F.	2279	Mark Ziemann
S-5132	S.F.	2279	Nancy J. Boettger
S-5133	S.F.	2279	Nancy J. Boettger
S-5134	S.F.	2392	Thomas Rielly
S-5135	S.F.	2312	Frank B. Wood Brad Zaun Dave Mulder
S-5136	S.F.	2312	Paul McKinley Keith A. Kreiman
S-5137	S.F.	2279	Nancy J. Boettger
S-5138	S.F.	2279	Dave Mulder Frank B. Wood
S-5139	S.F.	2353	Robert M. Hogg
S-5140	S.F.	2279	Staci Appel
S-5141	S.F.	2279	Brad Zaun
S-5142	S.F.	2328	Brad Zaun
S-5143	S.F.	2353	Robert M. Hogg
S-5144	S.F.	2279	Paul McKinley
S-5145	S.F.	2328	Mary A. Lundby
S-5146	S.F.	2279	David Johnson
S-5147	H.F.	2392	Rich Olive Robert E. Dvorsky
S-5148	S.F.	2392	Thomas Rielly

JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY
THIRTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 19, 2008

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 Tuesday, March 18, 2008, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 118.

Senate Resolution 118

On motion of Senator Angelo, **Senate Resolution 118**, a resolution honoring the remarkable achievements of Iowa's own Shawn Johnson, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved the adoption of Senate Resolution 118, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Angelo introduced to the chamber Shawn Johnson and her parents, Doug and Teri. Ms. Johnson is an international gymnast from West Des Moines. She is now training in the hope of competing at the 2008 Beijing Olympics.

The Senate rose and expressed its welcome.

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 9:00 a.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Joint Resolution 2002.

Senate Joint Resolution 2002

On motion of Senator Dearden, **Senate Joint Resolution 2002**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources, was taken up for consideration.

Senator Dearden moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the resolution was read the last time.

Senate Joint Resolution 2002, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article VII of the Constitution of the State of Iowa is amended by adding the following new section:

NATURAL RESOURCES. SEC. 10. A natural resources and outdoor recreation trust fund is created within the treasury for the purposes of protecting and enhancing water quality and natural areas in this State including parks, trails, and fish and wildlife habitat, and conserving agricultural soils in this State. Moneys in the fund shall be exclusively appropriated by law for these purposes.

The general assembly shall provide by law for the implementation of this section, including by providing for the administration of the fund and at least annual audits of the fund.

Except as otherwise provided in this section, the fund shall be annually credited with an amount equal to the amount generated by a sales tax rate of three-eighths of one percent as may be imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

No revenue shall be credited to the fund until the tax rate for the sales tax imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State in effect on the effective date of this section is increased. After such an increased tax rate becomes effective, an amount equal to the amount generated by the increase in the tax rate shall be annually credited to the fund, not to exceed an amount equal to the amount generated by a tax rate of three-eighths of one percent imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause it to be published for three consecutive months before the date of the election as provided by law.

(Action on **Senate Joint Resolution 2002** was deferred.)

The Senate stood at ease at 9:05 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:43 a.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Ward, until she arrives, on request of Senator Wieck.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2364.

Senate File 2364

On motion of Senator Kreiman, **Senate File 2364**, a bill for an act relating to the emancipation of a minor, was taken up for consideration.

Senator Kreiman offered amendment S-5129, filed by him on March 18, 2008, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5129 was adopted by a voice vote.

Senator Kreiman 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. 2364), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Warnstadt
Bolkcom	Hatch	Mulder	Wieck
Connolly	Heckroth	Noble	Wood
Courtney	Hogg	Olive	Zaun
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirmbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

Senate Joint Resolution 2002

The Senate resumed consideration of **Senate Joint Resolution 2002**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources, previously deferred.

Senator Zieman offered amendment S-5152, filed by Senator Zieman, et al., from the floor to page 1 of the resolution, and moved its adoption.

Amendment S-5152 lost by a voice vote.

Senator Behn offered amendment S-5153, filed by Senator Behn, et al., from the floor to page 1 of the resolution, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5153 be adopted?" (S.J.R. 2002), the vote was:

Yeas, 16:

Angelo	Hahn	McKibben	Seymour
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Gaskill	Kettering	Putney	Zieman

Nays, 33:

Appel	Dvorsky	Kibbie	Schmitz
Beall	Fraise	Kreiman	Schoenjahn
Black	Gronstal	Lundby	Seng
Bolkcom	Hancock	McCoy	Stewart
Connolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Olive	Wood
Danielson	Hogg	Quirmbach	
Dearden	Horn	Ragan	
Dotzler	Johnson	Rielly	

Absent, 1:

Ward

Amendment S-5153 lost.

Senator Zieman offered amendment S-5154, filed by Senator Zieman, et al., from the floor to page 1 of the resolution, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5154 be adopted?" (S.J.R. 2002), the vote was:

Yeas, 14:

Angelo	Hahn	McKinley	Zaun
Behn	Hartsuch	Putney	Zieman
Boettger	Kettering	Seymour	
Gaskill	McKibben	Wieck	

Nays, 35:

Appel	Dvorsky	Johnson	Ragan
Beall	Fraise	Kibbie	Rielly
Black	Gronstal	Kreiman	Schmitz
Bolkcom	Hancock	Lundby	Schoenjahn
Connolly	Hatch	McCoy	Seng
Courtney	Heckroth	Mulder	Stewart
Danielson	Hogg	Noble	Warnstadt
Dearden	Horn	Olive	Wood
Dotzler	Houser	Quirmbach	

Absent, 1:

Ward

Amendment S-5154 lost.

Senator Wieck offered amendment S-5155, filed by Senator Wieck, et al., from the floor to page 1 of the resolution, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5155 be adopted?" (S.J.R. 2002), the vote was:

Yeas, 14:

Angelo	Hahn	McKinley	Zaun
Behn	Hartsuch	Putney	Zieman
Boettger	Kettering	Seymour	
Gaskill	McKibben	Wieck	

Nays, 35:

Appel	Dvorsky	Johnson	Ragan
Beall	Fraise	Kibbie	Rielly
Black	Gronstal	Kreiman	Schmitz
Bolkcom	Hancock	Lundby	Schoenjahn
Connolly	Hatch	McCoy	Seng
Courtney	Heckroth	Mulder	Stewart
Danielson	Hogg	Noble	Warnstadt
Dearden	Horn	Olive	Wood
Dotzler	Houser	Quirnbach	

Absent, 1:

Ward

Amendment S-5155 lost.

Senator McKinley offered amendment S-5157, filed by him from the floor to page 1 of the resolution, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5157 be adopted?" (S.J.R. 2002), the vote was:

Yeas, 14:

Behn	Houser	Noble	Zaun
Boettger	Kettering	Putney	Zieman
Hahn	McKibben	Seymour	
Hartsuch	McKinley	Wieck	

Nays, 35:

Angelo	Dotzler	Horn	Ragan
Appel	Dvorsky	Johnson	Rielly
Beall	Fraise	Kibbie	Schmitz
Black	Gaskill	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Mulder	Warnstadt
Danielson	Heckroth	Olive	Wood
Dearden	Hogg	Quirmbach	

Absent, 1:

Ward

Amendment S-5157 lost.

Senator Dearden moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read a last time.

On the question "Shall the resolution be adopted?" (S.J.R. 2002), the vote was:

Yeas, 47:

Angelo	Fraise	Kettering	Ragan
Appel	Gaskill	Kibbie	Schmitz
Beall	Gronstal	Kreiman	Schoenjahn
Behn	Hahn	Lundby	Seng
Black	Hancock	McCoy	Seymour
Boettger	Hartsuch	McKibben	Stewart
Bolkcom	Hatch	McKinley	Warnstadt
Connolly	Heckroth	Mulder	Wieck
Danielson	Hogg	Noble	Wood
Dearden	Horn	Olive	Zaun
Dotzler	Houser	Putney	Zieman
Dvorsky	Johnson	Quirmbach	

Nays, 2:

Courtney Rielly

Absent, 1:

Ward

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Joint Resolution 2002** and **Senate File 2364** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:40 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:00 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:01 p.m. until 4:30 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Elizabeth Dahlhauser, West Bend—For celebrating her 95th birthday. Senator Kibbie (3/19/08).

Don and Karen Day, Gilmore City—For celebrating their 50th wedding anniversary. Senator Kibbie (3/19/08).

Dora Gritsch, Brooklyn—For celebrating her 90th birthday. Senator Rielly (3/19/08).

Hadar Manufacturing, Humboldt—For receiving the Renew Rural Iowa Entrepreneur of the Month award for February. Senator Kibbie (3/19/08).

Charles and Judy Johnson, Palmer—For celebrating their 50th wedding anniversary. Senator Kibbie (3/19/08).

Edna Kuethe—For celebrating her 100th birthday. Senator Heckroth (3/19/08).

Ben Murphy, Dyersville—For achieving the rank of Eagle Scout, Boy Scout Troop 60. Senator Hancock (3/19/08).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 19, 2008, 1:05 p.m.

Members Present: Fraise, Chair; Rielly, Vice Chair; Johnson, Ranking Member; Appel, Black, Gaskill, Hancock, Kibbie, Mulder, and Olive.

Members Absent: Boettger, Courtney, Houser, Putney, and Seng (all excused).

Committee Business: Approved SSB 3281, as amended.

Adjourned: 1:10 p.m.

COMMERCE

Convened: March 19, 2008, 11:40 a.m.

Members Present: Warnstadt, Chair; Heckroth, Vice Chair; Behn, Ranking Member; Angelo, Courtney, Kettering, McCoy, Olive, Rielly, Schoenjahn, and Stewart.

Members Absent: Bolkcom, McKibben, Putney, and Ward (all excused).

Committee Business: Passed HF 2384.

Adjourned: 11:50 a.m.

EDUCATION

Convened: March 19, 2008, 3:10 p.m.

Members Present: Schoenjahn, Chair; Appel, Vice Chair; Mulder, Ranking Member; Beall, Boettger, Connolly, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Schmitz, Wood, Zaun, and Zieman.

Members Absent: None.

Committee Business: Discussion of pending bills.

Recessed: 3:20 p.m.

Reconvened: 3:30 p.m.

Adjourned: 3:45 p.m.

RULES AND ADMINISTRATION

Convened: March 19, 2008, 8:57 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman.

Members Absent: None.

Committee Business: Approved governor's appointments to standing committees.

Adjourned: 9:00 a.m.

STATE GOVERNMENT

Convened: March 19, 2008, 2:00 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Zieman, Ranking Member; Appel, Behn, Danielson, Gaskill, Hahn, Kettering, Kibbie, Schmitz, and Wood.

Members Absent: Black, Hatch, and McKibben (all excused).

Committee Business: Passed HFs 2410, 2411, and 2547.

Adjourned: 2:45 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 103, by Bolkcom and Ragan, a concurrent resolution urging the United States Congress to adopt a budget that meets the needs of Iowa's children and families, restores funding for human needs, and avoids shifting the responsibility for funding of necessary human needs from the federal to state government.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS

House File 2364

EDUCATION: Schoenjahn, Chair; Johnson and Wood

House File 2568

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Horn and Kettering

House File 2589

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Behn and Hatch

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: HOUSE FILE 2384, a bill for an act relating to the deposit of public funds with corporate credit unions.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Warnstadt, Heckroth, Behn, Angelo, Courtney, Kettering, McCoy, Olive, Rielly, Schoenjahn, and Stewart. Nays, none. Absent, 4: Bolkcom, McKibben, Putney, and Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH

Bill Title: HOUSE FILE 2450, a bill for an act relating to certain department of economic development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, the administration of targeted industries development, and providing an effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5149.

Final Vote: Ayes, 12: Stewart, Olive, Houser, Beall, Danielson, Dotzler, Hahn, Mulder, Rielly, Schmitz, Seymour, and Zaun. Nays, none. Absent, 1: Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: HOUSE FILE 2410, a bill for an act relating to alarm system installer or contractor certification and electrician licensure provisions, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Connolly, Horn, Zieman, Appel, Behn, Danielson, Gaskill, Hahn, Kettering, Kibbie, and Schmitz. Nays, none. Absent, 4: Black, Hatch, McKibben, and Wood.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2411, a bill for an act providing for changes in electrician licensure requirements for specified licensure classifications, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Connolly, Horn, Zieman, Appel, Behn, Danielson, Gaskill, Hahn, Kettering, Kibbie, and Schmitz. Nays, none. Absent, 4: Black, Hatch, McKibben, and Wood.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2547, a bill for an act modifying provisions relating to statewide licensure and certification of electricians and alarm system contractors and installers, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Connolly, Horn, Zieman, Appel, Behn, Danielson, Gaskill, Hahn, Kettering, Kibbie, and Schmitz. Nays, none. Absent, 4: Black, Hatch, McKibben, and Wood.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened at 4:54 p.m., President Kibbie presiding.

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 March 19, 2008, **insisted on its amendment to House File 2212**, a bill for an act creating a smokefree air Act and providing penalties, and the Conference Committee members on the part of the House are: The Representative from Linn, Representative Tyler Olson, Chair; the Representative from Ringgold, Representative Dolecheck; the Representative from Polk, Representative Petersen; the Representative from Union, Representative Reasoner; and the Representative from Plymouth, Representative Soderberg.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2212** on the part of the Senate: Senators Appel, Chair; Bolkom, Dotzler, Wieck, and Ziemann.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2391** be referred from the Regular Calendar to the committee on **Appropriations**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKibben, until he returns, on request of Senator Wieck.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2189.

Senate File 2189

On motion of Senator Gaskill, **Senate File 2189**, a bill for an act concerning bingo conducted during county fairs, was taken up for consideration.

Senator Gaskill offered amendment S-5161, filed by him from the floor striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Hancock offered amendment S-5170, filed by him from the floor to page 2 of amendment S-5161, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5170 to amendment S-5161 be adopted?" (S.F. 2189), the vote was:

Yeas, 27:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Connolly	Gronstal	Olive	Stewart
Courtney	Hancock	Quirnbach	Warnstadt
Danielson	Hatch	Ragan	Wood
Dearden	Heckroth	Rielly	

Nays, 21:

Angelo	Hartsuch	McCoy	Wieck
Behn	Hogg	McKinley	Zaun
Boettger	Houser	Mulder	Zieman
Bolkcom	Johnson	Noble	
Gaskill	Kettering	Putney	
Hahn	Lundby	Seymour	

Absent, 2:

McKibben	Ward
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Amendment S-5170 was adopted.

Senator Gaskill moved the adoption of amendment S-5161, as amended.

Amendment S-5161 was adopted by a voice vote.

With the adoption of amendment S-5161, the Chair ruled amendment S-5016, filed by Senator Hancock on February 26, 2008, to page 1 and to the title page of the bill, and amendment S-5096, filed by Senator Hancock on March 12, 2008, to page 1 and to the title page of the bill, out of order.

Senator Gaskill 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. 2189), the vote was:

Yeas, 32:

Appel	Dvorsky	Horn	Ragan
Beall	Fraise	Houser	Rielly
Black	Gaskill	Johnson	Schmitz
Connolly	Gronstal	Kibbie	Schoenjahn
Courtney	Hahn	Kreiman	Seng
Danielson	Hancock	Olive	Stewart
Dearden	Hatch	Putney	Warnstadt
Dotzler	Heckroth	Quirmbach	Wood

Nays, 16:

Angelo	Hartsuch	McCoy	Seymour
Behn	Hogg	McKinley	Wieck
Boettger	Kettering	Mulder	Zaun
Bolkcom	Lundby	Noble	Zieman

Absent, 2:

McKibben	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2394.

Senate File 2394

On motion of Senator McCoy, **Senate File 2394**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date, was taken up for consideration.

Senator McCoy 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. 2394), the vote was:

Yeas, 48:

Angelo	Dvorsky	Johnson	Ragan
Appel	Fraise	Kettering	Rielly
Beall	Gaskill	Kibbie	Schmitz
Behn	Gronstal	Kreiman	Schoenjahn
Black	Hahn	Lundby	Seng
Boettger	Hancock	McCoy	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Cannolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Noble	Wieck
Danielson	Hogg	Olive	Wood
Dearden	Horn	Putney	Zaun
Dotzler	Houser	Quirmbach	Zieman

Nays, none.

Absent, 2:

McKibben	Ward
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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 Files 2189 and 2394** and **House File 2212** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:21 p.m. until 9:00 a.m., Thursday, March 20, 2008.

APPENDIX—2

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 19, 2008:

AGRICULTURE

Kathleen Delate – Agricultural Development Authority
Gregory Steelsmith – Agricultural Development Authority
Annette Townsley – Agricultural Development Authority

Sandy Simpson – Iowa Grain Indemnity Fund Board
Sharon Smith – Iowa Grain Indemnity Fund Board

Karen Foster – Grape and Wine Development Commission
Linda Larson-Melin – Grape and Wine Development Commission

COMMERCE

James Forney – Superintendent of Credit Unions

Tahira Hira – Credit Union Review Board
Barbara Oliver-Hall – Credit Union Review Board

Robert Hardman – Iowa Telecommunications and Technology Commission

ECONOMIC GROWTH

Carol Garrett – Iowa Capital Investment Board

David Bernstein – Iowa Great Places Advisory Board
Robert Fritsch – Iowa Great Places Advisory Board
Thomas Hanafan – Iowa Great Places Advisory Board
Dustin Heland-Embree – Iowa Great Places Advisory Board

Patricia Higby – Iowa Power Fund Board
Thomas Wind – Iowa Power Fund Board

EDUCATION

Jude Fitzpatrick – State Board of Education
Joan Jaimes – State Board of Education
Valorie Kruse – State Board of Education
Max Phillips – State Board of Education
LaMetta Wynn – State Board of Education

Shanell Wagler – Facilitator of the Iowa Empowerment Board

John Calhoun – Iowa Empowerment Board
John Dotson – Iowa Empowerment Board

Janet Piller – Iowa Higher Education Loan Authority

Don Hansen – School Budget Review Committee

Atul Gupta – Technology Governance Board

HUMAN RESOURCES

Pamela Davis – Board of Athletic Training
Melody Higgins – Board of Athletic Training
Lynn Lindaman – Board of Athletic Training

Darcie Davis-Gage – Board of Behavioral Science
Lonnie Marshall – Board of Behavioral Science
Marcia Michaels – Board of Behavioral Science
Siew-San Wong – Board of Behavioral Science

Sandra Ryan – Commission for the Blind

Amber Crystal Amos – Commission on Community Action Agencies
Kathy Beauchamp – Commission on Community Action Agencies
Michelle Hatfield – Commission on Community Action Agencies
Merl McFarlane – Commission on Community Action Agencies
Amy Peiffer – Commission on Community Action Agencies

Jacquelyn Fletcher – Commission on the Deaf
Tammy Westoff Gentry – Commission on the Deaf
James Grover – Commission on the Deaf

Linda Larkin – Commission of Elder Affairs
Gloria Reber – Commission of Elder Affairs

Kimberly Carson – Healthy and Well Kids in Iowa (HAWK-I) Board
John Ortega – Healthy and Well Kids in Iowa (HAWK-I) Board

Frank Osako – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Alma Reed – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Kristopher Walters – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Julie Fidler Dixon – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Rick Hecht – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Susan Koch-Seehase – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Patricia Penning – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

John Willey – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Daniel Gillette – Board of Physician Assistants

Ronald Moore – Board of Physician Assistants

Joan Bruhn – Prevention of Disabilities Policy Council

Marianne (Mary) Nehus – Prevention of Disabilities Policy Council

Amy Cook – Board of Sign Language Interpreters and Translitterators

Stuart Thiessen – Board of Sign Language Interpreters and Translitterators

Nora Kurtovic – Commission on Tobacco Use Prevention and Control

Christopher Squier – Commission on Tobacco Use Prevention and Control

Rizwana Amjed – Commission on the Status of Women

Chad Leonard – Commission on the Status of Women

Phyllis Petters – Commission on the Status of Women

Judy Stafford – Commission on the Status of Women

J. Marc Ward – Commission on the Status of Women

JUDICIARY

Ralph Rosenberg – Director of the Iowa State Civil Rights Commission

Jeffrey Hughes – Iowa Drug Policy Advisory Council

Christina Wilson – Iowa Drug Policy Advisory Council

Margaret Redenbaugh – State Judicial Nominating Commission

Richard Bordwell – Board of Parole

LABOR AND BUSINESS RELATIONS

Monique Kuester – Employment Appeal Board

Neil Barrick – Public Employment Relations Board
M. Sue Warner – Public Employment Relations Board

Jean Logan – Iowa Workforce Development Board
Ken Sagar – Iowa Workforce Development Board
Karen Vanderhoef – Iowa Workforce Development Board

LOCAL GOVERNMENT

Claudia Niles – City Development Board

Rebecca Eskildsen – Mental Health Risk Pool Board
John Grush – Mental Health Risk Pool Board

NATURAL RESOURCES AND ENVIRONMENT

Scott Mahr – Environmental Protection Commission

Carrie Dodds – Renewable Fuels and Coproducts Advisory Committee
Kevin Lewis – Renewable Fuels and Coproducts Advisory Committee
Laura Rowe – Renewable Fuels and Coproducts Advisory Committee

Cindi Grover – Renewable Fuel Infrastructure Board

STATE GOVERNMENT

Marianne Mickelson – Accountancy Examining Board
Thomas Engelmann – Accountancy Examining Board

Ron Dardis – Adjutant General of the Iowa Department of Public Defense

Krystal Madlock – Commission on the Status of African-Americans
Rosemary Parson – Commission on the Status of African-Americans
Stephan Pearson – Commission on the Status of African-Americans
Jerome Thomas – Commission on the Status of African-Americans

Greg Nashleanas – Alcoholic Beverages Commission

Terry Allers – Architectural Examining Board
Thomas Clause – Architectural Examining Board
Sue Jarboe – Architectural Examining Board

Clark (Sam) Kauffman – Board of Barbering
Robert Van Vooren – Board of Barbering

Karla Henderson – Board of Chiropractic
Steven Kraus – Board of Chiropractic
Dori Rammelsberg-Dvorak – Board of Chiropractic

Dana Atkins – Board of Cosmetology Arts and Sciences
Becky Brockmann – Board of Cosmetology Arts and Sciences
Richard Mosley – Board of Cosmetology Arts and Sciences

Kimberly Setzer – Board of Cosmetology Arts and Sciences
Karen Thomsen – Board of Cosmetology Arts and Sciences

Perry Grimes – Board of Dentistry
Diane Meier – Board of Dentistry
VaLinda Parsons – Board of Dentistry

Christine O'Brien – Board of Dietetics
Robert Schweers – Board of Dietetics

Chad Champion – Electrical Examining Board
Lori Mease – Electrical Examining Board
Andrea Rivera-Harrison – Electrical Examining Board

Gary Benjamin – Engineering and Land Surveying Examining Board
Gowri Kalavala – Engineering and Land Surveying Examining Board
Jerry Shellberg – Engineering and Land Surveying Examining Board

Ragen Cote – Generation Iowa Commission
Christian Fong – Generation Iowa Commission
Emiliano Lerda – Generation Iowa Commission
Sophia Magill – Generation Iowa Commission
Melissa Schoneberg – Generation Iowa Commission

Mary Ricketts – Board of Hearing Aid Dispensers
Virginia Rowen – Board of Hearing Aid Dispensers

Frederic Malven – Interior Design Examining Board

Sheila Castaneda – IOWAccess Advisory Council
Kelly Hayworth – IOWAccess Advisory Council
Richard Neri – IOWAccess Advisory Council
Kathleen Richardson – IOWAccess Advisory Council

Donna Mueller – Chief Executive Officer of the IPERS

Laura Hawks – Landscape Architectural Examining Board
Carolyn Magnani – Landscape Architectural Examining Board
Mark Ripplinger – Landscape Architectural Examining Board

Brad Schroeder – Iowa Lottery Authority Board of Directors

Larry Dallenbach – Board of Massage Therapy
Kathy Spencer-Jensen – Board of Massage Therapy
Marilyn Spina – Board of Massage Therapy

Janice Galli – Board of Medicine
Jeffrey Snyder – Board of Medicine
Paul Thurlow – Board of Medicine
Rodney Zeitler – Board of Medicine

Judith McClure – Board of Mortuary Science
Martin Mitchell – Board of Mortuary Science
Tyrone Orr – Board of Mortuary Science

John Connors – Board of Nursing
Lisa Flanagan – Board of Nursing
Lynne Pothast – Board of Nursing

Joseph Hickey – Board of Nursing Home Administrators
Richard Mishler – Board of Nursing Home Administrators
Cynthia Thorland – Board of Nursing Home Administrators

Terry Brown – Board of Optometry
Jeffrey Foreman – Board of Optometry
Carolyn Warkentin – Board of Optometry

Terrance Lillis – Peace Officers' Retirement, Accident, and Disability System Trustee

Vernon Benjamin – Board of Pharmacy
Annabelle Diehl – Board of Pharmacy
Edward Maier – Board of Pharmacy

Byron Bork – Board of Physical and Occupational Therapy
Jennifer Furness – Board of Physical and Occupational Therapy
Armando Rosales – Board of Physical and Occupational Therapy

Patsy Hastings – Board of Podiatry

Sarah Henderson – Board of Psychology
Brenda Payne – Board of Psychology

Kathryne Cutler – State Racing and Gaming Commission

Michael Lara – Real Estate Appraiser Examining Board
Amy Thorne – Real Estate Appraiser Examining Board

Daniel Berry – Real Estate Commission
Patricia Daniels – Real Estate Commission
Laurel Diehl – Real Estate Commission
James O'Neill – Real Estate Commission

Akshay Mahadevia – Board of Respiratory Care
Mary Kathelene Semke – Board of Respiratory Care

LaMark Combs – Board of Social Work
Beth Harms – Board of Social Work
Joyce Westphal – Board of Social Work

Christine Donner-Tiernan – Board of Speech Pathology and Audiology
Lori Walton – Board of Speech Pathology and Audiology

Tom Colvin – Iowa Board of Veterinary Medicine
Rexanne Struve – Iowa Board of Veterinary Medicine

Charles Graf – Vision Iowa Board
David Odekirk – Vision Iowa Board
Tammy Robinson – Vision Iowa Board

TRANSPORTATION

Angela Bonar – Iowa Law Enforcement Academy Council
Regina Clemens – Iowa Law Enforcement Academy Council

Deborah Durham – State Transportation Commission
Amy Reasner – State Transportation Commission

VETERANS AFFAIRS

Francis McAllister – Commission of Veterans Affairs
Saralee Sickles – Commission of Veterans Affairs
Mickey Williams – Commission of Veterans Affairs

WAYS AND MEANS

Dianna Darold – Iowa Railway Finance Authority
Philip Dorweiler – Iowa Railway Finance Authority

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: March 19, 2008, 3:55 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Angelo, Behn, Black, Boettger, Bolcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Warnstadt, and Wood.

Members Absent: Ward (excused).

Committee Business: Passed HF 2539 and approved SSB 3264.

Recessed: 4:00 p.m.

Reconvened: 4:25 p.m.

Adjourned: 4:50 p.m.

SUBCOMMITTEE ASSIGNMENT

House File 2542

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Dearden, and Ward

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 2539, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5172.

Final Vote: Ayes, 18: Dvorsky, McCoy, Angelo, Black, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Putney, Ragan, Seng, Warnstadt, and Wood. Nays, 6: Kettering, Behn, Boettger, Gaskill, Johnson, and Seymour. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5149	H.F.	2450	Economic Growth
S-5150	S.F.	2378	Michael Connolly
S-5151	S.F.	2378	Jeff Angelo
S-5152	S.J.R.	2002	Mark Zieman
			James A. Seymour
			Nancy J. Boettger
			James F. Hahn
			Hubert Houser
			Steve Kettering
			David L. Hartsuch
			Paul McKinley
			E. Thurman Gaskill
			John Putney
			Jerry Behn
			Ron Wieck

S-5153	S.J.R.	2002	Jerry Behn Ron Wieck Paul McKinley David L. Hartsuch Nancy J. Boettger James F. Hahn Steve Kettering Hubert Houser James A. Seymour Mark Zieman
S-5154	S.J.R.	2002	Mark Zieman James A. Seymour Nancy J. Boettger James F. Hahn Steve Kettering David L. Hartsuch Paul McKinley John Putney Ron Wieck
S-5155	S.J.R.	2002	Ron Wieck Jerry Behn E. Thurman Gaskill John Putney Paul McKinley David L. Hartsuch Nancy J. Boettger James F. Hahn Steve Kettering Hubert Houser James A. Seymour
S-5156	S.F.	2392	Jeff Angelo
S-5157	S.J.R.	2002	Paul McKinley
S-5158	S.F.	2328	Dick L. Dearden
S-5159	S.F.	2378	Jeff Angelo
S-5160	S.F.	2378	Jeff Angelo
S-5161	S.F.	2189	E. Thurman Gaskill
S-5162	S.F.	2297	Herman C. Quirnbach
S-5163	S.F.	2378	Rich Olive
S-5164	S.F.	2378	Rich Olive David Johnson

S-5165	S.F.	2378	Brad Zaun Dave Mulder
S-5166	S.F.	2218	Michael E. Gronstal
S-5167	S.F.	2377	William Dotzler
S-5168	S.F.	2377	William Dotzler
S-5169	H.F.	2392	Rich Olive Robert E. Dvorsky
S-5170	S.F.	2189	Tom Hancock
S-5171	S.F.	2342	Herman C. Quirmbach
S-5172	H.F.	2539	Appropriations

JOURNAL OF THE SENATE

SIXTY-SEVENTH CALENDAR DAY
FORTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 20, 2008

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by Chad Entinger of the Deaf Missions in Council Bluffs, Iowa. He was the guest of Senator Houser.

The Journal of Wednesday, March 19, 2008, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gaskill, until he arrives, on request of Senator Putney.

The Senate stood at ease at 9:10 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:18 a.m., President Kibbie presiding.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2392.

Senate File 2392

On motion of Senator Rielly, **Senate File 2392**, a bill for an act to regulate viatical settlements, and providing for fees and penalties, was taken up for consideration.

Senator Angelo offered amendment S-5156, filed by him on March 19, 2008, striking and replacing everything after the enacting clause and amending the title page of the bill.

(Senate File 2392 and amendment S-5156 were deferred.)

The Senate stood at ease at 11:27 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:34 p.m., Friday, March 21, 2008, President Kibbie presiding.

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 March 20, 2008, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2347, a bill for an act relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, and providing an effective date.

ALSO: That the House has on March 20, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2145, a bill for an act to require insurers offering certain individual or group health insurance contracts, policies, or plans to provide coverage for vaccinations for human papilloma virus.

Read first time and referred to committee on **Human Resources**.

House File 2328, a bill for an act relating to services associated with the family investment program by moving the family development and self-sufficiency council and grant program to the department of human rights and revising confidentiality provisions involving the programs.

Read first time and referred to committee on **Human Resources**.

House File 2367, a bill for an act relating to the tally of absentee votes by precinct at certain elections.

Read first time and referred to committee on **State Government**.

House File 2383, a bill for an act making nonsubstantive corrections to certain provisions relating to insurance and making repeals.

Read first time and referred to committee on **Commerce**.

House File 2526, a bill for an act relating to the disposition of school property.

Read first time and referred to committee on **Education**.

House File 2551, a bill for an act providing requirements for a nonresident of this state engaged in the aerial application of pesticides, making penalties applicable, and providing an effective date.

Read first time and referred to committee on **Agriculture**.

House File 2554, a bill for an act providing monetary thresholds for actions by governing boards of drainage districts.

Read first time and referred to committee on **Agriculture**.

House File 2555, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including uniform securities; duties of the insurance division including a consumer advocate and rate reviews; confidential information; examinations; insurance trade practices; insurance fraud; the Iowa life and health insurance guaranty association; viatical settlement contracts; general agents and third-party administrators; life insurance companies; health maintenance organizations; utilization and cost control; external review of health care coverage decisions; the Iowa comprehensive health insurance association; workers' compensation liability insurance; consolidation, merger, and reinsurance; licensing of insurance producers; cemetery

and funeral merchandise and funeral services; and cemeteries, making appropriations, and providing an effective date.

Read first time and referred to committee on **Commerce**.

House File 2556, a bill for an act relating to the regulatory duties of the banking division of the department of commerce regarding banking, debt management, delayed deposit services, mortgage banking, and industrial loan companies, and providing penalties.

Read first time and referred to committee on **Commerce**.

House File 2645, a bill for an act concerning public employee collective bargaining and teacher discipline.

Read first time and referred to committee on **Labor and Business Relations**.

House File 2646, a bill for an act providing for the licensure of persons installing fire protection systems, providing for the establishment of fees, and providing penalties and an effective date.

Read first time and referred to committee on **State Government**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 12:37 p.m. Friday, March 21, 2008, until 12:38 p.m., Friday, March 21, 2008.

APPENDIX

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: March 19, 2008, 5:45 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, and Zieman.

Members Absent: McKibben, Ranking Member; Angelo and Ward (all excused).

Committee Business: Passed SF 2075 and approved SSBs 3058 and 3276.

Adjourned: 5:55 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 104, by committee on Agriculture, a concurrent resolution concerning Iowa's support for the "25 x 25" initiative and, in connection therewith, promoting the increased production of renewable energy by the agricultural community.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 119, by Beall and Gaskill, a resolution designating September 2008 as Prostate Cancer Awareness Month.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2399, by committee on Ways and Means, a bill for an act relating to the eligibility requirements for the barn preservation property tax exemption.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 2400, by committee on Appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations calendar.**

Senate File 2401, by committee on Ways and Means, a bill for an act relating to the carryforward of unused investment tax credits under the high quality job creation and enterprise zone programs and including effective and applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

Senate File 2402, by committee on Ways and Means, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income, sales and use, property, motor fuel, and tobacco taxes.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE CONCURRENT RESOLUTION 104* (SSB 3281), a concurrent resolution concerning Iowa's support for the "25 x 25" initiative and, in connection therewith, promoting the increased production of renewable energy by the agricultural community.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Fraise, Rielly, Johnson, Appel, Black, Gaskill, Hancock, Kibbie, Mulder, and Olive. Nays, none. Absent, 5: Boettger, Courtney, Houser, Putney, and Seng.

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 Concurrent Resolution 104, and they were attached to the committee report.

APPROPRIATIONS

Bill Title: SENATE FILE 2400 (SSB 3264), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Dvorsky, McCoy, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Putney, Ragan, Seng, Warnstadt, and Wood. Nays, 7: Kettering, Angelo, Behn, Boettger, Gaskill, Johnson, and Seymour. Absent, 2: Black and Ward.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2399* (formerly SF 2075), a bill for an act relating to the eligibility requirements for the barn preservation property tax exemption.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, McCoy, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, and Zieman. Nays, none. Absent, 3: McKibben, Angelo, and Ward.

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 Ways and Means Committee on Senate File 2399, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2401* (SSB 3276), a bill for an act relating to the carryforward of unused investment tax credits under the high quality job creation and enterprise zone programs and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Bolkcom, McCoy, Appel, Connolly, Dotzler, Hogg, Houser, Quirnbach, Schmitz, Seng, and Stewart. Nays, 3: Noble, Putney, and Zieman. Absent, 3: McKibben, Angelo, and Ward.

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 Ways and Means Committee on Senate File 2401, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2402* (SSB 3058), a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income, sales and use, property, motor fuel, and tobacco taxes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bolkcom, McCoy, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Schmitz, Seng, Stewart, and Zieman. Nays, none. Absent, 4: McKibben, Angelo, Quirmbach, and Ward.

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 Ways and Means Committee on Senate File 2402, and they were attached to the committee report.

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 20, 2008, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As members of the Agricultural Development Authority:

KATHLEEN DELATE – Olive, Chair; Black and Johnson
GREGORY STEELSMITH – Kibbie, Chair; Appel and Putney
ANNETTE TOWNSLEY – Courtney, Chair; Seng and Mulder

As members of the Iowa Grain Indemnity Fund Board:

SANDY SIMPSON – Fraise, Chair; Hancock and Gaskill
SHARON SMITH – Rielly, Chair; Black and Gaskill

As members of the Grape and Wine Development Commission:

KAREN FOSTER – Seng, Chair; Appel and Houser
LINDA LARSON-MELIN – Black, Chair; Olive and Houser

COMMERCE

As Superintendent of Credit Unions:

JAMES FORNEY – McCoy, Chair; Olive and Ward

As members of the Credit Union Review Board:

TAHIRA HIRA – Olive, Chair; McCoy and Behn
BARBARA OLIVER-HALL – McCoy, Chair; Olive and Ward

As a member of the Telecommunications and Technology Commission:

ROBERT HARDMAN – Heckroth, Chair; Schoenjahn and Angelo

ECONOMIC GROWTH

As a member of the Iowa Capital Investment Board:

CAROL GARRETT – Schmitz, Chair; Beall and Hahn

As members of the Iowa Great Places Advisory Board:

DAVID BERNSTEIN – Olive, Chair; Stewart and Seymour
ROBERT FRITSCH – Danielson, Chair; Hatch and Hahn
THOMAS HANAFAN – Dotzler, Chair; Rielly and Houser
DUSTIN HELAND-EMBREE – Beall, Chair; Dotzler and Mulder

As members of the Iowa Power Fund Board:

PATRICIA HIGBY – Rielly, Chair; Danielson and Houser
THOMAS WIND – Hatch, Chair; Houser and Schmitz

EDUCATION

As members of the State Board of Education:

JUDE FITZPATRICK – Wood, Chair; Appel and Zieman
JOAN JAIMES – Quirnbach, Chair; Schmitz and McKinley
VALORIE KRUSE – Heckroth, Chair; Kreiman and Zaun
MAX PHILLIPS – Beall, Chair; Connolly and Johnson
LAMETTA WYNN – Schoenjahn, Chair; Appel and Mulder

As Facilitator of the Iowa Empowerment Board:

SHANELL WAGLER – Schoenjahn, Chair; Schmitz and Zieman

As members of the Iowa Empowerment Board:

JOHN CALHOUN – Kreiman, Chair; Schmitz and Zaun
JOHN DOTSON – Appel, Chair; Wood and McKinley

As a member of the Iowa Higher Education Loan Authority:

JANET PILLER – Quirnbach, Chair; Beall and Mulder

As a member of the School Budget Review Committee:

DON HANSEN – Connolly, Chair; Kreiman and Boettger

As a member of the Technology Governance Board:

ATUL GUPTA – Schmitz, Chair; Heckroth and Johnson

HUMAN RESOURCES

As members of the Board of Athletic Training:

PAMELA DAVIS – Dotzler, Chair; Bolkcom and Johnson
MELODY HIGGINS – Dotzler, Chair; Bolkcom and Johnson
LYNN LINDAMAN – Dotzler, Chair; Bolkcom and Johnson

As members of the Board of Behavioral Science:

DARCIE DAVIS-GAGE – Mulder, Chair; Bolkcom and Dotzler
LONNIE MARSHALL – Mulder, Chair; Bolkcom and Dotzler
MARCIA MICHAELS – Mulder, Chair; Bolkcom and Dotzler
SIEW-SAN WONG – Mulder, Chair; Bolkcom and Dotzler

As a member of the Commission for the Blind:

SANDRA RYAN – Johnson, Chair; Bolkcom and Hatch

As members of the Commission on Community Action Agencies:

AMBER CRYSTAL AMOS – Hatch, Chair; Bolkcom and Hartsuch
KATHY BEAUCHAMP – Hatch, Chair; Bolkcom and Hartsuch
MICHELLE HATFIELD – Hatch, Chair; Bolkcom and Hartsuch
MERL MCFARLANE – Hatch, Chair; Bolkcom and Hartsuch
AMY PEIFFER – Hatch, Chair; Bolkcom and Hartsuch

As members of the Commission on the Deaf:

JACQUELYN FLETCHER – Quirnbach, Chair; Hatch and Johnson
TAMMY WESTOFF GENTRY – Quirnbach, Chair; Hatch and Johnson
JAMES GROVER – Quirnbach, Chair; Hatch and Johnson

As members of the Commission of Elder Affairs:

LINDA LARKIN – Ragan, Chair; Bolkcom and Seymour
GLORIA REBER – Ragan, Chair; Bolkcom and Seymour

As members of the Healthy and Well Kids in Iowa (HAWK-I) Board:

KIMBERLY CARSON – Schmitz, Chair; Johnson and Dotzler
JOHN ORTEGA – Schmitz, Chair; Johnson and Dotzler

As members of the Commission on the Status of Iowans of Asian and Pacific Islander Heritage:

FRANK OSAKO – Boettger, Chair; Ragan and Schmitz
 ALMA REED – Boettger, Chair; Ragan and Schmitz
 KRISTOPHER WALTERS – Boettger, Chair; Ragan and Schmitz

As members of the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission:

JULIE FIDLER DIXON – Wood, Chair; Hartsuch and Ragan
 RICK HECHT – Wood, Chair; Hartsuch and Ragan
 SUSAN KOCH-SEEHASE – Wood, Chair; Hartsuch and Ragan
 PATRICIA PENNING – Wood, Chair; Hartsuch and Ragan
 JOHN WILLEY – Wood, Chair; Hartsuch and Ragan

As members of the Board of Physician Assistants:

DANIEL GILLETTE – Ragan, Chair; Johnson and Bolkcom
 RONALD MOORE – Ragan, Chair; Johnson and Bolkcom

As members of the Prevention of Disabilities Policy Council:

JOAN BRUHN – Kreiman, Chair; Wood and Mulder
 MARIANNE (MARY) NEHUS – Kreiman, Chair; Wood and Mulder

As members of the Board of Sign Language Interpreters and Transliterators:

AMY COOK – Johnson, Chair; Bolkcom and Ragan
 STUART THIESSEN – Johnson, Chair; Bolkcom and Ragan

As members of the Commission on Tobacco Use Prevention and Control:

NORA KURTOVIC – Quirnbach, Chair; Hatch and Johnson
 CHRISTOPHER SQUIER – Quirnbach, Chair; Hatch and Johnson

As members of the Commission on the Status of Women:

RIZWANA AMJED – Seymour, Chair; Bolkcom and Ragan
 CHAD LEONARD – Seymour, Chair; Bolkcom and Ragan
 PHYLLIS PETERS – Seymour, Chair; Bolkcom and Ragan
 JUDY STAFFORD – Seymour, Chair; Bolkcom and Ragan
 J. MARC WARD – Seymour, Chair; Bolkcom and Ragan

JUDICIARY

As Director of the Iowa State Civil Rights Commission:

RALPH ROSENBERG – Dvorsky, Chair; Quirnbach and Noble

As members of the Iowa Drug Policy Advisory Council:

JEFFREY HUGHES – Hogg, Chair; Horn and Zieman
CHRISTINA WILSON – Fraise, Chair; Kreiman and Ward

As a member of the State Judicial Nominating Commission:

MARGARET REDENBAUGH – Hancock, Chair; Warnstadt and Behn

As a member of the Board of Parole:

RICHARD BORDWELL – Fraise, Chair; Schoenjahn and McKibben

LABOR AND BUSINESS RELATIONS

As a member of the Employment Appeal Board:

MONIQUE KUESTER – Ward, Chair; Behn and Dvorsky

As members of the Public Employment Relations Board:

NEIL BARRICK – Kettering, Chair; Hahn and Hatch
M. SUE WARNER – Behn, Chair; Hahn and Dotzler

As members of the Iowa Workforce Development Board:

JEAN LOGAN – Behn, Chair; Hahn and Dotzler
KEN SAGAR – Dearden, Chair; Ward and Seng
KAREN VANDERHOEF – Kettering, Chair; Hahn and Hatch

LOCAL GOVERNMENT

As a member of the City Development Board:

CLAUDIA NILES – Rielly, Chair; Heckroth and Zaun

As members of the Mental Health Risk Pool Board:

REBECCA ESKILDSEN – Stewart, Chair; Rielly and Zaun
JOHN GRUSH – Stewart, Chair; Rielly and Zaun

NATURAL RESOURCES AND ENVIRONMENT

As a member of the Environmental Protection Commission:

SCOTT MAHR – Black, Chair; Johnson and Hancock

As members of the Renewable Fuels and Coproducts Advisory Committee:

CARRIE DODDS – Bolkom, Chair; Wood and Behn
KEVIN LEWIS – Johnson, Chair; Schoenjahn and Ragan
LAURA ROWE – Ragan, Chair; Gaskill and Dearden

As a member of the Renewable Fuel Infrastructure Board:

CINDI GROVER – Behn, Chair; Wood and Hogg

STATE GOVERNMENT

As members of the Accountancy Examining Board:

THOMAS ENGELMANN – Wood, Chair; Schmitz and Ziemann
 MARIANNE MICKELSON – Hatch, Chair; Appel and Behn

As Adjutant General of the Iowa Department of Public Defense:

RON DARDIS – Connolly, Chair; Schmitz and Behn

As members of the Commission on the Status of African-Americans:

KRYSTAL MADLOCK – Danielson, Chair; Black and Ziemann
 ROSEMARY PARSON – Horn, Chair; Wood and McKibben
 STEPHAN PEARSON – Hatch, Chair; Appel and Kettering
 JEROME THOMAS – Connolly, Chair; Hatch and Hahn

As a member of the Alcoholic Beverages Commission:

GREG NASHLEANAS – Wood, Chair; Horn and Behn

As members of the Architectural Examining Board:

TERRY ALLERS – Kibbie, Chair; Black and Hahn
 THOMAS CLAUSE – Black, Chair; Wood and Gaskill
 SUE JARBOE – Appel, Chair; Black and Kettering

As members of the Board of Barbering:

CLARK (SAM) KAUFFMAN – Horn, Chair; Black and Ziemann
 ROBERT VAN VOOREN – Wood, Chair; Schmitz and McKibben

As members of the Board of Chiropractic:

KARLA HENDERSON – Kibbie, Chair; Black and Gaskill
 STEVEN KRAUS – Kibbie, Chair; Horn and Hahn
 DORI RAMMELBERG-DVORAK – Danielson, Chair; Horn and Behn

As members of the Board of Cosmetology Arts and Sciences:

DANA ATKINS – Schmitz, Chair; Wood and Behn
 BECKY BROCKMANN – Kibbie, Chair; Horn and Gaskill
 RICHARD MOSLEY – Hatch, Chair; Appel and Ziemann
 KIMBERLY SETZER – Kibbie, Chair; Danielson and McKibben
 KAREN THOMSEN – Appel, Chair; Schmitz and Kettering

As members of the Board of Dentistry:

PERRY GRIMES – Horn, Chair; Black and Kettering
DIANE MEIER – Danielson, Chair; Horn and McKibben
VALINDA PARSONS – Appel, Chair; Black and Hahn

As members of the Board of Dietetics:

CHRISTINE O'BRIEN – Schmitz, Chair; Wood and Behn
ROBERT SCHWEERS – Appel, Chair; Black and Zieman

As members of the Electrical Examining Board:

CHAD CAMPION – Horn, Chair; Schmitz and Hahn
LORI MEASE – Appel, Chair; Hatch and Gaskill
ANDREA RIVERA-HARRISON – Hatch, Chair; Appel and Kettering

As members of the Engineering and Land Surveying Examining Board:

GARY BENJAMIN – Hatch, Chair; Appel and Behn
GOWRI KALAVALA – Appel, Chair; Hatch and Zieman
JERRY SHELLBERG – Black, Chair; Wood and McKibben

As members of the Generation Iowa Commission:

RAGEN COTE – Black, Chair; Horn and Zieman
CHRISTIAN FONG – Horn, Chair; Appel and McKibben
EMILIANO LERDA – Hatch, Chair; Black and Kettering
SOPHIA MAGILL – Schmitz, Chair; Black and Hahn
MELISSA SCHONEBERG – Kibbie, Chair; Horn and Gaskill

As members of the Board of Hearing Aid Dispensers:

MARY RICKETTS – Wood, Chair; Horn and Gaskill
VIRGINIA ROWEN – Hatch, Chair; Appel and Behn

As a member of the Interior Design Examining Board:

FREDERIC MALVEN – Black, Chair; Horn and Hahn

As members of the IOWAccess Advisory Council:

SHEILA CASTANEDA – Connolly, Chair; Schmitz and Gaskill
KELLY HAYWORTH – Horn, Chair; Black and Behn
RICHARD NERI – Appel, Chair; Hatch and Kettering
KATHLEEN RICHARDSON – Hatch, Chair; Appel and McKibben

As Chief Executive Officer of the IPERS:

DONNA MUELLER – Connolly, Chair; Kibbie and Zieman

As members of the Landscape Architectural Examining Board:

LAURA HAWKS – Horn, Chair; Wood and Kettering
CAROLYN MAGNANI – Appel, Chair; Black and McKibben
MARK RIPPLINGER – Danielson, Chair; Black and Hahn

As a member of the Iowa Lottery Authority Board of Directors:

BRAD SCHROEDER – Schmitz, Chair; Wood and Zieman

As members of the Board of Massage Therapy:

LARRY DALLENBACH – Danielson, Chair; Black and Hahn
KATHY SPENCER-JENSEN – Black, Chair; Horn and Gaskill
MARILYN SPINA – Hatch, Chair; Black and Behn

As members of the Board of Medicine:

JANICE GALLI – Schmitz, Chair; Wood and Behn
JEFFREY SNYDER – Black, Chair; Schmitz and Zieman
PAUL THURLOW – Connolly, Chair; Horn and McKibben
RODNEY ZEITLER – Horn, Chair; Connolly and Kettering

As members of the Board of Mortuary Science:

JUDITH MCCLURE – Appel, Chair; Wood and Hahn
MARTIN MITCHELL – Black, Chair; Wood and Kettering
TYRONE ORR – Wood, Chair; Danielson and Gaskill

As members of the Board of Nursing:

JOHN CONNORS – Hatch, Chair; Black and Zieman
LISA FLANAGAN – Wood, Chair; Connolly and Behn
LYNNE POTHAST – Black, Chair; Schmitz and McKibben

As members of the Board of Nursing Home Administrators:

JOSEPH HICKEY – Connolly, Chair; Wood and Kettering
RICHARD MISHLER – Kibbie, Chair; Danielson and Hahn
CYNTHIA THORLAND – Hatch, Chair; Appel and Gaskill

As members of the Board of Optometry:

TERRY BROWN – Kibbie, Chair; Danielson and McKibben
JEFFREY FOREMAN – Kibbie, Chair; Danielson and Zieman
CAROLYN WARKENTIN – Horn, Chair; Schmitz and Behn

As the Peace Officers' Retirement, Accident, and Disability System Trustee:

TERRANCE LILLIS – Black, Chair; Hatch and Gaskill

As members of the Board of Pharmacy:

VERNON BENJAMIN – Schmitz, Chair; Wood and Hahn
ANNABELLE DIEHL – Appel, Chair; Black and McKibben
EDWARD MAIER – Kibbie, Chair; Horn and Kettering

As members of the Board of Physical and Occupational Therapy:

BYRON BORK – Horn, Chair; Wood and Behn
JENIFER FURNESS – Wood, Chair; Schmitz and Zieman
ARMANDO ROSALES – Black, Chair; Horn and Gaskill

As a member of the Board of Podiatry:

PATSY HASTINGS – Danielson, Chair; Kibbie and Hahn

As members of the Board of Psychology:

SARAH HENDERSON – Horn, Chair; Danielson and McKibben
BRENDA PAYNE – Horn, Chair; Schmitz and Kettering

As a member of the State Racing and Gaming Commission:

KATHRYNE CUTLER – Connolly, Chair; Kibbie and Zieman

As members of the Real Estate Appraiser Examining Board:

MICHAEL LARA – Hatch, Chair; Danielson and Gaskill
AMY THORNE – Hatch, Chair; Danielson and Behn

As members of the Real Estate Commission:

DANIEL BERRY – Horn, Chair; Schmitz and Zieman
PATRICIA DANIELS – Hatch, Chair; Wood and Hahn
LAUREL DIEHL – Danielson, Chair; Black and Kettering
JAMES O'NEILL – Danielson, Chair; Wood and McKibben

As members of the Board of Respiratory Care:

AKSHAY MAHADEVIA – Wood, Chair; Danielson and Gaskill
MARY KATHELENE SEMKE – Kibbie, Chair; Danielson and Behn

As members of the Board of Social Work:

LAMARK COMBS – Wood, Chair; Schmitz and McKibben
BETH HARMS – Schmitz, Chair; Wood and Kettering
JOYCE WESTPHAL – Schmitz, Chair; Wood and Hahn

As members of the Board of Speech Pathology and Audiology:

CHRISTINE DONNER-TIERNAN – Kibbie, Chair; Wood and Behn
LORI WALTON – Appel, Chair; Black and Zieman

As members of the Iowa Board of Veterinary Medicine:

TOM COLVIN – Black, Chair; Hatch and Gaskill
 REXANNE STRUVE – Black, Chair; Wood and Hahn

As members of the Vision Iowa Board:

CHARLES GRAF – Wood, Chair; Connolly and Ziemann
 DAVID ODEKIRK – Danielson, Chair; Connolly and McKibben
 TAMMY ROBINSON – Danielson, Chair; Connolly and Kettering

TRANSPORTATION

As members of the Iowa Law Enforcement Academy Council:

ANGELA BONAR – Heckroth, Chair; Rielly and Zaun
 REGINA CLEMENS – Dearden, Chair; McCoy and Noble

As members of the State Transportation Commission:

DEBORAH DURHAM – Warnstadt, Chair; Beall and Noble
 AMY REASNER – Danielson, Chair; Hancock and Putney

VETERANS AFFAIRS

As members of the Commission of Veterans Affairs:

FRANCIS MCALLISTER – Beall, Chair; Warnstadt and Seymour
 SARALEE SICKLES – Beall, Chair; Warnstadt and Seymour
 MICKEY WILLIAMS – Beall, Chair; Warnstadt and Seymour

WAYS AND MEANS

As members of the Iowa Railway Finance Authority:

DIANNA DAROLD – Dotzler, Chair; Stewart and Putney
 PHILIP DORWEILER – Appel, Chair; Schmitz and Ward

AMENDMENTS FILED

S-5173	S.F.	2332	Dick L. Dearden
S-5174	S.F.	2378	Michael Connolly
S-5175	S.F.	2378	Robert E. Dvorsky
S-5176	S.F.	2378	Robert E. Dvorsky
S-5177	S.F.	2378	Jerry Behn Paul McKinley Larry McKibben John Putney Brad Zaun David L. Hartsuch Nancy J. Boettger James A. Seymour Mark Zieman Ron Wieck Steve Kettering James F. Hahn Jeff Angelo
S-5178	S.F.	2378	Keith A. Kreiman
S-5179	S.F.	2378	Keith A. Kreiman
S-5180	S.F.	2343	Keith A. Kreiman Frank B. Wood
S-5181	S.F.	2378	Herman C. Quirnbach
S-5182	S.F.	2378	Herman C. Quirnbach

JOURNAL OF THE SENATE

SIXTY-EIGHTH CALENDAR DAY
FORTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, March 21, 2008

The Senate met in regular session at 12:38 p.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Gaskill, Lundby, McKibben, McKinley, and Ward, until they arrive, on request of Senator Wieck; and Senators Courtney and Seng, until they arrive, on request of Senator Gronstal.

UNFINISHED BUSINESS (Deferred March 20, 2008)

Senate File 2392

The Senate resumed consideration of **Senate File 2392**, a bill for an act to regulate viatical settlements, and providing for fees and penalties, and amendment S-5156, deferred March 20, 2008.

Senator Angelo moved the adoption of amendment S-5156.

A record roll call was requested.

On the question “Shall amendment S–5156 be adopted?” (S.F. 2392), the vote was:

Yeas, 12:

Angelo	Hahn	Johnson	Seymour
Behn	Hartsuch	Kettering	Wieck
Boettger	Houser	Putney	Zieman

Nays, 31:

Appel	Dvorsky	Kibbie	Rielly
Beall	Fraise	Kreiman	Schmitz
Black	Gronstal	McCoy	Schoenjahn
Bolkcom	Hancock	Mulder	Stewart
Connolly	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wood
Dearden	Hogg	Quirnbach	Zaun
Dotzler	Horn	Ragan	

Absent, 7:

Courtney	Lundby	McKinley	Ward
Gaskill	McKibben	Seng	

Amendment S–5156 lost.

Senator Rielly offered amendment S–5134, filed by him on March 18, 2008, to pages 3, 5, 7, 13, 17, 40, and 42 of the bill, and moved its adoption.

Amendment S–5134 was adopted by a voice vote.

Senator Rielly offered amendment S–5148, filed by him on March 18, 2008, to pages 16, 22, 23, 26, and 50 of the bill, and moved its adoption.

Amendment S–5148 was adopted by a voice vote.

Senator Rielly 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. 2392), the vote was:

Yeas, 43:

Angelo	Dvorsky	Johnson	Rielly
Appel	Fraise	Kettering	Schmitz
Beall	Gronstal	Kibbie	Schoenjahn
Behn	Hahn	Kreiman	Seymour
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Danielson	Hogg	Putney	Zaun
Dearden	Horn	Quirnbach	Zieman
Dotzler	Houser	Ragan	

Nays, none.

Absent, 7:

Courtney	Lundby	McKinley	Ward
Gaskill	McKibben	Seng	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2386, 2353, and 2352.

Senate File 2386

On motion of Senator Hogg, **Senate File 2386**, a bill for an act relating to the achievement of improved energy efficiency through the establishment of a commission on energy efficiency standards and practices, and providing for the periodic reporting of energy efficiency results and savings by gas and electric public utilities, was taken up for consideration.

Senator Hogg 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. 2386), the vote was:

Yeas, 42:

Angelo	Fraise	Kettering	Schmitz
Appel	Gronstal	Kibbie	Schoenjahn
Beall	Hahn	Kreiman	Seymour
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Danielson	Hogg	Putney	Zaun
Dearden	Horn	Quirnbach	Zieman
Dotzler	Houser	Ragan	
Dvorsky	Johnson	Rielly	

Nays, 1:

Behn

Absent, 7:

Courtney	Lundby	McKinley	Ward
Gaskill	McKibben	Seng	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2353

On motion of Senator Hogg, **Senate File 2353**, a bill for an act relating to the appointment of certain judicial officers, the retirement of senior judges, and the entry of temporary custody and visitation orders, was taken up for consideration.

President Pro Tempore Danielson took the chair at 1:10 p.m.

Senator Hogg offered amendment S-5143, filed by him on March 18, 2008, to page 4 of the bill, and moved its adoption.

Amendment S-5143 was adopted by a voice vote.

Senator Hogg offered amendment S-5139, filed by him on March 18, 2008, to pages 8-10 of the bill, and moved its adoption.

Amendment S-5139 was adopted by a voice vote.

Senator Hogg 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. 2353), the vote was:

Yeas, 43:

Angelo	Dvorsky	Johnson	Rielly
Appel	Fraise	Kettering	Schmitz
Beall	Gronstal	Kibbie	Schoenjahn
Behn	Hahn	Kreiman	Seymour
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Danielson	Hogg	Putney	Zaun
Dearden	Horn	Quirnbach	Zieman
Dotzler	Houser	Ragan	

Nays, none.

Absent, 7:

Courtney	Lundby	McKinley	Ward
Gaskill	McKibben	Seng	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2352

On motion of Senator Kibbie, **Senate File 2352**, a bill for an act concerning the definition of veteran, was taken up for consideration.

Senator Kibbie 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. 2352), the vote was:

Yeas, 43:

Angelo	Dvorsky	Johnson	Rielly
Appel	Fraise	Kettering	Schmitz
Beall	Gronstal	Kibbie	Schoenjahn
Behn	Hahn	Kreiman	Seymour

Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Danielson	Hogg	Putney	Zaun
Dearden	Horn	Quirnbach	Zieman
Dotzler	Houser	Ragan	

Nays, none.

Absent, 7:

Courtney	Lundby	McKinley	Ward
Gaskill	McKibben	Seng	

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 Files 2352, 2353, 2386, and 2392** be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred March 18, 2008)

Senate File 2351

The Senate resumed consideration of **Senate File 2351**, a bill for an act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property, and amendment S-5103, deferred March 18, 2008.

Senator Olive moved the adoption of amendment S-5103.

Amendment S-5103 was adopted by a voice vote.

Senator Olive asked and received unanimous consent that **House File 2392** be **substituted** for **Senate File 2351**.

House File 2392

On motion of Senator Olive, **House File 2392**, a bill for an act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property, was taken up for consideration.

Senator Olive withdrew amendment S-5147, filed by Senators Olive and Dvorsky on March 18, 2008, to page 3 of the bill.

Senator Olive offered amendment S-5169, filed by Senators Olive and Dvorsky on March 19, 2008, to page 3 of the bill, and moved its adoption.

Amendment S-5169 was adopted by a voice vote.

Senator Olive 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?" (H.F. 2392), the vote was:

Yeas, 42:

Angelo	Dvorsky	Johnson	Schmitz
Appel	Fraise	Kettering	Schoenjahn
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Stewart
Black	Hancock	McCoy	Warnstadt
Boettger	Hartsuch	Mulder	Wieck
Bolkcom	Hatch	Noble	Wood
Connolly	Heckroth	Olive	Zaun
Danielson	Hogg	Putney	Zieman
Dearden	Horn	Ragan	
Dotzler	Houser	Rielly	

Nays, 1:

Quirmbach

Absent, 7:

Courtney	Lundby	McKinley	Ward
Gaskill	McKibben	Seng	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Olive asked and received unanimous consent that **Senate File 2351** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2343, 2339, and 2334.

Senate File 2343

On motion of Senator Kreiman, **Senate File 2343**, a bill for an act relating to civil liability for social hosts providing alcoholic beverages to persons under legal age, was taken up for consideration.

Senator Kreiman offered amendment S-5180, filed by Senators Kreiman and Wood on March 20, 2008, to page 2 and to the title page of the bill, and moved its adoption.

Amendment S-5180 was adopted by a voice vote.

Senator Kreiman 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. 2343), the vote was:

Yeas, 43:

Angelo	Dvorsky	Johnson	Rielly
Appel	Fraise	Kettering	Schmitz
Beall	Gronstal	Kibbie	Schoenjahn
Behn	Hahn	Kreiman	Seymour
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Cannolly	Heckroth	Olive	Wood
Danielson	Hogg	Putney	Zaun
Dearden	Horn	Quirnbach	Zieman
Dotzler	Houser	Ragan	

Nays, none.

Absent, 7:

Courtney	Lundby	McKinley	Ward
Gaskill	McKibben	Seng	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 2339

On motion of Senator Heckroth, **Senate File 2339**, a bill for an act relating to abandoned vehicles found near bodies of water by providing for civil penalties, was taken up for consideration.

Senator Heckroth offered amendment S-5072, filed by him on March 11, 2008, to page 1 of the bill, and moved its adoption.

Amendment S-5072 was adopted by a voice vote.

Senator Heckroth 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. 2339), the vote was:

Yeas, 37:

Angelo	Dvorsky	Kettering	Schmitz
Appel	Fraise	Kibbie	Schoenjahn
Beall	Gronstal	Kreiman	Seymour
Black	Hahn	McCoy	Stewart
Boettger	Hancock	Mulder	Warnstadt
Bolkcom	Hatch	Olive	Wieck
Connolly	Heckroth	Putney	Wood
Danielson	Hogg	Quirnbach	
Dearden	Horn	Ragan	
Dotzler	Johnson	Rielly	

Nays, 6:

Behn	Houser	Zaun
Hartsuch	Noble	Zieman

Absent, 7:

Courtney	Lundby	McKinley	Ward
Gaskill	McKibben	Seng	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2334

On motion of Senator Wood, **Senate File 2334**, a bill for an act relating to recovery from third parties liable for health care coverage provided to recipients of medical assistance, and providing an effective date, was taken up for consideration.

Senator Wood offered amendment S-5102, filed by him on March 13, 2008, to page 4 of the bill, and moved its adoption.

Amendment S-5102 was adopted by a voice vote.

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. 2334), the vote was:

Yeas, 43:

Angelo	Dvorsky	Johnson	Rielly
Appel	Fraise	Kettering	Schmitz
Beall	Gronstal	Kibbie	Schoenjahn
Behn	Hahn	Kreiman	Seymour
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Danielson	Hogg	Putney	Zaun
Dearden	Horn	Quirnbach	Zieman
Dotzler	Houser	Ragan	

Nays, none.

Absent, 7:

Courtney Gaskill	Lundby McKibben	McKinley Seng	Ward
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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 Files 2334, 2339, and 2343** and **House File 2392** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2328 and 2306.

Senate File 2328

On motion of Senator Dearden, **Senate File 2328**, a bill for an act relating to the deer depredation management program, establishing a deer study advisory committee, and providing an effective date, was taken up for consideration.

Senator Dearden offered amendment S-5145, filed by Senator Lundby on March 18, 2008, to pages 1 and 5 of the bill, and moved its adoption.

Amendment S-5145 was adopted by a voice vote.

Senator Zaun withdrew amendment S-5142, filed by him on March 18, 2008, to page 4 and to the title page of the bill.

Senator Dearden offered amendment S-5158, filed by him on March 19, 2008, to page 4 of the bill, and moved its adoption.

Amendment S-5158 was adopted by a voice vote.

Senator Dearden 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. 2328), the vote was:

Yeas, 43:

Angelo	Dvorsky	Johnson	Rielly
Appel	Fraise	Kettering	Schmitz
Beall	Gronstal	Kibbie	Schoenjahn
Behn	Hahn	Kreiman	Seymour
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Cannolly	Heckroth	Olive	Wood
Danielson	Hogg	Putney	Zaun
Dearden	Horn	Quirnbach	Zieman
Dotzler	Houser	Ragan	

Nays, none.

Absent, 7:

Courtney	Lundby	McKinley	Ward
Gaskill	McKibben	Seng	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2306

On motion of Senator Heckroth, **Senate File 2306**, a bill for an act relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date, was taken up for consideration.

Senator Heckroth 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. 2306), the vote was:

Yeas, 43:

Angelo	Dvorsky	Johnson	Rielly
Appel	Fraise	Kettering	Schmitz
Beall	Gronstal	Kibbie	Schoenjahn

Behn	Hahn	Kreiman	Seymour
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Danielson	Hogg	Putney	Zaun
Dearden	Horn	Quirmbach	Zieman
Dotzler	Houser	Ragan	

Nays, none.

Absent, 7:

Courtney	Lundby	McKinley	Ward
Gaskill	McKibben	Seng	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred March 17, 2008)

Senate File 2302

The Senate resumed consideration of **Senate File 2302**, a bill for an act specifying a duty of agency applicable to licensed mortgage brokers and making penalties applicable, and amendment S-5120, deferred March 17, 2008.

(Amendment S-5120 was deferred.)

Senator Dearden offered amendment S-5121, filed by him on March 17, 2008, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5121 lost by a voice vote.

The Senate resumed consideration of amendment S-5120, previously deferred.

Senator Dearden asked and received unanimous consent that action on amendment S-5120 and **Senate File 2302** be **deferred**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2299.

Senate File 2299

On motion of Senator Black, **Senate File 2299**, a bill for an act creating an international trade and globalization advisory council, was taken up for consideration.

Senator Black 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. 2299), the vote was:

Yeas, 43:

Angelo	Dvorsky	Johnson	Rielly
Appel	Fraise	Kettering	Schmitz
Beall	Gronstal	Kibbie	Schoenjahn
Behn	Hahn	Kreiman	Seymour
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Danielson	Hogg	Putney	Zaun
Dearden	Horn	Quirnbach	Zieman
Dotzler	Houser	Ragan	

Nays, none.

Absent, 7:

Courtney	Lundby	McKinley	Ward
Gaskill	McKibben	Seng	

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 Files 2299, 2306, and 2328** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zaun, until he returns, on request of Senator Angelo.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2218 and 2161.

Senate File 2218

On motion of Senator Connolly, **Senate File 2218**, a bill for an act allowing the director of the department of education to withhold certain state funding from school districts, area education agencies, and community colleges when required report submissions are late, was taken up for consideration.

Senator Gronstal withdrew amendment S-5166, filed by him on March 19, 2008, to pages 1 and 2 and to the title page of the bill.

Senator Gronstal offered amendment S-5187, filed by him from the floor to pages 1 and 2 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5187 be adopted?" (S.F. 2218), the vote was:

Yeas, 34:

Appel	Fraise	Kibbie	Rielly
Beall	Gronstal	Kreiman	Schmitz
Black	Hancock	McCoy	Schoenjahn

Bolkcom	Hatch	Mulder	Seymour
Connolly	Heckroth	Noble	Stewart
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Putney	Wood
Dotzler	Houser	Quirmbach	
Dvorsky	Kettering	Ragan	

Nays, 8:

Angelo	Boettger	Hartsuch	Wieck
Behn	Hahn	Johnson	Zieman

Absent, 8:

Courtney	Lundby	McKinley	Ward
Gaskill	McKibben	Seng	Zaun

Amendment S-5187 was adopted.

Senator Connolly 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. 2218), the vote was:

Yeas, 28:

Appel	Dotzler	Hogg	Ragan
Beall	Dvorsky	Horn	Rielly
Black	Fraise	Kibbie	Schmitz
Bolkcom	Gronstal	Kreiman	Schoenjahn
Connolly	Hancock	McCoy	Stewart
Danielson	Hatch	Olive	Warnstadt
Dearden	Heckroth	Quirmbach	Wood

Nays, 14:

Angelo	Hartsuch	Mulder	Wieck
Behn	Houser	Noble	Zieman
Boettger	Johnson	Putney	
Hahn	Kettering	Seymour	

Absent, 8:

Courtney	Lundby	McKinley	Ward
Gaskill	McKibben	Seng	Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 2161

On motion of Senator Ragan, **Senate File 2161**, a bill for an act providing for the establishment of a council on homelessness, was taken up for consideration.

Senator Ragan 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. 2161), the vote was:

Yeas, 42:

Angelo	Dvorsky	Johnson	Rielly
Appel	Fraise	Kettering	Schmitz
Beall	Gronstal	Kibbie	Schoenjahn
Behn	Hahn	Kreiman	Seymour
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Cannolly	Heckroth	Olive	Wood
Danielson	Hogg	Putney	Zieman
Dearden	Horn	Quirmbach	
Dotzler	Houser	Ragan	

Nays, none.

Absent, 8:

Courtney	Lundby	McKinley	Ward
Gaskill	McKibben	Seng	Zaun

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 Files 2161** and **2218** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2378** be referred from the Regular Calendar to the committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:30 p.m. until 12:00 p.m., Monday, March 24, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Verna Knedler—For celebrating her 100th birthday. Senator Schmitz (3/21/08).

Robert and Marylin Looft—For celebrating their 60th wedding anniversary. Senator Gronstal (3/2/08).

REPORT OF COMMITTEE MEETING

LABOR AND BUSINESS RELATIONS

Convened: March 21, 2008, 2:35 p.m.

Members Present: Dearden, Chair; Behn, Bolkcom, Dotzler, Dvorsky, Hahn, Hatch, Horn, and Kettering.

Members Absent: Ward, Ranking Member; and Seng (both excused).

Committee Business: Passed HF 2645.

Adjourned: 2:40 p.m.

SUBCOMMITTEE ASSIGNMENTS

House File 2145

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Dotzler

House File 2328

HUMAN RESOURCES: Ragan, Chair; Boettger and Schmitz

House File 2367

STATE GOVERNMENT: Schmitz, Chair; Danielson and Zieman

House File 2383

COMMERCE: Rielly, Chair; Bolkcom and Ward

House File 2526

EDUCATION: Heckroth, Chair; Beall and Zieman

House File 2551

AGRICULTURE: Rielly, Chair; Boettger and Hancock

House File 2554

AGRICULTURE: Olive, Chair; Gaskill and Kibbie

House File 2555

COMMERCE: Heckroth, Chair; Olive and Ward

House File 2556

COMMERCE: Kettering, Chair; Stewart and Warnstadt

House File 2646

STATE GOVERNMENT: Danielson, Chair; Behn and Schmitz

FINAL COMMITTEE REPORT OF BILL ACTION

LABOR AND BUSINESS RELATIONS

Bill Title: HOUSE FILE 2645, a bill for an act concerning public employee collective bargaining and teacher discipline.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Dearden, Bolcom, Dotzler, Dvorsky, Hatch, and Horn. Nays, 3: Behn, Hahn, and Kettering. Absent, 2: Ward and Seng.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2392, the following correction was made:

- 1. Page 6, line 16, "subsection 14" corrected to "subsection 15".

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5183	S.F.	2377	Ron Wieck
S-5184	S.F.	2400	Jeff Danielson
S-5185	S.F.	2378	Keith A. Kreiman
S-5186	S.F.	2378	Keith A. Kreiman
S-5187	S.F.	2218	Michael E. Gronstal

JOURNAL OF THE SENATE

SEVENTY-FIRST CALENDAR DAY
FORTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 24, 2008

The Senate met in regular session at 12:10 p.m., President Kibbie presiding.

Prayer was offered by Greg Christy, president of Northwestern College in Orange City, Iowa. He was the guest of Senator Mulder.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Cassondra Holstad.

The Journals of Thursday, March 20, 2008, and Friday, March 21, 2008, were approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:12 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 12:14 p.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 111, a resolution to honor Northwestern College as it celebrates its sesquicentennial.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Ragan, and Ziemann. Nays, none. Absent, 1: Lundby.

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 111.

Senate Resolution 111

On motion of Senator Mulder, **Senate Resolution 111**, a resolution to honor Northwestern College as it celebrates its sesquicentennial, with report of committee recommending passage, was taken up for consideration.

Senator Mulder moved the adoption of Senate Resolution 111, which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Ward, until she arrives, on request of Senator Wieck.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2645.

House File 2645

On motion of Senator Dearden, **House File 2645**, a bill for an act concerning public employee collective bargaining and teacher discipline, with report of committee recommending passage, was taken up for consideration.

Senator Zaun offered amendment S-5190, filed by him from the floor to pages 1-4, 12, 13, and 18-30 and to the title page of the bill.

The Senate stood at ease at 12:30 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 12:52 p.m., President Kibbie presiding.

The Senate resumed consideration of amendment S-5190.

Senator Zaun moved the adoption of amendment S-5190.

A record roll call was requested.

On the question "Shall amendment S-5190 be adopted?" (H.F. 2645), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Mulder	Wood
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 29:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 1:

Ward

Amendment S-5190 lost.

Senator Mulder offered amendment S-5193, filed by him from the floor to pages 1 and 18-30 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5193 be adopted?" (H.F. 2645), the vote was:

Yeas, 23:

Angelo	Hartsuch	McKibben	Seymour
Behn	Horn	McKinley	Wieck
Boettger	Houser	Mulder	Wood
Gaskill	Johnson	Noble	Zaun
Hahn	Kettering	Putney	Zieman
Hancock	Lundby	Rielly	

Nays, 26:

Appel	Dearden	Hogg	Schmitz
Beall	Dotzler	Kibbie	Schoenjahn
Black	Dvorsky	Kreiman	Seng
Bolkcom	Fraise	McCoy	Stewart
Connolly	Gronstal	Olive	Warnstadt
Courtney	Hatch	Quirmbach	
Danielson	Heckroth	Ragan	

Absent, 1:

Ward

Amendment S-5193 lost.

Senator Wieck offered amendment S-5197, filed by him from the floor to pages 1, 10, 15, and 17 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5197 be adopted?" (H.F. 2645), the vote was:

Yeas, 21:

Angelo	Houser	Mulder	Wieck
Behn	Johnson	Noble	Zaun
Boettger	Kettering	Putney	Zieman
Gaskill	Lundby	Rielly	
Hahn	McKibben	Schoenjahn	
Hartsuch	McKinley	Seymour	

Nays, 28:

Appel	Dearden	Heckroth	Quirmbach
Beall	Dotzler	Hogg	Ragan
Black	Dvorsky	Horn	Schmitz
Bolkcom	Fraise	Kibbie	Seng
Cannolly	Gronstal	Kreiman	Stewart
Courtney	Hancock	McCoy	Warnstadt
Danielson	Hatch	Olive	Wood

Absent, 1:

Ward

Amendment S-5197 lost.

Senator Hartsuch offered amendment S-5210, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5210 be adopted?" (H.F. 2645), the vote was:

Yeas, 19:

Angelo	Hartsuch	McKinley	Seymour
Behn	Houser	Mulder	Wieck
Boettger	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	Zieman
Hahn	McKibben	Rielly	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	Lundby	Stewart
Cannolly	Hancock	McCoy	Warnstadt
Courtney	Hatch	Olive	Wood
Danielson	Heckroth	Quirmbach	
Dearden	Hogg	Ragan	

Absent, 1:

Ward

Amendment S-5210 lost.

Senator McKinley offered amendment S-5202, filed by him from the floor to pages 1 and 18 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5202 be adopted?" (H.F. 2645), the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Mulder	Zaun
Gaskill	Kettering	Noble	Zieman
Hahn	Lundby	Putney	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Cannolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 1:

Ward

Amendment S-5202 lost.

Senator Johnson offered amendment S-5207, filed by him from the floor to pages 1 and 18 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5207 be adopted?" (H.F. 2645), the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Mulder	Zaun
Gaskill	Kettering	Noble	Zieman
Hahn	Lundby	Putney	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 1:

Ward

Amendment S-5207 lost.

Senator McKinley offered amendment S-5200, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5200 be adopted?" (H.F. 2645), the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Mulder	Zaun
Gaskill	Kettering	Noble	Zieman
Hahn	Lundby	Putney	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 1:

Ward

Amendment S-5200 lost.

Senator Noble offered amendment S-5192, filed by him from the floor to pages 2 and 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5192 be adopted?" (H.F. 2645), the vote was:

Yeas, 22:

Angelo	Houser	Mulder	Wieck
Behn	Johnson	Noble	Wood
Boettger	Kettering	Olive	Zaun
Gaskill	Lundby	Putney	Zieman
Hahn	McKibben	Rielly	
Hartsuch	McKinley	Seymour	

Nays, 27:

Appel	Dearden	Heckroth	Ragan
Beall	Dotzler	Hogg	Schmitz
Black	Dvorsky	Horn	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Connolly	Gronstal	Kreiman	Stewart
Courtney	Hancock	McCoy	Warnstadt
Danielson	Hatch	Quirnbach	

Absent, 1:

Ward

Amendment S-5192 lost.

Senator Zaun offered amendment S-5203, filed by him from the floor to pages 2 and 4 of the bill, and moved its adoption.

Amendment S-5203 lost by a voice vote.

Senator Zieman offered amendment S-5199, filed by him from the floor to pages 3, 4, 18, 28, and 29 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5199 be adopted?” (H.F. 2645), the vote was:

Yeas, 19:

Angelo	Hartsuch	McKinley	Seymour
Behn	Houser	Mulder	Wieck
Boettger	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	Zieman
Hahn	McKibben	Rielly	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	Lundby	Stewart
Cannolly	Hancock	McCoy	Warnstadt
Courtney	Hatch	Olive	Wood
Danielson	Heckroth	Quirmbach	
Dearden	Hogg	Ragan	

Absent, 1:

Ward

Amendment S–5199 lost.

Senator Hartsuch offered amendment S–5194, filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5194 be adopted?” (H.F. 2645), the vote was:

Yeas, 19:

Angelo	Hahn	McKibben	Seymour
Behn	Hartsuch	McKinley	Wieck
Black	Houser	Mulder	Zaun
Boettger	Johnson	Noble	Zieman
Gaskill	Kettering	Putney	

Nays, 30:

Appel	Dvorsky	Kibbie	Schmitz
Beall	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	Wood
Dearden	Hogg	Ragan	
Dotzler	Horn	Rielly	

Absent, 1:

Ward

Amendment S-5194 lost.

Senator Zieman withdrew amendment S-5195, filed by him from the floor to page 4 of the bill.

Senator McKinley offered amendment S-5209, filed by him from the floor to page 7 of the bill, and moved its adoption.

Amendment S-5209 lost by a voice vote.

Senator Wieck offered amendment S-5196, filed by him from the floor to page 16 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5196 be adopted?" (H.F. 2645), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Rielly
Behn	Houser	McKinley	Seymour
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 29:

Appel	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	Kreiman	Stewart
Bolkcom	Gronstal	McCoy	Warnstadt
Connolly	Hancock	Olive	Wood

Courtney	Hatch	Quirnbach
Danielson	Heckroth	Ragan
Dearden	Hogg	Schmitz

Absent, 1:

Ward

Amendment S-5196 lost.

Senator McKinley offered amendment S-5206, filed by him from the floor to page 16 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5206 be adopted?" (H.F. 2645), the vote was:

Yeas, 20:

Angelo	Hancock	McKibben	Seymour
Behn	Hartsuch	McKinley	Ward
Boettger	Houser	Mulder	Wieck
Gaskill	Johnson	Putney	Zaun
Hahn	Kettering	Rielly	Zieman

Nays, 30:

Appel	Dotzler	Kibbie	Schmitz
Beall	Dvorsky	Kreiman	Schoenjahn
Black	Fraise	Lundby	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wood
Danielson	Hogg	Quirnbach	
Dearden	Horn	Ragan	

Absent, none.

Amendment S-5206 lost.

The Senate stood at ease at 3:21 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:45 p.m., President Kibbie presiding.

Senator Boettger offered amendment S-5189, filed by her from the floor to page 18 and to the title page of the bill.

Senator Dearden raised the point of order that amendment S-5189 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5189 out of order.

Senator Zaun offered amendment S-5211, filed by him from the floor to page 18 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5211 be adopted?" (H.F. 2645), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, none.

Amendment S-5211 lost.

Senator McKinley offered amendment S-5205, filed by him from the floor to page 18 of the bill.

Senator Connolly raised the point of order that amendment S-5205 was not germane to the bill

The Chair ruled the point well-taken and amendment S-5205 out of order.

Senator Ward offered amendment S-5191, filed by Senators Ward and Kettering from the floor to pages 18-21, 27, and 30 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5191 be adopted?" (H.F. 2645), the vote was:

Yeas, 23:

Angelo	Hartsuch	McKinley	Seymour
Behn	Houser	Mulder	Ward
Black	Johnson	Noble	Wieck
Boettger	Kettering	Olive	Zaun
Gaskill	Lundby	Putney	Zieman
Hahn	McKibben	Rielly	

Nays, 27:

Appel	Dotzler	Hogg	Schmitz
Beall	Dvorsky	Horn	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Connolly	Gronstal	Kreiman	Stewart
Courtney	Hancock	McCoy	Warnstadt
Danielson	Hatch	Quirnbach	Wood
Dearden	Heckroth	Ragan	

Absent, none.

Amendment S-5191 lost.

Senator Zaun offered amendment S-5204, filed by him from the floor to page 21 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5204 be adopted?" (H.F. 2645), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward

Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, none.

Amendment S-5204 lost.

Senator McKinley offered amendment S-5198, filed by him from the floor to pages 27 and 28 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5198 be adopted?" (H.F. 5198), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKinley	Ward
Behn	Houser	Mulder	Wieck
Boettger	Johnson	Noble	Wood
Gaskill	Kettering	Putney	Zaun
Hahn	McKibben	Seymour	Zieman

Nays, 30:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	
Dearden	Hogg	Ragan	

Absent, none.

Amendment S-5198 lost.

Senator McKinley offered amendment S-5201, filed by him from the floor to page 29 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5201 be adopted?" (H.F. 2645), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, none.

Amendment S-5201 lost.

Senator Zieman withdrew amendment S-5214, filed by him from the floor to pages 2 and 3 of the bill.

Senator Dearden 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?" (H.F. 2645), the vote was:

Yeas, 27:

Appel	Dearden	Hogg	Ragan
Beall	Dotzler	Horn	Schmitz
Black	Dvorsky	Kibbie	Schoenjahn
Bolkcom	Fraise	Kreiman	Seng
Connolly	Gronstal	McCoy	Stewart
Courtney	Hancock	Olive	Warnstadt
Danielson	Hatch	Quirnbach	

Nays, 23:

Angelo	Heckroth	McKinley	Ward
Behn	Houser	Mulder	Wieck
Boettger	Johnson	Noble	Wood
Gaskill	Kettering	Putney	Zaun
Hahn	Lundby	Rielly	Zieman
Hartsuch	McKibben	Seymour	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 6:23 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:35 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Johnson, until he returns, on request of Senator Wieck.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2400.

Senate File 2400

On motion of Senator Danielson, **Senate File 2400**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date, was taken up for consideration.

Senator Behn offered amendment S-5212, filed by him from the floor to pages 1, 14, and 18 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5212 be adopted?” (S.F. 2400), the vote was:

Yeas, 17:

Behn	Houser	Noble	Zaun
Boettger	Kettering	Putney	Zieman
Gaskill	McKibben	Seymour	
Hahn	McKinley	Ward	
Hartsuch	Mulder	Wieck	

Nays, 32:

Angelo	Dearden	Hogg	Ragan
Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Cannolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood

Absent, 1:

Johnson

Amendment S–5212 lost.

Senator Danielson offered amendment S–5184, filed by him on March 21, 2008, to page 4 of the bill, and moved its adoption.

Amendment S–5184 was adopted by a voice vote.

Senator Danielson offered amendment S–5213, filed by him from the floor to page 17 of the bill, and moved its adoption.

Amendment S–5213 was adopted by a voice vote.

Senator Danielson 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. 2400), the vote was:

Yeas, 32:

Appel	Dotzler	Hogg	Ragan
Beall	Dvorsky	Horn	Rielly
Black	Fraise	Kibbie	Schmitz
Bolkcom	Gaskill	Lundby	Schoenjahn
Connolly	Gronstal	McCoy	Seng
Courtney	Hancock	Olive	Stewart
Danielson	Hatch	Putney	Warnstadt
Dearden	Heckroth	Quirmbach	Wood

Nays, 17:

Angelo	Houser	Mulder	Zaun
Behn	Kettering	Noble	Zieman
Boettger	Kreiman	Seymour	
Hahn	McKibben	Ward	
Hartsuch	McKinley	Wieck	

Absent, 1:

Johnson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2350 and 2134.

Senate File 2350

On motion of Senator Hogg, **Senate File 2350**, a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions, was taken up for consideration.

Senator Hogg 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. 2350), the vote was:

Yeas, 49:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirmbach	Zieman
Dearden	Houser	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Johnson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2134

On motion of Senator Warnstadt, **Senate File 2134**, a bill for an act relating to requirements and duties of members, directors, and employees of county commissions of veteran affairs, was taken up for consideration.

Senator Warnstadt offered amendment S-5039, filed by him on February 28, 2008, to pages 1-3 and to the title page of the bill, and moved its adoption.

Amendment S-5039 was adopted by a voice vote.

Senator Warnstadt 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. 2134), the vote was:

Yeas, 49:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirmbach	Zieman
Dearden	Houser	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Johnson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2134, 2350, and 2400** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:55 p.m. until 8:45 a.m., Tuesday, March 25, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Msgr. John Dalton, Dubuque—For celebrating the 50th anniversary of his ordination. Senator Connolly (3/24/08).

Liz Lynch, Dubuque—For celebrating her 100th birthday. Senator Connolly (3/24/08).

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: March 24, 2008, 12:12 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Courtney, Danielson, Dearden, Dvorsky, Ragan, and Ziemann.

Members Absent: Lundby (excused).

Committee Business: Approved SR 111.

Adjourned: 12:15 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 120, by Dvorsky, Bolkcom, and Schmitz, a resolution honoring Lisa Bluder, Head Coach of the University of Iowa's Women's Basketball Team and 2008 Big Ten Coach of the Year.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS

Senate File 595

WAYS AND MEANS: Dotzler, Chair; Putney, and Seng

Senate File 2378

APPROPRIATIONS: Connolly, Chair; Behn, Danielson, Dvorsky, and Kettering

Senate File 2391

APPROPRIATIONS: Ragan, Chair; Boettger, Fraise, Hancock, and Johnson

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 2645 passed the Senate on March 24, 2008.

MICHAEL E. GRONSTAL

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 24th day of March, 2008:

Senate File 249.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5188	S.F.	2332	Dick L. Dearden
S-5189	H.F.	2645	Nancy J. Boettger
S-5190	H.F.	2645	Brad Zaun
S-5191	H.F.	2645	Pat Ward Steve Kettering
S-5192	H.F.	2645	Larry Noble
S-5193	H.F.	2645	Dave Mulder
S-5194	H.F.	2645	David L. Hartsuch
S-5195	H.F.	2645	Mark Zieman
S-5196	H.F.	2645	Ron Wieck
S-5197	H.F.	2645	Ron Wieck
S-5198	H.F.	2645	Paul McKinley
S-5199	H.F.	2645	Mark Zieman
S-5200	H.F.	2645	Paul McKinley

S-5201	H.F.	2645	Paul McKinley
S-5202	H.F.	2645	Paul McKinley
S-5203	H.F.	2645	Brad Zaun
S-5204	H.F.	2645	Brad Zaun
S-5205	H.F.	2645	Paul McKinley
S-5206	H.F.	2645	Paul McKinley
S-5207	H.F.	2645	David Johnson
S-5208	S.F.	2332	Dick L. Dearden
S-5209	H.F.	2645	Paul McKinley
S-5210	H.F.	2645	David L. Hartsuch
S-5211	H.F.	2645	Brad Zaun
S-5212	S.F.	2400	Jerry Behn
S-5213	S.F.	2400	Jeff Danielson
S-5214	H.F.	2645	Mark Ziemann
S-5215	S.C.R.	104	David Johnson

JOURNAL OF THE SENATE

SEVENTY-SECOND CALENDAR DAY
FORTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 25, 2008

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by Dr. Wesley Daniels, Superintendent of the United Methodist Church Des Moines District. He was the guest of Senator Appel.

The Journal of Monday, March 24, 2008, was approved.

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 March 24, 2008, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2157, a bill for an act relating to amusement ride safety inspections conducted by special inspectors authorized by the division of labor services in the department of workforce development. (S-5216)

ALSO: That the House has on March 24, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2407, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

Read first time and referred to committee on **Transportation**.

House File 2564, a bill for an act concerning the disaster aid individual assistance grant program.

Read first time and referred to committee on **Human Resources**.

House File 2591, a bill for an act relating to dependent adult abuse in certain facilities and programs and providing penalties

Read first time and referred to committee on **Human Resources**.

House File 2606, a bill for an act relating to the regulation of transactions involving grain, by providing for the regulation of grain dealers and warehouse operators, and providing for the administration of the grain indemnity fund.

Read first time and referred to committee on **Agriculture**.

House File 2609, a bill for an act relating to the public release of information relating to elder group homes, assisted living facilities, and adult day services programs and providing for an effective date.

Read first time and referred to committee on **Human Resources**.

House File 2612, a bill for an act relating to natural resources, including by providing for the powers and duties of the department's director and natural resource commission, and the regulation of public lands and outdoor recreation, providing for fees, providing for penalties and making penalties applicable.

Read first time and referred to committee on **Natural Resources and Environment**.

House File 2620, a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

Read first time and referred to committee on **State Government**.

House File 2626, a bill for an act relating to the appointment or election of state judicial nominating commission members.

Read first time and referred to committee on **Judiciary**.

House File 2628, a bill for an act including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous weapon and making penalties applicable.

Read first time and referred to committee on **Judiciary**.

House File 2633, a bill for an act relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date.

Read first time and **attached to companion Senate File 2395**.

House File 2642, a bill for an act relating to issuance of a treasurer's deed after expiration of the period of redemption and including an effective and applicability date provision.

Read first time and referred to committee on **Judiciary**.

House File 2648, a bill for an act relating to criminal and abuse records of prospective and current employees of licensed hospitals and health care facilities and certain health-related programs and services and providing penalties.

Read first time and referred to committee on **Human Resources**.

House File 2653, a bill for an act relating to foreclosure consultants and foreclosure reconveyances, providing for criminal and civil penalties, and providing an effective date.

Read first time and referred to committee on **Commerce**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:55 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:00 a.m., President Kibbie presiding.

INTRODUCTION OF RESOLUTION

Senate Resolution 121, by Boettger, a resolution recognizing the visit of five distinguished women leaders from Nigeria.

Read first time and referred to committee on **Rules and Administration**.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 121, a resolution recognizing the visit of five distinguished women leaders from Nigeria.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Ziemann. 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 121.

Senate Resolution 121

On motion of Senator Boettger, **Senate Resolution 121**, a resolution recognizing the visit of five distinguished women leaders from Nigeria, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved the adoption of Senate Resolution 121, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Boettger introduced to the chamber the following Nigerian women who are participating in a leadership program and are visiting the United States: Nafisat Musa, Saudat Maikano, Mmaasuur Audu, Elizabeth Anche, and Hauwa' u Evelyn Yusuf.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:08 a.m. until 3:30 p.m.

APPENDIX—1

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT FOR THE BLIND

Plastic and Recycled Content Products and Soy-based Inks Purchased, Fiscal Year 2007 report, pursuant to Iowa Code section 216B.3(12d). Report received on March 25, 2008.

DEPARTMENT OF PUBLIC HEALTH

Viral Hepatitis Study, pursuant to Iowa Code section 135.19. Report received on March 24, 2008.

Obstetrical Care Access, 2007 annual report, pursuant to Iowa Code section 135.11(19). Report received on March 25, 2008.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Hazel Amunson, Onawa—For celebrating her 90th birthday. Senator Seymour (3/25/08).

Harold Beerman, Denison—For celebrating his 80th birthday. Senator Seymour (3/25/08).

Coach Tom Brands and the University of Iowa Wrestling Team—For winning the 2008 NCAA Wrestling Championship. Senator Dvorsky (3/25/08).

Sherman and Carolyn Bryant—For celebrating their 50th wedding anniversary. Senator Seymour (3/25/08).

LeRoy and Charlotte Burbridge, Woodbine—For celebrating their 50th wedding anniversary. Senator Seymour (3/25/08).

Pinkie Galbreath, Onawa—For celebrating her 110th birthday. Senator Seymour (3/25/08).

Coach Wayne Henryson and the Gilbert 8th Grade Girls' Basketball Team—For their undefeated 2007–2008 basketball season. Senator Noble (3/25/08).

Waukee Boys' Basketball Team—For reaching the State Basketball Tournament.
Senator Behn (3/25/08).

Waukee Girls' Basketball Team—For reaching the State Basketball Tournament.
Senator Behn (3/25/08).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 25, 2008, 9:35 a.m.

Members Present: Fraise, Chair; Rielly, Vice Chair; Appel, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng.

Members Absent: Johnson, Ranking Member; and Black (both excused).

Committee Business: Approved governor's appointees.

Adjourned: 9:45 a.m.

ECONOMIC GROWTH

Convened: March 25, 2008, 1:05 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: Passed HF 2385 and approved governor's appointees. Presentation by Iowa Workforce Development staff.

Adjourned: 1:30 p.m.

EDUCATION

Convened: March 25, 2008, 9:10 a.m.

Members Present: Schoenjahn, Chair; Appel, Vice Chair; Mulder, Ranking Member; Beall, Connolly, Heckroth, Kreiman, McKinley, Quirmbach, Schmitz, Wood, Zaun, and Ziemann.

Members Absent: Boettger and Johnson (both excused).

Committee Business: Passed HF 2103 and 2364. Approved governor's appointees.

Adjourned: 9:20 a.m.

GOVERNMENT OVERSIGHT

Convened: March 25, 2008, 11:30 a.m.

Members Present: Courtney, Chair; Connolly, Vice Chair; Ward, Ranking Member; and Schmitz.

Members Absent: Lundby (excused).

Committee Business: Approved SSBs 3247 and 3263.

Adjourned: 11:45 a.m.

JUDICIARY

Convened: March 25, 2008, 10:05 a.m.

Members Present: Kreiman, Chair; Hogg, Vice Chair; Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirnbach, Schoenjahn, Ward, Warnstadt, and Ziemann.

Members Absent: McKibben, Ranking Member (excused).

Committee Business: Passed HF's 2119, 2189, 2266, and 2338. Approved governor's appointees.

Adjourned: 10:30 a.m.

LABOR AND BUSINESS RELATIONS

Convened: March 25, 2008, 9:10 a.m.

Members Present: Dearden, Chair; Ward, Ranking Member; Behn, Bolkcom, Dotzler, Dvorsky, Hahn, Hatch, Horn, Kettering, and Seng.

Members Absent: None.

Committee Business: Passed HF 2589 and approved governor's appointees.

Adjourned: 9:25 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 25, 2008, 1:05 p.m.

Members Present: Black, Chair; Hancock, Vice Chair; Gaskill, Ranking Member; Behn, Bolkcom, Dearden, Hogg, Kettering, Noble, Ragan, Schoenjahn, Seng, and Wood.

Members Absent: Johnson and Lundby (both excused).

Committee Business: Subcommittee assignments and approval of governor's appointees.

Adjourned: 1:20 p.m.

RULES AND ADMINISTRATION

Convened: March 25, 2008, 8:55 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman.

Members Absent: None.

Committee Business: Approved SR 121.

Adjourned: 9:00 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 122, by Dearden, Appel, Beall, Black, Bolkom, Connolly, Courtney, Danielson, Dotzler, Dvorsky, Fraise, Gronstal, Hancock, Hatch, Heckroth, Hogg, Horn, Kibbie, Kreiman, McCoy, Olive, Quirnbach, Ragan, Rielly, Schmitz, Schoenjahn, Seng, Stewart, Warnstadt, and Wood, a resolution honoring the work and life achievements of retiring Iowa Federation of Labor President, Mark L. Smith.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS**House File 2177**

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Kettering and Wood

House File 2407

TRANSPORTATION: Beall, Chair; Heckroth and Houser

House File 2440

NATURAL RESOURCES AND ENVIRONMENT: Ragan, Chair; Noble and Schoenjahn

House File 2564

HUMAN RESOURCES: Quirnbach, Chair; Johnson and Schmitz

House File 2591

HUMAN RESOURCES: Dotzler, Chair; Seymour and Wood

House File 2609

HUMAN RESOURCES: Schmitz, Chair; Hartsuch and Hatch

House File 2612

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Gaskill and Hancock

House File 2620

STATE GOVERNMENT: Appel, Chair; Danielson and Ziemann

House File 2626

JUDICIARY: Hogg, Chair; Hancock and McKibben

House File 2628

JUDICIARY: Kreiman, Chair; Noble and Warnstadt

House File 2642

JUDICIARY: Fraise, Chair; Behn and Kreiman

House File 2648

HUMAN RESOURCES: Wood, Chair; Ragan and Seymour

House File 2653

COMMERCE: Olive, Chair; Angelo and Heckroth

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH

Bill Title: HOUSE FILE 2385, a bill for an act relating to allowable investments by the treasurer of state and other authorized state agencies.

Recommendation: DO PASS.

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.

EDUCATION

Bill Title: HOUSE FILE 2103, a bill for an act relating to appointments to the college student aid commission and including an effective date and applicability provision.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Schoenjahn, Mulder, Connolly, Heckroth, Kreiman, McKinley, Quirnbach, Schmitz, Wood, Zaun, and Ziemann. Nays, none. Absent, 4: Appel, Beall, Boettger, and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2364, a bill for an act relating to school district financing arrangements, specifying funds into which loan proceeds shall be deposited and from which principal and interest payments shall be expended, and authorizing utilization of physical plant and equipment levy revenue to guarantee school district energy savings contracts.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Schoenjahn, Appel, Mulder, Beall, Connolly, Heckroth, Kreiman, McKinley, Quirnbach, Schmitz, Wood, Zaun, and Ziemann. Nays, none. Absent, 2: Boettger and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: HOUSE FILE 2119, a bill for an act relating to taking the fingerprints of a child by a governmental unit.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Kreiman, Hogg, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirnbach, Schoenjahn, Ward, Warnstadt, and Ziemann. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2189, a bill for an act relating to the regulation and certification of shorthand reporters and the appropriation of fees to offset costs.

Recommendation: DO PASS.

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.

ALSO:

Bill Title: HOUSE FILE 2266, a bill for an act relating to the regulation of explosives, and the possession of an incendiary or explosive device or material, and providing penalties.

Recommendation: DO PASS.

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.

ALSO:

Bill Title: HOUSE FILE 2338, a bill for an act relating to attendance at child in need of assistance proceedings.

Recommendation: DO PASS.

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.

LABOR AND BUSINESS RELATIONS

Bill Title: HOUSE FILE 2589, a bill for an act relating to unemployment insurance tax penalties, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Dearden, Bolkcom, Dotzler, Dvorsky, Hatch, Horn, and Seng. Nays, 4: Ward, Behn, Hahn, and Kettering. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 21, 2008, when the vote was taken on Senate File 2392. Had I been present, I would have voted "Yea."

PAT WARD

PETITION

The following petition was presented and placed on file:

From 45 residents of Palo Alto County protesting the construction of hog finishing confinement buildings in Nevada Township. Senator Kibbie.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2156, the following correction was made:

1. Page 3, line 30: hyphen needed between of and service.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS 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 bills have 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 25th day of March, 2008:

Senate Files 2111, 2156, 2221, 2292, and 2304.

MICHAEL E. MARSHALL
Secretary of the Senate

AFTERNOON SESSION

The Senate reconvened at 3:28 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:29 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 3:31 p.m., President Kibbie presiding.

The Senate stood at ease at 3:32 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:16 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Johnson, for the day, on request of Senator Wieck.

HOUSE AMENDMENT CONSIDERED

Senate File 2154

Senator Seng called up for consideration **Senate File 2154**, a bill for an act relating to inclined or vertical wheelchair lifts regulated by the elevator safety board, amended by the House in House amendment S-5111, filed March 17, 2008.

Senator Seng moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Seng moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2154), the vote was:

Yeas, 49:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirnbach	Zieman
Dearden	Houser	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Johnson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred March 17, 2008)

Senate File 2131

The Senate resumed consideration of **Senate File 2131**, 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, and amendment S-5046, deferred March 17, 2008.

The Senate resumed consideration of amendment S-5046, previously deferred.

Senator Seng moved the adoption of amendment S-5046.

Amendment S-5046 was adopted by a voice vote.

Senator Seng 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. 2131), the vote was:

Yeas, 23:

Appel	Danielson	Horn	Rielly
Beall	Dotzler	Kibbie	Schmitz
Black	Dvorsky	Kreiman	Seng
Bolkcom	Fraise	Olive	Stewart
Connolly	Gronstal	Quirmbach	Warnstadt
Courtney	Hogg	Ragan	

Nays, 26:

Angelo	Hartsuch	McKibben	Ward
Behn	Hatch	McKinley	Wieck
Boettger	Heckroth	Mulder	Wood
Dearden	Houser	Noble	Zaun
Gaskill	Kettering	Putney	Zieman
Hahn	Lundby	Schoenjahn	
Hancock	McCoy	Seymour	

Absent, 1:

Johnson

The bill, not having received a constitutional majority, was declared to have failed to pass the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2332 and 2342.

Senate File 2332

On motion of Senator Dearden, **Senate File 2332**, a bill for an act requiring employers to provide notice of plant closings and layoffs, and providing remedies and penalties, was taken up for consideration.

Senator Dearden offered amendment S-5208, filed by him on March 24, 2008, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator McKinley asked and received unanimous consent that action on amendment S-5208 and **Senate File 2332** be **deferred**.

Senate File 2342

On motion of Senator Quirnbach, **Senate File 2342**, a bill for an act relating to the time limit on executions of judgments and orders, was taken up for consideration.

Senator Quirnbach withdrew amendment S-5171, filed by him on March 19, 2008, to page 1 of the bill.

Senator Quirnbach offered amendment S-5218, filed by him from the floor to page 1 of the bill.

Senator Noble asked and received unanimous consent that action on amendment S-5218 and **Senate File 2342** be **deferred**.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate File 2154** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 4:45 p.m. until 8:45 a.m., Wednesday, March 26, 2008.

APPENDIX—2

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: March 25, 2008, 3:29 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Courtney, Danielson, Dearden, and Ragan.

Members Absent: Dvorsky, Lundby, and Zieman (all excused).

Committee Business: Approved SR 107.

Adjourned: 3:31 p.m.

TRANSPORTATION

Convened: March 25, 2008, 2:35 p.m.

Members Present: Rielly, Chair; Danielson, Vice Chair; Noble, Ranking Member; Beall, Dearden, Hancock, Heckroth, Houser, Putney, Warnstadt, Zaun, and Zieman.

Members Absent: McCoy (excused).

Committee Business: Passed HF 2452 and approved governor's appointees.

Adjourned: 2:40 p.m.

INTRODUCTION OF BILLS

Senate File 2403, by committee on Government Oversight, a bill for an act concerning the ability of the lottery authority to operate a joint lottery with a lottery operated outside of the United States.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2404, by committee on Government Oversight, a bill for an act relating to state agency reporting of the receipt of gifts, bequests, and grants.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILLS RECEIVED

SSB 3287 Ways and Means

Authorizing certain special charter cities to impose a local economic development sales and services tax.

SSB 3288 Ways and Means

Limiting the amount of the research activities tax credit under the state individual and corporate income taxes and including effective and applicability date provisions.

SSB 3289 Ways and Means

Repealing research activities tax credits under certain economic development programs and including effective and applicability date provisions.

SSB 3290 Ways and Means

Relating to the exemption from the state inheritance tax of property passing to certain nieces and nephews and including applicability date provision.

SSB 3291 Ways and Means

Relating to the investment tax credit and research activities tax credit under the high quality job creation program, to the earned income tax credit, and to the endow Iowa program tax credits, and making an appropriation, and including effective and retroactive and other applicability date provisions.

SSB 3292 Ways and Means

Relating to the repeal of the wage-benefit tax credit program and making an appropriation, and including effective and retroactive applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

House File 2606

AGRICULTURE: Fraise, Chair; Gaskill and Kibbie

SSB 3287

WAYS AND MEANS: Seng, Chair; Quirnbach and Zieman

SSB 3288

WAYS AND MEANS: Bolkcom, Chair; Connolly and McKibben

SSB 3289

WAYS AND MEANS: Bolkcom, Chair; Connolly and McKibben

SSB 3290

WAYS AND MEANS: Quirnbach, Chair; Connolly and Ward

SSB 3291

WAYS AND MEANS: Bolkcom, Chair; Angelo and Stewart

SSB 3292

WAYS AND MEANS: Dotzler, Chair; Angelo and Bolkcom

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2131 failed to pass the Senate on March 25, 2008.

JACK HATCH

FINAL COMMITTEE REPORTS OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: SENATE FILE 2403 (SSB 3247), a bill for an act concerning the ability of the lottery authority to operate a joint lottery with a lottery operated outside of the United States.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 4: Courtney, Connolly, Ward, and Schmitz. Nays, none. Absent, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2404 (SSB 3263), a bill for an act relating to state agency reporting of the receipt of gifts, bequests, and grants.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 4: Courtney, Connolly, Ward, and Schmitz. Nays, none. Absent, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 107, a resolution honoring the men's soccer team from Marshalltown Community College for their third-place finish in the National Junior College Athletic Association National Soccer Tournament.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, and Ragan. Nays, none. Absent, 3: Dvorsky, Lundby, and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: HOUSE FILE 2452, a bill for an act relating to vehicle titles and registration plates for specialty vehicles, and providing a penalty and an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rielly, Danielson, Noble, Beall, Dearden, Hancock, Heckroth, Houser, Putney, Warnstadt, Zaun, and Zieman. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

AGRICULTURE

Kathleen Delate – Agricultural Development Authority
Gregory Steelsmith – Agricultural Development Authority

Sandy Simpson – Iowa Grain Indemnity Fund Board
Sharon Smith – Iowa Grain Indemnity Fund Board

Linda Larson-Melin – Grape and Wine Development Commission

ECONOMIC GROWTH

Carol Garrett – Iowa Capital Investment Board

David Bernstein – Iowa Great Places Advisory Board
Robert Fritsch – Iowa Great Places Advisory Board
Thomas Hanafan – Iowa Great Places Advisory Board
Dustin Heland-Embree – Iowa Great Places Advisory Board

Patricia Higby – Iowa Power Fund Board
Thomas Wind – Iowa Power Fund Board

EDUCATION

Jude Fitzpatrick – State Board of Education
Valorie Kruse – State Board of Education
Max Phillips – State Board of Education
LaMetta Wynn – State Board of Education

Shanell Wagler – Facilitator of the Iowa Empowerment Board

John Calhoun – Iowa Empowerment Board
John Dotson – Iowa Empowerment Board

Don Hansen – School Budget Review Committee

HUMAN RESOURCES

Darcie Davis-Gage – Board of Behavioral Science
Lonnie Marshall – Board of Behavioral Science
Marcia Michaels – Board of Behavioral Science
Siew-San Wong – Board of Behavioral Science

Amber Crystal Amos – Commission on Community Action Agencies
Kathy Beauchamp – Commission on Community Action Agencies
Michelle Hatfield – Commission on Community Action Agencies
Merl McFarlane – Commission on Community Action Agencies
Amy Peiffer – Commission on Community Action Agencies

Jacquelyn Fletcher – Commission on the Deaf
Tammy Westoff Gentry – Commission on the Deaf
James Grover – Commission on the Deaf

Linda Larkin – Commission of Elder Affairs
Gloria Reber – Commission of Elder Affairs

Kimberly Carson – Healthy and Well Kids in Iowa (HAWK-I) Board

Frank Osako – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Alma Reed – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Kristopher Walters – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Julie Fidler Dixon – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Rick Hecht – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Susan Koch-Seehase – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Patricia Penning – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

John Willey – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Daniel Gillette – Board of Physician Assistants

Ronald Moore – Board of Physician Assistants

Joan Bruhn – Prevention of Disabilities Policy Council

Marianne (Mary) Nehus – Prevention of Disabilities Policy Council

Nora Kurtovic – Commission on Tobacco Use Prevention and Control

Christopher Squier – Commission on Tobacco Use Prevention and Control

Rizwana Amjed – Commission on the Status of Women

Chad Leonard – Commission on the Status of Women

Phyllis Peters – Commission on the Status of Women

Judy Stafford – Commission on the Status of Women

J. Marc Ward – Commission on the Status of Women

LABOR AND BUSINESS RELATIONS

Neil Barrick – Public Employment Relations Board

M. Sue Warner – Public Employment Relations Board

Jean Logan – Iowa Workforce Development Board

Ken Sagar – Iowa Workforce Development Board

NATURAL RESOURCES AND ENVIRONMENT

Carrie Dodds – Renewable Fuels and Coproducts Advisory Committee

Laura Rowe – Renewable Fuels and Coproducts Advisory Committee

TRANSPORTATION

Angela Bonar – Iowa Law Enforcement Academy Council
 Regina Clemens – Iowa Law Enforcement Academy Council

Deborah Durham – State Transportation Commission
 Amy Reasner – State Transportation Commission

**GOVERNOR'S APPOINTEE PLACED ON
 INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

NATURAL RESOURCES AND ENVIRONMENT

Scott Mahr – Environmental Protection Commission

AMENDMENTS FILED

S-5216	S.F.	2157	House
S-5217	S.F.	2383	Joe M. Seng Dennis H. Black Nancy J. Boettger Mark Zieman William Dotzler Tom Rielly
S-5218	S.F.	2342	Herman C. Quirmbach
S-5219	S.F.	2372	Brad Zaun Jerry Behn
S-5220	S.F.	2372	Steve Kettering Jerry Behn
S-5221	S.F.	2372	Steve Kettering Jerry Behn
S-5222	S.F.	2372	Steve Kettering Jerry Behn

JOURNAL OF THE SENATE

SEVENTY-THIRD CALENDAR DAY
FORTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 26, 2008

The Senate met in regular session at 8:48 a.m., President Kibbie presiding.

Prayer was offered by Tom Clegg, pastor of the Two Rivers Church in West Des Moines, Iowa. He was the guest of Senator Zaun.

The Journal of Tuesday, March 25, 2008, was approved.

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 March 25, 2008, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2199, a bill for an act allowing appeal of denials of dental insurance coverage based on medical necessity.

ALSO: That the House has on March 25, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2393, a bill for an act providing requirements for minority impact statements in relation to state grant applications and correctional impact statements for legislation, and providing effective and applicability dates.

Read first time and referred to committee on **Human Resources**.

House File 2553, a bill for an act relating to per diem compensation for directors of the Iowa soybean association board.

Read first time and referred to committee on **Agriculture**.

House File 2601, a bill for an act providing for the state interagency Missouri river authority.

Read first time and referred to committee on **Agriculture**.

House File 2650, a bill for an act establishing a state health insurance mandate commission, and providing for a repeal and an effective date.

Read first time and referred to committee on **Commerce**.

House File 2651, a bill for an act relating to policies for the administration of highways and the regulation of motor vehicles and to deposits made by a county to the secondary road fund, physical ability tests required for fire fighter applicants, and certain obligations guaranteed by highway funds including matters concerning the bid threshold for emergency highway repairs, providing for new collegiate motor vehicle registration plates and providing fees, the fee for replacement of special dealer registration plates, antique motor vehicle registration fees, used motor vehicle dealer education requirements, disqualification from operating a commercial motor vehicle, penalties for speeding violations committed in road work zones, access to persons with disabilities parking spaces for certain disabled veterans, and permits and fees for the movement of certain oversize or overweight vehicles, drinking driver courses offered at state correctional facilities, establishment of benefited secondary road services districts, and the defeasance of petroleum underground storage tank fund bonds, and providing an effective date.

Read first time and referred to committee on **Transportation**.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 107.

Senate Resolution 107

On motion of Senator Rielly, **Senate Resolution 107**, a resolution honoring the men's soccer team from Marshalltown Community College for their third-place finish in the National Junior College Athletic Association National Soccer Tournament, with report of committee recommending passage, was taken up for consideration.

Senator Rielly moved the adoption of Senate Resolution 107, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senators Rielly and McKibben introduced to the chamber members of the Marshalltown Community College soccer team and their coaches. Head coach Marcelo Serrano addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Zieman, until he arrives, on request of Senator Kettering; and Senator McKinley, until he arrives, on request of Senator Hahn.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2283.

Senate File 2283

On motion of Senator Beall, **Senate File 2283**, a bill for an act concerning eligibility criteria for special gold star motor vehicle registration plates, was taken up for consideration.

Senator Beall 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. 2283), the vote was:

Yeas, 48:

Angelo	Dvorsky	Johnson	Ragan
Appel	Fraise	Kettering	Rielly
Beall	Gaskill	Kibbie	Schmitz
Behn	Gronstal	Kreiman	Schoenjahn
Black	Hahn	Lundby	Seng
Boettger	Hancock	McCoy	Seymour
Bolkcom	Hartsuch	McKibben	Stewart
Cannolly	Hatch	Mulder	Ward
Courtney	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Putney	Wood
Dotzler	Houser	Quirmbach	Zaun

Nays, none.

Absent, 2:

McKinley	Zieman
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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 2283** be **immediately messaged** to the House.

The Senate stood at ease at 9:13 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:58 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:59 a.m. until 4:30 p.m.

APPENDIX—1

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:

COMMISSION ON THE STATUS OF WOMEN

Annual report, pursuant to Iowa Code section 216A.60. Report received on March 26, 2008.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Breitbach's Restaurant, Balltown—For rebuilding after the fire. Senator Hancock (3/26/08).

Catherine Brown, Graettinger—For celebrating her 85th birthday. Senator Kibbie (3/26/08).

Edward J. Lukan, New Vienna—For 50 years of employment and ownership at Lukan Service. Senator Hancock (3/26/08).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 24, 2008, 11:00 a.m.

Members Present: Wood, Chair; Horn, Vice Chair; Boettger, Ranking Member; Quirnbach and Zieman.

Members Absent: None.

Committee Business: Discussed budget bill.

Recessed: 3:10 p.m.

Reconvened: March 26, 2008, 11:50 a.m.

Adjourned: 12:40 p.m.

HUMAN RESOURCES

Convened: March 25, 2008, 2:30 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Seymour, Ranking Member; Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Kreiman, Mulder, Quirmbach, and Wood.

Members Absent: Johnson (excused).

Committee Business: Passed HFs 2145, 2310, 2328, 2372, and 2423 and approved governor's appointees.

Adjourned: 3:15 p.m.

AGRICULTURE

Convened: March 26, 2008, 11:00 a.m.

Members Present: Fraise, Chair; Rielly, Vice Chair; Johnson, Ranking Member; Appel, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng.

Members Absent: Black (excused).

Committee Business: Passed HFs 2551, 2553, 2554, 2601, and 2606.

Adjourned: 11:20 a.m.

LOCAL GOVERNMENT

Convened: March 26, 2008, 10:10 a.m.

Members Present: Quirmbach, Chair; Beall Vice Chair; Zaun Ranking Member; Hartsuch, Heckroth, Houser, McKinley, Olive, Rielly, Schoenjahn, and Stewart.

Members Absent: Angelo and Kreiman (both excused).

Committee Business: Approved governor's appointees.

Adjourned: 10:15 a.m.

STATE GOVERNMENT

Convened: March 26, 2008, 10:05 a.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Appel, Behn, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, Schmitz, and Wood.

Members Absent: Zieman, Ranking Member; and McKibben (both excused).

Committee Business: Passed HF 2367, 2390, 2620, and 2646 and approved governor's appointees.

Adjourned: 10:50 a.m.

VETERANS AFFAIRS

Convened: March 26, 2008, 1:35 p.m.

Members Present: Beall, Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Horn, Kibbie, McKibben, and Ragan.

Members Absent: Warnstadt, Vice Chair; and McKinley (both excused).

Committee Business: Passed HF 2283 and approved governor's appointees.

Adjourned: 1:55 p.m.

WAYS AND MEANS

Convened: March 26, 2008, 2:35 p.m.

Members Present: Bolkcom, Chair; McKibben, Ranking Member; Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, and Ward.

Members Absent: McCoy, Vice Chair; and Zieman (both excused).

Committee Business: Passed SF 2223, as amended, and approved governor's appointees.

Adjourned: 2:45 p.m.

SUBCOMMITTEE ASSIGNMENTS

House File 2393

HUMAN RESOURCES: Hatch, Chair; Boettger and Quirnbach

House File 2650

COMMERCE: Rielly, Chair; Heckroth and Kettering

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: HOUSE FILE 2551, a bill for an act providing requirements for a nonresident of this state engaged in the aerial application of pesticides, making penalties applicable, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Fraise, Rielly, Johnson, Appel, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2553, a bill for an act relating to per diem compensation for directors of the Iowa soybean association board.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Fraise, Rielly, Johnson, Appel, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2554, a bill for an act providing monetary thresholds for actions by governing boards of drainage districts.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Fraise, Rielly, Johnson, Appel, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2601, a bill for an act providing for the state interagency Missouri river authority.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Fraise, Rielly, Johnson, Appel, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2606, a bill for an act relating to the regulation of transactions involving grain, by providing for the regulation of grain dealers and warehouse operators, and providing for the administration of the grain indemnity fund.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Fraise, Rielly, Johnson, Appel, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: HOUSE FILE 2145, a bill for an act to require insurers offering certain individual or group health insurance contracts, policies, or plans to provide coverage for vaccinations for human papilloma virus.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Schmitz, Seymour, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Kreiman, Mulder, Quirnbach, and Wood. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2310, a bill for an act requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child's parent, guardian, custodian, or other person responsible for the child's care and child abuse.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5223.

Final Vote: Ayes, 12: Ragan, Schmitz, Seymour, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Kreiman, Mulder, Quirnbach, and Wood. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2328, a bill for an act relating to services associated with the family investment program by moving the family development and self-sufficiency council and grant program to the department of human rights and revising confidentiality provisions involving the programs.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Schmitz, Seymour, Boettger, Bolkom, Dotzler, Hartsuch, Hatch, Kreiman, Mulder, Quirnbach, and Wood. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2372, a bill for an act limiting the scope of the electronic benefits transfer program maintained by the department of human services.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Schmitz, Seymour, Boettger, Bolkom, Dotzler, Hartsuch, Hatch, Kreiman, Mulder, Quirnbach, and Wood. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2423, a bill for an act relating to the risk pool for county mental health, mental retardation, and developmental disabilities services by revising procedural and qualifying requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Schmitz, Seymour, Boettger, Bolkom, Dotzler, Hartsuch, Hatch, Kreiman, Mulder, Quirnbach, and Wood. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: HOUSE FILE 2367, a bill for an act relating to the tally of absentee votes by precinct at certain elections.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Connolly, Horn, Appel, Black, Danielson, Hatch, Kibbie, Schmitz, and Wood. Nays, 4: Behn, Gaskill, Hahn, and Kettering. Absent, 2: Zieman and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2390, a bill for an act relating to the licensing and regulation of plumbers and mechanical professionals and providing effective dates.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Connolly, Horn, Appel, Black, Danielson, Hatch, Kibbie, Schmitz, and Wood. Nays, 4: Behn, Gaskill, Hahn, and Kettering. Absent, 2: Zieman and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2620, a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Connolly, Horn, Appel, Behn, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, and Schmitz. Nays, 1: Wood. Absent, 2: Zieman and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2646, a bill for an act providing for the licensure of persons installing fire protection systems, providing for the establishment of fees, and providing penalties and an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Connolly, Horn, Appel, Behn, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, Schmitz, and Wood. Nays, none. Absent, 2: Zieman and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: HOUSE FILE 2283, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service, providing a penalty, and including an effective date and retroactive applicability provision.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Beall, Seymour, Black, Danielson, Hartsuch, Horn, Kibbie, McKibben, and Ragan. Nays, none. Absent, 2: Warnstadt and McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 25, 2008, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 249 – Relating to the conference of eligibility on and conditions of eligibility for individuals for certain programs under the purview of the department of human services.

ALSO:

A communication was received announcing that on March 26, 2008, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2111 – Relating to requirements for blood lead testing and dental screening of children.

Senate File 2156 – Relating to regulation of commercial motor vehicle operators by the state department of transportation and providing penalties.

Senate File 2221 – Relating to workers' compensation benefit payments for burial expenses.

Senate File 2304 – Relating to the boiler and pressure vessel safety and elevator safety revolving funds under the control of the labor commissioner.

AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., President Kibbie presiding.

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 March 26, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2558, a bill for an act relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for financial assistance.

Read first time and referred to committee on **Economic Growth**.

House File 2570, a bill for an act relating to solid waste disposal and environmental management by providing for the designation of environmental management systems, providing incentives, and creating a solid waste alternatives program advisory council and comprehensive recycling planning task force, and modifying fees and allocations of funds.

Read first time and **attached to similar Senate File 2360**.

House File 2580, a bill for an act providing for a sustainable natural resource funding advisory committee.

Read first time and referred to committee on **Natural Resources and Environment**.

House File 2581, a bill for an act relating to the donation of food to the department of natural resources or county conservation boards.

Read first time and referred to committee on **Natural Resources and Environment**.

House File 2600, a bill for an act relating to eluding or attempting to elude a pursuing law enforcement vehicle operated by a special security officer employed by a board of regents institution.

Read first time and referred to committee on **Judiciary**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 4:31 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 4:35 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal.

MOTION TO RECONSIDER ADOPTED

Senate File 2131

Senator Hatch called up the motion to reconsider **Senate File 2131**, filed by him on March 25, 2008, found on page 803 of the Senate Journal.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2131), the vote was:

Yeas, 29:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Black	Gronstal	Lundby	Stewart
Bolkcom	Hancock	Olive	Warnstadt
Connolly	Hatch	Quirmbach	Wood
Courtney	Heckroth	Ragan	
Danielson	Hogg	Rielly	
Dotzler	Horn	Schmitz	

Nays, 19:

Angelo	Hahn	McKibben	Seymour
Behn	Hartsuch	McKinley	Ward
Boettger	Houser	Mulder	Wieck
Dearden	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	

Absent, 2:

McCoy	Zieman
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The motion to reconsider Senate File 2131 was adopted.

On motion of Senator Seng, **Senate File 2131**, 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, was taken up for reconsideration.

Senator Putney raised the point of order that the bill be referred to the committee on State Government under Rule 38.

The Chair ruled the point well-taken.

BILL REFERRED TO COMMITTEE

President Kibbie announced that **Senate File 2131** be referred from the Regular Calendar to the committee on **State Government** under Senate Rule 38.

RECESS

On motion of Senator Gronstal, the Senate recessed at 4:45 p.m. until the completion of a meeting of the committee on State Government.

RECONVENED

The Senate reconvened at 5:00 p.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

STATE GOVERNMENT

Bill Title: SENATE FILE 2131, 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: DO PASS.

Final Vote: Ayes, 9: Connolly, Horn, Appel, Black, Danielson, Hatch, Kibbie, Schmitz, and Wood. Nays, 4: Gaskill, Hahn, Kettering, and McKibben. Absent, 2: Zieman and Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2131.

Senate File 2131

On motion of Senator Appel, **Senate File 2131**, 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, with report of committee on State Government recommending passage, was taken up for consideration.

The Senate stood at ease at 5:02 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:39 p.m., President Kibbie presiding.

Senator Putney offered amendment S-5229, filed by him from the floor to pages 1-4 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5229 be adopted?" (S.F. 2131), the vote was:

Yeas, 19:

Angelo	Hahn	Lundby	Seymour
Behn	Hartsuch	McKibben	Ward
Boettger	Houser	McKinley	Wieck
Dearden	Johnson	Mulder	Zaun
Gaskill	Kettering	Putney	

Nays, 30:

Appel	Dvorsky	Kibbie	Schmitz
Beall	Fraise	Kreiman	Schoenjahn
Black	Gronstal	McCoy	Seng
Bolkcom	Hancock	Noble	Stewart
Connolly	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirnbach	Wood
Danielson	Hogg	Ragan	
Dotzler	Horn	Rielly	

Absent, 1:

Zieman

Amendment S-5229 lost.

Senator Appel 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. 2131), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz

Behn	Fraise	Kreiman	Schoenjahn
Black	Gronstal	McCoy	Seng
Bolkcom	Hancock	McKinley	Stewart
Connolly	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirnbach	Wood
Danielson	Hogg	Ragan	

Nays, 18:

Angelo	Hartsuch	McKibben	Ward
Boettger	Houser	Mulder	Wieck
Dearden	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	
Hahn	Lundby	Seymour	

Absent, 1:

Zieman

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 2131** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:55 p.m. until 8:45 a.m., Thursday, March 27, 2008.

APPENDIX—2**REPORTS OF COMMITTEE MEETINGS****JUDICIARY**

Convened: March 26, 2008, 3:35 p.m.

Members Present: Kreiman, Chair; Hogg, Vice Chair; McKibben, Ranking Member; Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirmbach, Schoenjahn, Ward, and Warnstadt.

Members Absent: Zieman (excused).

Committee Business: Passed HF 2626, 2628, and 2642 and approved governor's appointees.

Adjourned: 4:00 p.m.

RULES AND ADMINISTRATION

Convened: March 26, 2008, 4:30 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, and Ragan.

Members Absent: Zieman (excused).

Committee Business: Approved SR 122.

Adjourned: 4:35 p.m.

STATE GOVERNMENT

Convened: March 26, 2008, 4:50 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Appel, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood.

Members Absent: Zieman, Ranking Member; and Behn (both excused).

Committee Business: Passed SF 2131.

Adjourned: 4:55 p.m.

SUBCOMMITTEE ASSIGNMENTS

House File 2553

AGRICULTURE: Gaskill, Chair; Fraise and Olive

House File 2558

ECONOMIC GROWTH: Olive, Chair; Houser and Stewart

House File 2580

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Lundby and Schoenjahn

House File 2581

NATURAL RESOURCES AND ENVIRONMENT: Wood, Chair; Kettering and Seng

House File 2601

AGRICULTURE: Kibbie, Chair; Fraise and Houser

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: HOUSE FILE 2626, a bill for an act relating to the appointment or election of state judicial nominating commission members.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Kreiman, Hogg, McKibben, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirmbach, Schoenjahn, Ward, and Warnstadt. Nays, none. Absent, 1: Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2628, a bill for an act including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous weapon and making penalties applicable.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENTS 5-5228.

Final Vote: Ayes, 14: Kreiman, Hogg, McKibben, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirmbach, Schoenjahn, Ward, and Warnstadt. Nays, none. Absent, 1: Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2642, a bill for an act relating to issuance of a treasurer's deed after expiration of the period of redemption and including an effective and applicability date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Kreiman, Hogg, McKibben, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirmbach, Schoenjahn, Ward, and Warnstadt. Nays, none. Absent, 1: Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 122, a resolution honoring the work and life achievements of retiring Iowa Federation of Labor President, Mark L. Smith.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, and Ragan. Nays, none. Absent, 1: Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

AGRICULTURE

Annette Townsley – Agricultural Development Authority

LOCAL GOVERNMENT

Claudia Niles – City Development Board

Rebecca Eskildsen – Mental Health Risk Pool Board

John Grush – Mental Health Risk Pool Board

STATE GOVERNMENT

Thomas Engelmann – Accountancy Examining Board

Marianne Mickelson – Accountancy Examining Board

Krystal Madlock – Commission on the Status of African-Americans
Rosemary Parson – Commission on the Status of African-Americans
Stephan Pearson – Commission on the Status of African-Americans
Jerome Thomas – Commission on the Status of African-Americans

Greg Nashleanas – Alcoholic Beverages Commission

Terry Allers – Architectural Examining Board
Thomas Clause – Architectural Examining Board
Sue Jarboe – Architectural Examining Board

Clark (Sam) Kauffman – Board of Barbering
Robert Van Vooren – Board of Barbering

Karla Henderson – Board of Chiropractic
Steven Kraus – Board of Chiropractic
Dori Rammelsberg-Dvorak – Board of Chiropractic

Dana Atkins – Board of Cosmetology Arts and Sciences
Becky Brockmann – Board of Cosmetology Arts and Sciences
Kimberly Setzer – Board of Cosmetology Arts and Sciences
Karen Thomsen – Board of Cosmetology Arts and Sciences

Perry Grimes – Board of Dentistry
Diane Meier – Board of Dentistry
VaLinda Parsons – Board of Dentistry

Christine O'Brien – Board of Dietetics
Robert Schweers – Board of Dietetics

Chad Campion – Electrical Examining Board
Andrea Rivera-Harrison – Electrical Examining Board

Gary Benjamin – Engineering and Land Surveying Examining Board
Gowri Kalavala – Engineering and Land Surveying Examining Board
Jerry Shellberg – Engineering and Land Surveying Examining Board

Ragen Cote – Generation Iowa Commission
Christian Fong – Generation Iowa Commission
Emiliano Lerda – Generation Iowa Commission
Sophia Magill – Generation Iowa Commission

Mary Ricketts – Board of Hearing Aid Dispensers
Virginia Rowen – Board of Hearing Aid Dispensers

Frederic Malven – Interior Design Examining Board

Sheila Castaneda – IOWAccess Advisory Council
Kelly Hayworth – IOWAccess Advisory Council
Richard Neri – IOWAccess Advisory Council
Kathleen Richardson – IOWAccess Advisory Council

Laura Hawks – Landscape Architectural Examining Board
Carolyn Magnani – Landscape Architectural Examining Board
Mark Ripplinger – Landscape Architectural Examining Board

Brad Schroeder – Iowa Lottery Authority Board of Directors

Larry Dallenbach – Board of Massage Therapy
Kathy Spencer-Jensen – Board of Massage Therapy
Marilyn Spina – Board of Massage Therapy

Janice Galli – Board of Medicine
Jeffrey Snyder – Board of Medicine
Paul Thurlow – Board of Medicine
Rodney Zeitler – Board of Medicine

Judith McClure – Board of Mortuary Science
Martin Mitchell – Board of Mortuary Science
Tyrone Orr – Board of Mortuary Science

John Connors – Board of Nursing
Lisa Flanagan – Board of Nursing
Lynne Pothast – Board of Nursing

Joseph Hickey – Board of Nursing Home Administrators
Richard Mishler – Board of Nursing Home Administrators
Cynthia Thorland – Board of Nursing Home Administrators

Terry Brown – Board of Optometry
Jeffrey Foreman – Board of Optometry
Carolyn Warkentin – Board of Optometry

Terrance Lillis – Peace Officers' Retirement, Accident, and Disability System Trustee

Vernon Benjamin – Board of Pharmacy
Annabelle Diehl – Board of Pharmacy
Edward Maier – Board of Pharmacy

Byron Bork – Board of Physical and Occupational Therapy
Jennifer Furness – Board of Physical and Occupational Therapy
Armando Rosales – Board of Physical and Occupational Therapy

Patsy Hastings – Board of Podiatry

Sarah Henderson – Board of Psychology
Brenda Payne – Board of Psychology

Kathryne Cutler – State Racing and Gaming Commission

Michael Lara – Real Estate Appraiser Examining Board
Amy Thorne – Real Estate Appraiser Examining Board

Daniel Berry – Real Estate Commission
Patricia Daniels – Real Estate Commission
Laurel Diehl – Real Estate Commission
James O'Neill – Real Estate Commission

Akshay Mahadevia – Board of Respiratory Care
Mary Kathelene Semke – Board of Respiratory Care

LaMark Combs – Board of Social Work
Beth Harms – Board of Social Work
Joyce Westphal – Board of Social Work

Christine Donner-Tiernan – Board of Speech Pathology and Audiology
Lori Walton – Board of Speech Pathology and Audiology

Tom Colvin – Iowa Board of Veterinary Medicine
Rexanne Struve – Iowa Board of Veterinary Medicine

Charles Graf – Vision Iowa Board
David Odekirk – Vision Iowa Board
Tammy Robinson – Vision Iowa Board

WAYS AND MEANS

Dianna Darold – Iowa Railway Finance Authority
Philip Dorweiler – Iowa Railway Finance Authority

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar without recommendation for confirmation:

STATE GOVERNMENT

Lori Mease – Electrical Examining Board

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

STATE GOVERNMENT

Ron Dardis – Adjutant General of the Iowa Department of Public Defense

Richard Mosley – Board of Cosmetology Arts and Sciences

Donna Mueller – Chief Executive Officer of the IPERS

WITHDRAWAL OF GOVERNOR'S APPOINTEES

The following letters from the Governor were received in the office of the Secretary of the Senate on March 26, 2008:

I am withdrawing the name of Melissa Schoneberg to serve as a Generation Iowa Commission member from further consideration by the Senate.

I am withdrawing the name of Stuart Thiessen to serve as a Board of Sign Language Interpreters and Transliterators member from further consideration by the Senate.

GOVERNOR'S DEFERRAL LETTERS

The following letters from the Governor were received in the office of the Secretary of the Senate on March 26, 2008:

Pursuant to House File 617, 2007 Iowa Acts, please accept this letter as the notice of deferment of the appointment to the Generation Iowa Commission, formerly held by Melissa Schoneberg. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 147.14(21), please accept this letter as the notice of deferment of the appointment to the Board of Sign Language Interpreters and Transliterators, formerly held by Stuart Thiessen. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

AMENDMENTS FILED

S-5223	H.F.	2310	Human Resources
S-5224	S.F.	2332	Paul McKinley
S-5225	S.F.	2332	William Dotzler Pat Ward
S-5226	S.F.	2332	William Dotzler Pat Ward
S-5227	S.F.	2332	Brad Zaun Pat Ward
S-5228	H.F.	2628	Judiciary
S-5229	S.F.	2131	John Putney
S-5230	S.F.	2332	Pat Ward
S-5231	S.F.	2332	Brad Zaun

JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY
FORTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 27, 2008

The Senate met in regular session at 8:52 a.m., President Kibbie presiding.

Prayer was offered by Reverend James Meadows of the First Congregational Church in Fort Dodge, Iowa. He was the guest of Senator Beall.

The Journal of Wednesday, March 26, 2008, was approved.

SPECIAL GUESTS

Senator McKinley welcomed to the Senate chamber Queen Ally Huffman and representatives from Pella's Seventy-third Annual Tulip Time Festival. Queen Huffman invited the Senate to attend this year's festival on May 1, 2, and 3.

Queen Huffman introduced the following members of her court: Cassidy Mejia, Robin Sadler, Nikki Sikkema, and Emily Van Woerkom. Senator McCoy, who was celebrating his birthday, was invited to the well and took part in the presentation. President Kibbie gave Queen Huffman a kiss, and she, in turn, presented President Kibbie with a package of the famous Pella Dutch pastries.

The Queen, her attendants, and their parents distributed pastries to the senators and staff.

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 March 26, 2008, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2328, a bill for an act relating to the deer depredation management program, establishing a deer study advisory committee, and providing an effective date.

ALSO: That the House has on March 26, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2559, a bill for an act prohibiting the purchase of designated flags manufactured outside the United States.

Read first time and referred to committee on **State Government**.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 122.

Senate Resolution 122

On motion of Senator Dearden, **Senate Resolution 122**, a resolution honoring the work and life achievements of retiring Iowa Federation of Labor President, Mark L. Smith, with report of committee recommending passage, was taken up for consideration.

Senator Dearden moved the adoption of Senate Resolution 122, which motion prevailed by a voice vote.

The Senate stood at ease at 9:00 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:53 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKibben, until he arrives, on request of Senator Angelo; and Senators Boettger and Zieman, until they arrive, on request of Senator McKinley.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2377 and 2307.

Senate File 2377

On motion of Senator Dotzler, **Senate File 2377**, a bill for an act relating to unemployment insurance benefits and compliance with federal law and including effective date and applicability provisions, was taken up for consideration.

Senator Wieck offered amendment S-5183, filed by him on March 21, 2008, to pages 2 and 4-6 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5183 be adopted?" (S.F. 2377), the vote was:

Yeas, 17:

Angelo	Houser	Noble	Wieck
Behn	Johnson	Putney	Zaun
Gaskill	Kettering	Quirnbach	
Hahn	McKinley	Seymour	
Hartsuch	Mulder	Ward	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	Lundby	Stewart
Cannolly	Hancock	McCoy	Warnstadt
Courtney	Hatch	Olive	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 3:

Boettger McKibben Ziemann

Amendment S–5183 lost.

President Pro Tempore Danielson took the chair at 10:18 a.m.

Senator Dotzler offered amendment S–5168, filed by him on March 19, 2008, to pages 4 and 6 of the bill, and moved its adoption.

Amendment S–5168 was adopted by a voice vote.

With the adoption of amendment S–5168, the Chair ruled amendment S–5167, filed by Senator Dotzler on March 19, 2008, to page 6 of the bill, out of order.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Kibbie and Gronstal, until they return, on request of Senator Dvorsky.

BUSINESS PENDING

Senate File 2377

The Senate resumed consideration of **Senate File 2377**.

Senator Dotzler 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. 2377), the vote was:

Yeas, 29:

Appel	Dotzler	Kreiman	Schoenjahn
Beall	Dvorsky	Lundby	Seng
Black	Fraise	McCoy	Stewart
Bolkcom	Hancock	Olive	Warnstadt
Connolly	Hatch	Quirnbach	Wood
Courtney	Heckroth	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Nays, 16:

Angelo	Hartsuch	McKinley	Seymour
Behn	Houser	Mulder	Ward
Gaskill	Johnson	Noble	Wieck
Hahn	Kettering	Putney	Zaun

Absent, 5:

Boettger	Kibbie	Zieman
Gronstal	McKibben	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2307

On motion of Senator Heckroth, **Senate File 2307**, a bill for an act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date, was taken up for consideration.

Senator McKinley offered amendment S-5233, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5233 be adopted?" (S.F. 2307), the vote was:

Yeas, 17:

Angelo	Houser	Mulder	Wieck
Behn	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	
Hahn	McCoy	Seymour	
Hartsuch	McKinley	Ward	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	Lundby	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 3:

Boettger McKibben Zieman

Amendment S-5233 lost.

Senator Heckroth 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. 2307), the vote was:

Yeas, 40:

Appel	Fraise	Kettering	Ragan
Beall	Gaskill	Kibbie	Rielly
Black	Gronstal	Kreiman	Schmitz
Bolkcom	Hancock	Lundby	Schoenjahn
Connolly	Hatch	McCoy	Seng
Courtney	Heckroth	Mulder	Seymour
Danielson	Hogg	Noble	Stewart
Dearden	Horn	Olive	Ward
Dotzler	Houser	Putney	Warnstadt
Dvorsky	Johnson	Quirmbach	Wood

Nays, 7:

Angelo	Hahn	McKinley	Zaun
Behn	Hartsuch	Wieck	

Absent, 3:

Boettger McKibben Zieman

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 Files 2307** and **2377** be **immediately messaged** to the House.

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that the following bills on the Senate Calendar, no longer eligible under Joint Rule 20, be placed on the Unfinished Business Calendar:

S.F. 2155
S.F. 2360 (and attached H.F. 2570)
S.F. 2395 (and attached H.F. 2633)
S.F. 2399
S.F. 2401
S.F. 2402
S.F. 2403

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **House File 2589** be referred from the Regular Calendar to the committee on **Ways and Means**.

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 March 27, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2603, a bill for an act authorizing certain advanced registered nurse practitioners and psychiatrists 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 and referred to committee on **Human Resources**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:52 a.m. until 1:00 p.m., Monday, March 31, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Adel-DeSoto-Minburn Boys' Basketball Team—For reaching the Boys' State Basketball Tournament. Senator Behn (3/27/08).

Gene Best, Atlantic—For celebrating his 80th birthday. Senator Boettger (3/27/08).

Jim and JoAnn Bobenmoyer, Audubon—For celebrating their 45th wedding anniversary. Senator Boettger (3/27/08).

Dallas Center-Grimes Girls' Basketball Team—For reaching the Girls' State Basketball Tournament. Senator Behn (3/27/08).

Ray DeBruin—For celebrating his 90th birthday. Senator Rielly (3/27/08).

Oren James—For celebrating his 99th birthday. Senator Rielly (3/27/08).

Talia Leman, Waukee—For being named one of the top two youth volunteers in the 13th Annual Prudential Spirit of Community Awards. Senator Behn (3/27/08).

Duane and Jane Schuler, Griswold—For celebrating their 50th wedding anniversary. Senator Boettger (3/27/08).

Florence Thelen, Atlantic—For celebrating her 80th birthday. Senator Boettger (3/27/08).

Al and Gen Wede, Atlantic—For celebrating their 50th wedding anniversary. Senator Boettger (3/27/08).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 27, 2008, 11:40 a.m.

Members Present: Warnstadt, Chair; Heckroth, Vice Chair; Behn, Ranking Member; Angelo, Bolkcom, Kettering, McCoy, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward.

Members Absent: Courtney and McKibben (both excused).

Committee Business: Passed HF's 2383, 2555, 2556, 2650, and 2653, and approved governor's appointees.

Adjourned: 12:10 p.m.

ECONOMIC GROWTH

Convened: March 27, 2008, 1:50 p.m.

Members Present: Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Danielson, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, and Zaun.

Members Absent: Seymour (excused).

Committee Business: Passed HF 2558.

Adjourned: 1:55 p.m.

EDUCATION

Convened: March 27, 2008, 11:00 a.m.

Members Present: Schoenjahn, Chair; Appel, Vice Chair; Mulder, Ranking Member; Beall, Boettger, Connolly, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Schmitz, Wood, and Zaun.

Members Absent: Zieman (excused).

Committee Business: Passed HFs 2164, 2197, and 2526, and approved governor's appointees.

Recessed: 11:05 a.m.

Reconvened: 11:15 a.m.

Adjourned: 11:35 a.m.

HUMAN RESOURCES

Convened: March 27, 2008, 1:05 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirmbach, and Wood.

Members Absent: Seymour, Ranking Member (excused).

Committee Business: Passed HFs 2393, 2564, 2591, 2603, and 2609, and approved governor's appointees.

Adjourned: 1:20 p.m.

LABOR AND BUSINESS RELATIONS

Convened: March 27, 2008, 9:10 a.m.

Members Present: Dearden, Chair; Ward, Ranking Member; Behn, Bolkom, Dotzler, Dvorsky, Hahn, Hatch, Horn, Kettering, and Seng.

Members Absent: None.

Committee Business: Passed HF's 2542 and 2568, and approved governor's appointees.

Adjourned: 9:25 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 27, 2008, 2:15 p.m.

Members Present: Black, Chair; Hancock, Vice Chair; Behn, Bolkom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood.

Members Absent: Gaskill, Ranking Member (excused).

Committee Business: Passed HF's 2177, 2440, 2580, 2581, and 2612, as amended, and approved governor's appointees.

Adjourned: 3:20 p.m.

TRANSPORTATION

Convened: March 27, 2008, 1:05 p.m.

Members Present: Rielly, Chair; Danielson, Vice Chair; Noble, Ranking Member; Beall, Dearden, Hancock, Heckroth, Houser, Putney, Warnstadt, and Zaun.

Members Absent: McCoy and Zieman (both excused).

Committee Business: Passed HF's 2407 and 2651, as amended.

Adjourned: 1:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 27, 2008, 12:05 p.m.

Members Present: Wood, Chair; Horn, Vice Chair; Boettger, Ranking Member; and Quirmbach.

Members Absent: Zieman (excused).

Committee Business: Discussed budget bill.

Adjourned: 12:35 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 123, by Angelo, Wieck, Ziemann, Kettering, Boettger, Ward, Mulder, Johnson, Zaun, McKinley, Noble, Putney, Gaskill, Lundby, Houser, Seymour, Wood, Heckroth, Rielly, Schoenjahn, Olive, Kreiman, Stewart, Quirnbach, Warnstadt, Ragan, Bolkcom, Fraise, Dotzler, Hatch, Dvorsky, Connolly, Seng, Appel, Hogg, Dearden, Gronstal, Courtney, Hancock, Kibbie, Danielson, Schmitz, and Horn, a resolution to honor Iowa's Olympic athletes.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 124, by Ragan and Seymour, a resolution to recognize the work of the federal Advisory Committee on Immunization Practices (ACIP) and the efforts to reduce the incidence of vaccine-preventable influenza.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS

House File 2600

JUDICIARY: Kreiman, Chair; McKibben and Warnstadt

House File 2603

HUMAN RESOURCES: Wood, Chair; Ragan and Seymour

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: HOUSE FILE 2383, a bill for an act making nonsubstantive corrections to certain provisions relating to insurance and making repeals.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Angelo, Bolkcom, Kettering, McCoy, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 2: Courtney and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2555, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including uniform securities; duties of the insurance division including a consumer advocate and rate reviews; confidential information; examinations; insurance trade practices; insurance fraud; the Iowa life and health insurance guaranty association; viatical settlement contracts; general agents and third-party administrators; life insurance companies; health maintenance organizations; utilization and cost control; external review of health care coverage decisions; the Iowa comprehensive health insurance association; workers' compensation liability insurance; consolidation, merger, and reinsurance; licensing of insurance producers; cemetery and funeral merchandise and funeral services; and cemeteries, making appropriations, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Angelo, Bolkcom, Kettering, McCoy, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 2: Courtney and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2556, a bill for an act relating to the regulatory duties of the banking division of the department of commerce regarding banking, debt management, delayed deposit services, mortgage banking, and industrial loan companies, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Angelo, Bolkcom, Kettering, McCoy, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 2: Courtney and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2650, a bill for an act establishing a state health insurance mandate commission, and providing for a repeal and an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Warnstadt, Heckroth, Behn, Angelo, Bolkcom, Kettering, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, 1: McCoy. Absent, 2: Courtney and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2653, a bill for an act relating to foreclosure consultants and foreclosure reconveyances, providing for criminal and civil penalties, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Angelo, Bolkcom, Kettering, McCoy, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 2: Courtney and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH

Bill Title: HOUSE FILE 2558, a bill for an act relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for financial assistance.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Stewart, Olive, Houser, Beall, Danielson, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, and Zaun. Nays, none. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: HOUSE FILE 2164, a bill for an act relating to voluntary diversity or court-ordered school desegregation plans under the state's open enrollment law.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Schoenjahn, Appel, Beall, Connolly, Heckroth, Kreiman, Quirnbach, Schmitz, and Wood. Nays, 5: Mulder, Boettger, Johnson, McKinley, and Zaun. Absent, 1: Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2197, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5236.

Final Vote: Ayes, 13: Schoenjahn, Appel, Mulder, Beall, Connolly, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Schmitz, Wood, and Zaun. Nays, none. Absent, 2: Boettger and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2526, a bill for an act relating to the disposition of school property.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5235.

Final Vote: Ayes, 13: Schoenjahn, Appel, Mulder, Beall, Connolly, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Schmitz, Wood, and Zaun. Nays, none. Absent, 2: Boettger and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: HOUSE FILE 2393, a bill for an act providing requirements for minority impact statements in relation to state grant applications and correctional impact statements for legislation, and providing effective and applicability dates.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Schmitz, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirmbach, and Wood. Nays, none. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2564, a bill for an act concerning the disaster aid individual assistance grant program.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Ragan, Schmitz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Mulder, Quirmbach, and Wood. Nays, none. Absent, 2: Seymour and Hartsuch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2591, a bill for an act relating to dependent adult abuse in certain facilities and programs and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Schmitz, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirmbach, and Wood. Nays, none. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2603, a bill for an act authorizing certain advanced registered nurse practitioners and psychiatrists 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.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Schmitz, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirnbach, and Wood. Nays, none. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2609, a bill for an act relating to the public release of information relating to elder group homes, assisted living facilities, and adult day services programs and providing for an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Schmitz, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirnbach, and Wood. Nays, none. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LABOR AND BUSINESS RELATIONS

Bill Title: HOUSE FILE 2542, a bill for an act concerning work-related injuries suffered and claims made outside of this state.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Dearden, Ward, Behn, Bolkcom, Dotzler, Dvorsky, Hatch, Horn, Kettering, and Seng. Nays, none. Absent, 1: Hahn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2568, a bill for an act relating to the calculation of certain weekly workers' compensation benefits by requiring certain weekly workers' compensation benefits to be calculated by including an employee's shift differential pay and by changing the basis for calculating the weekly rate for certain injured inmates.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Dearden, Ward, Behn, Bolkcom, Dotzler, Dvorsky, Hahn, Hatch, Horn, Kettering, and Seng. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: HOUSE FILE 2177, a bill for an act relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Black, Hancock, Bolkcom, Dearden, Hogg, Johnson, Kettering, Lundby, Ragan, Schoenjahn, Seng, and Wood. Nays, 2: Behn and Noble. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2440, a bill for an act providing an exemption for certain military personnel and veterans from a requirement to complete a hunter safety and ethics education course before obtaining a hunting license.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Black, Hancock, Behn, Bolkcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2580, a bill for an act providing for a sustainable natural resource funding advisory committee.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Black, Hancock, Behn, Bolkcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2581, a bill for an act relating to the donation of food to the department of natural resources or county conservation boards.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Black, Hancock, Behn, Bolkcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: HOUSE FILE 2407, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rielly, Danielson, Noble, Beall, Dearden, Hancock, Heckroth, Houser, Putney, Warnstadt, and Zaun. Nays, none. Absent, 2: McCoy and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 27, 2008, when the vote was taken on Senate File 2377. Had I been present, I would have voted "Yea."

MICHAEL E. GRONSTAL

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 27, 2008, when the vote was taken on Senate File 2377. Had I been present, I would have voted "Yea."

JOHN P. KIBBIE

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

COMMERCE

James Forney – Superintendent of Credit Unions

Tahira Hira – Credit Union Review Board

Barbara Oliver-Hall – Credit Union Review Board

Robert Hardman – Iowa Telecommunications and Technology Commission

EDUCATION

Joan Jaimes – Board of Education

Janet Piller – Iowa Higher Education Loan Authority

Atul Gupta – Technology Governance Board

HUMAN RESOURCES

Pamela Davis – Board of Athletic Training

Melody Higgins – Board of Athletic Training

Lynn Lindaman – Board of Athletic Training

Sandra Ryan – Commission for the Blind

John Ortega – Healthy and Well Kids in Iowa (HAWK-I) Board

Amy Cook – Board of Sign Language Interpreters and Transliterators

LABOR AND BUSINESS RELATIONS

Karen Vanderhoef – Iowa Workforce Development Board

NATURAL RESOURCES AND ENVIRONMENT

Kevin Lewis – Renewable Fuels and Coproducts Advisory Committee

Cindi Grover – Renewable Fuel Infrastructure Board

VETERANS AFFAIRS

Francis McAllister – Commission of Veterans Affairs

Saralee Sickles – Commission of Veterans Affairs

Mickey Williams – Commission of Veterans Affairs

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar without recommendation for confirmation:

LABOR AND BUSINESS RELATIONS

Monique Kuester – Employment Appeal Board

AMENDMENTS FILED

S-5232	H.F.	2145	Rich Olive
S-5233	S.F.	2307	Paul McKinley
S-5234	S.F.	2360	Frank B. Wood
S-5235	H.F.	2526	Education
S-5236	H.F.	2197	Education
S-5237	H.F.	2555	Rich Olive
S-5238	H.F.	2555	Rich Olive

JOURNAL OF THE SENATE

SEVENTY-EIGHTH CALENDAR DAY
FORTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 31, 2008

The Senate met in regular session at 1:03 p.m., President Kibbie presiding.

Prayer was offered by Pastor Bill Tvedt of the Jubilee Family Church in Oskaloosa, Iowa. He was the guest of Senator Rielly.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Zakary Steib.

The Journal of Thursday, March 27, 2008, was approved.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **House File 2189** be referred from the Regular Calendar to the committee on **Appropriations**.

The Senate stood at ease at 1:20 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:23 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Courtney, for the day, on request of Senator Gronstal.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Marianne Mickelson – Accountancy Examining Board

Jerome Thomas – Commission on the Status of African-Americans

Gregory Steelsmith – Agricultural Development Authority

Greg Nashleanas – Alcoholic Beverages Commission

Terry Allers – Architectural Examining Board

Pamela Davis – Board of Athletic Training

Melody Higgins – Board of Athletic Training

Lynn Lindaman – Board of Athletic Training

Clark (Sam) Kauffman – Board of Barbering

Robert Van Vooren – Board of Barbering

Darcie Davis-Gage – Board of Behavioral Science

Lonnie Marshall – Board of Behavioral Science

Marcia Michaels – Board of Behavioral Science

Sandra Ryan – Commission for the Blind

Carol Garrett – Iowa Capital Investment Board

Karla Henderson – Board of Chiropractic

Steven Kraus – Board of Chiropractic

Dori Rammelsberg-Dvorak – Board of Chiropractic

Amber Crystal Amos – Commission on Community Action Agencies

Michelle Hatfield – Commission on Community Action Agencies

Dana Atkins – Board of Cosmetology Arts and Sciences

Becky Brockmann – Board of Cosmetology Arts and Sciences

Karen Thomsen – Board of Cosmetology Arts and Sciences

Jacquelyn Fletcher – Commission on the Deaf

Perry Grimes – Board of Dentistry

Diane Meier – Board of Dentistry

VaLinda Parsons – Board of Dentistry

Robert Schweers – Board of Dietetics

Jude Fitzpatrick – State Board of Education

Valorie Kruse – State Board of Education

LaMetta Wynn – State Board of Education

Gloria Reber – Commission of Elder Affairs

Chad Campion – Electrical Examining Board

Andrea Rivera-Harrison – Electrical Examining Board

John Calhoun – Iowa Empowerment Board

John Dotson – Iowa Empowerment Board

Gary Benjamin – Engineering and Land Surveying Examining Board

Gowri Kalavala – Engineering and Land Surveying Examining Board

Ragen Cote – Generation Iowa Commission

Christian Fong – Generation Iowa Commission

Emiliano Lerda – Generation Iowa Commission

Sophia Magill – Generation Iowa Commission

Sandy Simpson – Iowa Grain Indemnity Fund Board

Sharon Smith – Iowa Grain Indemnity Fund Board

Kimberly Carson – Healthy and Well Kids in Iowa (HAWK-I) Board

Mary Ricketts – Board of Hearing Aid Dispensers

Virginia Rowen – Board of Hearing Aid Dispensers

Janet Piller – Iowa Higher Education Loan Authority

Patricia Higby – Iowa Power Fund Board
Thomas Wind – Iowa Power Fund Board

Sheila Castaneda – IowaAccess Advisory Council
Kelly Hayworth – IowaAccess Advisory Council
Kathleen Richardson – IowaAccess Advisory Council

Alma Reed – Commission on the Status of Iowans of Asian and Pacific Islander Heritage
Kristopher Walters – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Angela Bonar – Iowa Law Enforcement Academy Council

Brad Schroeder – Lottery Board

Jeffrey Snyder – Board of Medicine
Paul Thurlow – Board of Medicine
Rodney Zeitler – Board of Medicine

Julie Fidler Dixon – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Rick Hecht – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Patricia Penning – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
John Willey – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Rebecca Eskildsen – Mental Health Risk Pool Board

Judith McClure – Board of Mortuary Science
Martin Mitchell – Board of Mortuary Science

Joseph Hickey – Board of Nursing Home Administrators
Richard Mishler – Board of Nursing Home Administrators
Cynthia Thorland – Board of Nursing Home Administrators

John Connors – Board of Nursing
Lisa Flanagan – Board of Nursing

Jeffrey Foreman – Board of Optometry
Carolyn Warkentin – Board of Optometry

Vernon Benjamin – Board of Pharmacy
Annabelle Diehl – Board of Pharmacy
Edward Maier – Board of Pharmacy

Byron Bork – Board of Physical and Occupational Therapy
Jenifer Furness – Board of Physical and Occupational Therapy

Daniel Gillette – Board of Physician Assistants

Patsy Hastings – Board of Podiatry

Brenda Payne – Board of Psychology

Neil Barrick – Public Employment Relations Board
M. Sue Warner – Public Employment Relations Board

Kathryne Cutler – State Racing and Gaming Commission

Philip Dorweiler – Iowa Railway Finance Authority

Michael Lara – Real Estate Appraiser Examining Board

Daniel Berry – Real Estate Commission

Carrie Dodds – Renewable Fuels and Coproducts Advisory
Committee

Akshay Mahadevia – Board of Respiratory Care

Amy Cook – Board of Sign Language Interpreters and
Transliterators

LaMark Combs – Board of Social Work
Beth Harms – Board of Social Work

Christopher Squier – Commission on Tobacco Use Prevention and
Control

Deborah Durham – State Transportation Commission
Amy Reasner – State Transportation Commission

Francis McAllister – Commission of Veterans Affairs
Mickey Williams – Commission of Veterans Affairs

Tom Colvin – Iowa Board of Veterinary Medicine
Rexanne Struve – Iowa Board of Veterinary Medicine

Charles Graf – Vision Iowa Board
Tammy Robinson – Vision Iowa Board

Rizwana Amjed – Commission on the Status of Women
Phyllis Peters – Commission on the Status of Women
Judy Stafford – Commission on the Status of Women

Jean Logan – Iowa Workforce Development Board
Karen Vanderhoef – Workforce Development Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2403.

Senate File 2403

On motion of Senator Connolly, **Senate File 2403**, a bill for an act concerning the ability of the lottery authority to operate a joint lottery with a lottery operated outside of the United States, placed on the Unfinished Business Calendar on March 27, 2008, was taken up for consideration.

Senator Connolly 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. 2403), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirmbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2642, 2626, 2554, and 2553.

House File 2642

On motion of Senator Fraise, **House File 2642**, a bill for an act relating to issuance of a treasurer's deed after expiration of the period of redemption and including an effective and applicability date provision, with report of committee recommending passage, was taken up for consideration.

Senator Fraise 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?" (H.F. 2642), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahr
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirmbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2626

On motion of Senator Hogg, **House File 2626**, a bill for an act relating to the appointment or election of state judicial nominating commission members, with report of committee recommending passage, was taken up for consideration.

Senator Hogg 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?" (H.F. 2626), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2554

On motion of Senator Olive, **House File 2554**, a bill for an act providing monetary thresholds for actions by governing boards of drainage districts, with report of committee recommending passage, was taken up for consideration.

Senator Olive 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?” (H.F. 2554), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2553

On motion of Senator Gaskill, **House File 2553**, a bill for an act relating to per diem compensation for directors of the Iowa soybean association board, with report of committee recommending passage, was taken up for consideration.

Senator Gaskill 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?" (H.F. 2553), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirmbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

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 2403** and **House Files 2553, 2554, 2626, and 2642** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 247, 2551, 2452, 2450, and 2423.

House File 247

On motion of Senator Schoenjahn, **House File 247**, a bill for an act providing voting member representation on joint E911 service boards for cities or townships providing fire protection services through a volunteer fire department, with report of committee recommending passage, was taken up for consideration.

Senator Schoenjahn 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?" (H.F. 247), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2551

On motion of Senator Rielly, **House File 2551**, a bill for an act providing requirements for a nonresident of this state engaged in the aerial application of pesticides, making penalties applicable, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Rielly 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?" (H.F. 2551), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2452

On motion of Senator Danielson, **House File 2452**, a bill for an act relating to vehicle titles and registration plates for specialty vehicles, and providing a penalty and an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Danielson 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?” (H.F. 2452), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2450

On motion of Senator Stewart, **House File 2450**, a bill for an act relating to certain department of economic development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, the administration of targeted industries development, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Stewart offered amendment S-5149, filed by the committee on Economic Growth on March 19, 2008, to pages 3 and 4 of the bill, and moved its adoption.

Amendment S-5149 was adopted by a voice vote.

Senator Stewart 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?" (H.F. 2450), the vote was:

Yeas, 43:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Black	Hancock	Mulder	Stewart
Boettger	Hatch	Noble	Ward
Bolkcom	Heckroth	Olive	Warnstadt
Connolly	Hogg	Putney	Wieck
Danielson	Horn	Quirnbach	Wood
Dearden	Houser	Ragan	Zaun
Dotzler	Johnson	Rielly	Zieman
Dvorsky	Kibbie	Schmitz	

Nays, 6:

Behn	Hartsuch	McKibben
Hahn	Kettering	McKinley

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2423

On motion of Senator Bolkcom, **House File 2423**, a bill for an act relating to the risk pool for county mental health, mental retardation, and developmental disabilities services by revising procedural and qualifying requirements, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom 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?” (H.F. 2423), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

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 **House Files 247, 2423, 2450, 2452, and 2551** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2407, 2393, 2383, 2372, and 2364.

House File 2407

On motion of Senator Beall, **House File 2407**, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs, with report of committee recommending passage, was taken up for consideration.

Senator Beall 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?" (H.F. 2407), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirmbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2393

On motion of Senator Hatch, **House File 2393**, a bill for an act providing requirements for minority impact statements in relation to state grant applications and correctional impact statements for legislation, and providing effective and applicability dates, with report of committee recommending passage, was taken up for consideration.

Senator Hatch 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?” (H.F. 2393), the vote was:

Yeas, 47:

Angelo	Gaskill	Kibbie	Rielly
Appel	Gronstal	Kreiman	Schmitz
Beall	Hahn	Lundby	Schoenjahn
Black	Hancock	McCoy	Seng
Boettger	Hartsuch	McKibben	Seymour
Bolkcom	Hatch	McKinley	Stewart
Connolly	Heckroth	Mulder	Ward
Danielson	Hogg	Noble	Warnstadt
Dearden	Horn	Olive	Wieck
Dotzler	Houser	Putney	Wood
Dvorsky	Johnson	Quirmbach	Zieman
Fraise	Kettering	Ragan	

Nays, 2:

Behn	Zaun
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Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2383

On motion of Senator Rielly, **House File 2383**, a bill for an act making nonsubstantive corrections to certain provisions relating to insurance and making repeals, with report of committee recommending passage, was taken up for consideration.

Senator Rielly 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?” (H.F. 2383), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward

Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2372

On motion of Senator Wood, **House File 2372**, a bill for an act limiting the scope of the electronic benefits transfer program maintained by the department of human services, with report of committee recommending passage, 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?" (H.F. 2372), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2364

On motion of Senator Schoenjahn, **House File 2364**, a bill for an act relating to school district financing arrangements, specifying funds into which loan proceeds shall be deposited and from which principal and interest payments shall be expended, and authorizing utilization of physical plant and equipment levy revenue to guarantee school district energy savings contracts, with report of committee recommending passage, was taken up for consideration.

Senator Schoenjahn 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?" (H.F. 2364), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Cannolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

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 **House Files 2364, 2372, 2383, 2393, and 2407** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2328, 2197, 2196, and 2145.

House File 2328

On motion of Senator Ragan, **House File 2328**, a bill for an act relating to services associated with the family investment program by moving the family development and self-sufficiency council and grant program to the department of human rights and revising confidentiality provisions involving the programs, with report of committee recommending passage, was taken up for consideration.

Senator Ragan 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?" (H.F. 2328), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2197

On motion of Senator Quirmbach, **House File 2197**, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Quirmbach offered amendment S-5236, filed by the committee on Education on March 27, 2008, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5236 was adopted by a voice vote.

Senator Quirmbach 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?" (H.F. 2197), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirmbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

House File 2196

On motion of Senator Rielly, **House File 2196**, a bill for an act requiring the department of transportation to study the acceptance of electronic payments at its customer service sites and sites operated by county treasurers, with report of committee recommending passage, was taken up for consideration.

Senator Rielly 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?" (H.F. 2196), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2145

On motion of Senator Bolkcom, **House File 2145**, a bill for an act to require insurers offering certain individual or group health insurance contracts, policies, or plans to provide coverage for vaccinations for human papilloma virus, with report of committee recommending passage, was taken up for consideration.

Senator Olive withdrew amendment S-5232, filed by him on March 27, 2008, to page 2 and to the title page of the bill.

Senator Bolkcom 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?" (H.F. 2145), the vote was:

Yeas, 41:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seymour
Beall	Hahn	McCoy	Stewart
Black	Hatch	McKibben	Ward
Bolkcom	Heckroth	Noble	Warnstadt
Connolly	Hogg	Olive	Wieck
Danielson	Horn	Putney	Wood
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, 8:

Behn	Hancock	McKinley	Seng
Boettger	Hartsuch	Mulder	Zaun

Absent, 1:

Courtney

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 **House Files 2145, 2196, 2197, and 2328** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2609 and 2591.

House File 2609

On motion of Senator Schmitz, **House File 2609**, a bill for an act relating to the public release of information relating to elder group homes, assisted living facilities, and adult day services programs and providing for an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Schmitz 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?" (H.F. 2609), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2591

On motion of Senator Dotzler, **House File 2591**, a bill for an act relating to dependent adult abuse in certain facilities and programs and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler 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?" (H.F. 2591), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

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 **House Files 2591** and **2609** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:38 p.m. until 8:45 a.m., Tuesday, April 1, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Richard and Betty Barber—For celebrating their 50th wedding anniversary. Senator Gronstal (3/31/08).

Ida Grace Gibler—For celebrating her 100th birthday. Senator Gronstal (3/31/08).

Eileen and Roland Hilty—For celebrating their 50th wedding anniversary. Senator Gronstal (3/31/08).

Parker Johnson, Marshalltown—For achieving the rank of Eagle Scout, Boy Scout Troop 357. Senator McKibben (3/31/08).

Alice Amelia Steers—For celebrating her 100th birthday. Senator Gronstal (3/31/08).

Dorothy and Richard Wick—For celebrating their 60th wedding anniversary. Senator Gronstal (3/31/08).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: March 31, 2008, 12:10 p.m.

Members Present: Hatch, Chair; Ragan and Seymour.

Members Absent: Kreiman, Vice Chair; and Johnson, Ranking Member (both excused).

Committee Business: Discussion of proposed budget.

Adjourned: 12:35 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 125, by Angelo, Wieck, Zieman, Kettering, Boettger, Ward, Mulder, Johnson, Zaun, McKinley, Noble, Putney, Gaskill, Lundby, Houser, Seymour, Wood, Heckroth, Rielly, Schoenjahn, Olive, Kreiman, Stewart, Quirnbach, Warnstadt, Ragan, Bolkcom, Fraise, Dotzler, Hatch, Dvorsky, Connolly, Seng, Appel, Hogg, Dearden, Gronstal, Courtney, Hancock, Kibbie, Danielson, Schmitz, and Horn, a resolution honoring Iowa's Olympic athletes.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2405, by committee on Ways and Means, a bill for an act relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 2406, by Gronstal, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILLS RECEIVED

SSB 3293 Government Oversight

Relating to postsecondary education financial assistance requirements for lending institutions, the Iowa student loan liquidity corporation, the college student aid commission, accredited postsecondary institutions, and private student loan creditors, and providing for properly related matters.

SSB 3294 Appropriations

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the

blind, the department of education, and the state board of regents, providing for related matters and including an effective date provision.

SUBCOMMITTEE ASSIGNMENTS

House File 2589

WAYS AND MEANS: Dotzler, Chair; Seng and Ward

SSB 3293

GOVERNMENT OVERSIGHT: Courtney, Chair; Connolly and Lundby

SSB 3294

APPROPRIATIONS: Wood, Chair; Boettger, Connolly, Dvorsky, and Kettering

FINAL COMMITTEE REPORTS OF BILL ACTION

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: HOUSE FILE 2612, a bill for an act relating to natural resources, including by providing for the powers and duties of the department's director and natural resource commission, and the regulation of public lands and outdoor recreation, providing for fees, providing for penalties and making penalties applicable.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5239.

Final Vote: Ayes, 14: Black, Hancock, Behn, Bolcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: HOUSE FILE 2651, a bill for an act relating to policies for the administration of highways and the regulation of motor vehicles and to deposits made by a county to the secondary road fund, physical ability tests required for fire fighter applicants, and certain obligations guaranteed by highway funds including matters concerning the bid threshold for emergency highway repairs, providing for new collegiate motor vehicle registration plates and providing fees, the fee for replacement of special dealer registration plates, antique motor vehicle registration fees, used motor vehicle dealer education requirements, disqualification from operating a commercial motor vehicle, penalties for speeding violations committed in road work zones, access to persons with disabilities parking spaces for certain disabled veterans, and permits and fees for the movement of certain oversize or overweight vehicles, drinking driver courses offered at state correctional facilities, establishment of benefited secondary

road services districts, and the defeasance of petroleum underground storage tank fund bonds, and providing an effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5242.

Final Vote: Ayes, 11: Rielly, Danielson, Noble, Beall, Dearden, Hancock, Heckroth, Houser, Putney, Warnstadt, and Zaun. Nays, none. Absent, 2: McCoy and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2405* (formerly SF 2223), a bill for an act relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkom, McKibben, Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirmbach, Schmitz, Seng, Stewart, and Ward. Nays, none. Absent, 2: McCoy and Zieman.

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 Ways and Means Committee on Senate File 2405, and they were attached to the committee report.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2317, the following correction was made:

1. Page 6, line 26: It should be underscored statute, not statutue as shown.

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2320, the following corrections were made:

1. Page 35, line 21: changed "is" to "are", per note.
2. Page 36, line 33: changed "is" to "are", per note.

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 261, the following correction was made:

1. Page 1, line 18: acknowledgement misspelled. Remove “e” after g.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS 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 bills have 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 31st day of March, 2008:

Senate Files 261, 2317, 2320, and 2347.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 27, 2008, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2292 – Expanding the time period during which a complaint may be filed with the Iowa civil rights commission.

REFERRALS TO INDIVIDUAL CONFIRMATION CALENDARS

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Calendar” and placed on the “Individual Confirmation Calendar”:

Lori Mease – Electrical Examining Board

STACI APPEL

ALSO:

MR PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Calendar" and placed on the "Individual Confirmation Calendar":

Monique Kuester – Employment Appeal Board

STEVE KETTERING

ALSO:

MR PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Calendar" and placed on the "Individual Confirmation Calendar":

Sarah Henderson – Psychology Board

RON WIECK

ALSO:

MR PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Calendar" and placed on the "Individual Confirmation Calendar":

J. Marc Ward – Commission on the Status of Women

BRAD ZAUN

AMENDMENTS FILED

S-5239	H.F.	2612	Natural Resources and Environment
S-5240	H.F.	2266	Keith A. Kreiman
S-5241	H.F.	2103	David Johnson
S-5242	H.F.	2651	Transportation

JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 1, 2008

The Senate met in regular session at 8:50 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Dave Mulder, member of the Senate from Sioux County, Sioux Center, Iowa.

The Journal of Monday, March 31, 2008, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:58 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:00 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:02 a.m. until 3:00 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Randall and Sharon Breckerbaumer, Atlantic—For celebrating their 50th wedding anniversary. Senator Boettger (4/1/08).

Senator Jack Fitzpatrick, Stockbridge, MA—For celebrating his 85th birthday. Senator Hatch (4/1/08).

Darrell and Phyllis Hansen—For celebrating their 60th wedding anniversary. Senator Seymour (4/1/08).

Earl and Deloris Jacobson, Menlo—For celebrating their 50th wedding anniversary. Senator Boettger (4/1/08).

Frieda L. Jeschke, Denison—For celebrating her 100th birthday. Senator Seymour (4/1/08).

Lou Nell Olson, Onawa—For celebrating her 80th birthday. Senator Seymour (4/1/08).

Keith and Janet Payne—For celebrating their 50th wedding anniversary. Senator Seymour (4/1/08).

Kenneth R. Scholtens, Lohrville—For being named a General Motors World-Class Technician. Senator Seymour (4/1/08).

Ed and Karen Wiedenfeld—For celebrating their 50th wedding anniversary. Senator Seymour (4/1/08).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: April 1, 2008, 10:30 a.m.

Members Present: Fraise, Chair; Rielly, Vice Chair; Johnson, Ranking Member; Appel, Black, Boettger, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng.

Members Absent: Courtney (excused).

Committee Business: Moved governor's appointee to individual calendar.

Adjourned: 10:35 a.m.

RULES AND ADMINISTRATION

Convened: April 1, 2008, 8:58 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Danielson, Dearden, Dvorsky, Ragan, and Ziemann.

Members Absent: Courtney and Lundby (both excused).

Committee Business: Approved SR 125.

Adjourned: 9:00 a.m.

FINAL COMMITTEE REPORT OF BILL ACTION**RULES AND ADMINISTRATION**

Bill Title: SENATE RESOLUTION 125, a resolution honoring Iowa's Olympic athletics.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Danielson, Dearden, Dvorsky, Ragan, and Ziemann. Nays, none. Absent, 2: Courtney and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS 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 bills have 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 1st day of April, 2008:

Senate Files 2154 and 2199.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 1, 2008, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2347 – Relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, providing for continuing education for certain election personnel, and providing an effective date.

AFTERNOON SESSION

The Senate reconvened at 3:34 p.m., President Kibbie presiding.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 126, by Zaun, a resolution honoring the Dowling Catholic High School cross country team.

Read first time and referred to committee on **Rules and Administration**.

Senate Resolution 127, by Quirmbach, a resolution congratulating Iowa State University of Science and Technology for 150 years of leadership and service to the State of Iowa, the United States, and the world as Iowa's land-grant university.

Read first time and referred to committee on **Rules and Administration**.

Senate Resolution 128, by Horn, Ragan, Hatch, Black, McCoy, Connolly, Stewart, Beall, Danielson, Dotzler, Dvorsky, Warnstadt, Seng, Rielly, Olive, Hancock, Hogg, Dearden, Fraise, Appel, Schoenjahn, Quirmbach, Bolkcom, Gronstal, Kibbie, Heckroth, Schmitz, Kreiman, and Wood, a resolution requesting the Iowa utilities board and Iowa's energy utilities to voluntarily extend the moratorium on utility disconnection through April 14, 2008.

Read first time and referred to committee on **Rules and Administration**.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 125.

Senate Resolution 125

On motion of Senator Angelo, **Senate Resolution 125**, a resolution honoring Iowa's Olympic athletes, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved the adoption of Senate Resolution 125, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Angelo introduced to the chamber the following Iowa athletes who will be representing our state in the upcoming 2008 Olympic trials: Haley Dunn, competing in skeet shooting; Sara McMann, competing in wrestling; Tolly Thompson, competing in wrestling; Joe Williams, competing in wrestling; and Joey Woody, competing in track and field.

The Senate rose and expressed its welcome.

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 April 1, 2008, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 473, a bill for an act allowing a competent adult to execute a written instrument directing the final disposition of that person's remains, including coordinating provisions, and providing applicability dates. (S-5245)

Senate File 505, a bill for an act relating to civil liability for damages relating to the use of an automated external defibrillator in sudden cardiac arrest emergencies. (S-5248)

Senate File 2089, a bill for an act relating to applications for absentee ballots. (S-5244)

Senate File 2108, a bill for an act relating to the designation of a Gift to Iowa's Future Recognition Day. (S-5247)

Senate File 2214, a bill for an act relating to modification of a child custody order during the time a parent is serving active duty. (S-5246)

Senate File 2289, a bill for an act concerning state educational assistance to children of deceased veterans and the war orphans educational assistance fund, and including an effective date and retroactive applicability provision. (S-5249)

ALSO: That the House has on April 1, 2008, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2198, a bill for an act relating to the appointment of the membership of the Brushy creek recreation area trails advisory board.

Senate File 2230, a bill for an act authorizing the issuance of special nonresident turkey and deer hunting licenses to certain persons who have severe physical disabilities or a terminal illness.

Senate File 2248, a bill for an act modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:40 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 3:45 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Courtney, for the day, on request of Senator Fraise; and Senator Angelo, until he returns, on request of Senator Wieck.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2603, 2555, and 2526.

House File 2603

On motion of Senator Wood, **House File 2603**, a bill for an act authorizing certain advanced registered nurse practitioners and psychiatrists 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, with report of committee recommending passage, 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?" (H.F. 2603), the vote was:

Yeas, 48:

Appel	Gaskill	Kibbie	Rielly
Beall	Gronstal	Kreiman	Schmitz
Behn	Hahn	Lundby	Schoenjahn
Black	Hancock	McCoy	Seng
Boettger	Hartsuch	McKibben	Seymour
Bolkcom	Hatch	McKinley	Stewart
Connolly	Heckroth	Mulder	Ward
Danielson	Hogg	Noble	Warnstadt
Dearden	Horn	Olive	Wieck
Dotzler	Houser	Putney	Wood
Dvorsky	Johnson	Quirnbach	Zaun
Fraise	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Angelo Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2555

On motion of Senator Heckroth, **House File 2555**, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including uniform securities; duties of the insurance division including a consumer advocate and rate reviews; confidential information; examinations; insurance trade practices; insurance fraud; the Iowa life and health insurance guaranty association; viatical settlement contracts; general agents and third-party administrators; life insurance companies; health maintenance organizations; utilization and cost control; external review of health care coverage decisions; the Iowa comprehensive health insurance association; workers' compensation liability insurance; consolidation, merger, and reinsurance; licensing of insurance producers; cemetery and funeral merchandise and funeral services; and cemeteries, making appropriations, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt offered amendment S-5250, filed by Senators Warnstadt and Olive from the floor to pages 3 and 18 and to the title page of the bill, and moved its adoption.

Amendment S-5250 was adopted by a voice vote.

With the adoption of S-5250, the Chair ruled amendment S-5237, filed by Senator Olive on March 27, 2008, to page 4 of the bill, and amendment S-5238, filed by Senator Olive on March 27, 2008, to page 18 and to the title page of the bill, out of order.

Senator Heckroth 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?" (H.F. 2555), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt

Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he returns, on request of Senator Bolkcom.

House File 2526

On motion of Senator Connolly, **House File 2526**, a bill for an act relating to the disposition of school property, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Schoenjahn offered amendment S-5235, filed by the committee on Education on March 27, 2008, to pages 1-3 of the bill, and moved its adoption.

Amendment S-5235 was adopted by a voice vote.

Senator Connolly 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?" (H.F. 2526), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gaskill	Kreiman	Schmitz

Beall	Gronstal	Lundby	Schoenjahn
Behn	Hahn	McCoy	Seng
Black	Hancock	McKibben	Seymour
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Heckroth	Mulder	Ward
Connolly	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney Hatch

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 **House Files 2526, 2555, and 2603** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2402, 2401, 2399, and 2157.

Senate File 2402

On motion of Senator McCoy, **Senate File 2402**, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income, sales and use, property, motor fuel, and tobacco taxes, placed on the Unfinished Business Calendar on March 27, 2008, was taken up for consideration.

Senator McCoy 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. 2402), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gaskill	Kreiman	Schmitz
Beall	Gronstal	Lundby	Schoenjahn
Behn	Hahn	McCoy	Seng
Black	Hancock	McKibben	Seymour
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Heckroth	Mulder	Ward
Connolly	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney Hatch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2401

On motion of Senator Stewart, **Senate File 2401**, a bill for an act relating to the carryforward of unused investment tax credits under the high quality job creation and enterprise zone programs and including effective and applicability date provisions, placed on the Unfinished Business Calendar on March 27, 2008, was taken up for consideration.

Senator Stewart 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. 2401), the vote was:

Yeas, 30:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Black	Gronstal	McCoy	Seymour
Bolkcom	Hancock	Olive	Stewart

Connolly	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wood
Dearden	Horn	Rielly	
Dotzler	Houser	Schmitz	

Nays, 18:

Angelo	Hartsuch	McKinley	Wieck
Behn	Johnson	Mulder	Zaun
Boettger	Kettering	Noble	Zieman
Gaskill	Lundby	Putney	
Hahn	McKibben	Ward	

Absent, 2:

Courtney	Hatch
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2399

On motion of Senator Olive, **Senate File 2399**, a bill for an act relating to the eligibility requirements for the barn preservation property tax exemption, placed on the Unfinished Business Calendar on March 27, 2008, was taken up for consideration.

Senator Olive 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. 2399), the vote was:

Yeas, 45:

Angelo	Fraise	Kreiman	Seng
Appel	Gronstal	Lundby	Seymour
Beall	Hahn	McCoy	Stewart
Behn	Hancock	McKibben	Ward
Black	Hartsuch	McKinley	Warnstadt
Boettger	Heckroth	Mulder	Wieck
Bolkcom	Hogg	Olive	Wood
Connolly	Horn	Quirnbach	Zaun
Danielson	Houser	Ragan	Zieman
Dearden	Johnson	Rielly	
Dotzler	Kettering	Schmitz	
Dvorsky	Kibbie	Schoenjahn	

Nays, none.

Present, 3:

Gaskill Noble Putney

Absent, 2:

Courtney Hatch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Angelo, until he returns, on request of Senator Wieck.

HOUSE AMENDMENT CONSIDERED

Senate File 2157

Senator Seng called up for consideration **Senate File 2157**, a bill for an act relating to amusement ride safety inspections conducted by special inspectors authorized by the division of labor services in the department of workforce development, amended by the House in House amendment S-5216, filed March 25, 2008.

Senator Seng moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Seng moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2157), the vote was:

Yeas, 39:

Appel	Fraise	Kibbie	Rielly
Beall	Gaskill	Kreiman	Schmitz
Black	Gronstal	Lundby	Schoenjahn
Boettger	Hahn	McCoy	Seng
Bolkcom	Hancock	McKibben	Seymour
Connolly	Heckroth	Noble	Stewart
Danielson	Hogg	Olive	Ward
Dearden	Horn	Putney	Warnstadt
Dotzler	Houser	Quirnbach	Wood
Dvorsky	Johnson	Ragan	

Nays, 8:

Behn	Kettering	Mulder	Zaun
Hartsuch	McKinley	Wieck	Zieman

Absent, 3:

Angelo	Courtney	Hatch
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2157, 2399, 2401, and 2402** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 128, a resolution requesting the Iowa utilities board and Iowa's energy utilities to voluntarily extend the moratorium on utility disconnection through April 14, 2008.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, Wieck, Angelo, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, 1: Courtney.

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 128.

Senate Resolution 128

On motion of Senator Horn, **Senate Resolution 128**, a resolution requesting the Iowa utilities board and Iowa's energy utilities to voluntarily extend the moratorium on utility disconnection through April 14, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Horn moved the adoption of Senate Resolution 128, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2606.

House File 2606

On motion of Senator Fraise, **House File 2606**, a bill for an act relating to the regulation of transactions involving grain, by providing for the regulation of grain dealers and warehouse operators, and providing for the administration of the grain indemnity fund, with report of committee recommending passage, was taken up for consideration.

Senator Fraise 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?" (H.F. 2606), the vote was:

Yeas, 48:

Appel	Gaskill	Kibbie	Rielly
Beall	Gronstal	Kreiman	Schmitz
Behn	Hahn	Lundby	Schoenjahn

Black	Hancock	McCoy	Seng
Boettger	Hartsuch	McKibben	Seymour
Bolkcom	Hatch	McKinley	Stewart
Connolly	Heckroth	Mulder	Ward
Danielson	Hogg	Noble	Warnstadt
Dearden	Horn	Olive	Wieck
Dotzler	Houser	Putney	Wood
Dvorsky	Johnson	Quirnbach	Zaun
Fraise	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Angelo Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Thomas Engelmann – Accountancy Examining Board

Stephan Pearson – Commission on the Status of African-Americans

Kathleen Delate – Agricultural Development Authority

Thomas Clause – Architectural Examining Board

Sue Jarboe – Architectural Examining Board

Claudia Niles – City Development Board

Kathy Beauchamp – Commission on Community Action Agencies

Kimberly Setzer – Board of Cosmetology Arts and Sciences

Tahira Hira – Credit Union Review Board

Tammy Westoff Gentry – Commission on the Deaf

Joan Jaimes – State Board of Education

Linda Larkin – Commission of Elder Affairs

John Ortega – Healthy and Well Kids in Iowa (HAWK-I) Board

Richard Neri – IowAccess Advisory Council

Laura Hawks – Landscape Architectural Examining Board

Carolyn Magnani – Landscape Architectural Examining Board

Regina Clemens – Iowa Law Enforcement Academy Council

Janice Galli – Board of Medicine

Susan Koch-Seehase – Mental Health, Mental Retardation,
Developmental Disabilities, and Brain Injury Commission

John Grush – Mental Health Risk Pool Board

Armando Rosales – Board of Physical and Occupational Therapy

Amy Thorne – Real Estate Appraiser Examining Board

Don Hansen – School Budget Review Committee

Atul Gupta – Technology Governance Board

Robert Hardman – Iowa Telecommunications and Technology
Commission

Nora Kurtovic – Commission on Tobacco Use Prevention and Control

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 48:

Appel	Gaskill	Kibbie	Rielly
Beall	Gronstal	Kreiman	Schmitz
Behn	Hahn	Lundby	Schoenjahn
Black	Hancock	McCoy	Seng
Boettger	Hartsuch	McKibben	Seymour

Bolkcom	Hatch	McKinley	Stewart
Connolly	Heckroth	Mulder	Ward
Danielson	Hogg	Noble	Warnstadt
Dearden	Horn	Olive	Wieck
Dotzler	Houser	Putney	Wood
Dvorsky	Johnson	Quirnbach	Zaun
Fraise	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Angelo Courtney

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2606** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2385, 2310, and 2119.

House File 2385

On motion of Senator Beall, **House File 2385**, a bill for an act relating to allowable investments by the treasurer of state and other authorized state agencies, with report of committee recommending passage, was taken up for consideration.

Senator Danielson asked and received unanimous consent that action on **House File 2385** be **deferred**.

House File 2310

On motion of Senator Kreiman, **House File 2310**, a bill for an act requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child's parent,

guardian, custodian, or other person responsible for the child's care and child abuse, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kreiman offered amendment S-5223, filed by the committee on Human Resources on March 26, 2008, to page 1 of the bill, and moved its adoption.

Amendment S-5223 was adopted by a voice vote.

Senator McKinley offered amendment S-5251, filed by him from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question shall amendment S-5251 be adopted?" (H.F. 2310), the vote was:

Yeas, 21:

Behn	Houser	Mulder	Wieck
Boettger	Johnson	Noble	Zaun
Gaskill	Kettering	Olive	Zieman
Hahn	Lundby	Putney	
Hancock	McKibben	Seymour	
Hartsuch	McKinley	Ward	

Nays, 27:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hatch	Quirnbach	Warnstadt
Danielson	Heckroth	Ragan	Wood
Dearden	Hogg	Rielly	

Absent, 2:

Angelo	Courtney
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Amendment S-5251 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKibben, for the remainder of the day, on request of Senator Wieck.

BUSINESS PENDING

House File 2310

The Senate resumed consideration of House File 2310.

Senator Kreiman 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?" (H.F. 2310), the vote was:

Yeas, 47:

Appel	Gaskill	Kibbie	Schmitz
Beall	Gronstal	Kreiman	Schoenjahn
Behn	Hahn	Lundby	Seng
Black	Hancock	McCoy	Seymour
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Hatch	Mulder	Ward
Connolly	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Putney	Wood
Dotzler	Houser	Quirmbach	Zaun
Dvorsky	Johnson	Ragan	Zieman
Fraise	Kettering	Rielly	

Nays, none.

Absent, 3:

Angelo	Courtney	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2119

On motion of Senator Fraise, **House File 2119**, a bill for an act relating to taking the fingerprints of a child by a governmental unit, with report of committee recommending passage, was taken up for consideration.

Senator Fraise 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?" (H.F. 2119), the vote was:

Yeas, 47:

Appel	Gaskill	Kibbie	Schmitz
Beall	Gronstal	Kreiman	Schoenjahn
Behn	Hahn	Lundby	Seng
Black	Hancock	McCoy	Seymour
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Hatch	Mulder	Ward
Connolly	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Putney	Wood
Dotzler	Houser	Quirnbach	Zaun
Dvorsky	Johnson	Ragan	Zieman
Fraise	Kettering	Rielly	

Nays, none.

Absent, 3:

Angelo	Courtney	McKibben
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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 **House Files 2119** and **2310** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:15 p.m. until 8:45 a.m., Wednesday, April 2, 2008.

APPENDIX—2

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seniors from Ruthven-Ayrshire High School, Ruthven, accompanied by Jon Josephson. They visited here as eighth graders, and return now as seniors. Senator Kibbie.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Myron and Marilyn Heitman—For celebrating their 50th wedding anniversary. Senator Rielly (4/1/08).

Phil Swift—For serving as a combat engineer with the 833rd Combat Engineer Company in Iraq. Senator Rielly (4/1/08).

Arland Wyant, North English—For celebrating his 90th birthday. Senator Rielly (4/1/08).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 1, 2008, 1:10 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Angelo, Behn, Black, Boettger, Bolkom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood.

Members Absent: None.

Committee Business: Passed SF 2378, as amended.

Recessed: 1:15 p.m.

Reconvened: 1:55 p.m.

Adjourned: 2:40 p.m.

RULES AND ADMINISTRATION

Convened: April 1, 2008, 3:40 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman.

Members Absent: Courtney (excused).

Committee Business: Approved SRs 126, 127, and 128.

Adjourned: 3:45 p.m.

WAYS AND MEANS

Convened: April 1, 2008, 2:45 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; McKibben, Ranking Member; Appel, Connolly, Dotzler, Hogg, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman.

Members Absent: Angelo and Houser (both excused).

Committee Business: Passed SF 2315 and approved SSBs 3126, 3275, and 3292.

Adjourned: 3:30 p.m.

FINAL COMMITTEE REPORTS OF BILL ACTION**RULES AND ADMINISTRATION**

Bill Title: SENATE RESOLUTION 126, by Zaun, a resolution honoring the Dowling Catholic High School cross country team.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, Wieck, Angelo, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 127, by Quirnbach, a resolution congratulating Iowa State University of Science and Technology for 150 years of leadership and service to the State of Iowa, the United States, and the world as Iowa's land-grant university.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, Wieck, Angelo, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

JUDICIARY

Ralph Rosenberg – Director of the Iowa State Civil Rights Commission

Jeffrey Hughes – Iowa Drug Policy Advisory Council
Christina Wilson – Iowa Drug Policy Advisory Council

Margaret Redenbaugh – State Judicial Nominating Commission

Richard Bordwell – Board of Parole

AMENDMENTS FILED

S-5243	H.F.	2283	John P. Kibbie
S-5244	S.F.	2089	House
S-5245	S.F.	473	House
S-5246	S.F.	2214	House
S-5247	S.F.	2108	House
S-5248	S.F.	505	House
S-5249	S.F.	2289	House
S-5250	H.F.	2555	Steve Warnstadt Rich Olive
S-5251	H.F.	2310	Paul McKinley
S-5252	H.F.	2164	Brad Zaun
S-5253	H.F.	2164	David L. Hartsuch
S-5254	H.F.	2164	Paul McKinley
S-5255	H.F.	2556	Joe Bolckcom

JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FORTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 2, 2008

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by Reverend Thomas Reuss of St. Petri Lutheran Church in Story City, Iowa. He was the guest of Senator Olive.

The Journal of Tuesday, April 1, 2008, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 126.

Senate Resolution 126

On motion of Senator Zaun, **Senate Resolution 126**, a resolution honoring the Dowling Catholic High School cross country team, with report of committee recommending passage, was taken up for consideration.

Senator Zaun moved the adoption of Senate Resolution 126, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Zaun introduced to the Senate chamber the 2007–2008 Dowling Catholic High School cross country team and their coach, Father Jim Kirby.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:04 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:35 a.m., President Pro Tempore Danielson presiding.

INTRODUCTION OF BILL

Senate File 2407, by committee on Ways and Means, a bill for an act relating to the repeal of the wage-benefit tax credit program and making an appropriation.

Read first time and **placed on Ways and Means calendar**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Courtney, for the day, on request of Senator Gronstal.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2283 and 2266.

House File 2283

On motion of Senator Kibbie, **House File 2283**, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service, providing a penalty, and including an effective date and retroactive applicability provision, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie offered amendment S-5243, filed by him on April 1, 2008, to page 3 of the bill, and moved its adoption.

Amendment S-5243 was adopted by a voice vote.

Senator Kibbie 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?” (H.F. 2283), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2266

On motion of Senator Kreiman, **House File 2266**, a bill for an act relating to the regulation of explosives, and the possession of an incendiary or explosive device or material, and providing penalties, was taken up for consideration.

Senator Kreiman offered amendment S-5240, filed by him on March 31, 2008, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5240 was adopted by a voice vote.

Senator Kreiman 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?" (H.F. 2266), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirmbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2266** and **2283** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2407** be referred from the Ways and Means Calendar to the committee on **Appropriations**.

HOUSE AMENDMENT CONSIDERED

Senate File 505

Senator Kreiman called up for consideration **Senate File 505**, a bill for an act relating to civil liability for damages relating to the use of an automated external defibrillator in sudden cardiac arrest emergencies, amended by the House in House amendment S-5248, filed April 1, 2008.

Senator Kreiman moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Kreiman moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 505), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 473

Senator Fraise called up for consideration **Senate File 473**, a bill for an act allowing a competent adult to execute a written instrument directing the final disposition of that person's remains, including coordinating provisions, and providing applicability dates, amended by the House in House amendment S-5245, filed April 1, 2008.

Senator Fraise moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Fraise moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 473), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2289

Senator Warnstadt called up for consideration **Senate File 2289**, a bill for an act concerning state educational assistance to children of deceased veterans and the war orphans educational assistance fund, and including an effective date and retroactive applicability provision, amended by the House in House amendment S-5249, filed April 1, 2008.

Senator Warnstadt moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Warnstadt moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2289), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2108

Senator Hancock called up for consideration **Senate File 2108**, a bill for an act relating to the designation of a Gift to Iowa's Future Recognition Day, amended by the House in House amendment S-5247, filed April 1, 2008.

Senator Hancock moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hancock moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2108), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

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 Files 473, 505, 2108, and 2289** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2089

Senator Quirnbach called up for consideration **Senate File 2089**, a bill for an act relating to applications for absentee ballots, amended by the House in House amendment S-5244, filed April 1, 2008.

Senator Hahn offered amendment S-5260, filed by him from the floor to page 1 of House amendment S-5244.

Senator Quirnbach raised the point of order that amendment S-5260 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5260 out of order.

Senator Quirnbach moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Quirnbach moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2089), the vote was:

Yeas, 42:

Angelo	Fraise	Kreiman	Schmitz
Appel	Gaskill	Lundby	Schoenjahn
Beall	Gronstal	McCoy	Seng
Black	Hancock	McKibben	Seymour
Boettger	Hatch	Mulder	Stewart
Bolkcom	Heckroth	Noble	Ward
Connolly	Hogg	Olive	Warnstadt
Danielson	Horn	Putney	Wieck
Dearden	Johnson	Quirnbach	Wood
Dotzler	Kettering	Ragan	
Dvorsky	Kibbie	Rielly	

Nays, 7:

Behn	Hartsuch	McKinley	Zieman
Hahn	Houser	Zaun	

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Kibbie took the chair at 11:20 a.m.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2581.

House File 2581

On motion of Senator Wood, **House File 2581**, a bill for an act relating to the donation of food to the department of natural resources or county conservation boards, with report of committee recommending passage, 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?" (H.F. 2581), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

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 2089** and **House File 2581** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:25 a.m. until 2:00 p.m.

APPENDIX—1

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Students from Heritage Christian School, Eldridge, and their principal, Mrs. Ness. Senator Wood.

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:

RACING AND GAMING COMMISSION

Annual Report for 2007, pursuant to Iowa Code section 99D.21. Report received on April 2, 2008.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Dr. Zhang Wei and his delegation, China—For their work on the China Council for the Promotion of International Trade. Senator Beall (4/2/08).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: April 1, 2008, 11:15 a.m.

Members Present: Connolly, Vice Chair; Ward, Ranking Member; Lundby, and Schmitz.

Members Absent: Courtney, Chair (excused).

Committee Business: Discussion of pending bills.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: April 1, 2008, 11:05 a.m.

Members Present: Hatch, Chair; Kreiman, Vice Chair; Johnson, Ranking Member; Ragan and Seymour.

Members Absent: None.

Committee Business: Discussed the budget bill.

Adjourned: 12:10 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 129, by Dvorsky, Bolkcom, and Schmitz, a resolution honoring the University of Iowa Hawkeye wrestling team and Coach Tom Brands for winning the 2008 National Collegiate Athletic Association's (NCAA) team championship.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2408, by committee on Ways and Means, a bill for an act relating to the policy administration of the tax and related laws by the department of revenue, including administration of income, inheritance, and sales and use taxes, and including a retroactive applicability date provision.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 2409, by committee on Ways and Means, a bill for an act relating to providing information to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 2410, by committee on Ways and Means, a bill for an act relating to the property tax exemption for speculative shell

buildings and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

SUBCOMMITTEE ASSIGNMENT

Senate File 2407

APPROPRIATIONS: Dotzler, Chair; Angelo, Bolkcom, Dvorsky, and Ward

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 2407* (SSB 3292), a bill for an act relating to the repeal of the wage-benefit tax credit program and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Bolkcom, McCoy, Appel, Connolly, Dotzler, Hogg, Quirmbach, Schmitz, Seng, and Stewart. Nays, 5: McKibben, Noble, Putney, Ward, and Zieman. Absent, 2: Angelo and 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 Ways and Means Committee on Senate File 2407, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2408* (SSB 3126), a bill for an act relating to the policy administration of the tax and related laws by the department of revenue, including administration of income, inheritance, and sales and use taxes, and including a retroactive applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, McCoy, McKibben, Appel, Connolly, Dotzler, Hogg, Noble, Putney, Quirmbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, 2: Angelo and 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 Ways and Means Committee on Senate File 2408, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2409* (SSB 3275), a bill for an act relating to providing information to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, McCoy, McKibben, Appel, Connolly, Dotzler, Hogg, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, 2: Angelo and 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 Ways and Means Committee on Senate File 2409, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2410* (formerly SF 2315), a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, McCoy, McKibben, Appel, Connolly, Dotzler, Hogg, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, 2: Angelo and 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 Ways and Means Committee on Senate File 2410, and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 2:12 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2580 and 2628.

House File 2580

On motion of Senator Dearden, **House File 2580**, a bill for an act providing for a sustainable natural resource funding advisory committee, with report of committee recommending passage, was taken up for consideration.

Senator Dearden 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?" (H.F. 2580), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2628

On motion of Senator Kreiman, **House File 2628**, a bill for an act including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous weapon and making penalties applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kreiman asked and received unanimous consent to withdraw amendment S-5228, filed by the committee on Judiciary on March 26, 2008, to page 1 of the bill.

Senator Kreiman offered amendment S-5261, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5261 was adopted by a voice vote.

Senator Kreiman 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?" (H.F. 2628), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirmbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 2:30 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:02 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2646, 2547, and 2411.

House File 2646

On motion of Senator Danielson, **House File 2646**, a bill for an act providing for the licensure of persons installing fire protection systems, providing for the establishment of fees, and providing penalties and an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Danielson 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?" (H.F. 2646), the vote was:

Yeas, 47:

Angelo	Fraise	Kettering	Rielly
Appel	Gaskill	Kibbie	Schmitz
Beall	Gronstal	Kreiman	Schoenjahn
Behn	Hahn	Lundby	Seng
Black	Hancock	McCoy	Seymour
Boettger	Hartsuch	McKibben	Stewart
Bolkcom	Hatch	Mulder	Ward
Connolly	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Putney	Wood
Dotzler	Houser	Quirnbach	Zieman
Dvorsky	Johnson	Ragan	

Nays, 2:

McKinley Zaun

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2547

On motion of Senator Danielson, **House File 2547**, a bill for an act modifying provisions relating to statewide licensure and certification of electricians and alarm system contractors and installers, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Danielson 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?" (H.F. 2547), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2411

On motion of Senator Danielson, **House File 2411**, a bill for an act providing for changes in electrician licensure requirements for specified licensure classifications, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Kettering offered amendment S-5264, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5264 lost by a voice vote.

Senator Danielson 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?" (H.F. 2411), the vote was:

Yeas, 48:

Angelo	Fraise	Kettering	Ragan
Appel	Gaskill	Kibbie	Rielly
Beall	Gronstal	Kreiman	Schmitz
Behn	Hahn	Lundby	Schoenjahn
Black	Hancock	McCoy	Seng
Boettger	Hartsuch	McKibben	Seymour
Bolkcom	Hatch	McKinley	Stewart
Connolly	Heckroth	Mulder	Ward
Danielson	Hogg	Noble	Warnstadt
Dearden	Horn	Olive	Wieck
Dotzler	Houser	Putney	Wood
Dvorsky	Johnson	Quirmbach	Zieman

Nays, 1:

Zaun

Absent, 1:

Courtney

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 **House Files 2411, 2547, 2580, 2628, and 2646** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2410 and 2390.

House File 2410

On motion of Senator Danielson, **House File 2410**, a bill for an act relating to alarm system installer or contractor certification and electrician licensure provisions, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Danielson 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?" (H.F. 2410), the vote was:

Yeas, 48:

Angelo	Fraise	Kettering	Ragan
Appel	Gaskill	Kibbie	Rielly
Beall	Gronstal	Kreiman	Schmitz
Behn	Hahn	Lundby	Schoenjahn
Black	Hancock	McCoy	Seng
Boettger	Hartsuch	McKibben	Seymour
Bolkcom	Hatch	McKinley	Stewart
Connolly	Heckroth	Mulder	Ward
Danielson	Hogg	Noble	Warnstadt
Dearden	Horn	Olive	Wieck
Dotzler	Houser	Putney	Wood
Dvorsky	Johnson	Quirmbach	Zieman

Nays, 1:

Zaun

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2390

On motion of Senator Danielson, **House File 2390**, a bill for an act relating to the licensing and regulation of plumbers and mechanical professionals and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Black offered amendment S-5257, filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 6, nays 29.

Amendment S-5257 lost.

Senator Danielson 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?" (H.F. 2390), the vote was:

Yeas, 47:

Angelo	Fraise	Kettering	Rielly
Appel	Gaskill	Kibbie	Schmitz
Beall	Gronstal	Kreiman	Schoenjahn
Behn	Hahn	Lundby	Seng
Black	Hancock	McCoy	Seymour
Boettger	Hartsuch	McKibben	Stewart
Bolkcom	Hatch	Mulder	Ward
Cannolly	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Putney	Wood
Dotzler	Houser	Quirmbach	Zieman
Dvorsky	Johnson	Ragan	

Nays, 2:

McKinley Zaun

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 1, 2008)

House File 2385

The Senate resumed consideration of **House File 2385**, a bill for an act relating to allowable investments by the treasurer of state and other authorized state agencies, deferred April 1, 2008.

Senator Beall 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?" (H.F. 2385), the vote was:

Yeas, 32:

Appel	Dvorsky	Kibbie	Ragan
Beall	Fraise	Kreiman	Rielly
Black	Gronstal	Lundby	Schmitz
Bolkcom	Hancock	McCoy	Schoenjahn
Connolly	Hatch	McKibben	Seng
Danielson	Heckroth	Olive	Stewart
Dearden	Hogg	Putney	Warnstadt
Dotzler	Horn	Quirnbach	Wood

Nays, 17:

Angelo	Hartsuch	Mulder	Zaun
Behn	Houser	Noble	Zieman
Boettger	Johnson	Seymour	
Gaskill	Kettering	Ward	
Hahn	McKinley	Wieck	

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2384.

House File 2384

On motion of Senator Schoenjahn, **House File 2384**, a bill for an act relating to the deposit of public funds with corporate credit unions, with report of committee recommending passage, was taken up for consideration.

Senator Danielson offered amendment S-5266, filed by him from the floor to page 2 and to the title page of the bill, and moved its adoption.

Amendment S-5266 was adopted by a voice vote.

Senator Schoenjahn 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?" (H.F. 2384), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Courtney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2385, 2390, and 2410** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dearden, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2564.

House File 2564

On motion of Senator Quirnbach, **House File 2564**, a bill for an act concerning the disaster aid individual assistance grant program, with report of committee recommending passage, was taken up for consideration.

Senator Quirnbach 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?" (H.F. 2564), the vote was:

Yeas, 45:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hatch	Mulder	Ward
Boettger	Heckroth	Noble	Warnstadt
Bolkcom	Hogg	Olive	Wieck
Connolly	Horn	Putney	Wood
Danielson	Houser	Quirmbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, 3:

Hartsuch	McKinley	Zaun
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Absent, 2:

Courtney	Dearden
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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 **House File 2564** be **immediately messaged** to the House.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following bills on the Senate Calendar, no longer eligible under Joint Rule 20, be referred to the following committees:

S.F. 531	Judiciary
S.F. 2090	Local Government
S.F. 2099	State Government
S.F. 2120	Natural Resources and Environment
S.F. 2194	State Government
S.F. 2215	Judiciary
S.F. 2297	Local Government

S.F. 2302	Commerce
S.F. 2309	Economic Growth
S.F. 2326	Commerce
S.F. 2330	Local Government
S.F. 2332	Labor and Business Relations
S.F. 2336	Transportation
S.F. 2342	Judiciary
S.F. 2345	Labor and Business Relations
S.F. 2346	Agriculture
S.F. 2359	State Government
S.F. 2362	Agriculture
S.F. 2365	State Government
S.F. 2366	Transportation
S.F. 2372	Commerce
S.F. 2383	Agriculture
S.F. 2385	Commerce
S.F. 2390	Human Resources

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:40 p.m. until 8:45 a.m., Thursday, April 3, 2008.

APPENDIX—2

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

The people and the city of Madrid—For celebrating the 125th anniversary of the city's incorporation. Senator Quirmbach (4/2/08).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 2, 2008, 1:10 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood.

Members Absent: None.

Committee Business: Passed SF 2391 and approved SSB 3292.

Recessed: 1:15 p.m.

Reconvened: 1:30 p.m.

Adjourned: 1:45 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 130, by Zaun, a resolution to welcome the new Iowa Barnstormers arena football team to Iowa.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 131, by Kettering and Seymour, a resolution to recognize the 2008 annual Donna Reed Festival for the Performing Arts.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 132, by Hatch, a resolution honoring the life and work of Professor R. Dean Wright.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2407 (SSB 3292), a bill for an act relating to the repeal of the wage-benefit tax credit program and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Dvorsky, McCoy, Black, Bolkom, Connolly, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Ragan, Seng, Warnstadt, and Wood. Nays, 10: Kettering, Angelo, Behn, Boettger, Gaskill, Hahn, Johnson, Putney, Seymour, and Ward. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 2, 2008, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2154 – Relating to inclined or vertical wheelchair lifts regulated by the elevator safety board.

Senate File 2199 – Relating to appeals of denials of insurance coverage based on medical necessity.

Senate File 2317 – Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Senate File 2320 – Relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

MOTIONS TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 2384 passed the Senate on April 2, 2008.

STEVE KETTERING

ALSO:

MR. PRESIDENT: I move to reconsider the vote by which House File 2384 passed the Senate on April 2, 2008.

BRIAN SCHOENJAHN

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar without recommendation for confirmation:

AGRICULTURE

Karen Foster – Grape and Wine Development Commission

AMENDMENTS FILED

S-5256	H.F.	2651	Jeff Danielson
S-5257	H.F.	2390	Dennis H. Black
S-5258	H.F.	2651	Jeff Danielson
S-5259	H.F.	2651	David Johnson
S-5260	S.F.	2089	James F. Hahn
S-5261	H.F.	2628	Keith A. Kreiman
S-5262	H.F.	2651	Jeff Danielson
S-5263	H.F.	2164	Jeff Danielson
S-5264	H.F.	2411	Steve Kettering
S-5265	H.F.	2556	Steve Warnstadt Steve Kettering
S-5266	H.F.	2384	Jeff Danielson

JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY
FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 3, 2008

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by Pastor Pete Wenzel of the Peace United Church of Christ in Monticello, Iowa. He was the guest of Senator Hancock.

The Journal of Wednesday, April 2, 2008, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 127.

Senate Resolution 127

On motion of Senator Quirnbach, **Senate Resolution 127**, a resolution congratulating Iowa State University of Science and Technology for 150 years of leadership and service to the State of Iowa, the United States, and the world as Iowa's land-grant university, with report of committee recommending passage, was taken up for consideration.

Senator Quirnbach moved the adoption of Senate Resolution 127, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Quirnbach introduced to the chamber Dr. Gregory Geoffroy, president of Iowa State University. He was accompanied by several guests who were representing the university. Dr. Geoffroy addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

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 April 2, 2008, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 2161, a bill for an act providing for the establishment of a council on homelessness. (S-5273)

Senate File 2281, a bill for an act prohibiting employment discrimination against an employee witness in certain civil proceedings. (S-5274)

Senate File 2308, a bill for an act relating to identity theft by providing for the notification of a breach in the security of computerized data that includes personal information, and providing penalties. (S-5272)

Senate File 2349, a bill for an act relating to the preneed sale of cemetery and funeral merchandise and funeral services. (S-5269)

Senate File 2354, a bill for an act concerning the home ownership assistance program for members of the military. (S-5270)

Senate File 2361, a bill for an act providing for the procurement of designated biobased products by state government. (S-5271)

ALSO: That the House has on April 2, 2008, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2117, a bill for an act relating to coverage of closing protection letters in real estate transactions and providing an effective date.

Senate File 2129, 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.

Senate File 2136, a bill for an act relating to real estate broker trust accounts and abolishing the local housing assistance program.

Senate File 2176, a bill for an act relating to cultural affairs by providing for the preservation of electronic records, establishing regional cultural committees, and creating a civil war sesquicentennial advisory committee.

Senate File 2177, a bill for an act relating to health-related activities and regulation by the department of public health.

Senate File 2179, a bill for an act making specified changes relating to professional licensing and regulation under the purview of the banking division of the department of commerce.

Senate File 2277, a bill for an act relating to offenses against identity by establishing a procedure to secure credit information and providing a penalty.

Senate File 2301, a bill for an act making revisions and modifications to uniform finance procedures for bonds issued by the state.

Senate File 2307, a bill for an act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date.

Senate File 2316, a bill for an act creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

Senate File 2333, a bill for an act relating to the regulation of veterans commemorative property.

Senate File 2338, a bill for an act relating to the regulation of health-related professions.

Senate File 2379, a bill for an act relating to the regulation of the practice of certified public accounting and providing an effective date.

Senate File 2380, a bill for an act establishing a low head dam public hazard program.

SPECIAL GUESTS

Senators Beall and Boettger introduced to the chamber the following seven visitors from Russia: Aleksey Vasilyevich Ivanov, District Court Judge and Chairperson of the Court; Aleksandr Yevgenyevich Sharkov, Judge; Yunona Ivanovna Shevchenko, Judge; Albert Kurmanbiyevich Tumenov, Judge, Chairperson of the Court, and former senior prosecutor; Nikolay Viktorovich Vipritskiy, Judge; and Grigoriy Olegovich Yarygin, Professor of International Relations at St. Petersburg State University. They were visiting Iowa as part of an exchange program.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:08 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:10 a.m., President Kibbie presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2539.

House File 2539

On motion of Senator Hatch, **House File 2539**, a bill for an act relating to health care reform including health care coverage

intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision, with report of committee on Appropriations recommending amendment and passage, was taken up for consideration.

Senator Hatch offered amendment S-5172, filed by the committee on Appropriations on March 19, 2008, to pages 1, 2, 4-9, 12, 16, 17, 20-22, and 28-34 and to the title page of the bill.

Senator Hatch offered amendment S-5268, filed by him from the floor to pages 1-20 and 23-32 of amendment S-5172, and moved its adoption.

Senator Seymour asked and received unanimous consent that action on amendment S-5268 to amendment S-5172, amendment S-5172, and **House File 2539** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he arrives, on request of Senator Boettger.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2410 and 2409.

Senate File 2410

On motion of Senator Connolly, **Senate File 2410**, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Connolly offered amendment S-5276, filed by him from the floor to page 5 of the bill, and moved its adoption.

Amendment S-5276 was adopted by a voice vote.

Senator Connolly 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. 2410), the vote was:

Yeas, 49:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirmbach	Zieman
Dearden	Johnson	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2409

On motion of Senator Schmitz, **Senate File 2409**, a bill for an act relating to providing information to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits, was taken up for consideration.

Senator Schmitz 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. 2409), the vote was:

Yeas, 49:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirnbach	Zieman
Dearden	Johnson	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Dotzler asked and received unanimous consent that **Senate Files 2409** and **2410** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2214

Senator Warnstadt called up for consideration **Senate File 2214**, a bill for an act relating to modification of a child custody order during the time a parent is serving active duty, amended by the House in House amendment S-5246, filed April 1, 2008.

Senator Warnstadt moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Warnstadt moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2214), the vote was:

Yeas, 49:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirnbach	Zieman
Dearden	Johnson	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2214** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2568 and 2164.

House File 2568

On motion of Senator Dotzler, **House File 2568**, a bill for an act relating to the calculation of certain weekly workers' compensation benefits by requiring certain weekly workers' compensation benefits to be calculated by including an employee's shift differential pay and by changing the basis for calculating the weekly rate for certain injured inmates, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler 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?" (H.F. 2568), the vote was:

Yeas, 49:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirmbach	Zieman
Dearden	Johnson	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2164

On motion of Senator Kreiman, **House File 2164**, a bill for an act relating to voluntary diversity or court-ordered school desegregation plans under the state's open enrollment law, was taken up for consideration.

Senator Zaun offered amendment S-5252, filed by him on April 1, 2008, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5252 be adopted?" (H.F. 2164), the vote was:

Yeas, 18:

Angelo	Hartsuch	Mulder	Wieck
Behn	Johnson	Noble	Zaun
Boettger	Kettering	Putney	Zieman
Gaskill	McKibben	Seymour	
Hahn	McKinley	Ward	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, 1:

Houser

Amendment S-5252 lost.

Senator McKinley offered amendment S-5254, filed by him on April 1, 2008, to page 1 of the bill.

Senator Connolly raised the point of order that amendment S-5254 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-5254 in order.

Senator McKinley moved the adoption of amendment S-5254.

Amendment S-5254 lost by a voice vote.

Senator Hartsuch offered amendment S-5253, filed by him on April 1, 2008, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-5253 be adopted?” (H.F. 2164), the vote was:

Yeas, 17:

Angelo	Hartsuch	Noble	Zaun
Behn	Johnson	Putney	Zieman
Boettger	Kettering	Seymour	
Gaskill	McKibben	Ward	
Hahn	McKinley	Wieck	

Nays, 32:

Appel	Dotzler	Horn	Ragan
Beall	Dvorsky	Kibbie	Rielly
Black	Fraise	Kreiman	Schmitz
Bolkcom	Gronstal	Lundby	Schoenjahn
Connolly	Hancock	McCoy	Seng
Courtney	Hatch	Mulder	Stewart
Danielson	Heckroth	Olive	Warnstadt
Dearden	Hogg	Quirnbach	Wood

Absent, 1:

Houser

Amendment S-5253 lost.

Senator Danielson offered amendment S-5263, filed by him on April 2, 2008, to page 1 and to the title page of the bill.

Senator McKinley raised the point of order that amendment S-5263 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5263 out of order.

Senator Kreiman 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?" (H.F. 2164), the vote was:

Yeas, 40:

Angelo	Dvorsky	Kibbie	Ragan
Appel	Fraise	Kreiman	Rielly
Beall	Gaskill	Lundby	Schmitz
Black	Gronstal	McCoy	Schoenjahn
Bolkcom	Hancock	McKibben	Seng
Connolly	Hartsuch	Mulder	Seymour
Courtney	Hatch	Noble	Stewart
Danielson	Heckroth	Olive	Ward
Dearden	Hogg	Putney	Warnstadt
Dotzler	Horn	Quirmbach	Wood

Nays, 9:

Behn	Johnson	Wieck
Boettger	Kettering	Zaun
Hahn	McKinley	Zieman

Absent, 1:

Houser

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 **House Files 2164** and **2568** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:05 p.m. until 2:00 p.m.

APPENDIX—1

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Students from St. Mary's Catholic Elementary School, Manchester, accompanied by Joe Bearn. Senator Hancock.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

William P. Angrick, II—For 30 years of service as Iowa's Citizens' Aide/Ombudsman. Senator Gronstal (4/3/08).

Lloyd and Gerri Wieck, Hinton—For celebrating their 65th wedding anniversary. Senator Wieck (4/3/08).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: April 3, 2008, 8:00 a.m.

Members Present: Hatch, Chair; Kreiman, Vice Chair; Johnson, Ranking Member; Ragan and Seymour.

Members Absent: None.

Committee Business: Discussed budget bill.

Adjourned: 8:50 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 133, by Hartsuch, Seng, and Wood, a resolution to recognize April 2008 as Fall Prevention Awareness Month for Older Iowans.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 2411, by committee on Appropriations, a bill for an act relating to open records and public meetings and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations calendar**.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2411* (formerly SF 2378), a bill for an act relating to open records and public meetings and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 24: Dvorsky, Kettering, Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 1: McCoy.

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 Appropriations Committee on Senate File 2411, and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 2:25 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Angelo and McKibben, until they return, on request of Senator Wieck.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2651 and 2542.

House File 2651

On motion of Senator Danielson, **House File 2651**, a bill for an act relating to policies for the administration of highways and the regulation of motor vehicles and to deposits made by a county to the secondary road fund, physical ability tests required for fire fighter applicants, and certain obligations guaranteed by highway funds including matters concerning the bid threshold for emergency highway repairs, providing for new collegiate motor vehicle registration plates and providing fees, the fee for replacement of special dealer registration plates, antique motor vehicle registration fees, used motor vehicle dealer education requirements, disqualification from operating a commercial motor vehicle, penalties for speeding violations committed in road work zones, access to persons with disabilities parking spaces for certain disabled veterans, and permits and fees for the movement of certain oversize or overweight vehicles, drinking driver courses offered at state correctional facilities, establishment of benefited secondary road services districts, and the defeasance of petroleum underground

storage tank fund bonds, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Danielson offered amendment S-5242, filed by the committee on Transportation on March 31, 2008, to pages 9, 14, 16, and 19 of the bill.

Senator Danielson offered amendment S-5267, filed by Senator Rielly from the floor to page 1 and to the title provisions of amendment S-5242, and moved its adoption.

Amendment S-5267 was adopted by a voice vote.

Senator Danielson moved the adoption of amendment S-5242, as amended.

Amendment S-5242 was adopted by a voice vote.

Senator Danielson offered amendment S-5262, filed by him on April 2, 2008, to page 1 and to the title page of the bill.

Senator Danielson offered amendment S-5282, filed by him from the floor to page 1 of amendment S-5262, and moved its adoption.

Amendment S-5282 was adopted by a voice vote.

Senator Danielson moved the adoption of amendment S-5262, as amended.

Amendment S-5262 was adopted by a voice vote.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5277, filed by Senators Dvorsky and Danielson from the floor to page 1 of the bill.

Senator Dvorsky offered amendment S-5280, filed by Senators Dvorsky, Danielson, and Hahn from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5280 be adopted?” (H.F. 2651), the vote was:

Yeas, 47:

Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hartsuch	Mulder	Ward
Connolly	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Danielson	Hogg	Putney	Wood
Dearden	Horn	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 3:

Angelo	Houser	McKibben
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Amendment S–5280 was adopted.

Senator Johnson withdrew amendment S–5259, filed by him on April 2, 2008, to pages 6 and 7 of the bill.

Senator Danielson withdrew amendment S–5256, filed by him on April 2, 2008, to page 9 of the bill.

Senator Danielson offered amendment S–5258, filed by him on April 2, 2008, to page 9 of the bill, and moved its adoption.

Amendment S–5258 was adopted by a voice vote.

Senator Danielson 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?" (H.F. 2651), the vote was:

Yeas, 47:

Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hartsuch	Mulder	Ward
Connolly	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Danielson	Hogg	Putney	Wood
Dearden	Horn	Quirmbach	Zaun
Dotzler	Johnson	Ragan	Zieman
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 3:

Angelo	Houser	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

House File 2542

On motion of Senator Courtney, **House File 2542**, a bill for an act concerning work-related injuries suffered and claims made outside of this state, with report of committee recommending passage, was taken up for consideration.

Senator Courtney 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?" (H.F. 2542), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	Wood
Dearden	Hogg	Ragan	

Nays, 16:

Behn	Hartsuch	Mulder	Ward
Boettger	Johnson	Noble	Wieck
Gaskill	Kettering	Putney	Zaun
Hahn	McKinley	Seymour	Zieman

Absent, 3:

Angelo	Houser	McKibben
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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 **House Files 2542** and **2651** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Connolly called up the appointment of Ron Dardis as Adjutant General of the Iowa Department of Public Defense, placed on the Individual Confirmation Calendar on March 26, 2008, found on page 831 of the Senate Journal.

Senator Connolly moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hartsuch	Mulder	Ward
Connolly	Hatch	Noble	Wieck
Courtney	Heckroth	Olive	Wood
Danielson	Hogg	Putney	Zaun
Dearden	Horn	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Present, 1:

Warnstadt

Absent, 3:

Angelo

Houser

McKibben

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Hatch called up the appointment of Richard Mosley as a member of the Board of Cosmetology Arts and Sciences, placed on the Individual Confirmation Calendar on March 26, 2008, found on page 831 of the Senate Journal.

Senator Hatch moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hartsuch	Mulder	Ward
Connolly	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Danielson	Hogg	Putney	Wood
Dearden	Horn	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 3:

Angelo

Houser

McKibben

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Lori Mease as a member of the Electrical Examining Board, placed on the Individual Confirmation Calendar on March 31, 2008, found on page 883 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 45:

Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKinley	Stewart
Boettger	Hartsuch	Mulder	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Danielson	Hogg	Putney	Wood
Dearden	Horn	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	
Gaskill	Kreiman	Schoenjahn	

Nays, 2:

Appel	Connolly
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Absent, 3:

Angelo	Houser	McKibben
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Black called up the appointment of Scott Mahr as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on March 25, 2008, found on page 807 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hartsuch	Mulder	Ward
Connolly	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Danielson	Hogg	Putney	Wood
Dearden	Horn	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 3:

Angelo	Houser	McKibben
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Connolly called up the appointment of Donna Mueller as Chief Executive Officer of the IPERS, placed on the Individual Confirmation Calendar on March 26, 2008, found on page 831 of the Senate Journal.

Senator Connolly moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hartsuch	Mulder	Ward
Connolly	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Danielson	Hogg	Putney	Wood
Dearden	Horn	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 3:

Angelo	Houser	McKibben
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of J. Marc Ward as a member of the Commission on the Status of Women, placed on the Individual Confirmation Calendar on March 31, 2008, found on page 884 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng

Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hartsuch	Mulder	Ward
Connolly	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Danielson	Hogg	Putney	Wood
Dearden	Horn	Quirmbach	Zaun
Dotzler	Johnson	Ragan	Zieman
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 3:

Angelo	Houser	McKibben
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Ralph Rosenberg – Director of the Iowa State Civil Rights Commission

Merl McFarlane – Commission on Community Action Agencies

James Forney – Superintendent of Credit Unions

James Grover – Commission on the Deaf

Christina Wilson – Iowa Drug Policy Advisory Council

Jerry Shellberg – Engineering and Land Surveying Examining Board

Shanell Wagler – Facilitator of the Iowa Empowerment Board

Dustin Heland-Embree – Iowa Great Places Advisory Board

Margaret Redenbaugh – State Judicial Nominating Commission

Larry Dallenbach – Board of Massage Therapy

Richard Bordwell – Board of Parole

Ronald Moore – Board of Physician Assistants

Joan Bruhn – Prevention of Disabilities Policy Council

Laurel (Lori) Diehl – Real Estate Commission

Cindi Grover – Renewable Fuel Infrastructure Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 47:

Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hartsuch	Mulder	Ward
Connolly	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Danielson	Hogg	Putney	Wood
Dearden	Horn	Quirmbach	Zaun
Dotzler	Johnson	Ragan	Zieman
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 3:

Angelo	Houser	McKibben
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The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following bills on the Senate Calendar, no longer eligible under Joint Rule 20, be referred to the following committees:

H.F. 580	State Government
H.F. 2440	Natural Resources and Environment

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that the following bills on the Senate Calendar, no longer eligible under Joint Rule 20, be placed on the Unfinished Business Calendar:

H.F. 2103	H.F. 2556	H.F. 2620
H.F. 2177	H.F. 2558	H.F. 2650
H.F. 2338	H.F. 2601	H.F. 2653
H.F. 2367	H.F. 2612	

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 April 3, 2008, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2212, a bill for an act relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights. (S-5284)

ALSO: That the House has on April 3, 2008, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2036, a bill for an act relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force.

Senate File 2217, a bill for an act relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem.

Senate File 2335, a bill for an act relating to the rights of a victim of an alleged sexual assault and notification of these rights by a peace officer.

ALSO: That the House has on April 3, 2008, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2392, a bill for an act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:40 p.m. until 1:00 p.m., Monday, April 7, 2008.

APPENDIX—2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

John Clausen, Gladbrook—For his dedication to beautifying the city of Gladbrook. Senator Putney (4/3/08).

Coach Russ Davis and the Vanguard University Women's Basketball Team—For winning the NAIA National Championship. Senator Ziemann (4/3/08).

Terrance Goodell—For his distinguished service to the mental health and well being of veterans. Senator Hartsuch (4/3/08).

STUDY BILL RECEIVED

SSB 3295 Appropriations

Relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates.

SUBCOMMITTEE ASSIGNMENT

SSB 3295

APPROPRIATIONS: Bolkcom, Chair; Dvorsky, Hancock, Johnson, and Seymour

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 3, 2008, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 261 – Requiring certain private sewage disposal system-related inspections to be conducted when certain property is sold or transferred and including an effective date provision.

AMENDMENTS FILED

S-5267	H.F.	2651	Tom Rielly
S-5268	H.F.	2539	Jack Hatch
S-5269	S.F.	2349	House
S-5270	S.F.	2354	House
S-5271	S.F.	2361	House
S-5272	S.F.	2308	House
S-5273	S.F.	2161	House
S-5274	S.F.	2281	House
S-5275	H.F.	2620	James F. Hahn
S-5276	S.F.	2410	Michael Connolly
S-5277	H.F.	2651	Robert E. Dvorsky Jeff Danielson
S-5278	S.F.	2408	David Johnson
S-5279	S.F.	2408	Brad Zaun
S-5280	H.F.	2651	Robert E. Dvorsky Jeff Danielson James F. Hahn
S-5281	S.F.	2407	Pat Ward
S-5282	H.F.	2651	Jeff Danielson
S-5283	H.F.	2558	Rich Olive
S-5284	S.F.	2212	House

JOURNAL OF THE SENATE

EIGHTY-FIFTH CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 7, 2008

The Senate met in regular session at 1:06 p.m., President Pro Tempore Danielson presiding.

Prayer was offered by Elder James Anderson of the congregation of the Community of Christ Church in Underwood, Iowa. He was the guest of Senator Seymour.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Rachel Rivenbark.

The Journal of Thursday, April 3, 2008, was approved.

SPECIAL GUESTS

Senator Mulder introduced to the chamber the Orange City Tulip Time Queen Katie Buntsma and her court: Jenna Woudstra, Julia Haverdink, Olivia Wielenga, and Paige Blythe.

The Senate rose and expressed its welcome.

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 April 3, 2008, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2124, a bill for an act relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority. (S-5285)

INTRODUCTION OF RESOLUTIONS

Senate Resolution 134, by McCoy, Appel, Fraise, Dearden, Quirnbach, Olive, Seng, Horn, Warnstadt, Dvorsky, Heckroth, Dotzler, Beall, Schmitz, Ragan, Stewart, Connolly, Kibbie, Gronstal, Courtney, Bolkcom, Rielly, Schoenjahn, Wood, Hancock, Danielson, and Hatch, a resolution to honor Ms. Roxanne Barton Conlin for over four decades of service as an activist, community leader, and attorney advocate for the people.

Read first time and referred to committee on **Rules and Administration**.

Senate Resolution 135, by Noble, Zaun, Dearden, Hatch, McCoy, and Ward, a resolution welcoming the new Iowa Barnstormers arena football team to Iowa.

Read first time and referred to committee on **Rules and Administration**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:13 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:16 p.m., President Pro Tempore Danielson presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 134, a resolution to honor Ms. Roxanne Barton Conlin for over four decades of service as an activist, community leader, and attorney advocate for the people.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, Wieck, Angelo, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, 1: Courtney.

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 134.

Senate Resolution 134

On motion of Senator McCoy, **Senate Resolution 134**, a resolution to honor Ms. Roxanne Barton Conlin for over four decades of service as an activist, community leader, and attorney advocate for the people, with report of committee recommending passage, was taken up for consideration.

Senator McCoy moved the adoption of Senate Resolution 134, which motion prevailed by a voice vote.

MOTION TO RECONSIDER DEFERRED

House File 2645

Senator Wieck called up under Senate Rule 24 the motion to reconsider **House File 2645**, a bill for an act concerning public employee collective bargaining and teacher discipline, filed by Senator Gronstal on March 24, 2008, and found on page 782 of the Senate Journal.

Senator Gronstal asked and received unanimous consent that action on the motion to reconsider **House File 2645** be **deferred**.

The Senate stood at ease at 1:33 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:47 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:48 p.m. until the completion of a meeting of the committee on Government Oversight.

RECONVENED

The Senate reconvened at 4:00 p.m., President Pro Tempore Danielson presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKibben, until he returns, on request of Senator Angelo.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Annette Townsley – Agricultural Development Authority

Christine Donner-Tiernan – Board of Speech Pathology and Audiology

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gaskill	Kreiman	Seng
Beall	Gronstal	Lundby	Seymour
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirmbach	Zieman

Dearden	Houser	Ragan
Dotzler	Johnson	Rielly
Dvorsky	Kettering	Schmitz

Nays, none.

Absent, 1:

McKibben

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

The Senate stood at ease at 4:05 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:33 p.m., President Pro Tempore Danielson presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Putney, until he returns, on request of Senator Hahn.

HOUSE AMENDMENT CONSIDERED

Senate File 2361

Senator Kibbie called up for consideration **Senate File 2361**, a bill for an act providing for the procurement of designated biobased products by state government, amended by the House in House amendment S-5271, filed April 3, 2008.

President Kibbie moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

President Kibbie moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2361), 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
Connolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Noble	Wieck
Danielson	Hogg	Olive	Wood
Dearden	Horn	Quirmbach	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.

UNFINISHED BUSINESS
(Deferred April 3, 2008)

House File 2539

The Senate resumed consideration of **House File 2539**, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision, and amendment S-5268 to amendment S-5172, and amendment S-5172, deferred April 3, 2008.

Senator Hatch called for the following division of amendment S-5268:

Division S-5268A: Page 6, lines 13-45, and page 9, line 29-page 10, line 16.

Division S-5268B: Page 1, line 4–page 6, line 12; page 6, line 46–page 9, line 28; and page 10, line 17–page 18, line 22.

Senator Hatch withdrew Division S-5268A.

Senator Johnson offered amendment S-5294, filed by him from the floor to pages 1, 2, 8, 9, 12, 16, 17, 20–22, 28, 29, 31, 33, and 34 and amending the title provisions of amendment S-5172, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-5294 be adopted?” (H.F. 2539), the vote was:

Yeas, 18:

Angelo	Hartsuch	McKinley	Wieck
Behn	Houser	Mulder	Zaun
Boettger	Johnson	Noble	Zieman
Gaskill	Kettering	Seymour	
Hahn	Lundby	Ward	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 2:

McKibben	Putney
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Amendment S-5294 lost.

Senator Zaun offered amendment S-5295, filed by him from the floor to page 4 of amendment S-5172, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5295 be adopted?" (H.F. 2539), the vote was:

Yeas, 18:

Angelo	Hartsuch	McKinley	Wieck
Behn	Houser	Mulder	Zaun
Boettger	Johnson	Noble	Zieman
Gaskill	Kettering	Seymour	
Hahn	Lundby	Ward	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 2:

McKibben	Putney
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Amendment S-5295 lost.

Senator Johnson offered amendment S-5293, filed by him from the floor to pages 6, 14, 20, 21, 23, 24, 26, and 31 of amendment S-5172, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5293 be adopted?" (H.F. 2539), the vote was:

Yeas, 18:

Angelo	Hartsuch	McKinley	Wieck
Behn	Houser	Mulder	Zaun
Boettger	Johnson	Noble	Zieman
Gaskill	Kettering	Seymour	
Hahn	Lundby	Ward	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 2:

McKibben	Putney
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Amendment S-5293 lost.

Senator Hatch offered amendment S-5287, filed by him from the floor to page 14 of amendment S-5172, and moved its adoption.

Amendment S-5287 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Quirmbach, until he returns, on request of Senator Gronstal.

Senator Hartsuch offered amendment S-5292, filed by him from the floor to page 22 of amendment S-5172, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5292 be adopted?" (H.F. 2539), the vote was:

Yeas, 17:

Angelo	Hartsuch	Mulder	Zaun
Behn	Houser	Noble	Zieman
Boettger	Johnson	Seymour	
Gaskill	Kettering	Ward	
Hahn	McKinley	Wieck	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	Lundby	Stewart
Connolly	Hancock	McCoy	Warnstadt
Courtney	Hatch	Olive	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 3:

McKibben	Putney	Quirnbach
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Amendment S-5292 lost.

Senator Seymour offered amendment S-5291, filed by him from the floor to pages 23 and 32 of amendment S-5172, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 16, nays 26.

Amendment S-5291 lost.

Senator Hatch offered amendment S-5288, filed by him from the floor to pages 31, 32, and 34 of amendment S-5172, and moved its adoption.

Amendment S-5288 was adopted by a voice vote.

Senator Seymour offered amendment S-5290, filed by him from the floor to pages 31 and 32 of amendment S-5172, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5290 be adopted?" (H.F. 2539), the vote was:

Yeas, 18:

Angelo	Hartsuch	McKinley	Wieck
Behn	Houser	Mulder	Zaun
Boettger	Johnson	Noble	Zieman
Gaskill	Kettering	Seymour	
Hahn	Lundby	Ward	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 2:

McKibben Putney

Amendment S-5290 lost.

Senator Zaun offered amendment S-5296, filed by Senators Zaun and McKinley from the floor to page 34 and to the title page of the bill.

Senator Kreiman raised the point of order that amendment S-5296 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5296 out of order.

Senator Hatch moved the adoption of amendment Division S-5268B.

Amendment S-5268B was adopted by a voice vote.

Senator Hatch moved the adoption of amendment S-5172, as amended.

Amendment S-5172 was adopted by a voice vote.

With the adoption of amendment S-5172, the Chair ruled amendment S-5299, filed by Senator Zaun from the floor to page 2 and to the title provisions of amendment S-5172, out of order.

Senator Hatch 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?” (H.F. 2539), the vote was:

Yeas, 42:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gaskill	Kreiman	Seng
Beall	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Stewart
Bolkcom	Hancock	Mulder	Ward
Connolly	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Danielson	Hogg	Quirnbach	Wood
Dearden	Horn	Ragan	Zieman
Dotzler	Houser	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, 6:

Behn	Hartsuch	McKinley
Boettger	Kettering	Zaun

Absent, 2:

McKibben	Putney
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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 2361** and **House File 2539** be **immediately messaged** to the House.

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 April 7, 2008, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 2251, a bill for an act relating to student eye care and including an applicability date provision. (S-5297)

Senate File 2325, a bill for an act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure

assistance program and changing certain job and wage requirements, and providing an effective date. (S-5298)

ALSO: That the House has on April 7, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2647, a bill for an act relating to and making appropriations to the judicial branch.

Read first time under Rule 28 and referred to committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:40 p.m. until 8:45 a.m., Tuesday, April 8, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Crystal Algood—For winning the NAIA National Women’s Basketball Championship for 2007–2008, as a member of the “Fab 5” Northwestern College basketball team. Senator Mulder (4/7/08).

Tammy Apana, Norwalk—For being named to “100 Great Iowa Nurses.” Senator Appel (4/7/08).

Miranda Boekhout—For winning the NAIA National Women’s Basketball Championship for 2007–2008, as a member of the “Fab 5” Northwestern College basketball team. Senator Mulder (4/7/08).

Zachary M. Burds, Dubuque—For achieving the rank of Eagle Scout, Boy Scout Troop 7. Senator Connolly (4/7/08).

Mandy Carr—For winning the NAIA National Women’s Basketball Championship for 2007–2008, as a member of the “Fab 5” Northwestern College basketball team. Senator Mulder (4/7/08).

Alexander L. Engling, Dubuque—For achieving the rank of Eagle Scout, Boy Scout Troop 7. Senator Connolly (4/7/08).

Joshua A. Ihm, Dubuque—For achieving the rank of Eagle Scout, Boy Scout Troop 7. Senator Connolly (4/7/08).

Christopher A. Iverson, Dubuque—For achieving the rank of Eagle Scout, Boy Scout Troop 7. Senator Connolly (4/7/08).

Stacy Jobses, Indianola—For being named to “100 Great Iowa Nurses.” Senator Appel (4/7/08).

Amy Larson—For winning the NAIA National Women’s Basketball Championship for 2007–2008, as a member of the “Fab 5” Northwestern College basketball team. Senator Mulder (4/7/08).

Zachary N. Marcov, Dubuque—For achieving the rank of Eagle Scout, Boy Scout Troop 7. Senator Connolly (4/7/08).

Lisa McGonegle—For being crowned Iowa Junior Miss 2008. Senator Appel (4/7/08).

Doug Metzger, Norwalk—For 20 years of service on the Norwalk Police Department. Senator Appel (4/7/08).

Gwen Nilles, Dubuque—For receiving the Divine Word College Matthew 25 Award. Senator Connolly (4/7/08).

Debbie Remmerde—For winning the NAIA National Women's Basketball Championship for 2007–2008, as a member of the “Fab 5” Northwestern College basketball team. Senator Mulder (4/7/08).

Robert C. Sloman, Dubuque—For achieving the rank of Eagle Scout, Boy Scout Troop 7. Senator Connolly (4/7/08).

Ethan T. Spangler, Sherrill—For achieving the rank of Eagle Scout, Boy Scout Troop 7. Senator Connolly (4/7/08).

Coach Earl Woudstra—For guiding the Northwestern College Women's Basketball Team to their second NAIA National Basketball Championship, and for winning the most games in Northwestern College history. Senator Mulder (4/7/08).

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: April 7, 2008, 1:13 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman.

Members Absent: Courtney (excused).

Committee Business: Approved SRs 134 and 135.

Adjourned: 1:15 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 136, by Heckroth, a resolution honoring Wartburg College's wrestling team for winning the National Collegiate Association Division III Wrestling Championship.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 137, by McKibben, a resolution recognizing the 50th anniversary of the Iowa Rose Festival in State Center.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 138, by Beall and Black, a resolution supporting a free trade agreement between the Republic of China on Taiwan and the United States.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 139, by Beall, Ragan, Seymour, Hartsuch, McKinley, Warnstadt, Kibbie, Danielson, Horn, and Black, a resolution honoring America's Vietnam veterans.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 140, by Johnson, a resolution honoring the city of Paullina on its quasiquicentennial anniversary.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 141, by Mulder, a resolution honoring Deb Remmerde, the National Association of Intercollegiate Athletics Division II Women's Basketball Player of the Year.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 142, by Mulder, a resolution honoring the Northwestern College women's basketball team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 2412, by committee on Appropriations, a bill for an act relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing standards for renewable fuel, providing for state purchases of renewable fuel, providing an appropriation, and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations calendar.**

STUDY BILLS RECEIVED

SSB 3296 Ways and Means

Providing a minimum annual salary for a county attorney and requiring a county to use certain funds to ensure that the minimum salary requirement for a county attorney is satisfied.

SSB 3297 Appropriations

Relating to and making appropriations for health and human services and including other related provisions and appropriations, making penalties applicable and providing effective, retroactive, and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2406

RULES AND ADMINISTRATION: Gronstal, Chair; Kibbie and Wieck

SSB 3296

WAYS AND MEANS: Connolly, Chair; Putney and Quirmbach

SSB 3297

APPROPRIATIONS: Hatch, Chair; Dvorsky, Johnson, Ragan, and Seymour

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2412* (formerly SF 2391), a bill for an act relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing standards for renewable fuel, providing for state purchases of renewable fuel, providing an appropriation, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: Dvorsky, McCoy, Kettering, Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, 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 Appropriations Committee on Senate File 2412, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 135, by Noble, Zaun, Dearden, Hatch, McCoy and Ward, a resolution welcoming the new Iowa Barnstormers arena football team to Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, Wieck, Angelo, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2328, the following correction was made:

1. Page 4, line 12: "antlerless" misspelled.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS 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 bills have 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 7th day of April, 2008:

Senate Files 2198, 2230, and 2328.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5285	S.F.	2124	House
S-5286	H.F.	2556	Joe Bolkom
S-5287	H.F.	2539	Jack Hatch
S-5288	H.F.	2539	Jack Hatch
S-5289	H.F.	2620	Herman C. Quirmbach Frank B. Wood Tom Hancock William Heckroth Daryl Beall Roger Stewart Brian Schoenjahn Dave Mulder Jerry Behn E. Thurman Gaskill John Putney James A. Seymour David L. Hartsuch Robert M. Hogg Tom Rielly Steve Warnstadt
S-5290	H.F.	2539	James A. Seymour
S-5291	H.F.	2539	James A. Seymour
S-5292	H.F.	2539	David L. Hartsuch
S-5293	H.F.	2539	David Johnson
S-5294	H.F.	2539	David Johnson
S-5295	H.F.	2539	Brad Zaun
S-5296	H.F.	2539	Brad Zaun Paul McKinley
S-5297	S.F.	2251	House
S-5298	S.F.	2325	House
S-5299	H.F.	2539	Brad Zaun

JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 8, 2008

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Jack Ohle, president of Wartburg College in Waverly, Iowa. He was the guest of Senator Heckroth.

The Journal of Monday, April 7, 2008, 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 April 7, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2660, a bill for an act relating to and making appropriations to the justice system.

Read first time and referred to committee on **Appropriations**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:50 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:54 a.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 136, by Heckroth, a resolution honoring Wartburg College's wrestling team for winning the National Collegiate Athletic Association Division III Wrestling Championship.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Ragan, and Zieman. Nays, none. Absent, 1: Lundby.

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 136.

Senate Resolution 136

On motion of Senator Heckroth, **Senate Resolution 136**, a resolution honoring Wartburg College's wrestling team for winning the National Collegiate Athletic Association Division III Wrestling Championship, with report of committee recommending passage, was taken up for consideration.

Senator Heckroth moved the adoption of Senate Resolution 136, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Heckroth welcomed to the Senate chamber members of the Wartburg College wrestling team.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:10 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:37 a.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKibben, until he arrives, on request of Senator Wieck.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2360.

Senate File 2360

On motion of Senator Wood, **Senate File 2360**, a bill for an act 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, placed on the Unfinished Business Calendar on March 27, 2008, was taken up for consideration.

Senator Wood offered amendment S-5234, filed by him on March 27, 2008, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5234 was adopted by a voice vote.

Senator Wood asked and received unanimous consent that **House File 2570** be **substituted** for **Senate File 2360**.

House File 2570

On motion of Senator Wood, **House File 2570**, a bill for an act 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, 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?" (H.F. 2570), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gaskill	Kreiman	Seng
Beall	Gronstal	Lundby	Seymour
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirnbach	Zieman
Dearden	Houser	Ragan	
Dotzler	Johnson	Rielly	
Dvorsky	Kettering	Schmitz	

Nays, none.

Absent, 1:

McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Wood asked and received unanimous consent that **Senate File 2360** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2405.

Senate File 2405

On motion of Senator Hogg, **Senate File 2405**, a bill for an act relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or

participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates, was taken up for consideration.

Senator Hogg offered amendment S-5300, filed by him from the floor to page 7 of the bill, and moved its adoption.

Amendment S-5300 was adopted by a voice vote.

Senator McKinley asked and received unanimous consent that action on **Senate File 2405** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2570** be **immediately messaged** to the House.

MOTIONS TO RECONSIDER WITHDRAWN

House File 2384

Senator Kettering withdrew the motion to reconsider **House File 2384**, a bill for an act relating to the deposit of public funds with corporate credit unions, filed by him on April 2, 2008, found on page 938 of the Senate Journal.

Senator Schoenjahn withdrew the motion to reconsider **House File 2384**, a bill for an act relating to the deposit of public funds with corporate credit unions, filed by him on April 2, 2008, found on page 938 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2384** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2620.

House File 2620

On motion of Senator Appel, **House File 2620**, a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions, placed on the Unfinished Business Calendar on April 3, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Hogg offered amendment S-5302, filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5302 lost by a voice vote.

Senator Quirnbach offered amendment S-5289, filed by Senator Quirnbach, et al., on April 7, 2008, to page 14 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 14, nays 27.

Amendment S-5289 lost.

Senator Hahn offered amendment S-5275, filed by him on April 3, 2008, to page 44 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5275 be adopted?" (H.F. 2620), the vote was:

Yeas, 18:

Angelo	Hartsuch	Mulder	Wieck
Behn	Houser	Noble	Zaun
Boettger	Johnson	Putney	Zieman

Gaskill	Kettering	Seymour
Hahn	McKinley	Ward

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	Wood
Dearden	Hogg	Ragan	

Absent, 1:

McKibben

Amendment S-5275 lost.

Senator Appel 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?" (H.F. 2620), the vote was:

Yeas, 44:

Angelo	Dotzler	Houser	Ragan
Appel	Dvorsky	Johnson	Rielly
Beall	Fraise	Kettering	Schmitz
Behn	Gaskill	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Boettger	Hahn	Lundby	Seymour
Bolkcom	Hancock	McCoy	Stewart
Connolly	Hartsuch	McKinley	Ward
Courtney	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Horn	Putney	Zieman

Nays, 5:

Hogg	Quirmbach	Zaun
Mulder	Wood	

Absent, 1:

McKibben

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 **House File 2620** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2354

Senator Warnstadt called up for consideration **Senate File 2354**, a bill for an act concerning the home ownership assistance program for members of the military, amended by the House in House amendment S-5270, filed April 3, 2008.

Senator Warnstadt moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Warnstadt moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2354), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gaskill	Kreiman	Seng
Beall	Gronstal	Lundby	Seymour
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirnbach	Zieman
Dearden	Houser	Ragan	
Dotzler	Johnson	Rielly	
Dvorsky	Kettering	Schmitz	

Nays, none.

Absent, 1:

McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2349

Senator Schoenjahn called up for consideration **Senate File 2349**, a bill for an act relating to the preneed sale of cemetery and funeral merchandise and funeral services, amended by the House in House amendment S-5269, filed April 3, 2008.

Senator Schoenjahn moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Schoenjahn moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2349), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gaskill	Kreiman	Seng
Beall	Gronstal	Lundby	Seymour
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirmbach	Zieman
Dearden	Houser	Ragan	
Dotzler	Johnson	Rielly	
Dvorsky	Kettering	Schmitz	

Nays, none.

Absent, 1:

McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2325

Senator Danielson called up for consideration **Senate File 2325**, a bill for an act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date, amended by the House in House amendment S-5298, filed April 7, 2008.

Senator Danielson moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Danielson moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2325), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gaskill	Kreiman	Seng
Beall	Gronstal	Lundby	Seymour
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Cannolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirnbach	Zieman

Dearden	Houser	Ragan
Dotzler	Johnson	Rielly
Dvorsky	Kettering	Schmitz

Nays, none.

Absent, 1:

McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2281

Senator Hogg called up for consideration **Senate File 2281**, a bill for an act prohibiting employment discrimination against an employee witness in certain civil proceedings, amended by the House in House amendment S-5274, filed April 3, 2008.

Senator Hogg moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hogg moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2281), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood

Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, none.

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 Files 2281, 2325, 2349, and 2354** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2405

The Senate resumed consideration of **Senate File 2405**, a bill for an act relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates, previously deferred.

Senator McKinley withdrew amendment S-5307, filed by him from the floor to page 1 of the bill.

Senator Hogg 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. 2405), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirmbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, none.

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 2405** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:46 a.m. until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:35 p.m., President Kibbie presiding.

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 April 8, 2880, **adopted the conference committee report and passed House File 2212**, a bill for an act creating a smokefree air Act and providing penalties.

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 2212)

A conference committee report, signed by the following Senate and House members, was filed April 8, 2008, on **House File 2212**, a bill for an act creating a smokefree air Act and providing penalties:

On the part of the Senate:

STACI APPEL, Chair
JOE BOLKCOM
WILLIAM DOTZLER

On the part of the House:

TYLER OLSON, Chair
JANET PETERSEN
MICHAEL REASONER

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2212

Senator Appel called up the conference committee report on **House File 2212**, a bill for an act creating a smokefree air Act and providing penalties, filed on April 8, 2008.

The Senate stood at ease at 2:38 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:47 p.m., President Kibbie presiding.

BUSINESS PENDING

House File 2212

Senator Appel moved the adoption of the conference committee report on House File 2212.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (H.F. 2212), the vote was:

Yeas, 26:

Appel	Dvorsky	Lundby	Schoenjahn
Beall	Fraise	McCoy	Seng
Bolkcom	Gronstal	Olive	Stewart
Connolly	Hatch	Quirnbach	Warnstadt
Courtney	Hogg	Ragan	Wood
Danielson	Horn	Rielly	
Dearden	Kibbie	Schmitz	

Nays, 24:

Angelo	Hahn	Kettering	Putney
Behn	Hancock	Kreiman	Seymour
Black	Hartsuch	McKibben	Ward
Boettger	Heckroth	McKinley	Wieck
Dotzler	Houser	Mulder	Zaun
Gaskill	Johnson	Noble	Zieman

Absent, none.

The motion prevailed and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Appel 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?" (H.F. 2212), the vote was:

Yeas, 28:

Appel	Dvorsky	Lundby	Schmitz
Beall	Fraise	McCoy	Schoenjahn
Bolkcom	Gronstal	Noble	Seng
Connolly	Hatch	Olive	Stewart
Courtney	Hogg	Quirnbach	Ward
Danielson	Horn	Ragan	Warnstadt
Dearden	Kibbie	Rielly	Wood

Nays, 22:

Angelo	Hahn	Kettering	Seymour
Behn	Hancock	Kreiman	Wieck
Black	Hartsuch	McKibben	Zaun
Boettger	Heckroth	McKinley	Zieman

Dotzler
Gaskill

Houser
Johnson

Mulder
Putney

Absent, none.

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 **House File 2212** be **immediately messaged** to the House.

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 April 8, 2008 **passed** the following bill in which the concurrence of the Senate is asked:

House File 2662, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

Read first time under Rule 28 and referred to committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:55 p.m. until 8:45 a.m., Wednesday, April 9, 2008.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Eighth grade students from Titonka Middle School, Titonka. Senator Beall.

Members of the “One Iowa Day” delegation, guests of Governor Culver. Senator Beall.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Ruth Adkins—For celebrating her 90th birthday. Senator Rielly (4/8/08).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: April 7, 2008, 2:50 p.m.

Members Present: Courtney, Chair; Connolly, Vice Chair; Ward, Ranking Member; Lundby and Schmitz.

Members Absent: None.

Committee Business: Passed LSB 6627SV.

Adjourned: 3:00 p.m.

RULES AND ADMINISTRATION

Convened: April 8, 2008, 8:50 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Courtney, Danielson, Dearden, Dvorsky, Ragan, and Zieman.

Members Absent: Lundby (excused).

Committee Business: Approved SR 136.

Adjourned: 8:54 a.m.

ALSO:

Convened: April 8, 2008, 2:00 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman.

Members Absent: None.

Committee Business: Passed SF 2406.

Adjourned: 2:10 p.m.

WAYS AND MEANS

Convened: April 8, 2008, 1:05 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; McKibben, Ranking Member; Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman.

Members Absent: None.

Committee Business: Passed SF 595, HF 2589, and approved SSB 3286.

Adjourned: 2:00 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2003, by Gronstal, a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Joint Resolution 2004, by Gronstal, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Concurrent Resolution 105, by Gronstal, Black, Stewart, Ragan, Schmitz, Beall, Danielson, Dotzler, Dvorsky, Heckroth, Warnstadt, Seng, Rielly, Hancock, Olive, Dearden, Fraise, Quirnbach, Kibbie, Bolkcom, Schoenjahn, Wood, Kreiman, and Horn, a concurrent resolution designating May 2008 as Motorcycle Safety Awareness Month.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 143, by Angelo, Wieck, Zieman, Kettering, Boettger, Ward, Mulder, Johnson, Zaun, McKinley, Noble, Putney, Gaskill, Lundby, Houser, Seymour, Wood, Heckroth, Rielly, Schoenjahn, Olive, Kreiman, Stewart, Quirnbach, Warnstadt, Ragan, Bolkcom, Fraise, Dotzler, Hatch, Dvorsky, Connolly, Seng, Appel, Hogg, Dearden, Gronstal, Courtney, Hancock, Kibbie, Danielson, Schmitz, and Horn, a resolution recognizing and honoring Iowa's Olympic athletes.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2413, by committee on Government Oversight, a bill for an act providing extensions for school districts applying to the school budget review committee concerning school district finances, and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2414, by Gronstal, a bill for an act prohibiting the use of campaign funds as compensation to a candidate and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government**.

SUBCOMMITTEE ASSIGNMENTS

House File 2647

APPROPRIATIONS: Hogg, Chair; Angelo, Dvorsky, Hancock, and Kettering

House File 2660

APPROPRIATIONS: Hancock, Chair; Angelo, Dvorsky, Hogg, and Kettering

FINAL COMMITTEE REPORT OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: SENATE FILE 2413, a bill for an act providing extensions for school districts applying to the school budget review committee concerning school district finances, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Courtney, Connolly, Ward, Lundby, and Schmitz. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 7, 2008, when the vote was taken on Senate File 2361. Had I been present, I would have voted "Yea." In addition, I was necessarily absent when the votes were taken on House File 2539 and amendments S-5172, S-5295, S-5293, S-5292, S-5291, and S-5290 to House File 2539. Had I been present, I would have voted "Yea" on all.

JOHN PUTNEY

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 8, 2008, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2198 – Relating to the appointment of the membership of the Brushy creek recreation area trails advisory board.

Senate File 2230 – Authorizing the issuance of special nonresident turkey and deer hunting licenses to certain persons who have severe physical disabilities or a terminal illness.

Senate File 2328 – Relating to the deer depredation management program, establishing a deer study advisory committee, and providing an effective date.

AMENDMENTS FILED

S-5300	S.F.	2405	Robert M. Hogg
S-5301	H.F.	2612	Jerry Behn Dennis H. Black
S-5302	H.F.	2620	Robert M. Hogg
S-5303	S.F.	2308	Steve Warnstadt
S-5304	S.F.	2411	Michael Connolly
S-5305	S.F.	2408	James F. Hahn
S-5306	S.F.	2408	William Dotzler
S-5307	S.F.	2405	Paul McKinley
S-5308	S.F.	2408	Michael Connolly
S-5309	S.F.	2408	Mary A. Lundby
S-5310	H.F.	2558	William Dotzler
S-5311	S.F.	2408	Mary A. Lundby Matt McCoy
S-5312	H.F.	2558	Paul McKinley
S-5313	S.F.	2411	Jeff Angelo
S-5314	S.F.	2411	Jeff Angelo
S-5315	S.F.	2411	Jeff Angelo

JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY
FIFTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 9, 2008

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by Les Borsay, pastor of the Central Christian Church in Jefferson, Iowa. He was the guest of Senator Beall.

The Journal of Tuesday, April 8, 2008, was approved.

The Senate stood at ease at 8:53 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:44 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Houser, until he arrives, on request of Senator Zieman; and Senators Hartsuch, Lundby, and Johnson, until they arrive, on request of Senator Wieck.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2404.

Senate File 2404

On motion of Senator Courtney, **Senate File 2404**, a bill for an act relating to state agency reporting of the receipt of gifts, bequests, and grants, was taken up for consideration.

Senator Courtney 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. 2404), the vote was:

Yeas, 46:

Angelo	Dvorsky	Kreiman	Schoenjahn
Appel	Fraise	McCoy	Seng
Beall	Gaskill	McKibben	Seymour
Behn	Gronstal	McKinley	Stewart
Black	Hahn	Mulder	Ward
Boettger	Hancock	Noble	Warnstadt
Bolkcom	Hatch	Olive	Wieck
Cannolly	Heckroth	Putney	Wood
Courtney	Hogg	Quirnbach	Zaun
Danielson	Horn	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schmitz	

Nays, none.

Absent, 4:

Hartsuch	Houser	Johnson	Lundby
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2212

Senator Kreiman called up for consideration **Senate File 2212**, a bill for an act relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights, amended by the House in House amendment S-5284, filed April 3, 2008.

Senator Kreiman moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Kreiman moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2212), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Schmitz
Appel	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	McCoy	Seng
Behn	Gronstal	McKibben	Seymour
Black	Hahn	McKinley	Stewart
Boettger	Hancock	Mulder	Ward
Bolkcom	Hatch	Noble	Warnstadt
Connolly	Heckroth	Olive	Wieck
Courtney	Hogg	Putney	Wood
Danielson	Horn	Quirnbach	Zaun
Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	

Nays, none.

Absent, 3:

Hartsuch	Houser	Lundby
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2103.

House File 2103

On motion of Senator Quirmbach, **House File 2103**, a bill for an act relating to appointments to the college student aid commission and including an effective date and applicability provision, placed on the Unfinished Business Calendar on April 3, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Johnson offered amendment S-5241, filed by him on March 31, 2008, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5241 be adopted?" (H.F. 2103), the vote was:

Yeas, 22:

Angelo	Hahn	Mulder	Ward
Behn	Hancock	Noble	Wieck
Black	Johnson	Olive	Zaun
Boettger	Kettering	Putney	Zieman
Dotzler	McKibben	Schmitz	
Gaskill	McKinley	Seymour	

Nays, 25:

Appel	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Stewart
Bolkcom	Gronstal	McCoy	Warnstadt
Connolly	Hatch	Quirmbach	Wood
Courtney	Heckroth	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schoenjahn	

Absent, 3:

Hartsuch	Houser	Lundby
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Amendment S-5241 lost.

Senator Quirmbach 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?" (H.F. 2103), the vote was:

Yeas, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Nays, 17:

Angelo	Johnson	Noble	Zaun
Behn	Kettering	Putney	Zieman
Boettger	McKibben	Seymour	
Gaskill	McKinley	Ward	
Hahn	Mulder	Wieck	

Absent, 3:

Hartsuch	Houser	Lundby
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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 Files 2212 and 2404** and **House File 2103** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2308

Senator Warnstadt called up for consideration **Senate File 2308**, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties, amended by the House in House amendment S-5272, filed April 3, 2008.

Senator Warnstadt offered amendment S-5303, filed by him on April 8, 2008, to page 1 of amendment S-5272, and moved its adoption.

Amendment S-5303 was adopted by a voice vote.

Senator Warnstadt moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Warnstadt moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2308), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Schmitz
Appel	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	McCoy	Seng
Behn	Gronstal	McKibben	Seymour
Black	Hahn	McKinley	Stewart
Boettger	Hancock	Mulder	Ward
Bolkcom	Hatch	Noble	Warnstadt
Connolly	Heckroth	Olive	Wieck
Courtney	Hogg	Putney	Wood
Danielson	Horn	Quirnbach	Zaun
Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	

Nays, none.

Absent, 3:

Hartsuch	Houser	Lundby
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2161

Senator Ragan called up for consideration **Senate File 2161**, a bill for an act providing for the establishment of a council on homelessness, amended by the House in House amendment S-5273, filed April 3, 2008.

Senator Ragan moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Ragan moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2161), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Schmitz
Appel	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	McCoy	Seng
Behn	Gronstal	McKibben	Seymour
Black	Hahn	McKinley	Stewart
Boettger	Hancock	Mulder	Ward
Bolkcom	Hatch	Noble	Warnstadt
Connolly	Heckroth	Olive	Wieck
Courtney	Hogg	Putney	Wood
Danielson	Horn	Quirnbach	Zaun
Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	

Nays, none.

Absent, 3:

Hartsuch	Houser	Lundby
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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 Files 2161** and **2308** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2124

Senator Danielson called up for consideration **Senate File 2124**, a bill for an act relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority, amended by the House in House amendment S-5285, filed April 7, 2008.

Senator Danielson moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Danielson moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2124), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rielly
Appel	Fraise	Kreiman	Schmitz
Beall	Gaskill	Lundby	Schoenjahn
Behn	Gronstal	McCoy	Seng
Black	Hahn	McKibben	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hatch	Mulder	Ward
Connolly	Heckroth	Noble	Warnstadt
Courtney	Hogg	Olive	Wieck
Danielson	Horn	Putney	Wood
Dearden	Johnson	Quirnbach	Zaun
Dotzler	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Hartsuch Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2653, 2558, and 2338.

House File 2653

On motion of Senator Olive, **House File 2653**, a bill for an act relating to foreclosure consultants and foreclosure reconveyances, providing for criminal and civil penalties, and providing an effective date, placed on the Unfinished Business Calendar on April 3, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Olive 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?" (H.F. 2653), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rielly
Appel	Fraise	Kreiman	Schmitz
Beall	Gaskill	Lundby	Schoenjahn
Behn	Gronstal	McCoy	Seng
Black	Hahn	McKibben	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hatch	Mulder	Ward
Connolly	Heckroth	Noble	Warnstadt
Courtney	Hogg	Olive	Wick
Danielson	Horn	Putney	Wood
Dearden	Johnson	Quirnbach	Zaun
Dotzler	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Hartsuch

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2558

On motion of Senator Olive, **House File 2558**, a bill for an act relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for financial assistance, placed on the Unfinished Business Calendar on April 3, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Olive offered amendment S-5283, filed by him on April 3, 2008, striking and replacing everything after the enacting clause of the bill.

Senator Dotzler offered amendment S-5310, filed by him on April 8, 2008, to page 1 of amendment S-5283, and moved its adoption.

Amendment S-5310 was adopted by a voice vote.

Senator Olive offered amendment S-5316, filed by him from the floor to page 2 of amendment S-5283, and moved its adoption.

Amendment S-5316 was adopted by a voice vote.

Senator McKinley offered amendment S-5312, filed by him on April 8, 2008, to page 2 of amendment S-5283, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5312 be adopted?" (H.F. 2558), the vote was:

Yeas, 19:

Angelo	Houser	McKinley	Ward
Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Zaun
Gaskill	Lundby	Putney	Zieman
Hahn	McKibben	Seymour	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 1:

Hartsuch

Amendment S-5312 lost.

Senator Olive moved the adoption of amendment S-5283, as amended.

Amendment S-5283 was adopted by a voice vote.

Senator Olive 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?" (H.F. 2558), the vote was:

Yeas, 42:

Angelo	Dvorsky	Kettering	Schmitz
Appel	Fraise	Kibbie	Schoenjahn
Beall	Gaskill	Kreiman	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hancock	McCoy	Stewart
Bolkcom	Hatch	Mulder	Ward
Connolly	Heckroth	Olive	Warnstadt
Courtney	Hogg	Putney	Wood
Danielson	Horn	Quirnbach	Zaun
Dearden	Houser	Ragan	
Dotzler	Johnson	Rielly	

Nays, 7:

Behn	McKibben	Noble	Zieman
Hahn	McKinley	Wieck	

Absent, 1:

Hartsuch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Putney, until he returns, on request of Senator Gaskill.

House File 2338

On motion of Senator Kreiman, **House File 2338**, a bill for an act relating to attendance at child in need of assistance proceedings, placed on the Unfinished Business Calendar on April 3, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman 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?" (H.F. 2338), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kettering	Rielly
Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Ward
Connolly	Heckroth	Mulder	Warnstadt
Courtney	Hogg	Noble	Wieck
Danielson	Horn	Olive	Wood
Dearden	Houser	Quirmbach	Zaun
Dotzler	Johnson	Ragan	Zieman

Nays, none.

Absent, 2:

Hartsuch

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 2124** and **House Files 2338, 2558, and 2653** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:30 a.m. until 3:00 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Reverend Les Borsay, Jefferson—For being the pastor of the day. Senator Beall (4/9/08).

Kathleen Driscoll, Williamsburg—For more than 50 years of service to the Iowa County Democratic Party. Senator Rielly (4/9/08).

Frank Glandon—For more than 39 years of service to the Oskaloosa Fire Department. Senator Rielly (4/9/08).

Robert and Dorothy Martinson, Williamsburg—For celebrating their 60th wedding anniversary. Senator Rielly (4/9/08).

Powell Alexander Mims, Lake City—For achieving the rank of Eagle Scout, Boy Scout Troop 41. Senator Beall (4/9/08).

Mildred Vanderhorst, Oskaloosa—For celebrating her 90th birthday. Senator Rielly (4/9/08).

INTRODUCTION OF RESOLUTIONS

Senate Resolution 144, by Hatch, McCoy, Zaun, Dearden, Appel, Courtney, Quirnbach, Olive, Warnstadt, Dvorsky, Dotzler, Rielly, Danielson, Hogg, Kreiman, Hancock, Seng, Schmitz, Ragan, Beall, Stewart, Bolkcom, Black, Kibbie, Horn, Wood, Schoenjahn, Connolly, Heckroth, Fraise, Gronstal, Noble, McKinley, Gaskill, Behn, Wieck, Zieman, Seymour, Boettger, Hartsuch, Mulder, Johnson, Hahn, Houser, Kettering, and Putney, a resolution to honor Drake University's men's and women's basketball teams.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 145, by Hatch, McCoy, Zaun, and Dearden, a resolution to honor the Drake University men's basketball coach Keno Davis.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 146, by Mulder, a resolution to honor the athletic career of Vern Wayne Den Herder.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 2415, by committee on Ways and Means, a bill for an act allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 2415* (formerly SF 595), a bill for an act allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Bolckcom, McCoy, McKibben, Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman. 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 Ways and Means Committee on Senate File 2415, and they were attached to the committee report.

BILLS 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 bills have 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 9th day of April, 2008:

Senate Files 473, 505, 2089, 2108, 2117, 2157, 2176, 2177, 2179, 2214, 2217, 2248, 2277, 2289, 2301, 2316, 2333, 2335, and 2380.

MICHAEL E. MARSHALL
Secretary of the Senate

AFTERNOON SESSION

The Senate reconvened at 3:15 p.m., President Kibbie presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Rosemary Parson – Commission on the Status of African-Americans

Amy Peiffer – Commission on Community Action Agencies

Robert Fritsch – Iowa Great Places Advisory Board

Thomas Hanafan – Iowa Great Places Advisory Board

Mark Ripplinger – Landscape Architectural Examining Board

Tyrone Orr – Board of Mortuary Science

Terrance Lillis – Peace Officers' Retirement, Accident, and Disability Systems Trustee

Marianne (Mary) Nehus – Prevention of Disabilities Policy Council

Dianna Darold – Iowa Railway Finance Authority

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Courtney	Horn	Putney	Zaun
Danielson	Houser	Quirmbach	Zieman

Dearden	Johnson	Ragan
Dotzler	Kettering	Rielly
Dvorsky	Kibbie	Schmitz

Nays, none.

Absent, 1:

Hartsuch

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Sarah Henderson as a member of the Board of Psychology, placed on the Individual Confirmation Calendar on March 31, 2008, found on page 884 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Courtney	Horn	Putney	Zaun
Danielson	Houser	Quirmbach	Zieman
Dearden	Johnson	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Hartsuch

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 2251

Senator Wood called up for consideration **Senate File 2251**, a bill for an act relating to student eye care and including an applicability date provision, amended by the House in House amendment S-5297, filed April 7, 2008.

Senator Wood moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Wood moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2251), the vote was:

Yeas, 49:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Connolly	Hogg	Olive	Wood
Courtney	Horn	Putney	Zaun
Danielson	Houser	Quirmbach	Zieman
Dearden	Johnson	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Hartsuch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2251** be **immediately messaged** to the House.

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 April 9, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2663, a bill for an act relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal, providing property tax relief, providing for the reduction in the state sales and use tax, providing a penalty, and including an effective date provision.

Read first time and referred to committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:30 p.m. until 8:45 a.m., Thursday, April 10, 2008.

APPENDIX—2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Katie Burton—For winning the 2008 Iowa Energy Poster Contest. Senator Hahn (4/9/08).

Victoria Cole—For winning the 2008 Iowa Energy Poster Contest. Senator Hahn (4/9/08).

Joey Freiber—For winning the 2008 Iowa Energy Poster Contest. Senator Hahn (4/9/08).

Becky Hoffman—For winning the 2008 Iowa Energy Poster Contest. Senator Hahn (4/9/08).

Mollie Juehring—For winning the 2008 Iowa Energy Poster Contest. Senator Hahn (4/9/08).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 9, 2008, 1:10 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood.

Members Absent: None.

Committee Business: Passed HF 2647 and approved SSB 3295.

Recessed: 1:15 p.m.

Reconvened: 1:35 p.m.

Adjourned: 1:45 p.m.

WAYS AND MEANS

Convened: April 9, 2008, 2:05 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; McKibben, Ranking Member; Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Ziemann.

Members Absent: None.

Committee Business: Passed SF 2389 and approved SSBs 3287, 3298, and 3299.

Adjourned: 2:40 p.m.

INTRODUCTION OF BILLS

Senate File 2416, by committee on Ways and Means, a bill for an act relating to wage payment collection and employment classification issues arising between employers and individuals who provide services to employers and including an appropriation and an effective date.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

Senate File 2417, by committee on Appropriations, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates.

Read first time under Rule 28 and **placed on Appropriations calendar.**

STUDY BILLS RECEIVED

SSB 3298 Ways and Means

Relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

SSB 3299 Ways and Means

Relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

SUBCOMMITTEE ASSIGNMENTS

House File 2662

APPROPRIATIONS: Seng, Chair; Black, Dvorsky, Gaskill, and Kettering

SSB 3298

WAYS AND MEANS: Connolly, Chair; Bolkcom and Houser

SSB 3299

WAYS AND MEANS: Schmitz, Chair; Bolkcom and Noble

FINAL COMMITTEE REPORTS OF BILL ACTION**APPROPRIATIONS**

Bill Title: SENATE FILE 2417 (SSB 3295), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dvorsky, McCoy, Black, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Ragan, Seng, Warnstadt, and Wood. Nays, 10: Kettering, Angelo, Behn, Boettger, Gaskill, Hahn, Johnson, Putney, Seymour, and Ward. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2647, a bill for an act relating to and making appropriations to the judicial branch.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Dvorsky, McCoy, Black, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Ragan, Seng, Warnstadt, and Wood. Nays, 10: Kettering, Angelo, Behn, Boettger, Gaskill, Hahn, Johnson, Putney, Seymour, and Ward. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2416* (SSB 3286), a bill for an act relating to wage payment collection and employment classification issues arising between employers and individuals who provide services to employers and including an appropriation and an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Bolkcom, McCoy, Appel, Connolly, Dotzler, Quirnbach, Schmitz, Seng, and Stewart. Nays, 7: McKibben, Angelo, Houser, Noble, Putney, Ward, and Zieman. Present, 1: Hogg. 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 Ways and Means Committee on Senate File 2416, and they were attached to the committee report.

AMENDMENTS FILED

S-5316	H.F.	2558	Rich Olive
S-5317	H.F.	2601	John P. Kibbie Hubert Houser

JOURNAL OF THE SENATE

EIGHTY-EIGHTH CALENDAR DAY
FIFTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 10, 2008

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by Rev. Dr. Gene V. Anderson, senior pastor of Redeemer Lutheran Church in Indianola, Iowa. He was the guest of Senator Appel.

The Journal of Wednesday, April 9, 2008, was approved.

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 April 9, 2008, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 2348, a bill for an act relating to the management of cooperative associations. (S-5318)

Senate File 2350, a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions. (S-5319)

Senate File 2392, a bill for an act to regulate viatical settlements, and providing for fees and penalties. (S-5322)

ALSO: That the House has on April 9, 2008, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2133, a bill for an act relating to the Iowa crop improvement association.

Senate File 2246, a bill for an act relating to required disclosures in real estate transactions.

Senate File 2250, a bill for an act relating to the licensure of real estate brokers and salespersons.

Senate File 2340, a bill for an act requiring certain identity documents to be provided to children subject to a court order for out-of-home placement.

Senate File 2367, a bill for an act relating to the compliance advisory panel, including the appointment of its members and its powers and duties.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 147, by Appel, Courtney, Fraise, Dearden, Quirnbach, Olive, Hogg, Seng, Horn, Warnstadt, Dvorsky, Heckroth, Dotzler, Kreiman, Beall, Schmitz, Ragan, Stewart, Connolly, McCoy, Black, Kibbie, Gronstal, Bolkcom, Rielly, Schoenjahn, Wood, Hancock, Danielson, Hatch, Mulder, Putney, McKibben, Boettger, Gaskill, Kettering, Seymour, and Noble, a resolution recognizing April 13 through 19, 2008, as the Week of the Young Child.

Read first time and referred to committee on **Rules and Administration**.

Senate Resolution 148, by Danielson, Schoenjahn, Hancock, Kettering, and Johnson, a resolution recognizing the lifesaving benefits of automatic external defibrillator devices, acknowledging the importance of raising public awareness of their availability, and encouraging persons to obtain appropriate training.

Read first time and referred to committee on **Rules and Administration**.

The Senate stood at ease at 8:53 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:28 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:29 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:32 a.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 148, a resolution recognizing the lifesaving benefits of automatic external defibrillator devices, acknowledging the importance of raising public awareness of their availability, and encouraging persons to obtain appropriate training.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Danielson asked and received unanimous consent to take up for consideration Senate Resolution 148.

Senate Resolution 148

On motion of Senator Danielson, **Senate Resolution 148**, a resolution recognizing the lifesaving benefits of automatic external defibrillator devices, acknowledging the importance of raising public awareness of their availability, and encouraging persons to obtain appropriate training, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved the adoption of Senate Resolution 148, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKibben, until he arrives, on request of Senator Putney; and Senator Beall, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2417.

Senate File 2417

On motion of Senator Bolkcom, **Senate File 2417**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates, was taken up for consideration.

Senator Bolkcom 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. 2417), the vote was:

Yeas, 32:

Appel	Dvorsky	Horn	Ragan
Black	Fraise	Kibbie	Rielly
Bolkcom	Gaskill	Kreiman	Schmitz
Connolly	Gronstal	Lundby	Schoenjahn
Courtney	Hancock	McCoy	Seng
Danielson	Hatch	Olive	Stewart
Dearden	Heckroth	Putney	Warnstadt
Dotzler	Hogg	Quirnbach	Wood

Nays, 16:

Angelo	Hartsuch	McKinley	Ward
Behn	Houser	Mulder	Wieck
Boettger	Johnson	Noble	Zaun
Hahn	Kettering	Seymour	Zieman

Absent, 2:

Beall	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2415.

Senate File 2415

On motion of Senator Dotzler, **Senate File 2415**, a bill for an act allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy, was taken up for consideration.

Senator Dotzler offered amendment S-5321, filed by him from the floor to pages 2 and 7 of the bill, and moved its adoption.

Amendment S-5321 was adopted by a voice vote.

Senator Dotzler 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. 2415), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gaskill	Kreiman	Seng
Beall	Gronstal	Lundby	Seymour
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirnbach	Zieman
Dearden	Houser	Ragan	
Dotzler	Johnson	Rielly	
Dvorsky	Kettering	Schmitz	

Nays, none.

Absent, 1:

McKibben

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 Files 2415** and **2417** be **immediately messaged** to the House.

President Pro Tempore Danielson took the chair at 11:00 a.m.

HOUSE AMENDMENT CONSIDERED

Senate File 2392

Senator Rielly called up for consideration **Senate File 2392**, a bill for an act to regulate viatical settlements, and providing for fees and penalties, amended by the House in House amendment S-5322, filed April 10, 2008.

Senator Rielly moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Rielly moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2392), the vote was:

Yeas, 49:

Angelo
Appel
Beall

Fraise
Gaskill
Gronstal

Kibbie
Kreiman
Lundby

Schoenjahn
Seng
Seymour

Behn	Hahn	McCoy	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirmbach	Zieman
Dearden	Houser	Ragan	
Dotzler	Johnson	Rielly	
Dvorsky	Kettering	Schmitz	

Nays, none.

Absent, 1:

McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL

(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2647.

House File 2647

On motion of Senator Hogg, **House File 2647**, a bill for an act relating to and making appropriations to the judicial branch, with report of committee recommending passage, was taken up for consideration.

Senator Hogg 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?" (H.F. 2647), the vote was:

Yeas, 30:

Beall	Dvorsky	Horn	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gaskill	Lundby	Seng
Connolly	Gronstal	Olive	Stewart
Courtney	Hancock	Putney	Warnstadt
Danielson	Hatch	Quirmbach	Wood
Dearden	Heckroth	Ragan	
Dotzler	Hogg	Rielly	

Nays, 18:

Angelo	Houser	McKinley	Wieck
Behn	Johnson	Mulder	Zaun
Boettger	Kettering	Noble	Zieman
Hahn	Kreiman	Seymour	
Hartsuch	McCoy	Ward	

Present, 1:

Appel

Absent, 1:

McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2601.

House File 2601

On motion of Senator Kibbie, **House File 2601**, a bill for an act providing for the state interagency Missouri river authority, placed on the Unfinished Business Calendar on April 3, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie offered amendment S-5317, filed by Senators Kibbie and Houser on April 9, 2008, striking and replacing everything after the enacting clause of the bill.

Senator Kibbie offered amendment S-5320, filed by him from the floor to page 1 of amendment S-5317, and moved its adoption.

Amendment S-5320 was adopted by a voice vote.

Senator Kibbie moved the adoption of amendment S-5317, as amended.

Amendment S-5317 was adopted by a voice vote.

Senator Kibbie 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?" (H.F. 2601), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gaskill	Kreiman	Seng
Beall	Gronstal	Lundby	Seymour
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirnbach	Zieman
Dearden	Houser	Ragan	
Dotzler	Johnson	Rielly	
Dvorsky	Kettering	Schmitz	

Nays, none.

Absent, 1:

McKibben

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 2392** and **House File 2601** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Krystal Madlock – Commission on the Status of African-Americans
Max Phillips – State Board of Education

Frederic Malven – Interior Design Examining Board
 James O’Neill – Real Estate Commission
 Laura Rowe – Renewable Fuels and Coproducts Advisory
 Committee
 Ken Sagar – Iowa Workforce Development Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gaskill	Kreiman	Seng
Beall	Gronstal	Lundby	Seymour
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirmbach	Zieman
Dearden	Houser	Ragan	
Dotzler	Johnson	Rielly	
Dvorsky	Kettering	Schmitz	

Nays, none.

Absent, 1:

McKibben

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:22 a.m. until 10:00 a.m., Monday, April 14, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Richard Drake family, Muscatine—To honor Senator Richard Drake's many years of state legislative service. Senator Hahn (4/10/18).

Allea Klauenberg, Ogden—For being a winner of the Iowa Energy Poster Contest at the state level. Senator Behn (4/10/08).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 10, 2008, 12:20 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Angelo, Behn, Black, Boettger, Bolkom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Ward, Warnstadt, and Wood.

Members Absent: Seymour (excused).

Committee Business: Passed HF 2660.

Recessed: 12:25 p.m.

Reconvened: 12:35 p.m.

Adjourned: 12:45 p.m.

RULES AND ADMINISTRATION

Convened: April 10, 2008, 10:29 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman.

Members Absent: None.

Committee Business: Approved SRs 114, 147, and 148.

Adjourned: 10:32 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 149, by Johnson, a resolution honoring the city of Sutherland on its quasiquicentennial anniversary.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2418, by committee on Ways and Means, a bill for an act relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 2419, by committee on Ways and Means, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 2420, by committee on Ways and Means, a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 2660, a bill for an act relating to and making appropriations to the justice system.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Dvorsky, McCoy, Black, Bolcom, Connolly, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Ragan, Seng, Warnstadt, and Wood. Nays, 8: Kettering, Angelo, Behn, Boettger, Gaskill, Hahn, Johnson, and Ward. Present, 1: Putney. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 114, a resolution designating the second week in June as Home Education Week in Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 147, a resolution recognizing April 13 through 19, 2008, as the Week of the Young Child.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2406, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2418 (SSB 3299), a bill for an act relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Bolkcom, McCoy, McKibben, Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Ziemann. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2419 (SSB 3298), a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Bolkcom, McCoy, McKibben, Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Ziemann. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2589, a bill for an act relating to unemployment insurance tax penalties, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Bolkcom, McCoy, Appel, Connolly, Dotzler, Hogg, Quirnbach, Schmitz, Seng, and Stewart. Nays, 7: McKibben, Angelo, Houser, Noble, Putney, Ward, and Ziemann. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2420* (formerly SF 2389), a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration

and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Bolkcom, McCoy, McKibben, Angelo, Appel, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, 1: Connolly.

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 Ways and Means Committee on Senate File 2420, and they were attached to the committee report.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 2647 passed the Senate on April 10, 2008.

MICHAEL E. GRONSTAL

AMENDMENTS FILED

S-5318	S.F.	2348	House
S-5319	S.F.	2350	House
S-5320	H.F.	2601	John P. Kibbie
S-5321	S.F.	2415	William Dotzler
S-5322	S.F.	2392	House
S-5323	S.F.	2416	Joe Bolkcom
S-5324	S.F.	2416	Joe Bolkcom

State of Iowa

**JOURNAL
OF THE SENATE**

**EIGHTY-SECOND
GENERAL ASSEMBLY**

2008 REGULAR SESSION

Volume II

JOHN P. KIBBIE, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate

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TABLE OF CONTENTS

VOLUME I

OFFICERS OF THE SENATE	v
ELECTED STATE OFFICIALS, SUPREME COURT JUSTICES, AND COURT OF APPEALS JUDGES	ix
MEMBERS OF THE SENATE	x
SENATE DAILY JOURNALS	
January 14 – April 10	1

VOLUME II

SENATE DAILY JOURNALS (continued)	
April 14 – April 26	1045
SENATE REPORTS RECEIVED AFTER ADJOURNMENT	1312
AMENDMENTS FILED	1323
CONFERENCE COMMITTEE REPORTS	2005
RESOLUTIONS ADOPTED	2019
JOURNAL INDEX	2071

JOURNAL OF THE SENATE

NINETY-SECOND CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 14, 2008

The Senate met in regular session at 10:17 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Amy Peyton.

The Journal of Thursday, April 10, 2008, was approved.

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 April 10, 2008, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 2134, a bill for an act relating to requirements and duties of members, executive directors, and employees of county commissions of veteran affairs. (S-5329)

Senate File 2337, a bill for an act relating to the purchase of liability insurance by the association of Iowa fairs. (S-5331)

Senate File 2400, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date. (S-5330)

ALSO: That the House has on April 10, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2668, a bill for an act relating to the disposal and recycling of used oil filters.

Read first time and referred to committee on **Ways and Means**.

House File 2669, a bill for an act relating to the collection and recycling of mercury-added thermostats.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 10, 2008, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2269, a bill for an act revising family investment program requirements for limited benefit plans.

Senate File 2276, a bill for an act relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

Senate File 2286, a bill for an act 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.

Senate File 2321, a bill for an act relating to the recycling of mercury-containing lamps by providing for a study.

ALSO: That the House has on April 10, 2008, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Joint Resolution 2002, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales

of tangible personal property and services for the state's natural resources.

ALSO: That the House has on April 10, 2008, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

House File 2283, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service, providing a penalty, and including an effective date and retroactive applicability provision.

House File 2555, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including uniform securities; duties of the insurance division including a consumer advocate and rate reviews; confidential information; examinations; insurance trade practices; insurance fraud; the Iowa life and health insurance guaranty association; viatical settlement contracts; general agents and third-party administrators; life insurance companies; health maintenance organizations; utilization and cost control; the Iowa comprehensive health insurance association; workers' compensation liability insurance; consolidation, merger, and reinsurance; licensing of insurance producers; cemetery and funeral merchandise and funeral services; and cemeteries, making appropriations, and providing an effective date.

House File 2651, a bill for an act relating to policies for the administration of highways and the regulation of motor vehicles and to deposits made by a county to the secondary road fund, physical ability tests required for fire fighter applicants, and certain obligations guaranteed by highway funds including matters concerning utility facility relocation due to highway construction, the bid threshold for emergency highway repairs, providing for new collegiate motor vehicle registration plates and providing fees, the fee for replacement of special dealer registration plates, antique motor vehicle registration fees, used motor vehicle dealer education requirements, penalties for speeding violations committed in road work zones, access to persons with disabilities parking spaces for certain disabled veterans, and permits and fees for the movement of certain oversize or overweight vehicles, drinking driver courses offered at state correctional facilities, establishment of benefited

secondary road services districts, and the defeasance of petroleum underground storage tank fund bonds, and providing an effective date.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:25 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:30 a.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 114 and 147.

Senate Resolution 114

On motion of Senator Appel, **Senate Resolution 114**, a resolution designating the second week in June as Home Education Week in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Appel moved the adoption of Senate Resolution 114, which motion prevailed by a voice vote.

Senate Resolution 147

On motion of Senator Appel, **Senate Resolution 147**, a resolution recognizing April 13 through 19, 2008, as the Week of the Young Child, with report of committee recommending passage, was taken up for consideration.

Senator Appel moved the adoption of Senate Resolution 147, which motion prevailed by a voice vote.

The Senate stood at ease at 10:35 a.m. until the fall of the gavel.

The Senate resumed session at 10:52 a.m., President Pro Tempore Danielson presiding.

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 141, a resolution honoring Deb Remmerde, the National Association of Intercollegiate Athletics Division II Women's Basketball Player of the Year.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 142, a resolution honoring the Northwestern College women's basketball team.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 142 and 141.

Senate Resolution 142

On motion of Senator Mulder, **Senate Resolution 142**, a resolution honoring the Northwestern College women's basketball team, with report of committee recommending passage, was taken up for consideration.

Senator Mulder moved the adoption of Senate Resolution 142, which motion prevailed by a voice vote.

Senate Resolution 141

On motion of Senator Mulder, **Senate Resolution 141**, a resolution honoring Deb Remmerde, the National Association of Intercollegiate Athletics Division II Women's Basketball Player of the Year, with report of committee recommending passage, was taken up for consideration.

Senator Mulder moved the adoption of Senate Resolution 141, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Mulder introduced to the Senate chamber members of the Northwestern College women's basketball team, accompanied by Coach Earl Woudstra.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:00 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:10 p.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 117.

Senate Resolution 117

On motion of Senator Lundby, **Senate Resolution 117**, a resolution celebrating the 100th birthday of the United States Army Reserve, honoring the commitment, dedication, and service to America, and wishing for its continued support to our soldiers, with

report of committee recommending passage, was taken up for consideration.

Senator Lundby moved the adoption of Senate Resolution 117, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Lundby introduced to the Senate chamber members of the U.S. Army Reserve. Col. Steven J. Feldmann, Commander of the 649th RSG, addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 105, a concurrent resolution designating May 2008 as Motorcycle Safety Awareness Month.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Ziemann. 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 Concurrent Resolution 105.

Senate Concurrent Resolution 105

On motion of Senator Black, **Senate Concurrent Resolution 105**, a concurrent resolution designating May 2008 as Motorcycle Safety Awareness Month, with report of committee recommending passage, was taken up for consideration.

Senator Black moved the adoption of Senate Concurrent Resolution 105, which motion prevailed by a voice vote.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:23 p.m. until 2:30 p.m.

RECONVENED

The Senate reconvened at 2:50 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Wieck, until he returns, on request of Senator Zieman; and Senator Heckroth, until he returns, on request of Senator Dotzler.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2419, 2418, and 2416.

Senate File 2419

On motion of Senator Connolly, **Senate File 2419**, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Connolly 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. 2419), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Rielly
Appel	Fraise	Kreiman	Schmitz
Beall	Gaskill	Lundby	Schoenjahn
Behn	Gronstal	McCoy	Seng
Black	Hahn	McKibben	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hartsuch	Mulder	Ward
Connolly	Hogg	Noble	Warnstadt
Courtney	Horn	Olive	Wood
Danielson	Houser	Putney	Zaun

Dearden	Johnson	Quirnbach	Zieman
Dotzler	Kettering	Ragan	

Nays, none.

Present, 1:

Hatch

Absent, 2:

Heckroth	Wieck
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2418

On motion of Senator Schmitz, **Senate File 2418**, a bill for an act relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits, was taken up for consideration.

Senator Schmitz 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. 2418), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kettering	Rielly
Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hartsuch	Mulder	Ward
Connolly	Hatch	Noble	Warnstadt
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	

Nays, none.

Present, 1:

McKinley

Absent, 2:

Heckroth

Wieck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2416

On motion of Senator Bolkcom, **Senate File 2416**, a bill for an act relating to wage payment collection and employment classification issues arising between employers and individuals who provide services to employers and including an appropriation and an effective date, was taken up for consideration.

Senator Bolkcom withdrew amendment S-5324, filed by him on April 10, 2008, to pages 1 and 8 and to the title page of the bill.

Senator Bolkcom offered amendment S-5335, filed by him from the floor to pages 1, 8, 14, and to the title page of the bill, and moved its adoption.

Amendment S-5335 was adopted by a voice vote.

With the adoption of amendment S-5335, the Chair ruled the amendment S-5323, filed by Senator Bolkcom on April 10, 2008, to page 8 and to the title page of the bill, out of order.

Senator Ward offered amendment S-5340, filed by her from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5340 be adopted?" (S.F. 2416), the vote was:

Yeas, 20:

Angelo
Behn
Boettger

Hartsuch
Houser
Johnson

McKibben
McKinley
Mulder

Seymour
Ward
Wieck

Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 29:

Appel	Dotzler	Kibbie	Schoenjahn
Beall	Dvorsky	Kreiman	Seng
Black	Fraise	McCoy	Stewart
Bolkcom	Gronstal	Olive	Warnstadt
Connolly	Hancock	Quirnbach	Wood
Courtney	Hatch	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Absent, 1:

Heckroth

Amendment S-5340 lost.

Senator McKinley offered amendment S-5342, filed by him from the floor to pages 4-6, 9, and 12 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5342 be adopted?" (S.F. 2416), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 29:

Appel	Dotzler	Kibbie	Schoenjahn
Beall	Dvorsky	Kreiman	Seng
Black	Fraise	McCoy	Stewart
Bolkcom	Gronstal	Olive	Warnstadt
Connolly	Hancock	Quirnbach	Wood
Courtney	Hatch	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Absent, 1:

Heckroth

Amendment S-5342 lost.

Senator McKinley offered amendment S-5344, filed by him from the floor to page 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5344 be adopted?" (S.F. 2416), the vote was:

Yeas, 22:

Angelo	Hartsuch	McKibben	Ward
Behn	Hogg	McKinley	Wieck
Boettger	Houser	Mulder	Zaun
Gaskill	Johnson	Noble	Zieman
Hahn	Kettering	Putney	
Hancock	Lundby	Seymour	

Nays, 27:

Appel	Dearden	Kibbie	Schmitz
Beall	Dotzler	Kreiman	Schoenjahn
Black	Dvorsky	McCoy	Seng
Bolkcom	Fraise	Olive	Stewart
Connolly	Gronstal	Quirmbach	Warnstadt
Courtney	Hatch	Ragan	Wood
Danielson	Horn	Rielly	

Absent, 1:

Heckroth

Amendment S-5344 lost.

Senator Angelo offered amendment S-5347, filed by him from the floor to page 6 and to the title page of the bill.

Senator Bolkcom raised the point of order that amendment S-5347 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5347 out of order.

Senator Zaun withdrew amendment S-5338, filed by him from the floor to page 7 of the bill.

Senator Ward offered amendment S-5339, filed by her from the floor to page 7 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5339 be adopted?" (S.F. 2416), the vote was:

Yeas, 21:

Angelo	Hartsuch	Mulder	Wieck
Behn	Houser	Noble	Zaun
Boettger	Johnson	Putney	Zieman
Gaskill	Kettering	Schoenjahn	
Hahn	McKibben	Seymour	
Hancock	McKinley	Ward	

Nays, 28:

Appel	Dearden	Horn	Ragan
Beall	Dotzler	Kibbie	Rielly
Black	Dvorsky	Kreiman	Schmitz
Bolkcom	Fraise	Lundby	Seng
Connolly	Gronstal	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Hogg	Quirnbach	Wood

Absent, 1:

Heckroth

Amendment S-5339 lost.

Senator Ward offered amendment S-5341, filed by her from the floor to page 9 of the bill, and moved its adoption.

Amendment S-5341 was adopted by a voice vote.

Senator Zaun offered amendment S-5336, filed by him from the floor to pages 11 and 12 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5336 be adopted?" (S.F. 2416), the vote was:

Yeas, 21:

Angelo	Hartsuch	McKinley	Wieck
Behn	Houser	Mulder	Zaun
Boettger	Johnson	Noble	Zieman
Gaskill	Kettering	Putney	
Hahn	Lundby	Seymour	
Hancock	McKibben	Ward	

Nays, 28:

Appel	Dearden	Horn	Rielly
Beall	Dotzler	Kibbie	Schmitz
Black	Dvorsky	Kreiman	Schoenjahn
Bolkcom	Fraise	McCoy	Seng
Connolly	Gronstal	Olive	Stewart
Courtney	Hatch	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wood

Absent, 1:

Heckroth

Amendment S-5336 lost.

Senator Zaun offered amendment S-5343, filed by him from the floor to page 12 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5343 be adopted?" (S.F. 2416), the vote was:

Yeas, 19:

Angelo	Hartsuch	McKinley	Ward
Behn	Houser	Mulder	Wieck
Boettger	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	Zieman
Hahn	McKibben	Seymour	

Nays, 30:

Appel	Dotzler	Kibbie	Schmitz
Beall	Dvorsky	Kreiman	Schoenjahn
Black	Fraise	Lundby	Seng

Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Absent, 1:

Heckroth

Amendment S-5343 lost.

Senator McKinley offered amendment S-5337, filed by him from the floor to page 14 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5337 be adopted?" (S.F. 2416), the vote was:

Yeas, 22:

Angelo	Houser	Mulder	Ward
Behn	Johnson	Noble	Wieck
Boettger	Kettering	Olive	Zaun
Gaskill	Lundby	Putney	Zieman
Hahn	McKibben	Schoenjahn	
Hartsuch	McKinley	Seymour	

Nays, 27:

Appel	Dearden	Hogg	Rielly
Beall	Dotzler	Horn	Schmitz
Black	Dvorsky	Kibbie	Seng
Bolkcom	Fraise	Kreiman	Stewart
Connolly	Gronstal	McCoy	Warnstadt
Courtney	Hancock	Quirnbach	Wood
Danielson	Hatch	Ragan	

Absent, 1:

Heckroth

Amendment S-5337 lost.

Senator McKinley offered amendment S-5348, filed by him from the floor to page 14 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5348 be adopted?" (S.F. 2416), the vote was:

Yeas, 21:

Angelo	Hartsuch	Mulder	Wieck
Behn	Houser	Noble	Zaun
Boettger	Johnson	Putney	Zieman
Gaskill	Kettering	Schoenjahn	
Hahn	McKibben	Seymour	
Hancock	McKinley	Ward	

Nays, 28:

Appel	Dearden	Horn	Ragan
Beall	Dotzler	Kibbie	Rielly
Black	Dvorsky	Kreiman	Schmitz
Bolkcom	Fraise	Lundby	Seng
Connolly	Gronstal	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Hogg	Quirnbach	Wood

Absent, 1:

Heckroth

Amendment S-5348 lost.

Senator Bolkcom 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. 2416), the vote was:

Yeas, 28:

Appel	Dearden	Horn	Rielly
Beall	Dotzler	Kibbie	Schmitz
Black	Dvorsky	Kreiman	Schoenjahn
Bolkcom	Fraise	Lundby	Seng
Connolly	Gronstal	McCoy	Stewart
Courtney	Hancock	Quirnbach	Warnstadt
Danielson	Hatch	Ragan	Wood

Nays, 21:

Angelo	Hogg	Mulder	Wieck
Behn	Houser	Noble	Zaun
Boettger	Johnson	Olive	Zieman
Gaskill	Kettering	Putney	
Hahn	McKibben	Seymour	
Hartsuch	McKinley	Ward	

Absent, 1:

Heckroth

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolution 105** and **Senate Files 2416, 2418, and 2419** be **immediately messaged** to the House.

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 144, a resolution to honor Drake University's men's and women's basketball teams.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 145, a resolution to honor the Drake University men's basketball coach Keno Davis.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 144 and 145.

Senate Resolution 144

On motion of Senator Hatch, **Senate Resolution 144**, a resolution to honor Drake University's men's and women's basketball teams, with report of committee recommending passage, was taken up for consideration.

Senator Hatch moved the adoption of Senate Resolution 144, which motion prevailed by a voice vote.

Senate Resolution 145

On motion of Senator Hatch, **Senate Resolution 145**, a resolution to honor the Drake University men's basketball coach Keno Davis, with report of committee recommending passage, was taken up for consideration.

Senator Hatch moved the adoption of Senate Resolution 145, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Hatch introduced to the Senate chamber members of the Drake University men's and women's basketball teams.

The Senate rose and expressed its welcome.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2413.

Senate File 2413

On motion of Senator Courtney, **Senate File 2413**, a bill for an act providing extensions for school districts applying to the school budget review committee concerning school district finances, and providing an effective date, was taken up for consideration.

Senator Courtney offered amendment S-5346, filed by him from the floor to pages 1-3 and to the title page of the bill, and moved its adoption.

Senator McKinley asked and received unanimous consent that action on amendment S-5346 and **Senate File 2413** be **deferred**.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2411.

Senate File 2411

On motion of Senator Connolly, **Senate File 2411**, a bill for an act relating to open records and public meetings and providing an effective date, was taken up for consideration.

Senator Kettering offered amendment S-5332, filed by him from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5332 be adopted?" (S.F. 2411), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	McCoy	Putney	Zieman

Nays, 29:

Appel	Dotzler	Kibbie	Schoenjahn
Beall	Dvorsky	Kreiman	Seng
Black	Fraise	Lundby	Stewart
Bolkcom	Gronstal	Olive	Warnstadt
Connolly	Hancock	Quirmbach	Wood
Courtney	Hatch	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Absent, 1:

Heckroth

Amendment S-5332 lost.

Senator Angelo offered amendment S-5313, filed by him on April 8, 2008, to pages 2, 5, and 29 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5313 be adopted?" (S.F. 2411), the vote was:

Yeas, 22:

Angelo	Houser	McKinley	Ward
Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Zaun
Gaskill	Lundby	Putney	Zieman
Hahn	McCoy	Ragan	
Hartsuch	McKibben	Seymour	

Nays, 27:

Appel	Dearden	Hogg	Schmitz
Beall	Dotzler	Horn	Schoenjahn
Black	Dvorsky	Kibbie	Seng
Bolkcom	Fraise	Kreiman	Stewart
Connolly	Gronstal	Olive	Warnstadt
Courtney	Hancock	Quirmbach	Wood
Danielson	Hatch	Rielly	

Absent, 1:

Heckroth

Amendment S-5313 lost.

Senator Angelo offered amendment S-5314, filed by him on April 8, 2008, to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5314 be adopted?" (S.F. 2411), the vote was:

Yeas, 22:

Angelo	Houser	Mulder	Ward
Behn	Johnson	Noble	Wieck
Boettger	Kettering	Olive	Zaun
Gaskill	McCoy	Putney	Zieman
Hahn	McKibben	Ragan	
Hartsuch	McKinley	Seymour	

Nays, 27:

Appel	Dearden	Hogg	Schmitz
Beall	Dotzler	Horn	Schoenjahn
Black	Dvorsky	Kibbie	Seng
Bolkcom	Fraise	Kreiman	Stewart
Connolly	Gronstal	Lundby	Warnstadt
Courtney	Hancock	Quirnbach	Wood
Danielson	Hatch	Rielly	

Absent, 1:

Heckroth

Amendment S-5314 lost.

Senator Angelo offered amendment S-5315, filed by him on April 8, 2008, to page 8 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5315 be adopted?" (S.F. 2411), the vote was:

Yeas, 22:

Angelo	Houser	McKinley	Ward
Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Zaun
Gaskill	Lundby	Putney	Zieman

Hahn	McCoy	Ragan
Hartsuch	McKibben	Seymour

Nays, 27:

Appel	Dearden	Hogg	Schmitz
Beall	Dotzler	Horn	Schoenjahn
Black	Dvorsky	Kibbie	Seng
Bolkcom	Fraise	Kreiman	Stewart
Connolly	Gronstal	Olive	Warnstadt
Courtney	Hancock	Quirnbach	Wood
Danielson	Hatch	Rielly	

Absent, 1:

Heckroth

Amendment S-5315 lost.

Senator Quirnbach offered amendment S-5349, filed by him from the floor to page 13 of the bill, and moved its adoption.

Amendment S-5349 was adopted by a voice vote.

Senator McKibben offered amendment S-5345, filed by him from the floor to page 17 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5345 be adopted?" (S.F. 2411), the vote was:

Yeas, 21:

Angelo	Hogg	McKinley	Wieck
Behn	Houser	Mulder	Zaun
Boettger	Johnson	Noble	Zieman
Gaskill	Kettering	Putney	
Hahn	Lundby	Seymour	
Hartsuch	McKibben	Ward	

Nays, 28:

Appel	Dearden	Horn	Rielly
Beall	Dotzler	Kibbie	Schmitz
Black	Dvorsky	Kreiman	Schoenjahn
Bolkcom	Fraise	McCoy	Seng
Connolly	Gronstal	Olive	Stewart

Courtney Danielson	Hancock Hatch	Quirnbach Ragan	Warnstadt Wood
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Absent, 1:

Heckroth

Amendment S-5345 lost.

Senator Behn offered amendment S-5350, filed by him from the floor to page 22 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5350 be adopted?" (S.F. 2411), the vote was:

Yeas, 22:

Angelo	Hartsuch	McKibben	Ward
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Mulder	Zaun
Gaskill	Kettering	Noble	Zieman
Hahn	Lundby	Putney	
Hancock	McCoy	Seymour	

Nays, 27:

Appel	Dearden	Horn	Schmitz
Beall	Dotzler	Kibbie	Schoenjahn
Black	Dvorsky	Kreiman	Seng
Bolkcom	Fraise	Olive	Stewart
Connolly	Gronstal	Quirnbach	Warnstadt
Courtney	Hatch	Ragan	Wood
Danielson	Hogg	Rielly	

Absent, 1:

Heckroth

Amendment S-5350 lost.

Senator Connolly offered amendment S-5304, filed by him on April 8, 2008, to page 42 and to the title page of the bill, and moved its adoption.

Amendment S-5304 was adopted by a voice vote.

Senator Connolly 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. 2411), the vote was:

Yeas, 43:

Angelo	Dotzler	Kibbie	Schmitz
Appel	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lundby	Seng
Behn	Gaskill	McKinley	Seymour
Black	Gronstal	Mulder	Stewart
Boettger	Hahn	Noble	Ward
Bolkcom	Hancock	Olive	Warnstadt
Connolly	Hatch	Putney	Wieck
Courtney	Horn	Quirnbach	Wood
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	

Nays, 6:

Hartsuch	Houser	McKibben
Hogg	McCoy	Zaun

Absent, 1:

Heckroth

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2406.

Senate File 2406

On motion of Senator Gronstal, **Senate File 2406**, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal 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. 2406), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Schmitz
Appel	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lundby	Seng
Behn	Gronstal	McCoy	Seymour
Black	Hahn	McKinley	Stewart
Boettger	Hancock	Mulder	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Connolly	Hatch	Olive	Wieck
Courtney	Hogg	Putney	Wood
Danielson	Horn	Quirnbach	Zaun
Dearden	Houser	Ragan	Zieman
Dotzler	Kettering	Rielly	

Nays, 2:

Johnson	McKibben
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Absent, 1:

Heckroth

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 Files 2406** and **2411** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:54 p.m. until 8:45 a.m., Tuesday, April 15, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Nick Davis, Humboldt—For achieving the rank of Eagle Scout, Twin Lakes District. Senator Kibbie (4/14/08).

Vern Den Herder, Sioux Center—For his athletic career and great personal citizenship. Senator Mulder (4/14/08).

Jim Gualtieri—For being a recipient of the 2007 Pro Patria award. Senator Rielly (4/14/08).

Amanda Longley, Chariton—For perfect school attendance for 13 years, K-12. Senator McKinley (4/14/08).

Betty Matelski—For celebrating her 80th birthday. Senator Seng (4/14/08).

Mary Naughton—For celebrating her 90th birthday. Senator McKibben (4/14/08).

Tom Shannon—For being a recipient of the 2007 Pro Patria award. Senator Rielly (4/14/08).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 14, 2008, 1:35 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Ward, Warnstadt, and Wood.

Members Absent: Seymour (excused).

Committee Business: Passed HF 2662 and approved SSB 3285.

Recessed: 1:40 p.m.

Reconvened: 2:00 p.m.

Adjourned: 2:25 p.m.

RULES AND ADMINISTRATION

Convened: April 14, 2008, 10:25 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman.

Members Absent: None.

Committee Business: Approved SJR 2003, SCR 105, and SRs 101, 138, 139, 141, 142, 143, 144, 145, and 146.

Adjourned: 10:30 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2005, by Gronstal, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 150, by Beall and Black, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 151, by Beall and Black, a resolution requesting the Congress of the United States to give due consideration to the readiness of the Republic on China on Taiwan for membership in the United Nations.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 2421, by committee on Ways and Means, a bill for an act authorizing certain special charter cities to impose a special charter city sales and services tax.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

STUDY BILL RECEIVED

SSB 3300 Appropriations

Concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2414

STATE GOVERNMENT: Kibbie, Chair; Danielson and Gaskill

House File 2663

WAYS AND MEANS: Connolly, Chair; Angelo, Appel, Bolkcom, and McKibben

House File 2668

WAYS AND MEANS: Hogg, Chair; Noble and Seng

House File 2669

WAYS AND MEANS: Bolkcom, Chair; Dotzler and Ward

SSB 3300

APPROPRIATIONS: Connolly, Chair; Danielson, Dvorsky, Kettering, and Behn

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 2662, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5352.

Final Vote: Ayes, 19: Dvorsky, McCoy, Black, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Warnstadt, and Wood. Nays, 5: Kettering, Angelo, Behn, Boettger, and Ward. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE JOINT RESOLUTION 2003, a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 101, a resolution to ensure that Iowans with developmental disabilities are supported by a quality workforce.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 138, a resolution supporting a free trade agreement between the Republic of China on Taiwan and the United States.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 139, a resolution honoring America's Vietnam veterans.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 143, a resolution recognizing and honoring Iowa's Olympic athletes.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 146, a resolution to honor the athletic career of Vern Wayne Den Herder.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, Lundby, Ragan, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2421* (SSB 3287), a bill for an act authorizing certain special charter cities to impose a special charter city sales and services tax.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Bolckcom, McCoy, Appel, Connolly, Dotzler, Hogg, Quirnbach, Schmitz, Seng, and Stewart. Nays, 7: McKibben, Angelo, Houser, Noble, Putney, Ward, and Zieman. 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 Ways and Means Committee on Senate File 2421, and they were attached to the committee report.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 11, 2008, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 473 – Allowing a competent adult to execute a written instrument designating a person to have sole responsibility and discretion concerning the final disposition of that adult's remains, including coordinating provisions, and providing applicability dates.

Senate File 505 – Relating to civil liability for damages relating to the use of an automated external defibrillator in sudden cardiac arrest emergencies.

Senate File 2089 – Relating to applications for absentee ballots.

Senate File 2108 – Relating to the designation of a Gift to Iowa's Future Recognition Day.

Senate File 2117 – Relating to coverage of closing protection letters in real estate transactions and providing an effective date.

Senate File 2157 – Relating to amusement ride safety inspection fees and special inspectors authorized by the division of labor services in the department of workforce development and providing an effective date.

Senate File 2176 – Relating to cultural affairs by providing for the preservation of electronic records, establishing local cultural committees, and creating a civil war sesquicentennial advisory committee.

Senate File 2177 – Relating to health-related activities and regulation by the department of public health.

Senate File 2179 – Making specified changes relating to professional licensing and regulation under the purview of the banking division of the department of commerce.

Senate File 2214 – Relating to modification of a child custody order during the time a parent is serving active duty.

Senate File 2217 – Relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem.

Senate File 2248 – Modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider.

Senate File 2277 – Relating to offenses against identity by establishing a procedure to secure credit information and providing a penalty.

Senate File 2289 – Concerning state educational assistance to children of deceased veterans and the war orphans educational assistance fund, and including an effective date and retroactive applicability provision.

Senate File 2301 – Making revisions and modifications to uniform finance procedures for bonds issued by the state.

Senate File 2316 – Creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

Senate File 2333 – Relating to the regulation of veterans commemorative property.

Senate File 2335 – Relating to the rights of a victim of an alleged sexual assault and notification of these rights by a peace officer.

Senate File 2380 – Establishing a low head dam public hazard program.

AMENDMENTS FILED

S-5325	H.F.	2650	Jack Hatch
S-5326	H.F.	2650	Jack Hatch
S-5327	H.F.	2650	Jack Hatch
S-5328	H.F.	2650	Jack Hatch
S-5329	S.F.	2134	House
S-5330	S.F.	2400	House
S-5331	S.F.	2337	House
S-5332	S.F.	2411	Steve Kettering
S-5333	H.F.	2660	Michael W. Connolly
S-5334	H.F.	2612	Dick L. Dearden Dennis H. Black
S-5335	S.F.	2416	Joe Bolkcom
S-5336	S.F.	2416	Brad Zaun
S-5337	S.F.	2416	Paul McKinley
S-5338	S.F.	2416	Brad Zaun
S-5339	S.F.	2416	Pat Ward
S-5340	S.F.	2416	Pat Ward
S-5341	S.F.	2416	Pat Ward
S-5342	S.F.	2416	Paul McKinley
S-5343	S.F.	2416	Brad Zaun

S-5344	S.F.	2416	Paul McKinley
S-5345	S.F.	2411	Larry McKibben
S-5346	S.F.	2413	Thomas G. Courtney
S-5347	S.F.	2416	Jeff Angelo
S-5348	S.F.	2416	Paul McKinley
S-5349	S.F.	2411	Herman C. Quirnbach
S-5350	S.F.	2411	Jerry Behn
S-5351	H.F.	2660	Larry Noble
S-5352	H.F.	2662	Appropriations
S-5353	S.F.	2420	Tom Rielly

JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 15, 2008

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Paul Hansen, pastor of the First Christian Reformed Church in Hull, Iowa. He was the guest of Senator Mulder.

The Journal of Monday, April 14, 2008, 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 April 14, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2679, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions.

Read first time and referred to committee on **Appropriations**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:53 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:00 a.m., President Kibbie presiding.

The Senate stood at ease at 9:01 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:52 a.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2420.

Senate File 2420

On motion of Senator McCoy, **Senate File 2420**, a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates, was taken up for consideration.

Senator Kettering asked and received unanimous consent that action on **Senate File 2420** be **deferred**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKibben, until he returns, on request of Senator Angelo; Senator Heckroth, until he arrives, on request of Senator Danielson; and Senator Hatch, until he returns, on request of Senator Gronstal.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Siew-San Wong – Board of Behavioral Science

Barbara Oliver-Hall – Credit Union Review Board

Christine O'Brien – Board of Dietetics

Jeffrey Hughes – Iowa Drug Policy Advisory Council

Linda Larson-Melin – Grape and Wine Development Commission

David Bernstein – Iowa Great Places Advisory Board

Frank Osako – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Kathy Spencer-Jensen – Board of Massage Therapy

Lynne Pothast – Board of Nursing

Terry Brown – Board of Optometry

Patricia Daniels – Real Estate Commission

Mary Kathelene Semke – Board of Respiratory Care

Joyce Westphal – Board of Social Work

Lori Walton – Board of Speech Pathology and Audiology

David Odekirk – Vision Iowa Board

Chad Leonard – Commission on the Status of Women

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Schmitz
Appel	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lundby	Seng
Behn	Gronstal	McCoy	Seymour
Black	Hahn	McKinley	Stewart
Boettger	Hancock	Mulder	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Connolly	Hogg	Olive	Wieck
Courtney	Horn	Putney	Wood
Danielson	Houser	Quirnbach	Zaun
Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	

Nays, none.

Absent, 3:

Hatch	Heckroth	McKibben
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The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 2350

Senator Hogg called up for consideration **Senate File 2350**, a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions, amended by the House in House amendment S-5319, filed April 10, 2008.

Senator Hogg moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hogg moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2350), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kettering	Rielly
Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hartsuch	Mulder	Ward
Cconnolly	Hatch	Noble	Warnstadt
Courtney	Hogg	Olive	Wieck
Danielson	Horn	Putney	Wood
Dearden	Houser	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman

Nays, none.

Absent, 2:

Heckroth McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2348

Senator Olive called up for consideration **Senate File 2348**, a bill for an act relating to the management of cooperative associations, amended by the House in House amendment S-5318, filed April 10, 2008.

Senator Olive moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Olive moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2348), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kettering	Rielly
Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hartsuch	Mulder	Ward
Cannolly	Hatch	Noble	Warnstadt
Courtney	Hogg	Olive	Wieck
Danielson	Horn	Putney	Wood
Dearden	Houser	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman

Nays, none.

Absent, 2:

Heckroth McKibben

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 Files 2348** and **2350** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:28 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:03 p.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 131, a resolution to recognize the 2008 annual Donna Reed Festival for the Performing Arts.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Kibbie, Wieck, Courtney, Dearden, Dvorsky, Ragan, and Ziemann. Nays, none. Absent, 3: Angelo, Danielson, and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Resolution 131.

Senate Resolution 131

On motion of Senator Seymour, **Senate Resolution 131**, a resolution to recognize the 2008 annual Donna Reed Festival for the Performing Arts, with report of committee recommending passage, was taken up for consideration.

Senator Seymour moved the adoption of Senate Resolution 131, which motion prevailed by a voice vote.

RECESS

On motion of Senator Horn, the Senate recessed at 1:07 p.m. until 4:00 p.m.

APPENDIX—1

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 WORKFORCE DEVELOPMENT

Iowa Unemployment Compensation Trust Fund 2007 Status Report, pursuant to Iowa Code section 96.35. Report received on April 14, 2008.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Mr. and Mrs. Roy Voggeser, Mr. and Mrs. Mark Reinhert, and Mrs. Pat Flesher, who were representing the annual Donna Reed Festival for the Performing Arts held in Denison, Iowa. Senator Seymour.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Samuel Beernink, Sioux Center—For achieving the rank of Eagle Scout, Boy Scout Troop 211. Senator Mulder (4/15/08).

Katherine Brack, Oxford—For 34 years of service to the Clear Creek-Amana School District. Senator Dvorsky (4/15/08).

Bill Kibby, Jefferson—For his induction into the Iowa High School Athletic Directors Association Hall of Fame. Senator Beall (4/15/08).

G. Verlee Lauderbaugh, Coralville—For 34 years of service to the Clear Creek-Amana School District. Senator Dvorsky (4/15/08).

Kurt Maas—For 30 years of service to the Clear Creek-Amana School District. Senator Dvorsky (4/15/08).

Jerry Pickell, Sioux Center—For achieving the rank of Eagle Scout, Boy Scout Troop 211. Senator Mulder (4/15/08).

David Yanecek, North Liberty—For 33 years of service to the Clear Creek-Amana School District. Senator Dvorsky (4/15/08).

Tula Zanios—For celebrating her 90th birthday. Senator Ragan (4/15/08).

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: April 15, 2008, 8:53 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Courtney, Dearden, Dvorsky, Ragan, and Ziemann.

Members Absent: Angelo, Danielson, and Lundby (all excused).

Committee Business: Approved SJR 2005 and SRs 131, 150, and 151.

Adjourned: 8:55 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 152, by Beall, a resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 153, by Horn, Dvorsky, Hogg, Lundby, Bolckom, Schmitz, Rielly, Hancock, Putney, and Hahn, a resolution honoring Kirkwood Community College's women's basketball team for winning the National Junior College Athletic Association Division II National Tournament.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 2422, by committee on Appropriations, a bill for an act relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations

from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs, and providing an effective date and applicability provision.

Read first time under Rule 28 and **placed on Appropriations calendar.**

SUBCOMMITTEE ASSIGNMENT

House File 2679

APPROPRIATIONS: Wood, Chair; Boettger, Connolly, Dvorsky, and Kettering

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2422* (SSB 3285), a bill for an act relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs, and providing an effective date and applicability provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dvorsky, McCoy, Black, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Ragan, Seng, Warnstadt, and Wood. Nays, 9: Kettering, Angelo, Behn, Boettger, Gaskill, Hahn, Johnson, Putney, and Ward. 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 Appropriations Committee on Senate File 2422, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE JOINT RESOLUTION 2005, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Kibbie, Wieck, Courtney, Dearden, Dvorsky, Ragan, and Zieman. Nays, none. Absent, 3: Angelo, Danielson, and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 150, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Kibbie, Wieck, Courtney, Dearden, Dvorsky, Ragan, and Zieman. Nays, none. Absent, 3: Angelo, Danielson, and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 151, a resolution requesting the Congress of the United States to give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Kibbie, Wieck, Courtney, Dearden, Dvorsky, Ragan, and Zieman. Nays, none. Absent, 3: Angelo, Danielson, and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS 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 bills have 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 15th day of April, 2008:

Senate Files 2036, 2129, 2281, and 2338.

MICHAEL E. MARSHALL
Secretary of the Senate

RECONVENED

The Senate reconvened at 4:06 p.m., President Kibbie presiding.

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 April 15, 2008, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

House File 2310, a bill for an act requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child's parent, guardian, custodian, or other person responsible for the child's care and child abuse.

House File 2450, a bill for an act relating to certain department of economic development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, the administration of targeted industries development, and providing an effective date.

House File 2526, a bill for an act relating to the disposition of school property.

House File 2601, a bill for an act providing for the state interagency Missouri river authority.

ALSO: That the House has on April 15, 2008, **refused to concur in the Senate amendment to the House amendment** to the following bills in which the concurrence of the House was asked:

Senate File 2308, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties.

House File 2197, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Warnstadt, until he returns, on request of Senator Gronstal.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Monique Kuester as a member of the Employment Appeal Board, placed on the Individual Confirmation Calendar on March 31, 2008, and found on page 884 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 37:

Angelo	Dotzler	Kreiman	Schmitz
Appel	Dvorsky	Lundby	Schoenjahn
Beall	Fraise	McCoy	Seng
Black	Gaskill	McKibben	Seymour
Boettger	Gronstal	Mulder	Stewart
Bolkcom	Hancock	Olive	Ward
Connolly	Hatch	Putney	Wood
Courtney	Hogg	Quirnbach	
Danielson	Horn	Ragan	
Dearden	Kibbie	Rielly	

Nays, 11:

Behn	Houser	McKinley	Zaun
Hahn	Johnson	Noble	Zieman
Hartsuch	Kettering	Wieck	

Absent, 2:

Heckroth	Warnstadt
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Karen Foster as a member of the Grape and Wine Development Commission, placed on the Individual Confirmation Calendar on April 2, 2008, and found on page 938 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

Angelo	Fraise	Kibbie	Rielly
Beall	Gaskill	Kreiman	Schmitz
Behn	Gronstal	Lundby	Schoenjahn
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hartsuch	McKinley	Ward
Connolly	Hatch	Mulder	Wieck
Courtney	Hogg	Noble	Wood
Danielson	Horn	Olive	Zaun
Dearden	Houser	Putney	Zieman
Dotzler	Johnson	Quirmbach	
Dvorsky	Kettering	Ragan	

Nays, 2:

Appel	Seng
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Absent, 2:

Heckroth	Warnstadt
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

RECESS

On motion of Senator Gronstal, the Senate recessed at 4:15 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 4:17 p.m., President Kibbie presiding.

INTRODUCTION OF RESOLUTION

Senate Resolution 154, by committee on Rules and Administration, a resolution deferring action on the confirmation of an appointment submitted by the Governor.

Read first time and **placed on calendar**.

HOUSE AMENDMENT CONSIDERED

Senate File 2337

Senator Rielly called up for consideration **Senate File 2337**, a bill for an act relating to the purchase of liability insurance by the association of Iowa fairs, amended by the House in House amendment S-5331, filed April 14, 2008.

Senator Rielly moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Rielly moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2337), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kettering	Ragan
Appel	Fraise	Kibbie	Rielly
Beall	Gaskill	Kreiman	Schmitz
Behn	Gronstal	Lundby	Schoenjahn
Black	Hahn	McCoy	Seng
Boettger	Hancock	McKibben	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Connolly	Hatch	Mulder	Ward

Courtney	Hogg	Noble	Wieck
Danielson	Horn	Olive	Wood
Dearden	Houser	Putney	Zaun
Dotzler	Johnson	Quirnbach	Zieman

Nays, none.

Absent, 2:

Heckroth Warnstadt

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2662.

House File 2662

On motion of Senator Seng, **House File 2662**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Seng offered amendment S-5352, filed by the committee on Appropriations on April 14, 2008, to page 9 of the bill.

Senator Zieman offered amendment S-5360, filed by him from the floor to pages 1 and 9 and to the title provisions of amendment S-5352, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5360 be adopted?" (H.F. 2662), the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck

Gaskill	Kettering	Noble	Zieman
Hahn	Lundby	Putney	

Nays, 29:

Appel	Dotzler	Kibbie	Schoenjahn
Beall	Dvorsky	Kreiman	Seng
Black	Fraise	McCoy	Stewart
Bolkcom	Gronstal	Olive	Wood
Connolly	Hancock	Quirnbach	Zaun
Courtney	Hatch	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Absent, 2:

Heckroth	Warnstadt
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Amendment S-5360 lost.

Senator Seng moved the adoption of amendment S-5352.

A record roll call was requested.

On the question "Shall amendment S-5352 be adopted?" (H.F. 2662), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kettering	Ragan
Appel	Fraise	Kibbie	Rielly
Beall	Gaskill	Kreiman	Schmitz
Behn	Gronstal	Lundby	Schoenjahn
Black	Hahn	McCoy	Seng
Boettger	Hancock	McKibben	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Connolly	Hatch	Mulder	Ward
Courtney	Hogg	Noble	Wieck
Danielson	Horn	Olive	Wood
Dearden	Houser	Putney	Zaun
Dotzler	Johnson	Quirnbach	Zieman

Nays, none.

Absent, 2:

Heckroth	Warnstadt
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Amendment S-5352 was adopted.

Senator Seng 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?" (H.F. 2662), the vote was:

Yeas, 37:

Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Black	Gronstal	Lundby	Seng
Bolkcom	Hahn	McCoy	Seymour
Connolly	Hancock	Mulder	Stewart
Courtney	Hatch	Olive	Wood
Danielson	Hogg	Putney	Zieman
Dearden	Horn	Quirnbach	
Dotzler	Houser	Ragan	
Dvorsky	Johnson	Rielly	

Nays, 11:

Angelo	Hartsuch	McKinley	Wieck
Behn	Kettering	Noble	Zaun
Boettger	McKibben	Ward	

Absent, 2:

Heckroth	Warnstadt
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2556.

House File 2556

On motion of Senator Kettering, **House File 2556**, a bill for an act relating to the regulatory duties of the banking division of the department of commerce regarding banking, debt management, delayed deposit services, mortgage banking, and industrial loan companies, and providing penalties, placed on the Unfinished

Business Calendar on April 3, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom withdrew amendment S-5255, filed by him on April 1, 2008, to page 8 of the bill.

Senator Bolkcom withdrew amendment S-5286, filed by him on April 7, 2008, to page 8 of the bill.

Senator Warnstadt asked and received unanimous consent to withdraw amendment S-5265, filed by Senators Warnstadt and Kettering on April 2, 2008, to page 10 of the bill.

Senator Kettering 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?" (H.F. 2556), the vote was:

Yeas, 49:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Hogg	Olive	Wood
Courtney	Horn	Putney	Zaun
Danielson	Houser	Quirnbach	Zieman
Dearden	Johnson	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Heckroth

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 2337** and **House Files 2556** and **2662** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2420

The Senate resumed consideration of **Senate File 2420**, a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates, previously deferred.

Senator Kettering offered amendment S-5355, filed by him from the floor striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator McCoy raised the point of order that amendment S-5355 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-5355 in order.

Senator Kettering moved the adoption of amendment S-5355.

A record roll call was requested.

On the question "Shall amendment S-5355 be adopted?" (S.F. 2420), the vote was:

Yeas, 17:

Angelo	Houser	Noble	Zaun
Behn	Johnson	Olive	Zieman
Boettger	Kettering	Seymour	
Hahn	McKibben	Ward	
Hartsuch	McKinley	Wieck	

Nays, 32:

Appel	Dotzler	Horn	Ragan
Beall	Dvorsky	Kibbie	Rielly
Black	Fraise	Kreiman	Schmitz
Bolkcom	Gaskill	Lundby	Schoenjahn
Connolly	Gronstal	McCoy	Seng
Courtney	Hancock	Mulder	Stewart
Danielson	Hatch	Putney	Warnstadt
Dearden	Hogg	Quirmbach	Wood

Absent, 1:

Heckroth

Amendment S-5355 lost.

Senator McKinley withdrew amendment S-5356, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Angelo withdrew amendment S-5357, filed by him from the floor striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Hartsuch withdrew amendment S-5358, filed by him from the floor to page 25 of the bill.

Senator Rielly offered amendment S-5353, filed by him on April 14, 2008, to page 89 of the bill, and moved its adoption.

Amendment S-5353 was adopted by a voice vote.

Senator McCoy 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. 2420), the vote was:

Yeas, 35:

Appel	Dotzler	Johnson	Ragan
Beall	Dvorsky	Kibbie	Rielly
Black	Gaskill	Lundby	Seng
Boettger	Gronstal	McCoy	Seymour
Bolkcom	Hahn	McKibben	Stewart
Connolly	Hatch	Mulder	Ward
Courtney	Hogg	Olive	Warnstadt
Danielson	Horn	Putney	Zieman
Dearden	Houser	Quirnbach	

Nays, 14:

Angelo	Hartsuch	Noble	Wood
Behn	Kettering	Schmitz	Zaun
Fraise	Kreiman	Schoenjahn	
Hancock	McKinley	Wieck	

Absent, 1:

Heckroth

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 2420** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 154, a resolution deferring action on the confirmation of an appointment submitted by the Governor.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Kibbie, Wieck, Courtney, Dearden, Dvorsky, Ragan, and Zieman. Nays, none. Absent, 3: Angelo, Danielson, and Lundby.

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 154.

Senate Resolution 154

On motion of Senator Gronstal, **Senate Resolution 154**, a resolution deferring action on the confirmation of an appointment submitted by the Governor, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 154, which motion prevailed by a voice vote.

SENATE INSISTS

Senate File 2308

Senator Warnstadt called up for consideration **Senate File 2308**, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties, amended by the Senate, further amended by the House, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2308** on the part of the Senate: Senators Warnstadt, Chair; Courtney, Heckroth, Behn, and Kettering.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2308** be **immediately messaged** to the House.

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 April 15, 2008, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2417, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates. (S-5362)

ALSO: That the House has on April 15, 2008, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the Senate was asked:

House File 2558, a bill for an act relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for financial assistance.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:30 p.m. until 8:45 a.m., Wednesday, April 16, 2008.

APPENDIX—2**REPORTS OF COMMITTEE MEETINGS****STATE GOVERNMENT**

Convened: April 15, 2008, 3:35 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Zieman, Ranking Member; Appel, Behn, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood.

Members Absent: Black (excused).

Committee Business: Passed SF 2414.

Adjourned: 3:40 p.m.

WAYS AND MEANS

Convened: April 15, 2008, 2:35 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; McKibben, Ranking Member; Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman.

Members Absent: None.

Committee Business: Passed SF 2291 and HF's 2663, 2668, and 2669.

Adjourned: 3:05 p.m.

INTRODUCTION OF BILL

Senate File 2423, by committee on Ways and Means, a bill for an act concerning department of administrative services operations.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

FINAL COMMITTEE REPORTS OF BILL ACTION**RULES AND ADMINISTRATION**

Bill Title: SENATE RESOLUTION 153, a resolution honoring Kirkwood Community College's women's basketball team for winning the National Junior College Athletic Association Division II National Tournament.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Kibbie, Wieck, Courtney, Dearden, Dvorsky, Ragan, and Zieman. Nays, none. Absent, 3: Angelo, Danielson, and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 2414, a bill for an act prohibiting the use of campaign funds as compensation to a candidate and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Connolly, Horn, Zieman, Appel, Behn, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2423, (formerly SF 2291) a bill for an act concerning department of administrative services operations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Bolkcom, McCoy, McKibben, Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirmbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2663, a bill for an act relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal, providing property tax relief, providing for the reduction in the state sales and use tax, providing a penalty, and including an effective date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Bolkcom, McCoy, Appel, Connolly, Dotzler, Hogg, Schmitz, Seng, and Stewart. Nays, 5: McKibben, Angelo, Noble, Ward, and Zieman. Present, 2: Houser and Putney. Absent, 1: Quirmbach.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2668, a bill for an act relating to the disposal and recycling of used oil filters.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Bolkcom, McCoy, McKibben, Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Ziemann. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2669, a bill for an act relating to the collection and recycling of mercury-added thermostats.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Bolkcom, McCoy, McKibben, Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Ziemann. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WITHDRAWAL OF GOVERNOR'S APPOINTEES

The following letters from the Governor were received in the office of the Secretary of the Senate on April 15, 2008:

I am withdrawing the name of Marilyn Spina to serve as a Board of Massage Therapy member from further consideration by the Senate.

I am withdrawing the name of Kevin Lewis to serve as a Renewable Fuels and Coproducts Advisory Committee member from further consideration by the Senate.

I am withdrawing the name of Saralee Sickles to serve as a Commission of Veterans Affairs member from further consideration by the Senate.

GOVERNOR'S DEFERRAL LETTERS

Pursuant to Iowa Code section 147.14(17), please accept this letter as the notice of deferment of the appointment to the Board of Massage Therapy, formerly held by Marilyn Spina. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 159A.4, please accept this letter as the notice of deferment of the appointment to the Renewable Fuels and Coproducts Advisory

Committee, formerly held by Kevin Lewis. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 35A.2, please accept this letter as the notice of deferment of the appointment to the Commission of Veterans Affairs, formerly held by Saralee Sickles. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

AMENDMENTS FILED

S-5354	H.F.	2660	Michael Connolly
S-5355	S.F.	2420	Steve Kettering
S-5356	S.F.	2420	Paul McKinley
S-5357	S.F.	2420	Jeff Angelo
S-5358	S.F.	2420	David L. Hartsuch
S-5359	H.F.	2633	Robert M. Hogg
S-5360	H.F.	2662	Mark Ziemann
S-5361	S.F.	2413	Thomas G. Courtney
S-5362	S.F.	2417	House
S-5363	H.F.	2612	Dick L. Dearden
			David Johnson
			Dennis H. Black

JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY
FIFTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 16, 2008

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Pastor Lucille King, parish associate of the Christ Church Presbyterian in Cedar Rapids, Iowa. She was the guest of Senator Hogg.

The Journal of Tuesday, April 15, 2008, was approved.

The Senate stood at ease at 8:50 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:38 a.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he arrives, on request of Senator Behn.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Joint Resolutions 2005 and 2003.

Senate Joint Resolution 2005

On motion of Senator Gronstal, **Senate Joint Resolution 2005**, a joint resolution authorizing the temporary use and consumption of

wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

Senate Joint Resolution 2005, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

WHEREAS, the State of Iowa has the honor of being the home of the World Food Prize Foundation which annually presents an international award recognizing outstanding individual achievement in improving the quality, quantity, or availability of food in the world; and

WHEREAS, Iowa's unique State Capitol is an optimal location for this awards ceremony of the World Food Prize Foundation and previously served as the ceremony location; and

WHEREAS, the placement of ceremonial banners signifying the awards ceremony is an appropriate way to announce and commemorate the event; and

WHEREAS, wine and beer are customarily served as an accompaniment to the food and entertainment provided at this type of awards ceremony and wine was served when the ceremony was previously held at the State Capitol; and

WHEREAS, under 11 IAC 100.4(8), which prohibits the consumption of alcoholic beverages on the State Capitol complex, it is not possible to serve wine and beer at this type of awards ceremony in the State Capitol; NOW THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Notwithstanding 11 IAC 100.4(8) and any contrary provisions of chapter 123, prohibiting the use and consumption of alcoholic beverages in public places, wine and beer may be used and consumed within the state capitol at an awards ceremony, to be held on or around October 16, 2008, hosted and organized in whole or in part by the world food prize foundation if the person providing the

food, wine, and beer at the awards ceremony possesses an appropriate valid liquor control license. For the purpose of this section and section 123.95, the state capitol is a private place.

Sec. 2. Three ceremonial banners may be temporarily displayed either inside or outside the state capitol commemorating the ceremony.

On the question "Shall the resolution be adopted?" (S.J.R. 2005), the vote was:

Yeas, 42:

Angelo	Dvorsky	Kibbie	Schoenjahn
Appel	Fraise	Lundby	Seng
Beall	Gaskill	McCoy	Seymour
Black	Gronstal	McKibben	Stewart
Boettger	Hahn	McKinley	Ward
Bolkcom	Hancock	Noble	Wieck
Connolly	Hatch	Olive	Wood
Courtney	Heckroth	Putney	Zaun
Danielson	Horn	Quirmbach	Zieman
Dearden	Johnson	Ragan	
Dotzler	Kettering	Rielly	

Nays, 7:

Behn	Hogg	Mulder	Warnstadt
Hartsuch	Kreiman	Schmitz	

Absent, 1:

Houser

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

Senate Joint Resolution 2003

On motion of Senator Gronstal, **Senate Joint Resolution 2003**, a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

Senate Joint Resolution 2003, a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date.

WHEREAS, on June 22, 2008, athletes from around the world will gather in Des Moines, Iowa, to compete for an extraordinary purse prize and for the third and final position on TEAM USA for the Beijing Olympics; and

WHEREAS, the city of Des Moines has the honor of being the only city in the United States on the 2008 World Cup schedule of 15 triathlons; and

WHEREAS, Iowa's state capitol complex grounds provide a unique and memorable setting for the finish line of the triathlon and the following awards ceremony; and

WHEREAS, a champagne toast is a traditional part of the awards ceremony; and

WHEREAS, because 11 IAC 100.4(8) prohibits the consumption of alcoholic beverages on the state capitol complex grounds, it is not possible to serve champagne or other alcoholic beverage at this type of awards ceremony on the state capitol complex grounds; NOW THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Notwithstanding 11 IAC 100.4(8) and any contrary provisions of chapter 123, prohibiting the use and consumption of alcoholic beverages in public places, alcoholic beverages may be used and consumed on the state capitol complex grounds at an awards ceremony, to be held on or around June 22, 2008, hosted and organized in whole or in part by Hy-Vee, Incorporated, if the person providing the food and alcoholic beverages at the awards ceremony possesses an appropriate valid liquor control license. For the purpose of this section and section 123.95, the state capitol complex grounds is a private place.

Sec. 2. EFFECTIVE DATE. This joint resolution, being deemed of immediate importance, takes effect upon enactment.

On the question “Shall the resolution be adopted?” (S.J.R. 2003), the vote was:

Yeas, 41:

Angelo	Fraise	Lundby	Seng
Appel	Gaskill	McCoy	Seymour
Beall	Gronstal	McKibben	Stewart
Black	Hahn	McKinley	Ward
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Horn	Putney	Zaun
Danielson	Houser	Quirnbach	Zieman
Dearden	Johnson	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schoenjahn	

Nays, 9:

Behn	Hartsuch	Mulder
Boettger	Hogg	Schmitz
Hancock	Kreiman	Warnstadt

Absent, none.

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

UNFINISHED BUSINESS (Deferred April 14, 2008)

Senate File 2413

The Senate resumed consideration of **Senate File 2413**, a bill for an act providing extensions for school districts applying to the school budget review committee concerning school district finances, and providing an effective date, and amendment S-5346, deferred April 14, 2008.

The Senate resumed consideration of amendment S-5346, previously deferred.

Senator Courtney offered amendment S-5361, filed by him on April 15, 2008, to page 1 of amendment S-5346, and moved its adoption.

Amendment S-5361 was adopted by a voice vote.

Senator Courtney moved the adoption of amendment S-5346, as amended.

Amendment S-5346 was adopted by a voice vote.

Senator Courtney 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. 2413), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirmbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2395.

Senate File 2395

On motion of Senator Hogg, **Senate File 2395**, a bill for an act relating to business associations, by providing for limited liability

companies and conversion involving corporations, providing fees and penalties, and providing an effective date, placed on the Unfinished Business Calendar on March 27, 2008, was taken up for consideration.

Senator Hogg withdrew amendment S-5114, filed by him on March 17, 2008, to pages 11, 16, 29, 49, 51, 101, 107, and 118 of the bill.

Senator Hogg asked and received unanimous consent that **House File 2633** be **substituted** for **Senate File 2395**.

House File 2633

On motion of Senator Hogg, **House File 2633**, a bill for an act relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date, was taken up for consideration.

Senator Hogg offered amendment S-5359, filed by him on April 15, 2008, to pages 1, 2, 11, 12, 16, 29, 44, 49, 51, 54, 82, 89, 92, 101, 104, 106, 107, 110, 114, and 118 of the bill, and moved its adoption.

Amendment S-5359 was adopted by a voice vote.

Senator Hogg 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?" (H.F. 2633), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun

Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Hogg asked and received unanimous consent that **Senate File 2395** be **withdrawn** from further consideration of the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 2134

Senator Warnstadt called up for consideration **Senate File 2134**, a bill for an act relating to requirements and duties of members, executive directors, and employees of county commissions of veteran affairs, amended by the House in House amendment S-5329, filed April 14, 2008.

Senator Warnstadt moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Warnstadt moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2134), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng

Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Cannolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, none.

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 Joint Resolutions 2003 and 2005, Senate Files 2134 and 2413, and House File 2633** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2423.

Senate File 2423

On motion of Senator Cannolly, **Senate File 2423**, a bill for an act concerning department of administrative services operations, was taken up for consideration.

Senator Danielson offered amendment S-5364, filed by him from the floor to page 3 of the bill.

Senator Zieman asked and received unanimous consent that action on amendment S-5364 and **Senate File 2423** be **deferred**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2612.

House File 2612

On motion of Senator Black, **House File 2612**, a bill for an act relating to natural resources, including by providing for the powers and duties of the department's director and natural resource commission, and the regulation of public lands and outdoor recreation, providing for fees, providing for penalties and making penalties applicable, placed on the Unfinished Business Calendar on April 3, 2008, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Black asked and received unanimous consent to withdraw amendment S-5239, filed by the committee on Natural Resources and Environment on March 31, 2008, to page 4 and to the title page of the bill.

Senator Dearden offered amendment S-5334, filed by Senators Dearden and Black on April 14, 2008, to page 1 of the bill, and moved its adoption.

Amendment S-5334 was adopted by a voice vote.

Senator Behn offered amendment S-5301, filed by Senators Behn and Black on April 8, 2008, to page 1 of the bill, and moved its adoption.

Amendment S-5301 was adopted by a voice vote.

Senator Dearden offered amendment S-5363, filed by Senators Dearden, Johnson, and Black on April 15, 2008, to page 4 and to the title page of the bill, and moved its adoption.

Amendment S-5363 was adopted by a voice vote.

Senator Black 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?" (H.F. 2612), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirmbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2668.

House File 2668

On motion of Senator Hogg, **House File 2668**, a bill for an act relating to the disposal and recycling of used oil filters, with report of committee recommending passage, was taken up for consideration.

Senator Hogg 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?" (H.F. 2668), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

Senate File 2423

The Senate resumed consideration of **Senate File 2423**, a bill for an act concerning department of administrative services operations, and amendment S-5364, previously deferred.

The Senate resumed consideration of amendment S-5364, previously deferred.

Senator Danielson moved the adoption of amendment S-5364.

Amendment S-5364 was adopted by a voice vote.

Senator Connolly 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. 2423), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, none.

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 2423** and **House Files 2612** and **2668** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:42 a.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:21 p.m., Senator Dvorsky presiding.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 101, 138, 150, 151, 139, and 143.

Senate Resolution 101

On motion of Senator Ragan, **Senate Resolution 101**, a resolution to ensure that Iowans with developmental disabilities are supported by a quality workforce, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved the adoption of Senate Resolution 101, which motion prevailed by a voice vote.

Senate Resolution 138

On motion of Senator Beall, **Senate Resolution 138**, a resolution supporting a free trade agreement between the Republic of China on Taiwan and the United States, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved the adoption of Senate Resolution 138, which motion prevailed by a voice vote.

Senate Resolution 150

On motion of Senator Black, **Senate Resolution 150**, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer, with report of committee recommending passage, was taken up for consideration.

Senator Black moved the adoption of Senate Resolution 150, which motion prevailed by a voice vote.

Senate Resolution 151

On motion of Senator Boettger, **Senate Resolution 151**, a resolution requesting the Congress of the United States to give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved the adoption of Senate Resolution 151, which motion prevailed by a voice vote.

Senate Resolution 139

On motion of Senator Beall, **Senate Resolution 139**, a resolution honoring America's Vietnam veterans, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved the adoption of Senate Resolution 139, which motion prevailed by a voice vote.

Senate Resolution 143

On motion of Senator Angelo, **Senate Resolution 143**, a resolution recognizing and honoring Iowa's Olympic athletes, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved the adoption of Senate Resolution 143, which motion prevailed by a voice vote.

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 April 16, 2008, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2420, a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:08 p.m. until 8:45 a.m., Thursday, April 17, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Chet Axel, Muscatine—For celebrating his 90th birthday. Senator Hahn (4/16/08).

South O'Brien High School Jazz Band—For winning the Class 2A title at the 2008 Iowa Jazz Championships. Senator Johnson (4/16/08).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 16, 2008, 1:10 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood.

Members Absent: None.

Committee Business: Approved SSB 3300.

Recessed: 1:15 p.m.

Reconvened: 1:45 p.m.

Adjourned: 2:05 p.m.

INTRODUCTION OF BILLS

Senate File 2424, by committee on Appropriations, a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

Read first time under Rule 28 and **placed on Appropriations calendar.**

Senate File 2425, by committee on Appropriations, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2424* (SSB 3300), a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: Dvorsky, McCoy, Kettering, Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, 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 Appropriations Committee on Senate File 2424, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2425* (SSB 3297), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Dvorsky, McCoy, Black, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Ragan, Seng, and Wood. Nays, 10: Kettering, Angelo, Behn, Boettger, Gaskill, Hahn, Johnson, Putney, Seymour, and Ward. Absent, 1: Warnstadt.

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 Appropriations Committee on Senate File 2425, and they were attached to the committee report.

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 16th day of April, 2008:

Senate File 2307.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 16, 2008, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2036 – Relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force.

Senate File 2129 – Relating to the duties of the commission on the status of Iowans of Asian and Pacific Islander heritage regarding interpreter qualifications.

Senate File 2281 – Prohibiting employment discrimination against an employee witness in certain civil proceedings.

Senate File 2338 – Relating to the regulation of health-related professions.

AMENDMENTS FILED

S-5364	S.F.	2423	Jeff Danielson
S-5365	S.F.	2421	Paul McKinley

JOURNAL OF THE SENATE

NINETY-FIFTH CALENDAR DAY
FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 17, 2008

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Mario Lara, pastor of the Life Rich Christian Church in Des Moines, Iowa. He was the guest of Senator Appel.

The Journal of Wednesday, April 16, 2008, was approved.

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 April 16, 2008, **amended the Senate amendment, concurred in the Senate amendment as amended, and passed** the following bill in which the concurrence of the Senate is asked:

House File 2628, a bill for an act including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous weapon and making penalties applicable. (S-5366)

ALSO: That the House has on April 16, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2686, a bill for an act relating to unauthorized aliens and determination and identity protection and the employer-employee relationship by preventing identity theft in the procurement of employment and providing for the employment

classification of individuals, establishing a living wage study, and providing penalties and an appropriation.

Read first time and referred to committee on **State Government**.

ALSO: That the House has on April 16, 2008, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2303, a bill for an act relating to workers' compensation provisions for continued medically related benefits in certain settlements of workers' compensation claims and to funding of the second injury fund and providing an effective date.

Senate File 2341, a bill for an act relating to Alzheimer's disease and similar forms of irreversible dementia.

Senate File 2364, a bill for an act relating to the emancipation of a minor.

ALSO: That the House has on April 17, 2008, **appointed the conference committee to Senate File 2308**, a bill for an act relating to identity theft by providing for the notification of a breach in the security of computerized data that includes personal information, and providing penalties. The conference committee members on the part of the House are: The Representative from Black Hawk, Representative Kelley, Chair; the Representative from Polk, Representative Huser; the Representative from Polk, Representative Jacobs; the Representative from Johnson, Representative Jacoby; and the Representative from Webster, Representative Tjepkes.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 153.

Senate Resolution 153

On motion of Senator Horn, **Senate Resolution 153**, a resolution honoring Kirkwood Community College's women's basketball team for winning the National Junior College Athletic Association Division II National Tournament, with report of committee recommending passage, was taken up for consideration.

Senator Horn moved the adoption of Senate Resolution 153, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Horn introduced to the Senate chamber Nicole Hill, daughter of Coach Muhl, and Christy Fisher, Executive Director of Enrollment at Kirkwood Community College.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:00 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:57 a.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 146.

Senate Resolution 146

On motion of Senator Mulder, **Senate Resolution 146**, a resolution to honor the athletic career of Vern Wayne Den Herder, with report of committee recommending passage, was taken up for consideration.

Senator Mulder moved the adoption of Senate Resolution 146, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Mulder introduced to the Senate chamber Vern Wayne Den Herder and his wife Diane.

The Senate rose and expressed its welcome.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2425 and 2424.

Senate File 2425

On motion of Senator Hatch, **Senate File 2425**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, was taken up for consideration.

Senator McKibben offered amendment S-5368, filed by him from the floor to page 8 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5368 be adopted?" (S.F. 2425), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, none.

Amendment S-5368 lost.

Senator Johnson offered amendment S-5367, filed by him from the floor to page 45 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5367 be adopted?” (S.F. 2425), the vote was:

Yeas, 21:

Angelo	Hartsuch	McKinley	Wieck
Behn	Houser	Mulder	Zaun
Boettger	Johnson	Noble	Zieman
Gaskill	Kettering	Putney	
Hahn	Lundby	Schoenjahn	
Hancock	McKibben	Seymour	

Nays, 29:

Appel	Dotzler	Kibbie	Seng
Beall	Dvorsky	Kreiman	Stewart
Black	Fraise	McCoy	Ward
Bolkcom	Gronstal	Olive	Warnstadt
Connolly	Hatch	Quirnbach	Wood
Courtney	Heckroth	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Absent, none.

Amendment S–5367 lost.

Senator Hartsuch offered amendment S–5376, filed by him from the floor to page 45 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5376 be adopted?” (S.F. 2425), the vote was:

Yeas, 20:

Angelo	Hancock	McKibben	Schoenjahn
Behn	Hartsuch	McKinley	Seymour
Boettger	Houser	Mulder	Wieck
Gaskill	Johnson	Noble	Zaun
Hahn	Kettering	Putney	Zieman

Nays, 30:

Appel	Dotzler	Kibbie	Schmitz
Beall	Dvorsky	Kreiman	Seng
Black	Fraise	Lundby	Stewart
Bolkcom	Gronstal	McCoy	Ward

Connolly	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirnbach	Wood
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Absent, none.

Amendment S-5376 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Mulder, until he returns, on request of Senator Wieck.

Senator Hatch offered amendment S-5369, filed by him from the floor to page 62 of the bill.

Senator Johnson offered amendment S-5377, filed by him from the floor to page 1 of amendment S-5369, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5377 be adopted?" (S.F. 2425), the vote was:

Yeas, 22:

Angelo	Hartsuch	McKibben	Ward
Behn	Heckroth	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Gaskill	Johnson	Putney	Zieman
Hahn	Kettering	Schoenjahn	
Hancock	Lundby	Seymour	

Nays, 27:

Appel	Dearden	Horn	Rielly
Beall	Dotzler	Kibbie	Schmitz
Black	Dvorsky	Kreiman	Seng
Bolkcom	Fraise	McCoy	Stewart
Connolly	Gronstal	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Hogg	Ragan	

Absent, 1:

Mulder

Amendment S-5377 lost.

Senator Hatch moved the adoption of amendment S-5369.

Amendment S-5369 was adopted by a voice vote.

Senator Seymour offered amendment S-5378, filed by him from the floor to pages 18, 46-50, and 78 of the bill.

Senator Kettering called for the following division of amendment S-5378:

Division S-5378A: Page 1, lines 2-49

Division S-5378B: Page 1, line 50-page 2, line 7

Senator Kettering asked and received unanimous consent that action on amendment S-5378A be deferred.

Senator Kettering moved the adoption of amendment S-5378B.

A record roll call was requested.

On the question "Shall amendment S-5378B be adopted?" (S.F. 2425), the vote was:

Yeas, 24:

Angelo	Hartsuch	McKinley	Seymour
Behn	Houser	Mulder	Ward
Boettger	Johnson	Noble	Wieck
Gaskill	Kettering	Putney	Wood
Hahn	Lundby	Rielly	Zaun
Hancock	McKibben	Schoenjahn	Zieman

Nays, 26:

Appel	Dearden	Hogg	Ragan
Beall	Dotzler	Horn	Schmitz
Black	Dvorsky	Kibbie	Seng
Bolkcom	Fraise	Kreiman	Stewart
Connolly	Gronstal	McCoy	Warnstadt
Courtney	Hatch	Olive	
Danielson	Heckroth	Quirnbach	

Absent, none.

Amendment S-5378B lost.

Senator Zieman withdrew amendment S-5379, filed by him from the floor to pages 122 and 124 of the bill.

Senator Hatch offered amendment S-5380, filed by him from the floor to page 132 of the bill, and moved its adoption.

Amendment S-5380 was adopted by a voice vote.

Senator Seymour offered amendment S-5381, filed by him from the floor to page 1 of amendment S-5378A, and moved its adoption.

Amendment S-5381 was adopted by a voice vote.

President Pro Tempore Danielson took the chair at 1:04 p.m.

Senator Seymour moved the adoption of amendment S-5378A, as amended.

A record roll call was requested.

On the question "Shall amendment S-5378A be adopted?" (S.F. 2425), the vote was:

Yeas, 25:

Angelo	Hartsuch	Mulder	Wieck
Behn	Houser	Noble	Wood
Boettger	Johnson	Putney	Zaun
Fraise	Kettering	Rielly	Zieman
Gaskill	Lundby	Schoenjahn	
Hahn	McKibben	Seymour	
Hancock	McKinley	Ward	

Nays, 25:

Appel	Dearden	Horn	Schmitz
Beall	Dotzler	Kibbie	Seng
Black	Dvorsky	Kreiman	Stewart
Bolkcom	Gronstal	McCoy	Warnstadt
Connolly	Hatch	Olive	
Courtney	Heckroth	Quirmbach	
Danielson	Hogg	Ragan	

Absent, none.

Amendment S–5378A lost.

Senator McKinley offered amendment S–5383, filed by him from the floor to page 45 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5383 be adopted?” (S.F. 2425), the vote was:

Yeas, 20:

Angelo	Hancock	McKibben	Schoenjahn
Behn	Hartsuch	McKinley	Seymour
Boettger	Houser	Mulder	Wieck
Gaskill	Johnson	Noble	Zaun
Hahn	Kettering	Putney	Zieman

Nays, 30:

Appel	Dotzler	Kibbie	Schmitz
Beall	Dvorsky	Kreiman	Seng
Black	Fraise	Lundby	Stewart
Bolkcom	Gronstal	McCoy	Ward
Connolly	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirnbach	Wood
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Absent, none.

Amendment S–5383 lost.

Senator Hatch offered amendment S–5382, filed by him from the floor to pages 4, 5, 14, 24, 25, 33, 35, 46, 52, 53, 61, 62, 84, 92, 95, 99, 102, 105–108, 136, and 137 of the bill, and moved its adoption.

Amendment S–5382 was adopted by a voice vote.

MOTION TO RECONSIDER ADOPTED

Senate File 2425

Senator Hatch called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S-5369 to S.F. 2425 passed the Senate on April 17, 2008.

On the question "Shall the motion to reconsider be adopted?" (amendment S-5369 to S.F. 2425), the motion to reconsider was adopted by a voice vote.

Senator Hatch moved the adoption of amendment S-5369.

A record roll call was requested.

On the question "Shall amendment S-5369 be adopted?" (S.F. 2425), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, none.

Amendment S-5369 was adopted.

Senator Hatch 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. 2425), the vote was:

Yeas, 34:

Appel	Dvorsky	Kibbie	Schmitz
Beall	Fraise	Lundby	Schoenjahn

Black	Gaskill	McCoy	Seng
Bolkcom	Gronstal	Mulder	Seymour
Connolly	Hancock	Olive	Stewart
Courtney	Hatch	Putney	Warnstadt
Danielson	Heckroth	Quirmbach	Wood
Dearden	Hogg	Ragan	
Dotzler	Horn	Rielly	

Nays, 16:

Angelo	Hartsuch	Kreiman	Ward
Behn	Houser	McKibben	Wieck
Boettger	Johnson	McKinley	Zaun
Hahn	Kettering	Noble	Zieman

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Kibbie took the chair at 2:05 p.m.

Senate File 2424

On motion of Senator Connolly, **Senate File 2424**, a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates, was taken up for consideration.

Senator Zieman offered amendment S-5373, filed by him from the floor to page 18 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5373 be adopted?" (S.F. 2424), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck

Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, none.

Amendment S-5373 lost.

Senator Kettering offered amendment S-5375, filed by him from the floor to pages 19-21 and 32 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5375 be adopted?" (S.F. 2424), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, none.

Amendment S-5375 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKibben, until he returns, on request of Senator Wieck.

Senator Ziemann offered amendment S-5374, filed by him from the floor to page 21 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5374 be adopted?" (S.F. 2424), the vote was:

Yeas, 18:

Angelo	Hartsuch	Mulder	Wieck
Behn	Houser	Noble	Zaun
Boettger	Johnson	Putney	Ziemann
Gaskill	Kettering	Seymour	
Hahn	McKinley	Ward	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraiese	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, 1:

McKibben

Amendment S-5374 lost.

Senator Noble offered amendment S-5372, filed by him from the floor to page 33 of the bill, and moved its adoption.

Amendment S-5372 lost by a voice vote.

Senator Connolly 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. 2424), the vote was:

Yeas, 39:

Angelo	Fraise	Johnson	Rielly
Beall	Gaskill	Kibbie	Schmitz
Black	Gronstal	Kreiman	Schoenjahn
Bolkcom	Hahn	Lundby	Seng
Connolly	Hancock	McCoy	Seymour
Courtney	Hatch	Mulder	Stewart
Danielson	Heckroth	Noble	Warnstadt
Dearden	Hogg	Olive	Wood
Dotzler	Horn	Quirnbach	Zieman
Dvorsky	Houser	Ragan	

Nays, 8:

Behn	Hartsuch	McKinley	Wieck
Boettger	Kettering	Ward	Zaun

Present, 2:

Appel	Putney
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Absent, 1:

McKibben

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 Files 2424** and **2425** be **immediately messaged** to the House.

SENATE INSISTS

House File 2197

Senator Quirnbach called up for consideration **House File 2197**, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information, amended by the Senate, and moved that the Senate insist on its amendment.

A record roll call was requested.

On the question “Shall the Senate insist on its amendment?” (H.F. 2197), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Seymour
Courtney	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wood

Nays, 17:

Angelo	Hartsuch	Mulder	Zaun
Behn	Houser	Noble	Zieman
Boettger	Johnson	Putney	
Gaskill	Kettering	Ward	
Hahn	McKinley	Wieck	

Absent, 1:

McKibben

The motion prevailed and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on House File 2197 on the part of the Senate: Senators Quirmbach, Chair; McKinley, Mulder, Schmitz, and Schoenjahn.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 2308

A conference committee report, signed by the following Senate and House members, was filed April 17, 2008, on **Senate File 2308**, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, requesting the establishment of an interim study committee relating to disclosure of personal information by public officials, entities, and affiliated organizations, and providing penalties:

On the part of the Senate:

STEVE WARNSTADT, Chair
THOMAS G. COURTNEY
BILL HECKROTH
JERRY BEHN
STEVE KETTERING

On the part of the House:

DORIS KELLEY, Chair
DAVID JACOBY
ELIZABETH JACOBS
DAVE Tjepkes

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 2308

Senator Warnstadt called up the conference committee report on **Senate File 2308**, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties, filed on April 17, 2008 and moved its adoption.

The motion prevailed by a voice vote and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Warnstadt 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. 2308), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gaskill	Kreiman	Seng
Beall	Gronstal	Lundby	Seymour
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirnbach	Zieman
Dearden	Houser	Ragan	
Dotzler	Johnson	Rielly	
Dvorsky	Kettering	Schmitz	

Nays, none.

Absent, 1:

McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2308** and **House File 2197** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2421 and House File 2669.

Senate File 2421

On motion of Senator Seng, **Senate File 2421**, a bill for an act authorizing certain special charter cities to impose a special charter city sales and services tax, was taken up for consideration.

Senator McKinley withdrew amendment S-5365, filed by him on April 16, 2008, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Dearden asked and received unanimous consent that action on **Senate File 2421** be **deferred**.

House File 2669

On motion of Senator Bolkcom, **House File 2669**, a bill for an act relating to the collection and recycling of mercury-added thermostats, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom offered amendment S-5371, filed by him from the floor to page 5 of the bill, and moved its adoption.

Amendment S-5371 was adopted by a voice vote.

Senator Bolkcom 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?" (H.F. 2669), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gaskill	Kreiman	Seng
Beall	Gronstal	Lundby	Seymour
Behn	Hahn	McCoy	Stewart

Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirnbach	Zieman
Dearden	Houser	Ragan	
Dotzler	Johnson	Rielly	
Dvorsky	Kettering	Schmitz	

Nays, none.

Absent, 1:

McKibben

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 **House File 2669** be **immediately messaged** to the House.

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 April 17, 2008, **sent a corrected copy of an amendment** for the following bill in which the concurrence of the Senate is asked:

Senate File 2134, a bill for an act relating to requirements and duties of members, executive directors, and employees of county commissions of veteran affairs. (S-5384)

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:30 p.m. until 11:00 a.m., Monday, April 21, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Blair Billings, Story City—For being named the outstanding performer in Class 2A at the 2008 Iowa High School Jazz Championship. Senator Olive (4/17/08).

Susan Boden, Sioux City—For eight years of distinguished service as a member and chair of Iowa's Department of Transportation Commission. Senator Warnstadt (4/17/08).

John Glenn Elementary School, Donahue—For being a Blue Ribbon School. Senator Wood (4/17/08).

Roland-Story High School Jazz Band and Director Kevin Masemann—For their second place finish in the 2008 Class 2A Iowa Jazz Championship. Senator Olive (4/17/08).

Chad Schuiteman, Northwestern College—For his selection as a player in the prestigious 2008 Collegiate Basketball Invitational. Senator Mulder (4/17/08).

STUDY BILL RECEIVED

SSB 3301 Appropriations

Relating to economic development by creating a community microenterprise development organization grant program, a microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual development accounts and making appropriations, and including effective and retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2331
(Reassigned)

APPROPRIATIONS: Hogg, Chair; Behn and Dvorsky

SSB 3301

APPROPRIATIONS: Dotzler, Chair; Danielson, Dvorsky, Kettering, and Ward

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2361, the following correction was made:

1. Page 1, line 2: Add the word “new” before “paragraph.”

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2379, the following corrections were made:

1. Page 13, line 26: Capitalize “The” at beginning of sentence.
2. Page 14, line 16: Period at end of sentence.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS 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 bills have 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 17th day of April, 2008:

Senate Files 2133, 2136, 2212, 2250, 2251, 2325, 2349, 2361, 2367, and 2379.

MICHAEL E. MARSHALL
Secretary of the Senate

MOTIONS TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2134 passed the Senate on April 16, 2008, and I move to reconsider the vote by which amendment S-5329 to Senate File 2134 was adopted by the Senate on April 16, 2008.

MICHAEL E. GRONSTAL

AMENDMENTS FILED

S-5366	H.F.	2628	House
S-5367	S.F.	2425	David Johnson

S-5368	S.F.	2425	Larry McKibben
S-5369	S.F.	2425	Jack Hatch
S-5370	S.F.	2417	Jack Hatch
S-5371	H.F.	2669	Joe Bolkcom
S-5372	S.F.	2424	Larry Noble
S-5373	S.F.	2424	Mark Ziemann
S-5374	S.F.	2424	Mark Ziemann
S-5375	S.F.	2424	Steve Kettering
S-5376	S.F.	2425	David L. Hartsuch
S-5377	S.F.	2425	David Johnson
S-5378	S.F.	2425	James A. Seymour
S-5379	S.F.	2425	Mark Ziemann
S-5380	S.F.	2425	Jack Hatch
S-5381	S.F.	2425	James A. Seymour
S-5382	S.F.	2425	Jack Hatch
S-5383	S.F.	2425	Paul McKinley
S-5384	S.F.	2134	House

JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 21, 2008

The Senate met in regular session at 11:10 a.m., President Kibbie presiding.

Prayer was offered by Pastor Gus George of the St. Paul Lutheran Church in Council Bluffs, Iowa. He was the guest of Senator Houser.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Emily Ehlers.

The Journal of Thursday, April 17, 2008, was approved.

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 April 17, 2008, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2405, a bill for an act relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates.

ALSO: That the House has on April 17, 2008, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

House File 2266, a bill for an act relating to the criminal offenses of eluding or attempting to elude a law enforcement vehicle and the possession of an incendiary or explosive device or material, and the regulation of explosives, and providing penalties.

House File 2612, a bill for an act relating to natural resources, including by providing for the powers and duties of the department's director and natural resource commission, and the regulation of public lands and outdoor recreation, providing for fees, providing for penalties and making penalties applicable.

House File 2633, a bill for an act relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date.

ALSO: That the House has on April 17, 2008, **adopted the conference committee report and passed Senate File 2308**, a bill for an act relating to identity theft by providing for the notification of a breach in the security of computerized data that included personal information, and providing penalties.

ALSO: That the House has on April 17, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2687, a bill for an act relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties, and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

House File 2688, a bill for an act providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, providing for implementation, and including applicability and effective date provisions.

Read first time and referred to committee on **Agriculture**.

ALSO: That the House has on April 17, 2008, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 517, a bill for an act relating to the state building code by providing for training, administration, and enforcement of energy conservation requirements. (S-5389)

Senate File 2386, a bill for an act relating to the achievement of improved energy efficiency through the establishment of a commission on energy efficiency standards and practices, and providing for the periodic reporting of energy efficiency results and savings by gas and electric public utilities. (S-5385)

ALSO: That the House has on April 17, 2008, **appointed the conference committee to House File 2197**, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information. The conference committee members on the part of the House are: The Representative from Black Hawk, Representative Kelley, Chair; the Representative from Polk, Representative Boal; the Representative from Scott, Representative Gayman; the Representative from Cerro Gordo, Representative Schickel; and the Representative from Woodbury, Representative Wendt.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he arrives, on request of Senator Wieck.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:36 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 11:39 a.m., President Kibbie presiding.

The Senate stood at ease at 11:40 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:56 p.m., President Pro Tempore Danielson presiding.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 155, by committee on Rules and Administration, a resolution to recognize the 30-year legislative career of Senator Michael Connolly.

Read first time and **placed on calendar**.

Senate Resolution 156, by committee on Rules and Administration, a resolution to thank Senator John Putney for his service in the Iowa Senate.

Read first time and **placed on calendar**.

Senate Resolution 157, by committee on Rules and Administration, a resolution to honor Senator Larry McKibben on his retirement from the Iowa Senate.

Read first time and **placed on calendar**.

Senate Resolution 158, by committee on Rules and Administration, a resolution to commemorate the retirement of Senator E. Thurman Gaskill from the Senate.

Read first time and **placed on calendar**.

Senate Resolution 159, by committee on Rules and Administration, a resolution honoring Senator Jeff Angelo for his years of service in the Senate.

Read first time and **placed on calendar**.

Senate Resolution 160, by committee on Rules and Administration, a resolution honoring the public service of Senator Mary Adelaide Lundby.

Read first time and **placed on calendar**.

Senate Resolution 161, by committee on Rules and Administration, a resolution to honor the service of Senator Dave Mulder.

Read first time and **placed on calendar**.

RECESS

On motion of Senator Courtney, the Senate recessed at 1:58 p.m. until the completion of a meeting of the committee on State Government.

APPENDIX—1

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 21, 2008, 11:36 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Dearden, Dvorsky, Lundby, Ragan, and Ziemann.

Members Absent: Courtney and Danielson (both excused).

Committee Business: Approved SRs 155, 156, 157, 158, 159, 160, and 161.

Adjourned: 11:39 a.m.

STATE GOVERNMENT

Convened: April 21, 2008, 2:05 a.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Ziemann, Ranking Member; Appel, Behn, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood.

Members Absent: None.

Committee Business: Passed SF 2427.

Adjourned: 2:10 p.m.

INTRODUCTION OF BILLS

Senate File 2426, by committee on Appropriations, a bill for an act relating to the judicial branch including the assessment and collection of fees and fines, filings and records kept by the clerk of the district court, the regulation and certification of shorthand reporters, making appropriations to offset costs, and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations calendar**.

Senate File 2427, by Gronstal and Wieck, a bill for an act prohibiting certain lobbying activities of state agencies and providing a penalty.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2428, by committee on Appropriations, a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable.

Read first time under Rule 28 and **placed on Appropriations calendar**.

SUBCOMMITTEE ASSIGNMENT

House File 2687

WAYS AND MEANS: McCoy, Chair; Seng and Ward

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2426* (formerly SF 2331), a bill for an act relating to the judicial branch including the assessment and collection of fees and fines, filings and records kept by the clerk of the district court, the regulation and certification of shorthand reporters, making appropriations to offset costs, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 22: Dvorsky, McCoy, Kettering, Behn, Black, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, 2: Boettger and Hancock. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2426, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2428* (SSB 3279), a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 24: Dvorsky, McCoy, Kettering, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2428, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 155, a resolution to recognize the 30-year legislative career of Senator Michael Connolly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Dearden, Dvorsky, Lundby, Ragan, and Ziemann. Nays, none. Absent, 2: Courtney and Danielson.

Fiscal Note: NOT REQUIRED UNDER RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 156, a resolution to thank Senator John Putney for his service in the Iowa Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Dearden, Dvorsky, Lundby, Ragan, and Ziemann. Nays, none. Absent, 2: Courtney and Danielson.

Fiscal Note: NOT REQUIRED UNDER RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 157, a resolution to honor Senator Larry McKibben on his retirement from the Iowa Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Dearden, Dvorsky, Lundby, Ragan, and Ziemann. Nays, none. Absent, 2: Courtney and Danielson.

Fiscal Note: NOT REQUIRED UNDER RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 158, a resolution to commemorate the retirement of Senator E. Thurman Gaskill from the Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Dearden, Dvorsky, Lundby, Ragan, and Ziemann. Nays, none. Absent, 2: Courtney and Danielson.

Fiscal Note: NOT REQUIRED UNDER RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 159, a resolution honoring Senator Jeff Angelo for his years of service in the Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Dearden, Dvorsky, Lundby, Ragan, and Ziemann. Nays, none. Absent, 2: Courtney and Danielson.

Fiscal Note: NOT REQUIRED UNDER RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 160, a resolution honoring the public service of Senator Mary Adelaide Lundby.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Dearden, Dvorsky, Lundby, Ragan, and Ziemann. Nays, none. Absent, 2: Courtney and Danielson.

Fiscal Note: NOT REQUIRED UNDER RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 161, a resolution to honor the service of Senator Dave Mulder.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Dearden, Dvorsky, Lundby, Ragan, and Ziemann. Nays, none. Absent, 2: Courtney and Danielson.

Fiscal Note: NOT REQUIRED UNDER RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 18, 2008, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2307 – Establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date.

Senate File 2133 – Relating to the Iowa crop improvement association.

Senate File 2136 – Relating to real estate broker trust accounts and abolishing the local housing assistance program.

Senate File 2212 – Relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights.

Senate File 2250 – Relating to the licensure of real estate brokers and salespersons.

Senate File 2251 – Relating to student eye care and including an applicability date provision.

Senate File 2325 – Relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date.

Senate File 2349 – Relating to the preneed sale of cemetery and funeral merchandise and funeral services.

Senate File 2361 – Providing for the procurement of designated biobased products by state government.

Senate File 2367 – Relating to the compliance advisory panel, including the appointment of its members and its powers and duties.

Senate File 2379 – Relating to the regulation of the practice of certified public accounting and providing an effective date.

RECONVENED

The Senate reconvened at 2:11 p.m., President Pro Tempore Danielson presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)**Senate Resolution 160**

Senator Angelo asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 160
2 By: Committee on Rules and Administration
3 A resolution honoring the public service of Senator
4 Mary Adelaide Lundby.
5 WHEREAS, Senator Lundby this year closes a 22-year
6 legislative career that began in 1986 with her
7 election to the House of Representatives; and
8 WHEREAS, while a member of the House of
9 Representatives, Senator Lundby served as Speaker Pro
10 Tempore from 1993 through 1994; and
11 WHEREAS, in 1994 Senator Lundby was elected to the
12 Iowa Senate; and
13 WHEREAS, in 14 years in the Senate, Senator Lundby
14 has chaired or co-chaired the Committee on Small
15 Business, Economic Development and Tourism, the
16 Committee on Government Oversight, the Oversight and
17 Communications Appropriations Subcommittee and the
18 Administration and Regulation Appropriations
19 Subcommittee, and has served as vice-chairperson or as
20 a member on a variety of committees; and
21 WHEREAS, in 2006 Senator Lundby was elected the
22 Senate Republican leader; and
23 WHEREAS, Senator Lundby holds the distinction of
24 being the first woman elected Speaker Pro Tempore in
25 the House of Representatives and the first woman
26 chosen Co-Majority Leader of the Senate; and
27 WHEREAS, Senator Lundby has been awarded the Friend
28 of Nursing Award in 1997 by the Iowa Nurses
29 Association, and the Public Service Award in 2002 by
30 the Sierra Club of Iowa; and

Page 2

1 WHEREAS, "retiring" is hardly the word to apply to
 2 Senator Lundby, a Senator who is outspoken,
 3 good-natured, and kind-hearted in equal part; NOW
 4 THEREFORE,
 5 BE IT RESOLVED BY THE SENATE, That the Senate
 6 recognizes Senator Mary Adelaide Lundby for 22 years
 7 of legislative service, and honors her dedication to
 8 good government and to the betterment of Iowa; and
 9 BE IT FURTHER RESOLVED, That the Secretary of the
 10 Senate is directed to prepare an official copy of this
 11 resolution for presentation to Senator Lundby.

Senator Lundby addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Lundby.

Senator Angelo moved the adoption of Senate Resolution 160,
 which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 157

Senator Putney asked and received unanimous consent to take up
 the following resolution:

1 SENATE RESOLUTION 157
 2 By: Committee on Rules and Administration
 3 A resolution to honor Senator Larry McKibben on his
 4 retirement from the Iowa Senate.
 5 WHEREAS, Senator Larry McKibben was elected to the
 6 Senate in 1996, and in his first year served as
 7 Vice-Chairperson of both the Committee on Ways and
 8 Means and the Education Appropriations Subcommittee
 9 and as a member of the Committees on Judiciary,
 10 Natural Resources and Environment, State Government,
 11 and Transportation; and
 12 WHEREAS, in three terms in the Senate, Senator
 13 McKibben served as Co-President Pro Tempore and as an
 14 assistant Republican leader; and
 15 WHEREAS, in addition to his leadership role,
 16 Senator McKibben also chaired the Committees on
 17 Business and Labor Relations and Ways and Means, and
 18 the Transportation, Infrastructure and Capitals
 19 Appropriations Subcommittee; co-chaired the Committee
 20 on State Government and the Justice Systems

21 Appropriations Subcommittee and served as a member of
22 the Committees on Appropriations, Commerce, Ethics,
23 Judiciary, Local Government, and Veterans Affairs, and
24 the Health and Human Rights Appropriations
25 Subcommittee; and
26 WHEREAS, highlights of Senator McKibben's career in
27 the Senate were the legislative creation of the
28 accelerated career education program in 2000, a
29 program that partners local industry and community
30 colleges to provide skilled worker training, and his

Page 2

1 instrumental role in eliminating the state's
2 inheritance tax; NOW THEREFORE,
3 BE IT RESOLVED BY THE SENATE, That the Senate
4 thanks Senator Larry McKibben for his 12 years of
5 service in the Senate, and wishes him the best of luck
6 in the years to come; and
7 BE IT FURTHER RESOLVED, That the Secretary of the
8 Senate is directed to prepare an official copy of this
9 resolution for presentation to Senator McKibben.

Senator McKibben addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator McKibben.

Senator Putney moved the adoption of Senate Resolution 157,
which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 161

Senator Zaun asked and received unanimous consent to take up
the following resolution:

1 SENATE RESOLUTION 161
2 By: Committee on Rules and Administration
3 A resolution to honor the service of Senator Dave
4 Mulder.
5 WHEREAS, Senator Dave Mulder came to the Iowa
6 Senate as an educator, teaching and coaching for over
7 40 years first in Sioux Center community schools,
8 where he was named high school coach of the year, and
9 then as a professor and coach at Northwestern College,
10 where he was twice selected as professor of the year,
11 and was honored as the college's coach of the year

12 three times; and

13 WHEREAS, Senator Mulder began his service in the
14 81st General Assembly, and in four years has served as
15 a member of the Committees on Agriculture, Economic
16 Growth, Education, Ethics, Human Resources, Local
17 Government, and Rules and Administration, and the
18 Administration and Regulation Appropriations
19 Subcommittee; and

20 WHEREAS, during his tenure in the Senate, Senator
21 Mulder has been especially involved in school funding
22 issues; and

23 WHEREAS, Senator Mulder has been active in the
24 community as well as in the Senate, serving as
25 president of the Orange City Lions Club, and as
26 president of Morningside College Alumni Board, being
27 inducted into the Morningside Hall of Fame, and
28 serving on the Board of Directors of the Iowa State
29 High School Athletic Director Association and as a
30 member of numerous other civic organizations; NOW

Page 2

1 THEREFORE,

2 BE IT RESOLVED BY THE SENATE, That the Senate
3 thanks Senator Dave Mulder for his Senate service, and
4 wishes him the best of luck in the years to come; and

5 BE IT FURTHER RESOLVED, That the Secretary of the
6 Senate is directed to prepare an official copy of this
7 resolution for presentation to Senator Mulder.

Senator Mulder addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Mulder.

Senator Zaun moved the adoption of Senate Resolution 161, which motion prevailed by a voice vote.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2414.

Senate File 2414

On motion of Senator Kibbie, **Senate File 2414**, a bill for an act prohibiting the use of campaign funds as compensation to a candidate and providing an effective date, was taken up for consideration.

Senator Kibbie 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. 2414), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Schmitz
Appel	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	McCoy	Seng
Behn	Gronstal	McKibben	Seymour
Black	Hahn	McKinley	Stewart
Boettger	Hancock	Mulder	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Connolly	Heckroth	Olive	Wieck
Courtney	Hogg	Putney	Wood
Danielson	Horn	Quirnbach	Zaun
Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	

Nays, 2:

Hatch	Lundby
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Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 17, 2008)

Senate File 2421

The Senate resumed consideration of **Senate File 2421**, a bill for an act authorizing certain special charter cities to impose a special charter city sales and services tax, deferred April 17, 2008.

Senator Dearden offered amendment S-5386, filed by him from the floor to page 4 of the bill, and moved its adoption.

Amendment S-5386 was adopted by a voice vote.

Senator Seng 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. 2421), the vote was:

Yeas, 29:

Beall	Gronstal	Lundby	Schoenjahn
Black	Hancock	McCoy	Seng
Connolly	Hatch	Mulder	Stewart
Courtney	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirmbach	Wood
Dotzler	Horn	Ragan	
Dvorsky	Kibbie	Rielly	
Fraise	Kreiman	Schmitz	

Nays, 20:

Angelo	Dearden	Kettering	Seymour
Appel	Gaskill	McKibben	Ward
Behn	Hahn	McKinley	Wieck
Boettger	Hartsuch	Noble	Zaun
Bolkcom	Johnson	Putney	Zieman

Absent, 1:

Houser

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 Files 2414** and **2421** be **immediately messaged** to the House.

MOTIONS TO RECONSIDER ADOPTED

Senate File 2134

Senator Gronstal called up the motion to reconsider **Senate File 2134**, filed by him on April 17, 2008, found on page 1144 of the Senate Journal, and moved its adoption.

On the question “Shall the motion to reconsider be adopted?” (S.F. 2134), the vote was:

Yeas, 49:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirnbach	Zieman
Dearden	Johnson	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Houser

The motion prevailed, and the motion to reconsider was adopted.

Senator Gronstal called up the motion to reconsider the vote by which **amendment S-5329 to Senate File 2134** was adopted by the Senate on April 17, 2008, found on page 1144 of the Senate Journal, and moved its adoption.

The motion prevailed by a voice vote and amendment S-5329 was taken up for reconsideration.

Senator Warnstadt asked and received unanimous consent to withdraw amendment S-5329.

HOUSE AMENDMENT CONSIDERED

Senate File 2134

Senator Warnstadt called up for consideration **Senate File 2134**, a bill for an act relating to requirements and duties of members, executive directors, and employees of county commissions of veteran

affairs, amended by the House in House amendment S-5384, filed April 17, 2008.

Senator Warnstadt moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Warnstadt moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2134), the vote was:

Yeas, 49:

Angelo	Fraise	Kreiman	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirnbach	Zieman
Dearden	Johnson	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2628

Senator Kreiman called up for consideration **House File 2628**, a bill for an act including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous weapon and making penalties applicable, amended by the Senate and further amended by the House in House amendment S-5366 to Senate amendment H-8403, filed April 17, 2008.

Senator Kreiman moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Kreiman moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2628), the vote was:

Yeas, 47:

Angelo	Fraise	Kreiman	Schmitz
Appel	Gaskill	Lundby	Schoenjahn
Beall	Gronstal	McCoy	Seng
Black	Hahn	McKibben	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hartsuch	Mulder	Ward
Connolly	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Danielson	Hogg	Putney	Wood
Dearden	Horn	Quirmbach	Zaun
Dotzler	Kettering	Ragan	Zieman
Dvorsky	Kibbie	Rielly	

Nays, 2:

Behn Johnson

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hancock asked and received unanimous consent that **Senate File 2134** and **House File 2628** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2422.

Senate File 2422

On motion of Senator Dotzler, **Senate File 2422**, a bill for an act relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs, and providing an effective date and applicability provision, was taken up for consideration.

Senator Dotzler offered amendment S-5388, filed by him from the floor to pages 1, 4, and 5 and to the title page of the bill, and moved its adoption.

Amendment S-5388 was adopted by a voice vote.

Senator Dotzler 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. 2422), the vote was:

Yeas, 35:

Angelo	Dotzler	Horn	Rielly
Appel	Dvorsky	Kibbie	Schmitz
Beall	Fraise	Kreiman	Schoenjahn
Black	Gaskill	Lundby	Seng
Bolkcom	Gronstal	McCoy	Seymour
Connolly	Hancock	Olive	Stewart
Courtney	Hatch	Putney	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Nays, 14:

Behn	Johnson	Mulder	Zaun
Boettger	Kettering	Noble	Zieman
Hahn	McKibben	Ward	
Hartsuch	McKinley	Wieck	

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate File 2422** be **immediately messaged** to the House.

The Senate stood at ease at 4:38 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:17 p.m., President Pro Tempore Danielson presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Angelo, until he returns, on request of Senator Wieck.

HOUSE AMENDMENT CONSIDERED

Senate File 517

Senator Hogg called up for consideration **Senate File 517**, a bill for an act relating to the state building code by providing for training, administration, and enforcement of energy conservation requirements, amended by the House in House amendment S-5389, filed April 21, 2008.

Senator Hogg moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hogg moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 517), the vote was:

Yeas, 49:

Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Angelo

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2386

Senator Hogg called up for consideration **Senate File 2386**, a bill for an act relating to the achievement of improved energy efficiency through the establishment of a commission on energy efficiency standards and practices, and providing for the periodic reporting of energy efficiency results and savings by gas and electric public utilities, amended by the House in House amendment S-5385, filed April 21, 2008.

Senator Hogg moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hogg moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2386), the vote was:

Yeas, 45:

Appel	Gaskill	Kreiman	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirmbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, 4:

Connolly

Hancock

Lundby

Schoenjahn

Absent, 1:

Angelo

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

FINAL COMMITTEE REPORT OF BILL ACTION

STATE GOVERNMENT

Bill Title: SENATE FILE 2427, a bill for an act prohibiting certain lobbying activities of state agencies and providing a penalty.

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.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2427.

Senate File 2427

On motion of Senator Connolly, **Senate File 2427**, a bill for an act prohibiting certain lobbying activities of state agencies and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Connolly 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. 2427), the vote was:

Yeas, 46:

Appel	Gaskill	Kibbie	Schmitz
Beall	Gronstal	Kreiman	Schoenjahn
Black	Hahn	Lundby	Seng
Boettger	Hancock	McCoy	Seymour
Bolkcom	Hartsuch	McKibben	Stewart
Connolly	Hatch	Mulder	Ward
Courtney	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Putney	Wood
Dotzler	Houser	Quirnbach	Zieman
Dvorsky	Johnson	Ragan	
Fraise	Kettering	Rielly	

Nays, 3:

Behn	McKinley	Zaun
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Absent, 1:

Angelo

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 Files 517, 2386, and 2427** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:55 p.m. until 8:45 a.m., Tuesday, April 22, 2008.

APPENDIX—2**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Sue Armour, Mason City—For winning the Iowa Tourism Leadership Award. Senator Ragan (4/21/08).

Matt Bohlen, Janesville—For achieving the rank of Eagle Scout, Boy Scout Troop 90. Senator Heckroth (4/21/08).

Avery and Clara Bonstead, Graettinger—For celebrating their 55th wedding anniversary. Senator Kibbie (4/21/08).

Lorna Ann Hagenbucher, Paullina—For celebrating her 100th birthday. Senator Johnson (4/21/08).

Lisa Koll, Fort Dodge—For multiple championships in track, and for graduating summa cum laude in biology from Iowa State University. Senators Quirmbach and Beall (4/21/08).

Elmer and Janice Meyer, Pomeroy—For celebrating their 50th wedding anniversary. Senators Beall and Kibbie (4/21/08).

Sandy and Natalie Salton, Webb—For celebrating their 59th wedding anniversary. Senator Kibbie (4/21/08).

Jason Schmidt, Waverly—For achieving the rank of Eagle Scout, Boy Scout Troop 90. Senator Heckroth (4/21/08).

Ron and Betty Schmidt, Gladbrook—For celebrating their 50th wedding anniversary. Senator Putney (4/21/08).

Mahlon Thomas Whitead, Sioux City—For achieving the rank of Eagle Scout, Boy Scout Troop 111. Senator Warnstadt (4/21/08).

Wayne and Joyce Wagner, Whittemore—For celebrating their 50th wedding anniversary. Senator Kibbie (4/21/08).

STUDY BILL RECEIVED**SSB 3302 Appropriations**

Relating to budget requirements by certain small cities and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

House File 2688

AGRICULTURE: Courtney, Chair; Johnson and Kibbie

SSB 3302

APPROPRIATIONS: Hancock, Chair; Connolly and Kettering

BILLS 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 bills have 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 21st day of April, 2008:

Senate Files 2246, 2269, 2286, 2340, and 2420.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5385	S.F.	2386	House
S-5386	S.F.	2421	Dick L. Dearden
S-5387	H.F.	2660	Larry Noble
S-5388	S.F.	2422	William Dotzler
S-5389	S.F.	517	House
S-5390	S.F.	2417	Joe Bolkcom
S-5391	S.F.	2428	Steve Kettering Pat Ward
S-5392	S.F.	2428	Pat Ward
S-5393	S.F.	2428	Robert E. Dvorsky

JOURNAL OF THE SENATE

ONE HUNDREDTH CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 22, 2008

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by Pastor Ben Ramirez of the First Christian Church in Coon Rapids, Iowa. He was the guest of Senator Beall.

The Journal of Monday, April 21, 2008, 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 April 21, 2008, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2425, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. (S-5401)

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 132, a resolution honoring the life and work of Professor R. Dean Wright.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Courtney, Dearden, Dvorsky, Ragan, and Ziemann. Nays, none. Absent, 2: Danielson and Lundby.

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 132.

Senate Resolution 132

On motion of Senator Hatch, **Senate Resolution 132**, a resolution honoring the life and work of Professor R. Dean Wright, with report of committee recommending passage, was taken up for consideration.

Senator Hatch moved the adoption of Senate Resolution 132, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 159

Senator Lundby asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 159
2 By: Committee on Rules and Administration
3 A resolution honoring Senator Jeff Angelo for his years
4 of service in the Senate.
5 WHEREAS, Senator Jeff Angelo is retiring from a
6 legislative career that began when he was first
7 elected to the Senate in 1996, beginning his service
8 in the first regular session of the 77th General
9 Assembly; and
10 WHEREAS, representing Senate District number 48,
11 Senator Angelo has the largest legislative district in
12 the state, made up of Adams, Clarke, Decatur,
13 Montgomery, Ringgold, Taylor, and Union counties; and
14 WHEREAS, in 12 years of service Senator Angelo has
15 been named a "Friend of Agriculture" by Iowa's largest
16 family farm advocacy group, a "Friend of the Taxpayer"
17 by the watchdog group "Taxpayers United", and a
18 "Friend of Small Business" by the National Federation

19 of Independent Business; and
20 WHEREAS, Senator Angelo has been recognized as an
21 “Outstanding Supporter” by the International Police
22 Relations Council for the Deaf and has received a
23 Certificate of Appreciation by the Iowa State
24 Sheriffs’ and Deputies’ Association, and a “Legislator
25 of the Year” award from the Iowa Bankers Association;
26 and
27 WHEREAS, Senator Angelo has served as Chairperson
28 of the Committee on Local Government, and as
29 Chairperson and Co-chairperson of the Committee on
30 Appropriations, overseeing the state budget, and as

Page 2

1 President Pro Tempore of the Senate and has served as
2 a member of a variety of committees and subcommittees;
3 and
4 WHEREAS, Senator Angelo has fought for Iowa’s
5 families, Iowa’s farmers, and Iowa’s businesses, and
6 has unselfishly given of his time and efforts to
7 further the interests of the State of Iowa and the
8 citizens of Iowa; NOW THEREFORE,
9 BE IT RESOLVED BY THE SENATE, That the Senate
10 thanks Senator Jeff Angelo for his years of public
11 service, and wishes him and his bride, Tara Van
12 Brederode, the very best in the years to come; and
13 BE IT FURTHER RESOLVED, That the Secretary of the
14 Senate is directed to prepare an official copy of this
15 resolution for presentation to Senator Angelo.

Senator Angelo addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Angelo.

Senator Lundby moved the adoption of Senate Resolution 159, which motion prevailed by a voice vote.

The Senate stood at ease at 9:26 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:10 a.m., President Kibbie presiding.

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 April 21, 2008, **adopted** the following resolutions in which the concurrence of the House was asked:

Senate Joint Resolution 2003, a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date.

Senate Joint Resolution 2005, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

ALSO: That the House has on April 21, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2673, a bill for an act relating to the inheritance tax on any interest in a qualified tuition plan.

Read first time and referred to committee on **Ways and Means**.

House File 2674, a bill for an act concerning appropriations to the office of grants enterprise management and including an effective date provision.

Read first time and referred to committee on **Appropriations**.

House File 2684, a bill for an act creating an insurance industry new jobs tax credit.

Read first time and referred to committee on **Ways and Means**.

House File 2685, a bill for an act relating to rules for the discharge of wastewater from water well drilling sites and providing for a fee.

Read first time and referred to committee on **Ways and Means**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKibben, until he arrives, on request of Senator Wieck; and Senator Seng, until he arrives, on request of Senator Dvorsky.

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2428 and 2426.

Senate File 2428

On motion of Senator Dvorsky, **Senate File 2428**, a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable, was taken up for consideration.

Senator Zaun offered amendment S-5400, filed by him from the floor to pages 1 and 3 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 16, nays 27.

Amendment S-5400 lost.

Senator Hartsuch offered amendment S-5398, filed by him from the floor to pages 5-14 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5398 be adopted?” (S.F. 2428), the vote was:

Yeas, 8:

Behn	Hartsuch	Johnson	Wieck
Hahn	Houser	McKinley	Zaun

Nays, 40:

Angelo	Dotzler	Kettering	Ragan
Appel	Dvorsky	Kibbie	Rielly
Beall	Fraise	Kreiman	Schmitz
Black	Gaskill	Lundby	Schoenjahn
Boettger	Gronstal	McCoy	Seymour
Bolkcom	Hancock	Mulder	Stewart
Connolly	Hatch	Noble	Ward
Courtney	Heckroth	Olive	Warnstadt
Danielson	Hogg	Putney	Wood
Dearden	Horn	Quirmbach	Zieman

Absent, 2:

McKibben	Seng
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Amendment S–5398 lost.

Senator Dvorsky offered amendment S–5393, filed by him on April 21, 2008, to pages 15, 16, 19, 20, and 25 of the bill.

Senator Dvorsky offered amendment S–5394, filed by him from the floor to page 4 of amendment S–5393.

Senator Dvorsky asked and received unanimous consent that action on amendment S–5394 to amendment S–5393 be deferred.

Senator Kettering offered amendment S–5399, filed by Senators Kettering and Ward from the floor to page 4 of amendment S–5393, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5399 be adopted?” (S.F. 2428), the vote was:

Yeas, 20:

Angelo	Hancock	Kreiman	Seymour
Behn	Hartsuch	McKinley	Ward

Boettger	Houser	Mulder	Wieck
Gaskill	Johnson	Noble	Zaun
Hahn	Kettering	Putney	Zieman

Nays, 29:

Appel	Dotzler	Kibbie	Schoenjahn
Beall	Dvorsky	Lundby	Seng
Black	Fraise	McCoy	Stewart
Bolkcom	Gronstal	Olive	Warnstadt
Connolly	Hatch	Quirnbach	Wood
Courtney	Heckroth	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Absent, 1:

McKibben

Amendment S-5399 lost.

The Senate resumed consideration of amendment S-5394 to amendment S-5393, previously deferred.

Senator Dvorsky moved the adoption of amendment S-5394.

Amendment S-5394 was adopted by a voice vote.

Senator Dvorsky moved the adoption of amendment S-5393, as amended.

Amendment S-5393 was adopted by a voice vote.

Senator Kettering offered amendment S-5395, filed by Senators Kettering and Dvorsky from the floor to page 20 of the bill.

Senator Kettering asked and received unanimous consent that action on amendment S-5395 be deferred.

Senator Kettering asked and received unanimous consent to withdraw amendment S-5391, filed by Senators Kettering and Ward on April 21, 2008, to page 21 of the bill.

Senator Ward offered amendment S-5392, filed by her on April 21, 2008, to page 21 of the bill, and moved its adoption.

Amendment S-5392 was adopted by a voice vote.

The Senate resumed consideration of amendment S-5395, previously deferred.

Senator Kettering asked and received unanimous consent that action on amendment S-5395 and **Senate File 2428** be **deferred**.

Senate File 2426

On motion of Senator Hogg, **Senate File 2426**, a bill for an act relating to the judicial branch including the assessment and collection of fees and fines, filings and records kept by the clerk of the district court, the regulation and certification of shorthand reporters, making appropriations to offset costs, and providing an effective date, was taken up for consideration.

Senator Hogg 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. 2426), the vote was:

Yeas, 33:

Angelo	Dotzler	Kibbie	Schmitz
Appel	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lundby	Seng
Black	Gaskill	McCoy	Stewart
Bolkcom	Gronstal	Olive	Warnstadt
Connolly	Hatch	Putney	Wood
Courtney	Heckroth	Quirnbach	
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Nays, 16:

Behn	Hartsuch	McKinley	Ward
Boettger	Houser	Mulder	Wieck
Hahn	Johnson	Noble	Zaun
Hancock	Kettering	Seymour	Zieman

Absent, 1:

McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2177.

House File 2177

On motion of Senator Dearden, **House File 2177**, a bill for an act relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license, placed on the Unfinished Business Calendar on April 3, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Dearden offered amendment S-5396, filed by him from the floor to page 1 and to the title page of the bill.

(House File 2177 and amendment S-5396 were deferred.)

The Senate stood at ease at 10:55 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 11:22 a.m., President Pro Tempore Danielson presiding.

The Senate resumed consideration of amendment S-5396 and House File 2177, previously deferred.

Senator Dearden moved the adoption of amendment S-5396.

Amendment S-5396 was adopted by a voice vote.

Senator Dearden 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?” (H.F. 2177), the vote was:

Yeas, 47:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hartsuch	McKinley	Ward
Connolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Olive	Wieck
Danielson	Hogg	Putney	Wood
Dearden	Horn	Quirnbach	Zaun
Dotzler	Houser	Ragan	Zieman
Dvorsky	Kettering	Rielly	

Nays, 3:

Black	Johnson	Noble
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Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2426** and **House File 2177** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:30 a.m. until 12:15 p.m.

AFTERNOON SESSION

The Senate reconvened at 12:20 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent, and a quorum present.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2663.

House File 2663

On motion of Senator Connolly, **House File 2663**, a bill for an act relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal, providing property tax relief, providing for the reduction in the state sales and use tax, providing a penalty, and including an effective date provision, with report of committee recommending passage, was taken up for consideration.

(House File 2663 was deferred.)

The Senate stood at ease at 12:40 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:22 p.m., President Pro Tempore Danielson presiding.

BUSINESS PENDING

Senate File 2428

The Senate resumed consideration of **Senate File 2428**, a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable, and amendment S-5395, previously deferred.

Senator Kettering moved the adoption of amendment S-5395.

Amendment S-5395 was adopted by a voice vote.

With the adoption of amendment S-5395, the Chair ruled amendment S-5404, filed by Senators Kettering and Dvorsky from the floor to page 20 of the bill, out of order.

Senator Dvorsky called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S-5393 to Senate File 2428 was adopted by the Senate on April 22, 2008.

The motion prevailed by a voice vote and the motion to reconsider was adopted.

Senator Dvorsky offered amendment S-5405, filed by him from the floor to page 4 of amendment S-5393, and moved its adoption.

Amendment S-5405 was adopted by a voice vote.

Senator Dvorsky moved the adoption of amendment S-5393, as amended.

Amendment S-5393 was adopted by a voice vote.

Senator Dvorsky 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. 2428), the vote was:

Yeas, 39:

Angelo	Dvorsky	Lundby	Schmitz
Appel	Fraise	McCoy	Schoenjahn
Beall	Gaskill	McKibben	Seng
Black	Gronstal	Mulder	Seymour
Bolkcom	Hancock	Noble	Stewart
Connolly	Hatch	Olive	Ward
Courtney	Heckroth	Putney	Warnstadt
Danielson	Hogg	Quirnbach	Wood
Dearden	Horn	Ragan	Zaun
Dotzler	Kibbie	Rielly	

Nays, 11:

Behn	Hartsuch	Kettering	Wieck
Boettger	Houser	Kreiman	Zieman
Hahn	Johnson	McKinley	

Absent, none.

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 2428** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Angelo, until he returns, on request of Senator Wieck.

BUSINESS PENDING

House File 2663

The Senate resumed consideration of **House File 2663**, a bill for an act relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal, providing property tax relief, providing for the reduction in the state sales and use tax, providing a penalty, and including an effective date provision, previously deferred.

Senator McKibben offered amendment S-5408, filed by Senators McKibben and Angelo from the floor striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5408 be adopted?” (H.F. 2663), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, none.

Amendment S–5408 lost.

Senator Ward offered amendment S–5407, filed by her from the floor to page 20 of the bill, and moved its adoption.

Amendment S–5407 lost by a voice vote.

Senator Connolly 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?” (H.F. 2663), the vote was:

Yeas, 34:

Appel	Dvorsky	Kibbie	Schmitz
Beall	Fraise	Kreiman	Schoenjahn
Black	Gaskill	Lundby	Seng
Boettger	Gronstal	McCoy	Seymour
Bolkcom	Hancock	Mulder	Stewart
Connolly	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirnbach	Wood
Danielson	Hogg	Ragan	
Dotzler	Houser	Rielly	

Nays, 15:

Behn	Horn	McKinley	Wieck
Dearden	Johnson	Noble	Zaun
Hahn	Kettering	Putney	Zieman
Hartsuch	McKibben	Ward	

Absent, 1:

Angelo

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 **House File 2663** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator Wieck.

HOUSE AMENDMENT CONSIDERED

Senate File 2425

Senator Hatch called up for consideration **Senate File 2425**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, amended by the House in House amendment S-5401, filed April 22, 2008.

Senator Zaun offered amendment S-5409, filed by Senators Zaun, Ward, and Mulder from the floor to pages 7, 75, and 76 of House amendment S-5401, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-5409 be adopted?” (S.F. 2425), the vote was:

Yeas, 19:

Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Wood
Gaskill	Lundby	Putney	Zaun
Hahn	McKibben	Seymour	Zieman
Hartsuch	McKinley	Ward	

Nays, 29:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 2:

Angelo	Houser
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Amendment S-5409 lost.

Senator Hatch moved that the Senate concur in the House amendment to the Senate amendment, and requested that the senators vote “No.”

The motion prevailed by a voice vote and the Senate **refused to concur** in the House amendment.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate File 2425** be **immediately messaged** to the House.

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 April 22, 2008, **adopted the conference committee report and passed House File 2197**, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information.

CONFERENCE COMMITTEE REPORT RECEIVED

House File 2197

A conference committee report, signed by the following Senate and House members, was filed April 22, 2008, on **House File 2197**, a bill for an act recommending institutions of higher learning to provide students with specific textbook information:

On the part of the Senate:

HERMAN C. QUIRMBACH, Chair
PAUL MCKINLEY
DAVE MULDER
BECKY SCHMITZ
BRIAN SCHOENJAHN

On the part of the House:

DORIS KELLEY, Chair
CARMINE BOAL
ELESHA GAYMAN
BILL SCHICKEL
ROGER WENDT

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2197

Senator Quirmbach called up the conference committee report on **House File 2197**, a bill for an act recommending institutions of higher learning to provide students with specific textbook information, filed on April 22, 2008, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Quirmbach 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?" (H.F. 2197), the vote was:

Yeas, 48:

Appel	Fraise	Kibbie	Rielly
Beall	Gaskill	Kreiman	Schmitz
Behn	Gronstal	Lundby	Schoenjahn
Black	Hahn	McCoy	Seng
Boettger	Hancock	McKibben	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Connolly	Hatch	Mulder	Ward
Courtney	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Angelo Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **House File 2197** be **immediately messaged** to the House.

RECESS

On motion of Senator Courtney, the Senate recessed at 5:43 p.m. until the fall of the gavel.

APPENDIX—1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Don Angel, Waukon—For his induction into the Iowa High School Golf Coaches Association Hall of Fame. Senator Ziemann (4/22/08).

Kassidy Cook, Postville—For achieving the rank of Eagle Scout, Boy Scout Troop 41. Senator Ziemann (4/22/08).

Nathan Lee Higgins, Clear Lake—For achieving the rank of Eagle Scout, Boy Scout Troop 1075. Senator Gaskill (4/22/08).

Pastor Ben Ramirez, Coon Rapids—For serving as the Chaplain of the Day. Senator Beall (4/22/08).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: April 22, 2008, 8:35 a.m.

Members Present: Fraise, Chair; Rielly, Vice Chair; Johnson, Ranking Member; Appel, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng.

Members Absent: Black (excused).

Committee Business: Passed HF 2688.

Adjourned: 8:40 a.m.

RULES AND ADMINISTRATION

Convened: April 22, 2008, 8:30 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Courtney, Dearden, Dvorsky, Ragan, and Ziemann.

Members Absent: Danielson and Lundby (both excused).

Committee Business: Approved SR 132.

Adjourned: 8:35 a.m.

WAYS AND MEANS

Convened: April 22, 2008, 5:50 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; McKibben, Ranking Member; Appel, Connolly, Dotzler, Hogg, Noble, Putney, Quirmbach, Schmitz, Seng, Stewart, Ward, and Ziemann.

Members Absent: Angelo and Houser (both excused).

Committee Business: Passed HF's 2673, 2685, and 2687.

Adjourned: 6:00 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 162, by Angelo, a resolution recognizing May 2008 as Salvation Army Month.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS**House File 2673**

WAYS AND MEANS: Dotzler, Chair; Angelo and Bolkcom

House File 2684

WAYS AND MEANS: Bolkcom, Chair; Quirmbach and Ward

House File 2685

WAYS AND MEANS: Schmitz, Chair; Houser and Seng

FINAL COMMITTEE REPORTS OF BILL ACTION**APPROPRIATIONS**

Bill Title: HOUSE FILE 2679, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Dvorsky, McCoy, Black, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Ragan, Seng, Warnstadt, and Wood. Nays, 7: Kettering, Behn, Boettger, Hahn, Johnson, Seymour, and Ward. Absent, 3: Angelo, Gaskill, and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: HOUSE FILE 2673, a bill for an act relating to the inheritance tax on any interest in a qualified tuition plan.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, McCoy, McKibben, Appel, Connolly, Dotzler, Hogg, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, 2: Angelo and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2685, a bill for an act relating to rules for the discharge of wastewater from water well drilling sites and providing for a fee.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, McCoy, McKibben, Appel, Connolly, Dotzler, Hogg, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, 2: Angelo and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 22, 2008, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2246 – Relating to required disclosures in real estate transactions.

Senate File 2269 – Revising family investment program requirements for limited benefit plans.

Senate File 2286 – 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.

Senate File 2340 – Requiring certain identity documents to be provided to children subject to a court order for out-of-home placement.

Senate File 2420 – Relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates.

EVENING SESSION

The Senate reconvened at 7:03 p.m., President Kibbie presiding.

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 April 22, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2689, a bill for an act relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing for tax credits, providing for the reporting of biofuels, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, and providing for effective dates and applicability; including retroactive applicability.

Read first time and **attached to similar Senate File 2412**.

House File 2694, a bill for an act relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on April 22, 2008, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2406, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions. (S-5410)

ALSO: That the House has on April 22, 2008, **insisted on its amendment to Senate File 2425**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. The conference committee members on the part of the House are: The Representative from Linn, Representative Foege, Chair; the Representative from Scott, Representative Gayman; the Representative from Henry,

Representative Heaton; the Representative from Polk, Representative Raecker; and the Representative from Marshall, Representative Smith.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2425** on the part of the Senate: Senators Hatch, Chair; Bolkom, Ragan, Johnson, and Seymour.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Lundby and McKibben, until they return, on request of Senator Wieck; and Senator Putney, until he returns, on request of Senator Gaskill.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2685 and 2673.

House File 2685

On motion of Senator Schmitz, **House File 2685**, a bill for an act relating to rules for the discharge of wastewater from water well drilling sites and providing for a fee, with report of committee recommending passage, was taken up for consideration.

The Senate stood at ease at 7:12 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 7:44 p.m., President Kibbie presiding.

The Senate resumed consideration of House File 2685.

Senator Schmitz 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?" (H.F. 2685), the vote was:

Yeas, 45:

Appel	Fraise	Kibbie	Seng
Beall	Gaskill	Kreiman	Seymour
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKinley	Ward
Boettger	Hancock	Mulder	Warnstadt
Bolkcom	Hartsuch	Noble	Wieck
Connolly	Hatch	Olive	Wood
Courtney	Heckroth	Quirnbach	Zaun
Danielson	Hogg	Ragan	Zieman
Dearden	Horn	Rielly	
Dotzler	Johnson	Schmitz	
Dvorsky	Kettering	Schoenjahn	

Nays, none.

Absent, 5:

Angelo	Lundby	Putney
Houser	McKibben	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2673

On motion of Senator Dotzler, **House File 2673**, a bill for an act relating to the inheritance tax on any interest in a qualified tuition plan, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler 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?" (H.F. 2673), the vote was:

Yeas, 45:

Appel	Fraise	Kibbie	Seng
Beall	Gaskill	Kreiman	Seymour
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKinley	Ward
Boettger	Hancock	Mulder	Warnstadt
Bolkcom	Hartsuch	Noble	Wieck

Connolly	Hatch	Olive	Wood
Courtney	Heckroth	Quirnbach	Zaun
Danielson	Hogg	Ragan	Zieman
Dearden	Horn	Rielly	
Dotzler	Johnson	Schmitz	
Dvorsky	Kettering	Schoenjahn	

Nays, none.

Absent, 5:

Angelo	Lundby	Putney
Houser	McKibben	

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 **House Files 2673** and **2685** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hartsuch, until he returns, on request of Senator Wieck.

HOUSE AMENDMENT CONSIDERED

Senate File 2417

Senator Bolkcom called up for consideration **Senate File 2417**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates, amended by the House in House amendment S-5362, filed April 15, 2008.

Senator Bolkcom offered amendment S-5390, filed by him on April 21, 2008, to page 1 of House amendment S-5362, and moved its adoption.

Amendment S-5390 was adopted by a voice vote.

Senator Hatch withdrew amendment S-5370, filed by him on April 17, 2008, to pages 1 and 13 of amendment S-5362.

Senator Bolckcom moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Bolckcom moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2417), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolckcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Nays, 14:

Behn	Johnson	Noble	Zaun
Boettger	Kettering	Seymour	Zieman
Gaskill	McKinley	Ward	
Hahn	Mulder	Wieck	

Absent, 5:

Angelo	Houser	Putney
Hartsuch	McKibben	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2417** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2660.

House File 2660

On motion of Senator Hancock, **House File 2660**, a bill for an act relating to and making appropriations to the justice system, with report of committee recommending passage, was taken up for consideration.

Senator Connolly withdrew amendment S-5333, filed by him on April 14, 2008, to pages 15-17 of the bill.

Senator Connolly withdrew amendment S-5354, filed by him on April 15, 2008, to pages 15-17 of the bill.

Senator Noble withdrew amendment S-5351, filed by him on April 14, 2008, to page 17 of the bill.

Senator Noble withdrew amendment S-5387, filed by him on April 21, 2008, to page 17 of the bill.

Senator Johnson offered amendment S-5411, filed by Senators Johnson and Dvorsky from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5411 was adopted by a voice vote.

Senator Hancock offered amendment S-5412, filed by him from the floor to pages 2-5, 8-10, and 15-17 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5412 be adopted?" (H.F. 2660), the vote was:

Yeas, 45:

Appel	Fraise	Kreiman	Seng
Beall	Gaskill	Lundby	Seymour
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKinley	Ward
Boettger	Hancock	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Quirnbach	Zaun
Danielson	Horn	Ragan	Zieman
Dearden	Johnson	Rielly	
Dotzler	Kettering	Schmitz	
Dvorsky	Kibbie	Schoenjahn	

Nays, none.

Absent, 5:

Angelo	Houser	Putney
Hartsuch	McKibben	

Amendment S-5412 was adopted.

Senator Hancock 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?" (H.F. 2660), the vote was:

Yeas, 34:

Appel	Dvorsky	Kreiman	Schmitz
Beall	Fraise	Lundby	Schoenjahn
Black	Gronstal	McCoy	Seng
Bolkcom	Hancock	Mulder	Stewart
Connolly	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wood
Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Kibbie	Rielly	

Nays, 11:

Behn	Hahn	McKinley	Wieck
Boettger	Johnson	Seymour	Zieman
Gaskill	Kettering	Ward	

Absent, 5:

Angelo
Hartsuch

Houser
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 **House File 2660** be **immediately messaged** to the House.

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 April 22, 2008, **amended the Senate amendment, concurred in the Senate amendment as amended, and passed** the following bill in which the concurrence of the Senate is asked:

House File 2539, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision. (S-5414)

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:32 p.m. until 8:45 a.m., Wednesday, April 23, 2008.

APPENDIX—2

INTRODUCTION OF BILL

Senate File 2429, by committee on Appropriations, a bill for an act relating to budget requirements by certain small cities and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations calendar.**

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2429* (SSB 3302), a bill for an act relating to budget requirements by certain small cities and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 22: Dvorsky, McCoy, Kettering, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Johnson, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 3: Angelo, Gaskill, and Putney.

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 Appropriations Committee on Senate File 2429, and they were attached to the committee report.

AMENDMENTS FILED

S-5394	S.F.	2428	Robert E. Dvorsky
S-5395	S.F.	2428	Steve Kettering Robert E. Dvorsky
S-5396	H.F.	2177	Dick L. Dearden
S-5397	H.F.	2688	John P. Kibbie Hubert Houser
S-5398	S.F.	2428	David L. Hartsuch
S-5399	S.F.	2428	Steve Kettering Pat Ward
S-5400	S.F.	2428	Brad Zaun
S-5401	S.F.	2425	House

S-5402	S.R.	155	Michael E. Gronstal Jeff Angelo Staci Appel Daryl Beall Jerry Behn Dennis H. Black Nancy J. Boettger Joe Bolkcom Thomas G. Courtney Jeff Danielson Dick L. Dearden William Dotzler Robert E. Dvorsky Eugene S. Fraise E. Thurman Gaskill James F. Hahn Tom Hancock David L. Hartsuch Jack Hatch William Heckroth Robert M. Hogg Wally E. Horn Hubert Houser David Johnson Steve Kettering John P. Kibbie Keith A. Kreiman Mary A. Lundby Matt McCoy Larry McKibben Paul McKinley Dave Mulder Larry Noble Rich Olive John Putney Herman C. Quirnbach Amanda Ragan Thomas Rielly Becky Schmitz Brian Schoenjahn Joe M. Seng
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			James A. Seymour
			Roger Stewart
			Pat Ward
			Steve Warnstadt
			Ron Wieck
			Frank B. Wood
			Brad Zaun
			Mark Zieman
S-5403	H.F.	2688	Joe Bolkcom
			Mary A. Lundby
S-5404	S.F.	2428	Steve Kettering
			Robert E. Dvorsky
S-5405	S.F.	2428	Robert E. Dvorsky
S-5406	H.F.	2688	Paul McKinley
			Jerry Behn
S-5407	H.F.	2663	Pat Ward
S-5408	H.F.	2663	Larry McKibben
			Jeff Angelo
S-5409	S.F.	2425	Brad Zaun
			Pat Ward
			Dave Mulder
S-5410	S.F.	2406	House
S-5411	H.F.	2660	David Johnson
			Robert E. Dvorsky
S-5412	H.F.	2660	Tom Hancock
S-5413	S.F.	2400	Jeff Danielson
S-5414	H.F.	2539	House

JOURNAL OF THE SENATE

ONE HUNDRED FIRST CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 23, 2008

The Senate met in regular session at 8:50 a.m., President Kibbie presiding.

Prayer was offered by Pastor Joseph Baring of the Payne AME Church in Waterloo, Iowa. He was the guest of Senator Dotzler.

The Journal of Tuesday, April 22, 2008, was approved.

INTRODUCTION OF RESOLUTION

Senate Resolution 163, by Courtney and Angelo, a resolution recognizing May 2008 as Huntington's Disease Awareness Month.

Read first time and referred to committee on **Rules and Administration**.

SPECIAL GUESTS

Senators Boettger and Beall introduced to the chamber Gabriel Torwua and Tsegba Ternga, two Nigerian political leaders who were visiting Iowa as guests of the IRIS program.

The Senate rose and expressed its welcome.

Senator Black welcomed to the chamber the Honorable Bob Anderson, former state senator from Newton. He served as President of the Senate and as Lieutenant Governor of the state of Iowa.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:02 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:05 a.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 163, a resolution recognizing May 2008 as Huntington's Disease Awareness Month.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Ragan, and Ziemann. Nays, none. Absent, 2: Dvorsky and Lundby.

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 163.

Senate Resolution 163

On motion of Senator Courtney, **Senate Resolution 163**, a resolution recognizing May 2008 as Huntington's Disease Awareness Month, with report of committee recommending passage, was taken up for consideration.

Senator Courtney moved the adoption of Senate Resolution 163, which motion prevailed by a voice vote.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2539

Senator Hatch called up for consideration **House File 2539**, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision, amended by the Senate and further amended by the House in House amendment S-5414 to Senate amendment H-8439, filed April 22, 2008.

Senator Hatch moved that the Senate concur in the House amendment to the Senate amendment, and requested that the senators vote "No."

The motion prevailed by a voice vote and the Senate **refused to concur** in the House amendment.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2539** be **immediately messaged** to the House.

The Senate stood at ease at 9:18 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 10:07 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Angelo, Houser, and McKibben, until they arrive, on request of Senator Wieck.

HOUSE AMENDMENT CONSIDERED

Senate File 2400

Senator Danielson called up for consideration **Senate File 2400**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date, amended by the House in House amendment S-5330, filed April 14, 2008.

Senator Danielson offered amendment S-5413, filed by him on April 22, 2008, to page 1 and to the title provisions of House amendment S-5330.

Senator Wieck asked and received unanimous consent that action on amendment S-5413 to House amendment S-5330, amendment S-5330, and **Senate File 2400** be **deferred**.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2429.

Senate File 2429

On motion of Senator Hancock, **Senate File 2429**, a bill for an act relating to budget requirements by certain small cities and providing an effective date, was taken up for consideration.

Senator Hancock 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. 2429), the vote was:

Yeas, 47:

Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour

Boettger	Hancock	McKinley	Stewart
Bolkcom	Hartsuch	Mulder	Ward
Connolly	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Danielson	Hogg	Putney	Wood
Dearden	Horn	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 3:

Angelo	Houser	McKibben
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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 2429** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:18 a.m. until the completion of a meeting of the committee on Government Oversight.

RECONVENED

The Senate reconvened at 10:33 a.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 158

Senator Behn asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 158
 2 By: Committee on Rules and Administration
 3 A resolution to commemorate the retirement of
 4 Senator E. Thurman Gaskill from the Senate.
 5 WHEREAS, Senator Gaskill has announced his

6 retirement from the Iowa Senate, having served three
7 terms; and

8 WHEREAS, Senator Gaskill brought his love of
9 farming to the Iowa Senate in 1998, beginning his
10 service in a 1998 special election, first serving as
11 the Vice-chairperson of the Committee on Agriculture
12 and also at that time serving on the Committees on
13 Education, Natural Resources, and Local Government,
14 and on the Administration and Regulation
15 Appropriations Subcommittee; and

16 WHEREAS, in the following years Senator Gaskill has
17 chaired the Committees on Agriculture and Local
18 Government, and the Agriculture and Natural Resources
19 Appropriations Subcommittee, and has served as an
20 assistant Republican floor leader, and also served as
21 a member of the Committees on Appropriations, Small
22 Business, Economic Development and Tourism, Human
23 Resources, Judiciary, Rules and Administration, and
24 State Government; and

25 WHEREAS, Senator Gaskill's public service extends
26 beyond the Senate, having served as a Commissioner
27 with the Iowa Department of Natural Resources and also
28 with the Iowa Department of Economic Development,
29 currently serving as an ex officio member on the
30 Economic Development Board; and

Page 2

1 WHEREAS, Senator Gaskill is a past president of the
2 Iowa Corn Growers Association, and the National Corn
3 Growers Association, as well as a former Chairman of
4 the United States Feed Grains Council and the Iowa
5 Corn Growers Promotion Board during which time
6 producer funding initiated the birth of the ethanol
7 industry, and has held appointive positions in the
8 United States Department of Agriculture, has spoken on
9 behalf of United States agriculture at world food
10 conferences in Lima, Peru, and Tokyo, Japan, and has
11 served in numerous other agriculture positions; NOW
12 THEREFORE,

13 BE IT RESOLVED BY THE SENATE, That the Senate
14 thanks Senator E. Thurman Gaskill for his work in the
15 Iowa Senate, and for his years of public service in
16 promoting Iowa and Iowa agriculture; and
17 BE IT FURTHER RESOLVED, That the Secretary of the
18 Senate is directed to prepare an official copy of this
19 resolution for presentation to Senator Gaskill.

Senator Gaskill addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Gaskill.

Senator Behn moved the adoption of Senate Resolution 158, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senate Resolution 156

Senator Gaskill asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 156
2 By: Committee on Rules and Administration
3 A resolution to thank Senator John Putney for his
4 service in the Iowa Senate.
5 WHEREAS, Senator John Putney first entered the
6 Senate in 2003 at the convening of the 80th General
7 Assembly; and
8 WHEREAS, during his term of service, Senator Putney
9 served as a Republican assistant leader and as
10 Republican whip while in the minority and while an
11 equal number of members of each party served in the
12 Senate; and
13 WHEREAS, Senator Putney served as Co-chairperson
14 for both the Committee on Transportation and the
15 Administration and Regulation Appropriations
16 Subcommittee; and
17 WHEREAS, in six years Senator Putney has worked in
18 a wide variety of areas, serving as a member of the
19 Committee on Agriculture, the Committee on
20 Appropriations, the Committee on Commerce, the
21 Committee on Economic Growth, the Committee on Ethics,
22 the Committee on Judiciary, the Committee on Local
23 Government, the Committee on Natural Resources and the
24 Environment, the Committee on Rules and
25 Administration, and a variety of appropriations
26 subcommittees; and
27 WHEREAS, Senator Putney is best known as a
28 dedicated Iowa farmer who bred, raised, and exhibited
29 cattle nationwide, and since 1993 has served as
30 Executive Director of the Iowa State Fair Blue Ribbon

Page 2

1 Foundation, dedicating himself to the renovation and
2 preservation of the Iowa State Fairgrounds; NOW
3 THEREFORE,
4 BE IT RESOLVED BY THE SENATE, That the Senate
5 thanks Senator John Putney for his work in the Iowa

6 Senate, and for his years of public service in making
 7 Iowa a better place to live and grow; and
 8 BE IT FURTHER RESOLVED, That the Secretary of the
 9 Senate is directed to prepare an official copy of this
 10 resolution for presentation to Senator Putney.

Senator Putney addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Putney.

Senator Gaskill moved the adoption of Senate Resolution 156,
 which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 155

Senator Gronstal asked and received unanimous consent to take
 up the following resolution:

1 SENATE RESOLUTION 155
 2 By: Committee on Rules and Administration
 3 A resolution to recognize the 30-year legislative
 4 career of Senator Michael Connolly.
 5 WHEREAS, Senator Michael Connolly, a young high
 6 school teacher from Dubuque, was first elected to the
 7 House of Representatives in 1978; and
 8 WHEREAS, while a member of the House of
 9 Representatives, he chaired the Committees on Economic
 10 Development, Finance, and Transportation; and
 11 WHEREAS, in his 18 years in the Senate, Senator
 12 Connolly has been active in many legislative areas,
 13 serving as assistant Democratic leader, and chairing
 14 the Committees on Education, State Government, and the
 15 Administrative Rules Review Committee, serving as
 16 Vice-chairperson of the Committees on Government
 17 Oversight and Transportation, and serving on the
 18 Committees on Business and Labor Relations, Human
 19 Resources, Ways and Means, Ethics, Rules and
 20 Administration, and a number of appropriations
 21 subcommittees; and
 22 WHEREAS, in addition to his service in the Senate,
 23 Senator Connolly has served on the IPERS Investment
 24 Board and the Public Retirement Systems Committee, has
 25 been both chair and board member of the Dubuque United
 26 Way, and has served as a member of a variety of local
 27 civil organizations; and
 28 WHEREAS, throughout his long public career Senator

29 Connolly combined an affable and sincere personality
30 with a public zeal for excellence in education and

Page 2

1 efficiency in government; NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Senate
3 recognizes Senator Michael Connolly for three decades
4 of legislative service and dedication to the public
5 good, and wishes him and his family well in the
6 decades to come; and
7 BE IT FURTHER RESOLVED, That the Secretary of the
8 Senate is directed to prepare an official copy of this
9 resolution for presentation to Senator Connolly.

Senator Connolly addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Connolly.

Senator Gronstal offered amendment S-5402, filed by Senator Gronstal, et al., on April 22, 2008, to page 2 of the resolution.

Senator Gronstal withdrew amendment S-5402.

Senator Gronstal moved the adoption of Senate Resolution 155, which motion prevailed by a voice vote.

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 April 23, 2008, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2222, a bill for an act relating to payment of wages.

Senate File 2422, a bill for an act relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs, authorizing repayment of audit expenses to the auditor of state, and providing an effective date and applicability provision.

ALSO: That the House has on April 23, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2699, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and providing effective dates.

Read first time and referred to committee on **Appropriations**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:04 p.m. until 2:00 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Velva D. Shea, Remsen—For celebrating her 85th birthday. Senator Wieck (4/23/08).

Gabriel Torwua Suswam, Executive Governor, Benue State of Nigeria—For being a distinguished guest of the people of Iowa. Senator Beall (4/23/08).

Tsegba Ternga, Nigeria—For representing the Nigerian Federal House of Representatives as a guest of the people of Iowa. Senator Beall (4/23/08).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: April 23, 2008, 10:18 a.m.

Members Present: Courtney, Chair; Connolly, Vice Chair; Ward, Ranking Member; Lundby and Schmitz.

Members Absent: None.

Committee Business: Approved SSB 3293.

Adjourned: 10:30 a.m.

RULES AND ADMINISTRATION

Convened: April 23, 2008, 9:02 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Courtney, Danielson, Dearden, Ragan, and Ziemann.

Members Absent: Dvorsky and Lundby (both excused).

Committee Business: Approved SR 163.

Adjourned: 9:05 a.m.

INTRODUCTION OF BILL

Senate File 2430, by committee on Appropriations, a bill for an act relating to economic development by creating a community

microenterprise development organization grant program, a microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual development accounts and making appropriations, and including effective and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Appropriations calendar.**

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: HOUSE FILE 2688, a bill for an act providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, providing for implementation, and including applicability and effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Fraise, Rielly, Johnson, Appel, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPROPRIATIONS

Bill Title: SENATE FILE 2430* (SSB 3301), a bill for an act relating to economic development by creating a community microenterprise development organization grant program, a microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual development accounts and making appropriations, and including effective and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 22: Dvorsky, McCoy, Kettering, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Johnson, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 3: Angelo, Gaskill, and Putney.

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 Appropriations Committee on Senate File 2430, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 2674, a bill for an act concerning appropriations to the office of grants enterprise management and including an effective date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 20: Dvorsky, McCoy, Kettering, Black, Boettger, Bolkcom, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 5: Angelo, Behn, Connolly, Danielson, and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2694, a bill for an act relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 20: Dvorsky, McCoy, Kettering, Black, Boettger, Bolkcom, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 5: Angelo, Behn, Connolly, Danielson, and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 22, 2008, when the votes were taken on House Files 2685 and 2673. Had I been present, I would have voted "Yea" on both. Also, I was absent when the vote was taken on Senate File 2417. Had I been present, I would have voted "Nay." Also, I was absent when the vote was taken on amendment S-5412 to House File 2660. Had been present, I would have voted "Yea." Also, I was absent when the vote was taken on House File 2660. Had I been present, I would have voted "Nay."

JOHN PUTNEY

AFTERNOON SESSION

The Senate reconvened at 2:42 p.m., President Kibbie presiding.

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 April 23, 2008, **insisted on its amendment to House File 2539**, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision. The conference committee members on the part of the House are: The Representative from Story, Representative Heddens, Chair; the Representative from Polk, Representative Abdul-Samad; the Representative from Henry, Representative Heaton; the Representative from Marshall, Representative Smith; and the Representative from Hancock, Representative Upmeyer.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2539** on the part of the Senate: Senators Hatch, Chair; Bolkcom, Ragan, Johnson, and Seymour.

The Senate stood at ease at 2:45 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:10 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration House File 901.

House File 901

On motion of Senator Dotzler, **House File 901**, a bill for an act concerning the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler offered amendment S-5418, filed by him from the floor striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5418 was adopted by a voice vote.

With the adoption of amendment S-5418, the Chair ruled amendment S-3513, filed by Senator Dotzler on April 27, 2007, to page 1 and to the title page of the bill, out of order.

Senator Dotzler 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?" (H.F. 901), the vote was:

Yeas, 36:

Appel	Dvorsky	Kibbie	Rielly
Beall	Fraise	Lundby	Schmitz
Black	Gaskill	McCoy	Schoenjahn
Bolkcom	Gronstal	Mulder	Seng
Connolly	Hancock	Noble	Stewart
Courtney	Hatch	Olive	Ward
Danielson	Heckroth	Putney	Warnstadt
Dearden	Hogg	Quirnbach	Wood
Dotzler	Horn	Ragan	Zieman

Nays, 12:

Behn	Hartsuch	Kreiman	Seymour
Boettger	Johnson	McKibben	Wieck
Hahn	Kettering	McKinley	Zaun

Absent, 2:

Angelo	Houser
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration House File 2694.

House File 2694

On motion of Senator Warnstadt, **House File 2694**, a bill for an act relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt 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?" (H.F. 2694), the vote was:

Yeas, 48:

Appel	Fraise	Kibbie	Rielly
Beall	Gaskill	Kreiman	Schmitz
Behn	Gronstal	Lundby	Schoenjahn
Black	Hahn	McCoy	Seng
Boettger	Hancock	McKibben	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Connolly	Hatch	Mulder	Ward
Courtney	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Angelo	Houser
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **House Files 901** and **2694** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration House File 2674 and Senate File 2430.

House File 2674

On motion of Senator Hogg, **House File 2674**, a bill for an act concerning appropriations to the office of grants enterprise management and including an effective date provision, with report of committee recommending passage, was taken up for consideration.

Senator Hogg 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?" (H.F. 2674), the vote was:

Yeas, 48:

Appel	Fraise	Kibbie	Rielly
Beall	Gaskill	Kreiman	Schmitz
Behn	Gronstal	Lundby	Schoenjahn
Black	Hahn	McCoy	Seng
Boettger	Hancock	McKibben	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Connolly	Hatch	Mulder	Ward
Courtney	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Angelo Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2430

On motion of Senator Dotzler, **Senate File 2430**, a bill for an act relating to economic development by creating a community microenterprise development organization grant program, a microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual development accounts and making appropriations, and including effective and retroactive applicability provisions, was taken up for consideration.

Senator Dotzler offered amendment S-5421, filed by him from the floor to page 5 of the bill, and moved its adoption.

Amendment S-5421 was adopted by a voice vote.

Senator Dotzler 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. 2430), the vote was:

Yeas, 48:

Appel	Fraise	Kibbie	Rielly
Beall	Gaskill	Kreiman	Schmitz
Behn	Gronstal	Lundby	Schoenjahn
Black	Hahn	McCoy	Seng
Boettger	Hancock	McKibben	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Connolly	Hatch	Mulder	Ward
Courtney	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Angelo

Houser

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 2430** and **House File 2674** be **immediately messaged** to the House.

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 April 23, 2008, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2418, a bill for an act relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

Senate File 2419, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

ALSO: That the House has on April 23, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2672, a bill for an act relating to water use permit fees, creating a new water use permit fund, and making appropriations.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on April 23, 2008, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 2413, a bill for an act relating to requests and applications submitted by school districts to the school budget review committee concerning school district finances. (S-5428)

Senate File 2415, a bill for an act allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy. (S-5423)

RECESS

On motion of Senator Gronstal, the Senate recessed at 5:15 p.m. until the completion of a meeting of the committee on Appropriations.

RECONVENED

The Senate reconvened at 5:50 p.m., President Kibbie presiding.

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 April 14, 2008, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2216, a bill for an act 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. (S-5430)

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Lundby and McKibben, until they return, on request of Senator Wieck.

BUSINESS PENDING

Senate File 2400

The Senate resumed consideration of **Senate File 2400**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date, amendment S-5413 to amendment S-5330, and amendment S-5330, previously deferred.

Senator Danielson offered amendment S-5422, filed by him from the floor to pages 1, 3, 7, and 12 of amendment S-5413.

The Senate stood at ease at 5:55 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 6:22 p.m., President Kibbie presiding.

The Senate resumed consideration of amendment S-5422 (to amendment S-5413).

Senator Danielson moved the adoption of amendment S-5422.

Amendment S-5422 was adopted by a voice vote.

Senator Danielson moved the adoption of amendment S-5413, as amended.

Amendment S-5413 was adopted by a voice vote.

Senator Danielson moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Danielson moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last

time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2400), the vote was:

Yeas, 28:

Appel	Dearden	Hogg	Rielly
Beall	Dotzler	Horn	Schmitz
Black	Dvorsky	Kibbie	Schoenjahn
Bolkcom	Fraise	McCoy	Seng
Connolly	Gronstal	Olive	Stewart
Courtney	Hatch	Quirnbach	Warnstadt
Danielson	Heckroth	Ragan	Wood

Nays, 19:

Angelo	Hancock	McKinley	Ward
Behn	Hartsuch	Mulder	Wieck
Boettger	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	Zieman
Hahn	Kreiman	Seymour	

Absent, 3:

Houser	Lundby	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2400** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2406

Senator Gronstal called up for consideration **Senate File 2406**, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions, amended by the House in House amendment S-5410, filed April 22, 2008.

Senator Gronstal offered amendment S-5419, filed by him from the floor to page 1 of House amendment S-5410, and moved its adoption.

Amendment S-5419 was adopted by a voice vote.

Senator Gronstal moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Gronstal moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2406), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kettering	Schmitz
Appel	Fraise	Kibbie	Schoenjahn
Beall	Gaskill	Kreiman	Seng
Behn	Gronstal	McCoy	Seymour
Black	Hahn	McKinley	Stewart
Boettger	Hancock	Mulder	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Connolly	Hatch	Olive	Wieck
Courtney	Heckroth	Putney	Wood
Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	Zieman
Dotzler	Johnson	Rielly	

Nays, none.

Absent, 3:

Houser	Lundby	McKibben
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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 2406** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 2672, a bill for an act relating to water use permit fees, creating a new water use permit fund, and making appropriations.

Recommendation: DO PASS.

Final Vote: Ayes, 23: Dvorsky, McCoy, Kettering, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 2: Angelo and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2672.

House File 2672

On motion of Senator Hogg, **House File 2672**, a bill for an act relating to water use permit fees, creating a new water use permit fund, and making appropriations, with report of committee recommending passage, was taken up for consideration.

Senator Hogg 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?” (H.F. 2672), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kettering	Schmitz
Appel	Fraise	Kibbie	Schoenjahn
Beall	Gaskill	Kreiman	Seng
Behn	Gronstal	McCoy	Seymour
Black	Hahn	McKinley	Stewart
Boettger	Hancock	Mulder	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Connolly	Hatch	Olive	Wieck
Courtney	Heckroth	Putney	Wood
Danielson	Hogg	Quirnbach	Zaun

Dearden
Dotzler

Horn
Johnson

Ragan
Rielly

Zieman

Nays, none.

Absent, 3:

Houser

Lundby

McKibben

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 **House File 2672** be **immediately messaged** to the House.

The Senate stood at ease at 6:45 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:27 p.m., President Kibbie presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2679.

House File 2679

On motion of Senator Wood, **House File 2679**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Wood offered amendment S-5431, filed by him from the floor to pages 2-4, 7, 12-14, 16, 17, 22-26, 30, 37, 40, 48-50, 52, 58, 61, and 62 of the bill.

Senator Wood asked and received unanimous consent that action on amendment S-5431 be deferred.

Senator McKinley offered amendment S-5424, filed by him from the floor to page 13 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5424 be adopted?" (H.F. 2679), the vote was:

Yeas, 17:

Angelo	Hartsuch	Noble	Zaun
Behn	Johnson	Putney	Zieman
Boettger	Kettering	Seymour	
Gaskill	McKinley	Ward	
Hahn	Mulder	Wieck	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, 2:

Houser	McKibben
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Amendment S-5424 lost.

Senator Zaun offered amendment S-5420, filed by Senators Zaun and Mulder from the floor to page 27 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5420 be adopted?” (H.F. 2679), the vote was:

Yeas, 17:

Angelo	Hartsuch	Noble	Zaun
Behn	Johnson	Putney	Zieman
Boettger	Kettering	Seymour	
Gaskill	McKinley	Ward	
Hahn	Mulder	Wieck	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, 2:

Houser	McKibben
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Amendment S–5420 lost.

Senator McKinley offered amendment S–5429, filed by him from the floor to page 28 of the bill, and moved its adoption.

Amendment S–5429 lost by a voice vote.

Senator McKinley offered amendment S–5425, filed by Senators Zaun and McKinley from the floor to page 38 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5425 be adopted?” (H.F. 2679), the vote was:

Yeas, 18:

Angelo	Hartsuch	Mulder	Wieck
Behn	Johnson	Noble	Zaun
Boettger	Kettering	Putney	Zieman
Gaskill	Lundby	Seymour	
Hahn	McKinley	Ward	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 2:

Houser McKibben

Amendment S-5425 lost.

Senator Zaun offered amendment S-5426, filed by him from the floor to page 38 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5426 be adopted?" (H.F. 2679), the vote was:

Yeas, 19:

Angelo	Hancock	Mulder	Ward
Behn	Hartsuch	Noble	Wieck
Boettger	Johnson	Putney	Zaun
Gaskill	Kettering	Schoenjahn	Zieman
Hahn	McKinley	Seymour	

Nays, 29:

Appel	Dotzler	Kibbie	Schmitz
Beall	Dvorsky	Kreiman	Seng
Black	Fraise	Lundby	Stewart
Bolkcom	Gronstal	McCoy	Warnstadt
Connolly	Hatch	Olive	Wood
Courtney	Heckroth	Quirmbach	
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Absent, 2:

Houser McKibben

Amendment S-5426 lost.

Senator Zaun offered amendment S-5427, filed by him from the floor to page 38 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5427 be adopted?" (H.F. 2679), the vote was:

Yeas, 22:

Angelo	Hahn	McKinley	Ward
Beall	Hancock	Mulder	Wieck
Behn	Hartsuch	Noble	Zaun
Black	Johnson	Putney	Zieman
Boettger	Kettering	Seng	
Gaskill	Lundby	Seymour	

Nays, 26:

Appel	Dvorsky	Kibbie	Schmitz
Bolkcom	Fraise	Kreiman	Schoenjahn
Connolly	Gronstal	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	Wood
Dearden	Hogg	Ragan	
Dotzler	Horn	Rielly	

Absent, 2:

Houser	McKibben
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Amendment S-5427 lost.

Senator Putney asked and received unanimous consent to withdraw amendment S-5417, filed by Senator Putney, et al., from the floor to page 62 of the bill.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Gaskill and Putney, until they return, on request of Senator Wieck.

BUSINESS PENDING

House File 2679

The Senate resumed consideration of **House File 2679**.

Senator Angelo offered amendment S-5432, filed by him from the floor to page 62 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5432 be adopted?" (H.F. 2679), the vote was:

Yeas, 16:

Angelo	Hartsuch	McKinley	Ward
Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Zaun
Hahn	Lundby	Seymour	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 4:

Gaskill	Houser	McKibben	Putney
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Amendment S-5432 lost.

The Senate resumed consideration of amendment S-5431, previously deferred.

Senator Zieman offered amendment S-5435, filed by him from the floor to page 2 of amendment S-5431, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5435 be adopted?" (H.F. 2679), the vote was:

Yeas, 16:

Angelo	Hartsuch	McKinley	Ward
Behn	Johnson	Mulder	Wieck

Boettger	Kettering	Noble	Zaun
Hahn	Lundby	Seymour	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 4:

Gaskill	Houser	McKibben	Putney
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Amendment S-5435 lost.

Senator Behn offered amendment S-5434, filed by him from the floor to page 4 of amendment S-5431.

Senator Zaun asked and received unanimous consent that action on amendment S-5434 be deferred.

Senator Dvorsky offered amendment S-5436, filed by him from the floor to page 3 of amendment S-5431, and moved its adoption.

Amendment S-5436 was adopted by a voice vote.

Senator McKinley offered amendment S-5437, filed by him from the floor to pages 10 and 11 of amendment S-5431, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 14, nays 27.

Amendment S-5437 lost.

The Senate resumed consideration of amendment S-5434 to amendment S-5431, previously deferred.

Senator Behn moved the adoption of amendment S-5434.

A record roll call was requested.

On the question "Shall amendment S-5434 be adopted?" (H.F. 2679), the vote was:

Yeas, 15:

Angelo	Hartsuch	Mulder	Wieck
Behn	Johnson	Noble	Zaun
Boettger	Kettering	Seymour	Zieman
Hahn	McKinley	Ward	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, 4:

Gaskill	Houser	McKibben	Putney
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Amendment S-5434 lost.

Senator Wood offered amendment S-5438, filed by him from the floor to page 1 of amendment S-5431, and moved its adoption.

Amendment S-5438 was adopted by a voice vote.

Senator Wood moved the adoption of amendment S-5431, as amended.

Amendment S-5431 was adopted by a voice vote.

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?" (H.F. 2679), the vote was:

Yeas, 34:

Appel	Dotzler	Kibbie	Schmitz
Beall	Dvorsky	Kreiman	Schoenjahn
Black	Fraise	Lundby	Seng
Boettger	Gronstal	McCoy	Seymour
Bolkcom	Hancock	Mulder	Stewart
Connolly	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirnbach	Wood
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Nays, 12:

Angelo	Hartsuch	McKinley	Wieck
Behn	Johnson	Noble	Zaun
Hahn	Kettering	Ward	Zieman

Absent, 4:

Gaskill	Houser	McKibben	Putney
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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 **House File 2679** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2688.

House File 2688

On motion of Senator Courtney, **House File 2688**, a bill for an act providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, providing for implementation, and including applicability and effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Connolly took the chair at 9:15 p.m.

The Senate stood at ease at 9:20 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 9:28 p.m., Senator Connolly presiding.

Senator Kibbie offered amendment S-5397, filed by Senators Kibbie and Houser on April 22, 2008, to pages 1, 2, 5, 7, and 8 of the bill.

Senator McKinley withdrew amendment S-5406, filed by Senators McKinley and Behn on April 22, 2008, to pages 1 and 2 of amendment S-5397.

Senator Kibbie moved the adoption of amendment S-5397.

Amendment S-5397 was adopted by a voice vote.

Senator Quirnbach offered amendment S-5415, filed by Senator Quirnbach, et al., from the floor to pages 4 and 5 of the bill.

Senator Quirnbach offered amendment S-5433, filed by him from the floor to page 1 of amendment S-5415, and moved its adoption.

Amendment S-5433 was adopted by a voice vote.

Senator Quirnbach moved the adoption of amendment S-5415, as amended.

Amendment S-5415 was adopted by a voice vote.

Senator Bolcom offered amendment S-5403, filed by Senators Hogg and Lundby on April 22, 2008, to page 7 of the bill, and moved its adoption.

Amendment S-5403 lost by a voice vote.

Senator Courtney 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?" (H.F. 2688), the vote was:

Yeas, 29:

Angelo	Gronstal	Kibbie	Seng
Appel	Hahn	Kreiman	Stewart
Behn	Hancock	Lundby	Wieck
Black	Hartsuch	McKinley	Wood
Boettger	Heckroth	Mulder	Zieman
Courtney	Horn	Olive	
Dearden	Johnson	Rielly	
Fraise	Kettering	Schoenjahn	

Nays, 17:

Beall	Dvorsky	Quirmbach	Warnstadt
Bolkcom	Hatch	Ragan	Zaun
Connolly	Hogg	Schmitz	
Danielson	McCoy	Seymour	
Dotzler	Noble	Ward	

Absent, 4:

Gaskill	Houser	McKibben	Putney
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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 **House File 2688** be **immediately messaged** to the House.

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 April 23, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2690, a bill for an act relating to student loans, including the protection of students and parents from certain lenders and institutions of higher education with conflicts of interest, establishing a student lending education fund, establishing penalties, and providing for properly related matters, and including an effective date.

Read first time and referred to committee on **Government Oversight**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:54 p.m. until 10:00 a.m., Thursday, April 24, 2008.

APPENDIX—2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Richard and Judy Bennett—For celebrating their 50th wedding anniversary. Senator Gronstal (4/23/08).

Alex Debner—For achieving the rank of Eagle Scout. Senator Schoenjahn (4/23/08).

Jerry and Emma Driver—For celebrating their 50th anniversary. Senator Gronstal (4/23/08).

Nancy Gardner, West Liberty—For being named 2008 Iowa Elementary Principal of the Year. Senator Hahn (4/23/08).

INTRODUCTION OF BILL

Senate File 2431, by committee on Government Oversight, a bill for an act relating to student loans, including the protection of students and parents from certain lenders and institutions of higher education with conflicts of interest, establishing a student lending education fund, establishing penalties, and providing for properly related matters, and including an effective date.

Read first time under Rule 28 and **placed on calendar**.

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 2699, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and providing effective dates.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Dvorsky, McCoy, Black, Bolkom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hogg, Putney, Ragan, Seng, Ward, Warnstadt, and Wood. Nays, 6: Kettering, Behn, Boettger, Hahn, Johnson, and Seymour. Present, 1: Hancock. Absent, 2: Angelo and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNMENT OVERSIGHT

Bill Title: SENATE FILE 2431* (SSB 3293), a bill for an act relating to student loans, including the protection of students and parents from certain lenders and institutions of higher education with conflicts of interest, establishing a student lending education fund, establishing penalties, and providing for properly related matters, and including an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Courtney, Connolly, Ward, Lundby, and Schmitz. 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 Government Oversight Committee on Senate File 2431, and they were attached to the committee report.

AMENDMENTS FILED

S-5415	H.F.	2688	Herman C. Quirmbach Robert E. Dvorsky Jeff Danielson Daryl Beall Joe Bolkcom Thomas G. Courtney
S-5416	S.F.	2412	Amanda Ragan
S-5417	H.F.	2679	John Putney E. Thurman Gaskill Jerry Behn Ron Wieck Nancy J. Boettger David L. Hartsuch Pat Ward Dave Mulder Paul McKinley Steve Kettering James F. Hahn
S-5418	H.F.	901	William Dotzler
S-5419	S.F.	2406	Michael E. Gronstal
S-5420	H.F.	2679	Brad Zaun Dave Mulder
S-5421	S.F.	2430	William Dotzler
S-5422	S.F.	2400	Jeff Danielson

S-5423	S.F.	2415	House
S-5424	H.F.	2679	Paul McKinley
S-5425	H.F.	2679	Brad Zaun Paul McKinley
S-5426	H.F.	2679	Brad Zaun
S-5427	H.F.	2679	Brad Zaun
S-5428	S.F.	2413	House
S-5429	H.F.	2679	Paul McKinley
S-5430	S.F.	2216	House
S-5431	H.F.	2679	Frank B. Wood
S-5432	H.F.	2679	Jeff Angelo
S-5433	H.F.	2688	Herman C. Quirmbach
S-5434	H.F.	2679	Jerry Behn
S-5435	H.F.	2679	Mark Ziemann
S-5436	H.F.	2679	Robert E. Dvorsky
S-5437	H.F.	2679	Paul McKinley
S-5438	H.F.	2679	Frank B. Wood

JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY
SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 24, 2008

The Senate met in regular session at 10:15 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa, and the Honorable Dave Mulder, member of the Senate from Sioux County, Sioux Center, Iowa.

The Journal of Wednesday, April 23, 2008, was approved.

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 April 23, 2008, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2427, a bill for an act prohibiting certain lobbying activities of state agencies and providing a penalty.

ALSO: That the House has on April 23, 2008, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2669, a bill for an act relating to the collection and recycling of mercury-added thermostats.

ALSO: That the House has on April 23, 2008, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2428, a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable. (S-5439)

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKibben, for the day, and Senators Houser and Lundby, until they arrive, on request of Senator Wieck; and Senator Hogg, until he arrives, on request of Senator Gronstal.

HOUSE AMENDMENT CONSIDERED

Senate File 2216

Senator Schoenjahn called up for consideration **Senate File 2216**, a bill for an act 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, amended by the House in House amendment S-5430, filed April 23, 2008.

The Senate stood at ease at 10:31 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 11:35 a.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2216 and House amendment S-5430.

Senator Schoenjahn moved that the Senate concur in the House amendment, and requested that the senators vote "No."

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 2216), the vote was:

Yeas, 18:

Angelo	Hartsuch	Mulder	Wieck
Behn	Johnson	Noble	Zaun
Boettger	Kettering	Putney	Zieman
Gaskill	Kreiman	Seymour	
Hahn	McKinley	Ward	

Nays, 28:

Appel	Dearden	Heckroth	Rielly
Beall	Dotzler	Horn	Schmitz
Black	Dvorsky	Kibbie	Schoenjahn
Bolkcom	Fraise	McCoy	Seng
Connolly	Gronstal	Olive	Stewart
Courtney	Hancock	Quirnbach	Warnstadt
Danielson	Hatch	Ragan	Wood

Absent, 4:

Hogg	Houser	Lundby	McKibben
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The motion failed and the Senate **refused to concur** in the House amendment.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2216** be **immediately messaged** to the House.

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 April 24, 2008, **passed** the following bill in which the concurrence of the House was asked:

House File 901, a bill for an act concerning the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit and providing for fees.

ALSO: That the House has on April 24, 2008, **concurred in the Senate amendment to the House amendment and passed** the following bill in which the concurrence of the House was asked:

Senate File 2406, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions.

ALSO: That the House has on April 24, 2008, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2160, a bill for an act relating to employers' participation in unemployment insurance adjudications. (S-5444)

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Thomas Newton as Director of Public Health, placed on the Individual Confirmation Calendar on January 31, 2008, found on page 153 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 37:

Appel	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	McCoy	Seng
Black	Gaskill	Mulder	Seymour
Boettger	Gronstal	Noble	Stewart
Bolkcom	Hancock	Olive	Ward
Connolly	Hatch	Putney	Warnstadt
Courtney	Heckroth	Quirnbach	Wood
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	
Dotzler	Kibbie	Schmitz	

Nays, 10:

Angelo	Hartsuch	McKinley	Zieman
Behn	Johnson	Wieck	
Hahn	Kettering	Zaun	

Absent, 3:

Houser

Lundby

McKibben

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 2415

Senator Dotzler called up for consideration **Senate File 2415**, a bill for an act allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy, amended by the House in House amendment S-5423, filed April 23, 2008.

Senator Dotzler moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dotzler moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2415), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kettering	Schmitz
Appel	Fraise	Kibbie	Schoenjahn
Beall	Gaskill	Kreiman	Seng
Behn	Gronstal	McCoy	Seymour
Black	Hahn	McKinley	Stewart
Boettger	Hancock	Mulder	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Connolly	Hatch	Olive	Wieck
Courtney	Heckroth	Putney	Wood
Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	Zieman
Dotzler	Johnson	Rielly	

Nays, none.

Absent, 3:

Houser Lundby McKibben

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 2415** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2413

Senator Courtney called up for consideration **Senate File 2413**, a bill for an act relating to requests and applications submitted by school districts to the school budget review committee concerning school district finances, amended by the House in House amendment S-5428, filed April 23, 2008.

Senator Courtney moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Courtney moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2413), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kettering	Schmitz
Appel	Fraise	Kibbie	Schoenjahn
Beall	Gaskill	Kreiman	Seng
Behn	Gronstal	McCoy	Seymour
Black	Hahn	McKinley	Stewart

Boettger	Hancock	Mulder	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Connolly	Hatch	Olive	Wieck
Courtney	Heckroth	Putney	Wood
Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	Zieman
Dotzler	Johnson	Rielly	

Nays, none.

Absent, 3:

Houser	Lundby	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2413** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:10 p.m. until the completion of a meeting of the committee on Government Oversight.

AFTERNOON SESSION

The Senate reconvened at 12:15 p.m., President Kibbie presiding.

QUORUM CALL

Senator McCoy requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent, and a quorum present.

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 April 24, 2008, **refused to concur in the Senate amendment** to the following bill in which the concurrence of the House was asked:

House File 2177, a bill for an act relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2412.

Senate File 2412

On motion of Senator Ragan, **Senate File 2412**, a bill for an act relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing standards for renewable fuel, providing for state purchases of renewable fuel, providing an appropriation, and providing an effective date, was taken up for consideration.

Senator Ragan offered amendment S-5416, filed by her on April 23, 2008, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5416 was adopted by a voice vote.

Senator Ragan asked and received unanimous consent that **House File 2689** be **substituted** for **Senate File 2412**.

House File 2689

On motion of Senator Ragan, **House File 2689**, a bill for an act relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel,

providing standards for renewable fuel, providing for state purchases of renewable fuel, providing an appropriation, and providing an effective date, was taken up for consideration.

(House File 2689 was deferred.)

RECESS

On motion of Senator Hatch, the Senate recessed at 1:00 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:10 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hartsuch, until he returns, on request of Senator Wieck.

BUSINESS PENDING

House File 2689

The Senate resumed consideration of House File 2689.

Senator Ragan offered amendment S-5441, filed by Senator Ragan, et al., from the floor to pages 1, 5-8, 10, 13, 14, 19, and 20 and to the title page of the bill.

Senator Ragan offered amendment S-5445, filed by Senator Ragan, et al., from the floor to page 1 of amendment S-5441.

The Senate stood at ease at 1:10 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:15 p.m., President Kibbie presiding.

The Senate resumed consideration of House File 2689, amendment S-5441, and amendment S-5445 to amendment S-5441.

Senator Ragan moved the adoption of amendment S-5445 to amendment S-5441.

Amendment S-5445 was adopted by a voice vote.

Senator Ragan moved the adoption of amendment S-5441, as amended.

Amendment S-5441 was adopted by a voice vote.

Senator Ragan 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?" (H.F. 2689), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Schmitz
Appel	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lundby	Seng
Behn	Gronstal	McCoy	Seymour
Black	Hahn	McKinley	Stewart
Boettger	Hancock	Mulder	Ward
Bolkcom	Hatch	Noble	Warnstadt
Cannolly	Heckroth	Olive	Wieck
Courtney	Hogg	Putney	Wood
Danielson	Horn	Quirnbach	Zaun
Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	

Nays, none.

Absent, 3:

Hartsuch	Houser	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

WITHDRAWN

Senator Ragan asked and received unanimous consent that **Senate File 2412** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2689** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2367.

House File 2367

On motion of Senator Schmitz, **House File 2367**, a bill for an act relating to the tally of absentee votes by precinct at certain elections, was taken up for consideration.

Senator Schmitz 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?" (H.F. 2367), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kibbie	Schmitz
Appel	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lundby	Seng
Behn	Gronstal	McCoy	Seymour
Black	Hahn	McKinley	Stewart
Boettger	Hancock	Mulder	Ward
Bolkcom	Hatch	Noble	Warnstadt
Connolly	Heckroth	Olive	Wieck
Courtney	Hogg	Putney	Wood
Danielson	Horn	Quirmbach	Zaun
Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	

Nays, none.

Absent, 3:

Hartsuch

Houser

McKibben

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 **House File 2367** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2699.

House File 2699

On motion of Senator Dotzler, **House File 2699**, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky 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?" (H.F. 2699), the vote was:

Yeas, 35:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Lundby	Schoenjahn
Boettger	Gaskill	McCoy	Seng
Bolkcom	Gronstal	Mulder	Stewart
Connolly	Hancock	Olive	Ward
Courtney	Hatch	Putney	Warnstadt

Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Nays, 12:

Angelo	Johnson	McKinley	Wieck
Behn	Kettering	Noble	Zaun
Hahn	Kreiman	Seymour	Zieman

Absent, 3:

Hartsuch	Houser	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2428

Senator Dvorsky called up for consideration **Senate File 2428**, a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable, amended by the House in House amendment S-5439, filed April 24, 2008.

Senator Dvorsky withdrew amendment S-5442, filed by him from the floor to page 1 of House amendment S-5439.

Senator Dvorsky offered amendment S-5443, filed by him from the floor to page 1 of House amendment S-5439, and moved its adoption.

Amendment S-5443 was adopted by a voice vote.

Senator Dvorsky moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Dvorsky moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2428), the vote was:

Yeas, 39:

Angelo	Dotzler	Kibbie	Schmitz
Appel	Dvorsky	Lundby	Schoenjahn
Beall	Fraise	McCoy	Seng
Black	Gaskill	Mulder	Seymour
Boettger	Gronstal	Noble	Stewart
Bolkcom	Hancock	Olive	Ward
Connolly	Hatch	Putney	Warnstadt
Courtney	Heckroth	Quirnbach	Wood
Danielson	Hogg	Ragan	Zaun
Dearden	Horn	Rielly	

Nays, 8:

Behn	Johnson	Kreiman	Wieck
Hahn	Kettering	McKinley	Zieman

Absent, 3:

Hartsuch	Houser	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate File 2428** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: HOUSE FILE 2690, a bill for an act relating to student loans, including the protection of students and parents from certain lenders and institutions of higher education with conflicts of interest, establishing a student lending education fund, establishing penalties, and providing for properly related matters, and including an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 4: Courtney, Connolly, Ward, and Schmitz. Nays, none. Absent, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration House File 2690.

House File 2690

On motion of Senator Courtney, **House File 2690**, a bill for an act relating to student loans, including the protection of students and parents from certain lenders and institutions of higher education with conflicts of interest, establishing a student lending education fund, establishing penalties, and providing for properly related matters, and including an effective date, with report of committee recommending passage, was taken up for consideration.

The Senate stood at ease at 2:55 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:15 p.m., President Kibbie presiding.

The Senate resumed consideration of House File 2690.

Senator Courtney 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?" (H.F. 2690), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kettering	Rielly
Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hatch	Mulder	Ward

Connolly	Heckroth	Noble	Warnstadt
Courtney	Hogg	Olive	Wieck
Danielson	Horn	Putney	Wood
Dearden	Houser	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman

Nays, none.

Absent, 2:

Hartsuch McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 2687*, a bill for an act relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties, and including effective date and retroactive applicability date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5440.

Final Vote: Ayes, 15: Bolcom, McCoy, McKibben, Appel, Connolly, Dotzler, Hogg, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, 2: Angelo and 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 Ways and Means Committee on House File 2687, and they were attached to the committee report.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2687.

House File 2687

On motion of Senator McCoy, **House File 2687**, a bill for an act relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties, and including effective date and retroactive applicability date provisions,

with report of committee recommending passage, was taken up for consideration.

Senator Bolcom offered amendment S-5440, filed by the committee on Ways and Means from the floor to pages 3 and 5-9 and to the title page of the bill, and moved its adoption.

Amendment S-5440 was adopted by a voice vote.

Senator McCoy 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?" (H.F. 2687), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kettering	Rielly
Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKinley	Stewart
Bolcom	Hatch	Mulder	Ward
Connolly	Heckroth	Noble	Warnstadt
Courtney	Hogg	Olive	Wieck
Danielson	Horn	Putney	Wood
Dearden	Houser	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman

Nays, none.

Absent, 2:

Hartsuch McKibben

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 **House Files 2687** and **2690** be **immediately messaged** to the House.

SENATE RECEDES

House File 2177

Senator Dearden called up for consideration, **House File 2177**, a bill for an act relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license, amended by the Senate, and moved that the Senate recede from its amendment.

The motion prevailed by a voice vote, and the Senate **receded** from its amendment.

Senator Dearden 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?" (H.F. 2177), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kettering	Schmitz
Appel	Fraise	Kibbie	Schoenjahn
Beall	Gaskill	Kreiman	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Olive	Wieck
Courtney	Hogg	Putney	Wood
Danielson	Horn	Quirnbach	Zaun
Dearden	Houser	Ragan	Zieman
Dotzler	Johnson	Rielly	

Nays, 1:

Noble

Absent, 2:

Hartsuch	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2160

Senator Courtney called up for consideration **Senate File 2160**, a bill for an act relating to employers' participation in unemployment insurance adjudications, amended by the House in House amendment S-5444, filed April 24, 2008.

Senator Courtney moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Courtney moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2160), the vote was:

Yeas, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Cannolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Nays, 18:

Angelo	Houser	Mulder	Wieck
Behn	Johnson	Noble	Zaun
Boettger	Kettering	Putney	Zieman
Gaskill	Lundby	Seymour	
Hahn	McKinley	Ward	

Absent, 2:

Hartsuch	McKibben
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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 2160** and **House File 2177** be **immediately messaged** to the House.

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 April 24, 2008, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2132, a bill for an act relating to notices regarding the disposition of seized property and providing an effective date. (S-5446)

HOUSE AMENDMENT CONSIDERED

Senate File 2132

Senator Kreiman called up for consideration **Senate File 2132**, a bill for an act relating to notices regarding the disposition of seized property and providing an effective date, amended by the House in House amendment S-5446, filed April 24, 2008.

Senator Kreiman moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Kreiman moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2132), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kettering	Rielly
Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hatch	Mulder	Ward
Connolly	Heckroth	Noble	Warnstadt
Courtney	Hogg	Olive	Wieck
Danielson	Horn	Putney	Wood
Dearden	Houser	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman

Nays, none.

Absent, 2:

Hartsuch McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Dvorsky asked and received unanimous consent that **Senate File 2132** be **immediately messaged** to the House.

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 133, a resolution to recognize April 2008 as Fall Prevention Awareness Month for Older Iowans.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, and Ragan. Nays, none. Absent, 2: Lundby and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 137, a resolution recognizing the 50th anniversary of the Iowa Rose Festival in State Center.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, and Ragan. Nays, none. Absent, 2: Lundby and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 140, a resolution honoring the city of Paullina on its quasiquicentennial anniversary.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, and Ragan. Nays, none. Absent, 2: Lundby and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 149, a resolution honoring the city of Sutherland on its quasiquicentennial anniversary.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, and Ragan. Nays, none. Absent, 2: Lundby and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 152, a resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, and Ragan. Nays, none. Absent, 2: Lundby and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 162, a resolution recognizing May 2008 as Salvation Army Month.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Courtney, Danielson, Dearden, Dvorsky, and Ragan. Nays, none. Absent, 2: Lundby and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Dvorsky asked and received unanimous consent to take up for consideration Senate Resolutions 137, 133, 162, 140, and 149.

Senate Resolution 137

On motion of Senator Wieck, **Senate Resolution 137**, a resolution recognizing the 50th anniversary of the Iowa Rose Festival in State Center, with report of committee recommending passage, was taken up for consideration.

Senator Wieck moved the adoption of Senate Resolution 137, which motion prevailed by a voice vote.

Senate Resolution 133

On motion of Senator Wood, **Senate Resolution 133**, a resolution to recognize April 2008 as Fall Prevention Awareness Month for Older Iowans, with report of committee recommending passage, was taken up for consideration.

Senator Wood moved the adoption of Senate Resolution 133, which motion prevailed by a voice vote.

Senate Resolution 162

On motion of Senator Angelo, **Senate Resolution 162**, a resolution recognizing May 2008 as Salvation Army Month, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved the adoption of Senate Resolution 162, which motion prevailed by a voice vote.

Senate Resolution 140

On motion of Senator Johnson, **Senate Resolution 140**, a resolution honoring the city of Paullina on its quasiquicentennial anniversary, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Resolution 140, which motion prevailed by a voice vote.

Senate Resolution 149

On motion of Senator Johnson, **Senate Resolution 149**, a resolution honoring the city of Sutherland on its quasiquicentennial anniversary, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Resolution 149, which motion prevailed by a voice vote.

RECESS

On motion of Senator Dvorsky, the Senate recessed at 4:12 p.m. until 6:00 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Andrew Nase, Milford—For achieving the rank of Eagle Scout, Boy Scout Troop 170. Senator Johnson (4/24/08).

Roland-Story Chamber Choir—For winning the overall top chorus award at the Music Showcase Festival in St. Louis. Senator Olive (4/24/08).

Erik Vaage, Milford—For achieving the rank of Eagle Scout, Boy Scout Troop 170. Senator Johnson (4/24/08).

Shelby and Connie Whitlow, Muscatine—For celebrating their 50th wedding anniversary. Senator Hahn (4/24/08).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 23, 2008, 1:40 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood.

Members Absent: Angelo and Hatch (both excused).

Committee Business: Passed HFs 2672, 2674, 2694, and 2699.

Recessed: 1:55 p.m.

Reconvened: 5:25 p.m.

Adjourned: 5:50 p.m.

ALSO:

Convened: April 24, 2008, 4:20 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Warnstadt, and Wood.

Members Absent: Ward (excused).

Committee Business: Approved SSB 3303.

Recessed: 4:25 p.m.

Reconvened: 5:00 p.m.

Adjourned: 5:10 p.m.

RULES AND ADMINISTRATION

Convened: April 24, 2008, 1:05 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Angelo, Courtney, Danielson, Dearden, Dvorsky, and Ragan.

Members Absent: Lundby and Zieman (both excused).

Committee Business: Approved SRs 133, 137, 140, 149, 152, and 162.

Adjourned: 1:10 p.m.

STUDY BILLS RECEIVED

SSB 3303 Appropriations

Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions.

SSB 3304 Appropriations

Relating to area health education centers, and providing an appropriation.

SUBCOMMITTEE ASSIGNMENTS

House File 2690

GOVERNMENT OVERSIGHT: Courtney, Chair; Lundby and Schmitz

SSB 3303

APPROPRIATIONS: McCoy, Chair; Dvorsky, Kettering, Putney, and Warnstadt.

SSB 3304

APPROPRIATIONS: Ragan, Chair; Bolkcom and Johnson

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 23, 2008, when the votes were taken on House File 2679, and amendments S-5432, S-5435, and S-5434 thereto. Had I been present, I would have voted "Yea" on all. Also, I was absent when the vote was taken on House File 2688. Had I been present, I would have voted "Yea."

JOHN PUTNEY

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 23, 2008, when the votes were taken on House File 2679, and amendments S-5432, S-5435, and S-5434 thereto. Had I been present, I would have voted "Yea" on all. Also, I was absent when the vote was taken on House File 2688. Had I been present, I would have voted "Yea."

E. THURMAN GASKILL

BILLS 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 bills have 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 24th day of April, 2008:

Senate Files 2161, 2276, 2350, 2354, and 2427.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 24, 2008, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2427 – Prohibiting certain lobbying activities of state agencies and providing a penalty.

EVENING SESSION

The Senate reconvened at 7:20 p.m., President Kibbie presiding.

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 April 24, 2008, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2429, a bill for an act relating to budget requirements by certain small cities and providing an effective date.

ALSO: That the House has on April 24, 2008, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2689, a bill for an act relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing for tax credits, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, and providing for effective dates and applicability.

ALSO: That the House has on April 24, 2008, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2203, a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators. (S-5447)

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Courtney, for the remainder of the day, on request of Senator Gronstal.

HOUSE AMENDMENT CONSIDERED

Senate File 2203

Senator Seng called up for consideration **Senate File 2203**, a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators, amended by the House in House amendment S-5447, filed April 24, 2008.

Senator Seng moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Seng moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2203), the vote was:

Yeas, 47:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKinley	Stewart
Boettger	Hatch	Mulder	Ward
Bolkcom	Heckroth	Noble	Warnstadt
Connolly	Hogg	Olive	Wieck
Danielson	Horn	Putney	Wood
Dearden	Houser	Quirnbach	Zaun
Dotzler	Johnson	Ragan	Zieman
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, 3:

Courtney	Hartsuch	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 8:10 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 8:45 p.m., President Kibbie presiding.

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 April 24, 2008, **amended the Senate amendment, concurred in the Senate amendment as amended, and passed** the following bill in which the concurrence of the Senate is asked:

House File 2679, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions. (S-5448)

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2203** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 2425

A conference committee report, signed by the following Senate and House members, was filed April 24, 2008, on **Senate File 2425**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions:

On the part of the Senate:

JACK HATCH, Chair
JOE BOLKCOM
AMANDA RAGAN

On the part of the House:

RO FOEGE, Chair
ELESHA GAYMAN
MARK SMITH

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 2425

Senator Hatch called up the conference committee report on **Senate File 2425**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, filed on April 24, 2008.

Senator Hatch moved that the Senate adopt the conference committee report and requested that the senators vote "No."

The motion prevailed by a voice vote, and the Senate refused to adopt the conference committee report.

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following **second** conference committee on **Senate File 2425** on the part of the Senate: Senators Hatch, Chair; Bolkcom, Ragan, Johnson, and Seymour.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2425** be **immediately messaged** to the House.

The Senate stood at ease at 8:50 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 8:56 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, for the remainder of the day, on request of Senator Wieck.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2679

Senator Wood called up for consideration **House File 2679**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions, amended by the Senate and further amended by the House in House amendment S-5448 to Senate amendment H-8652, filed April 24, 2008.

Senator Wood moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Wood moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2679), the vote was:

Yeas, 34:

Appel	Dvorsky	Kibbie	Rielly
Beall	Fraise	Kreiman	Schmitz
Black	Gaskill	Lundby	Schoenjahn
Boettger	Gronstal	McCoy	Seng
Bolkcom	Hancock	Mulder	Stewart
Connolly	Hatch	Olive	Warnstadt
Danielson	Heckroth	Putney	Wood
Dearden	Hogg	Quirnbach	
Dotzler	Horn	Ragan	

Nays, 12:

Angelo	Johnson	Noble	Wieck
Behn	Kettering	Seymour	Zaun
Hahn	McKinley	Ward	Zieman

Absent, 4:

Courtney

Hartsuch

Houser

McKibben

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 **House File 2679** be **immediately messaged** to the House.

The Senate stood at ease at 9:04 p.m. until the fall of the gavel.

The Senate resumed session at 11:17 p.m., President Kibbie presiding.

INTRODUCTION OF BILL

Senate File 2432, by committee on Appropriations, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions.

Read first time and **placed on Appropriations calendar**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Seymour, for the remainder of the day, on request of Senator Wieck.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2432* (SSB 3303), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure

fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Dvorsky, McCoy, Boettger, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Ragan, Seng, Warnstadt, and Wood. Nays, 6: Kettering, Angelo, Behn, Bolkom, Johnson, and Seymour. Present, 2: Black and Putney. Absent, 1: Ward.

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 Appropriations Committee on Senate File 2432, and they were attached to the committee report.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2432.

Senate File 2432

On motion of Senator McCoy, **Senate File 2432**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions, was taken up for consideration.

Senator McCoy offered amendment S-5449, filed by him from the floor to pages 6, 9-11, 15, 23, 33-35, 39, 42, and 49 of the bill, and moved its adoption.

Amendment S-5449 was adopted by a voice vote.

Senator McCoy 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. 2432), the vote was:

Yeas, 30:

Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hahn	McCoy	Stewart
Danielson	Hatch	Olive	Warnstadt
Dearden	Heckroth	Quirmbach	Wood
Dotzler	Hogg	Ragan	
Dvorsky	Horn	Rielly	

Nays, 13:

Angelo	Johnson	Noble	Zieman
Behn	Kettering	Ward	
Black	McKinley	Wieck	
Boettger	Mulder	Zaun	

Present, 2:

Hancock	Putney
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Absent, 5:

Courtney	Houser	Seymour
Hartsuch	McKibben	

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 2432** be **immediately messaged** to the House.

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 April 24, 2008, **concurred in the Senate amendment to the House amendment and passed** the following bill in which the concurrence of the House was asked:

Senate File 2428, a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable.

ALSO: That the House has on April 24, 2008 **appointed a second conference committee on Senate File 2425**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. The conference committee members on the part of the House are: The Representative from Linn, Representative Foege, Chair; the Representative from Scott, Representative Gayman; the Representative from Henry, Representative Heaton; the Representative from Polk, Representative Raecker; and the Representative from Marshall, Representative Smith.

SECOND CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 2425

A second conference committee report, signed by the following Senate and House members, was filed April 24, 2008, on **Senate File 2425**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions:

On the part of the Senate:

JACK HATCH, Chair
JOE BOLKCOM
AMANDA RAGAN

On the part of the House:

RO FOEGE, Chair
ELESHA GAYMAN
MARK SMITH

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 2425

Senator Hatch called up the conference committee report on **Senate File 2425**, a bill for an act relating to and making

appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, filed on April 24, 2008, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Hatch 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. 2425), the vote was:

Yeas, 29:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Lundby	Seng
Black	Gronstal	McCoy	Stewart
Bolkcom	Hancock	Olive	Warnstadt
Connolly	Hatch	Quirmbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	
Dotzler	Horn	Schmitz	

Nays, 16:

Angelo	Hahn	McKinley	Ward
Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Zaun
Gaskill	Kreiman	Putney	Zieman

Absent, 5:

Courtney	Houser	Seymour
Hartsuch	McKibben	

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 2425** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:42 p.m. until 10:00 a.m., Friday, April 25, 2008.

APPENDIX—2

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 2699 passed the Senate on April 24, 2008.

MICHAEL E. GRONSTAL

AMENDMENTS FILED

S-5439	S.F.	2428	House
S-5440	H.F.	2687	Ways and Means
S-5441	H.F.	2689	Amanda Ragan Tom Hancock David Johnson Nancy J. Boettger Eugene S. Fraise
S-5442	S.F.	2428	Robert E. Dvorsky
S-5443	S.F.	2428	Robert E. Dvorsky
S-5444	S.F.	2160	House
S-5445	H.F.	2689	Amanda Ragan David Johnson Tom Hancock Nancy J. Boettger Eugene S. Fraise
S-5446	S.F.	2132	House
S-5447	S.F.	2203	House
S-5448	H.F.	2679	House
S-5449	S.F.	2432	Matt McCoy

JOURNAL OF THE SENATE

ONE HUNDRED THIRD CALENDAR DAY
SIXTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 25, 2008

The Senate met in regular session at 10:06 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Roger Stewart, member of the Senate from Jackson County, Preston, Iowa.

The Journal of Thursday, April 24, 2008, was approved.

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 April 24, 2008, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2430, a bill for an act relating to economic development by creating a community microenterprise development organization grant program, a microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual development accounts and making appropriations, and including effective and retroactive applicability provisions.

ALSO: That the House has on April 24, 2008, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2688, a bill for an act providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, providing for

implementation, and including applicability and effective date provisions.

ALSO: That the House has on April 24, 2008, **concurred in the Senate amendment to the House amendment and passed** the following bill in which the concurrence of the House was asked:

Senate File 2400, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 152.

Senate Resolution 152

On motion of Senator Beall, **Senate Resolution 152**, a resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved the adoption of Senate Resolution 152, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Beall introduced to the chamber representatives of the Meskwaki tribe.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 135.

Senate Resolution 135

On motion of Senator Zaun, **Senate Resolution 135**, a resolution welcoming the new Iowa Barnstormers arena football team to Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Zaun moved the adoption of Senate Resolution 135, which motion prevailed by a voice vote.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:29 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:40 a.m., President Kibbie presiding.

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and were thanked by President Kibbie, Senator Gronstal, and Senator Wieck for their service to the Senate.

Certificates of Excellence for serving with honor and distinction as Senate Pages during the 2008 Regular Session of the Eighty-second General Assembly were given to the following:

Raeann Batz, Danny Blanchard, Ann Dvorsky, Emily Ehlers, Christina Gibbons, Rhonda Greenway, Chase Hall, Caslon Hatch, Cassondra Holstad, Michael Palsic, Amy Peyton, Rachel Rivenbark, Zachary Simonson, Zakary Steib, and Cole Unger.

The Senate rose and expressed its appreciation.

The Senate stood at ease at 10:50 a.m. until 11:30 a.m.

The Senate resumed session at 11:39 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:40 a.m. until 1:00 p.m.

RECONVENED

The Senate reconvened at 2:26 p.m., President Kibbie presiding.

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 April 25, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2700, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Appropriations**.

MOTION TO RECONSIDER WITHDRAWN

House File 2647

Senator Gronstal withdrew the motion to reconsider **House File 2647**, a bill for an act relating to and making appropriations to the judicial branch, filed by him on April 10, 2008, and found on page 1044 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2647** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:30 p.m. until the completion of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 5:40 p.m., President Kibbie presiding.

INTRODUCTION OF RESOLUTION

Senate Resolution 164, by Hatch, a resolution thanking those Senators retiring from the Senate for their service to the State of Iowa.

Read first time and **referred to 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 April 25, 2008, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2687, a bill for an act relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties, and including effective date and retroactive applicability date provisions.

ALSO: That the House has on April 25, 2008, **receded from the House amendment to and passed** the following bill in which the concurrence of the House was asked:

Senate File 2216, a bill for an act 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.

ALSO: That the House has on April 25, 2008, **adopted the conference committee report and passed Senate File 2425**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

ALSO: That the House has on April 25, 2008 **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2424, a bill for an act concerning public retirement systems and other employee benefit-related matters, including the

public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates. (S-5451)

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Gaskill, Houser, McKibben, and Mulder, for the remainder of the day, and Zaun, until he returns, on request of Senator Wieck; and Senators Connolly and Courtney, for the remainder of the day, on request of Senator Gronstal.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 164, a resolution thanking those Senators retiring from the Senate for their service to the State of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Kibbie, Wieck, Danielson, Dearden, Dvorsky, Ragan, and Ziemann. Nays, none. Absent, 3: Angelo, Courtney, and Lundby.

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 164.

Senate Resolution 164

On motion of Senator Hatch, **Senate Resolution 164**, a resolution thanking those Senators retiring from the Senate for their service to the State of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Hatch moved the adoption of Senate Resolution 164, which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

Senate File 2424

Senator Gronstal called up for consideration **Senate File 2424**, a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates, amended by the House in House amendment S-5451, filed April 25, 2008.

Senator Gronstal moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Gronstal moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2424), the vote was:

Yeas, 34:

Angelo	Gronstal	Kreiman	Schoenjahn
Beall	Hahn	Lundby	Seng
Black	Hancock	McCoy	Seymour
Bolkcom	Hatch	Olive	Stewart
Danielson	Heckroth	Putney	Warnstadt
Dearden	Hogg	Quirnbach	Wood
Dotzler	Horn	Ragan	Zieman
Dvorsky	Johnson	Rielly	
Fraise	Kibbie	Schmitz	

Nays, 7:

Behn	Hartsuch	McKinley	Wieck
Boettger	Kettering	Ward	

Present, 2:

Appel Noble

Absent, 7:

Connolly Gaskill McKibben Zaun
Courtney Houser Mulder

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 2424** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 5:55 p.m. until 7:25 p.m.

EVENING SESSION

The Senate reconvened at 7:35 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

HOUSE MESSAGES RECEIVED

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 April 23, 2008, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2660, a bill for an act relating to and making appropriations to the justice system.

ALSO: That the House has on April 23, 2008 **concurred in the Senate amendment to the House amendment and passed** the following bill in which the concurrence of the House was asked:

Senate File 2417, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates.

ALSO: That the House has on April 25, 2008, **adopted the conference committee report and passed House File 2539**, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision.

The Senate stood at ease at 7:52 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:06 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED

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 April 10, 2008, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2394, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date.

ALSO: That the House has on April 21, 2008, **concurred in the Senate amendment and passed** the following bill which the concurrence of the House was asked:

House File 2662, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

ALSO: That the House has on April 25, 2008, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2432, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, for the remainder of the day, on request of Senator Wieck.

CONFERENCE COMMITTEE REPORT RECEIVED

House File 2539

A conference committee report, signed by the following Senate and House members, was filed April 25, 2008, on **House File 2539**, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals

under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision:

On the part of the Senate:

JACK HATCH, Chair
JOE BOLKCOM
AMANDA RAGAN
DAVID JOHNSON
JAMES A. SEYMOUR

On the part of the House:

LISA K. HEDDENS, Chair
AKO ABDUL-SAMAD
DAVID HEATON
MARK SMITH
LINDA UPMEYER

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2539

Senator Hatch called up the conference committee report on **House File 2539**, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision, filed on April 25, 2008, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Hatch 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?" (H.F. 2539), the vote was:

Yeas, 37:

Angelo	Gronstal	McCoy	Seymour
Appel	Hahn	Noble	Stewart
Beall	Hancock	Olive	Ward
Black	Hatch	Putney	Warnstadt
Bolkcom	Heckroth	Quirnbach	Wieck
Danielson	Hogg	Ragan	Wood

Dearden	Horn	Rielly	Zieman
Dotzler	Johnson	Schmitz	
Dvorsky	Kibbie	Schoenjahn	
Fraise	Kreiman	Seng	

Nays, 6:

Behn	Hartsuch	McKinley
Boettger	Kettering	Zaun

Absent, 7:

Connolly	Gaskill	Lundby	Mulder
Courtney	Houser	McKibben	

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 **House File 2539** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 2700, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Dvorsky, McCoy, Black, Bolkcom, Connolly, Danielson, Fraise, Gaskill, Hancock, Hatch, Hogg, Putney, Ragan, Seng, Warnstadt, and Wood. Nays, 8: Kettering, Angelo, Behn, Boettger, Hahn, Johnson, Seymour, and Ward. Absent, 1: Dotzler.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2700.

House File 2700

On motion of Senator Dvorsky, **House File 2700**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Zaun offered amendment S-5458, filed by Senator Zaun, et al., from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5458 be adopted?" (H.F. 2700), the vote was:

Yeas, 18:

Angelo	Hartsuch	Olive	Wieck
Behn	Johnson	Putney	Zaun
Boettger	Kettering	Seng	Zieman
Hahn	McKinley	Seymour	
Hancock	Noble	Ward	

Nays, 25:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Stewart
Black	Gronstal	McCoy	Warnstadt
Bolkcom	Hatch	Quirmbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	
Dotzler	Horn	Schmitz	

Absent, 7:

Connolly	Gaskill	Lundby	Mulder
Courtney	Houser	McKibben	

Amendment S-5458 lost.

Senator Zaun offered amendment S-5460, filed by Senator Zaun, et al., from the floor to pages 6 and 7 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5460 be adopted?" (H.F. 2700), the vote was:

Yeas, 14:

Behn	Johnson	Putney	Zaun
Boettger	Kettering	Seymour	Zieman
Hahn	McKinley	Ward	
Hartsuch	Noble	Wieck	

Nays, 29:

Angelo	Dvorsky	Kibbie	Schoenjahn
Appel	Fraise	Kreiman	Seng
Beall	Gronstal	McCoy	Stewart
Black	Hancock	Olive	Warnstadt
Bolkcom	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	
Dotzler	Horn	Schmitz	

Absent, 7:

Connolly	Gaskill	Lundby	Mulder
Courtney	Houser	McKibben	

Amendment S-5460 lost.

Senator Angelo offered amendment S-5454, filed by him from the floor to page 17 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5454 be adopted?" (H.F. 2700), the vote was:

Yeas, 18:

Angelo	Hartsuch	Noble	Wieck
Behn	Heckroth	Putney	Zaun
Boettger	Johnson	Schoenjahn	Zieman
Hahn	Kettering	Seymour	
Hancock	McKinley	Ward	

Nays, 25:

Appel	Dvorsky	Kreiman	Seng
Beall	Fraise	McCoy	Stewart
Black	Gronstal	Olive	Warnstadt
Bolkcom	Hatch	Quirnbach	Wood
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	
Dotzler	Kibbie	Schmitz	

Absent, 7:

Connolly	Gaskill	Lundby	Mulder
Courtney	Houser	McKibben	

Amendment S-5454 lost.

Senator Angelo withdrew amendment S-5455, filed by him from the floor to page 17 of the bill.

Senator Hatch offered amendment S-5456, filed by Senators Hatch and Bolkcom from the floor to pages 24 and 25 of the bill.

The Senate stood at ease at 9:53 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 10:00 p.m., President Kibbie presiding.

BUSINESS PENDING

House File 2700

The Senate resumed consideration of House File 2700 and amendment S-5456.

Senator Hatch moved the adoption of amendment S-5456.

A nonrecord roll call was requested.

The ayes were 11, nays 26.

Amendment S-5456 lost.

Senator Zaun offered amendment S-5459, filed by Senator Zaun, et al., from the floor to page 26 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5459 be adopted?" (H.F. 2700), the vote was:

Yeas, 21:

Angelo	Hahn	Noble	Wood
Behn	Hancock	Putney	Zaun
Black	Hartsuch	Seng	Zieman
Boettger	Johnson	Seymour	
Danielson	Kettering	Ward	
Dotzler	McKinley	Wieck	

Nays, 22:

Appel	Gronstal	Kreiman	Schmitz
Beall	Hatch	McCoy	Schoenjahn
Bolkcom	Heckroth	Olive	Stewart
Dearden	Hogg	Quirnbach	Warnstadt
Dvorsky	Horn	Ragan	
Fraise	Kibbie	Rielly	

Absent, 7:

Connolly	Gaskill	Lundby	Mulder
Courtney	Houser	McKibben	

Amendment S-5459 lost.

Senator Angelo offered amendment S-5452, filed by Senators Angelo and Quirnbach from the floor to page 29 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5452 be adopted?" (H.F. 2700), the vote was:

Yeas, 19:

Angelo	Johnson	Olive	Wieck
Behn	Kettering	Putney	Wood
Boettger	Kibbie	Quirnbach	Zaun

Hahn	McKinley	Seymour	Zieman
Heckroth	Noble	Ward	

Nays, 24:

Appel	Dotzler	Hatch	Rielly
Beall	Dvorsky	Hogg	Schmitz
Black	Fraise	Horn	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Danielson	Hancock	McCoy	Stewart
Dearden	Hartsuch	Ragan	Warnstadt

Absent, 7:

Connolly	Gaskill	Lundby	Mulder
Courtney	Houser	McKibben	

Amendment S-5452 lost.

Senator Hartsuch offered amendment S-5462, filed by Senators Hartsuch, Ward, and Johnson from the floor to page 42 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5462 be adopted?" (H.F. 2700), the vote was:

Yeas, 13:

Behn	Johnson	Seymour	Zieman
Boettger	Kettering	Ward	
Hahn	McKinley	Wieck	
Hartsuch	Putney	Zaun	

Nays, 30:

Angelo	Dvorsky	Kibbie	Schmitz
Appel	Fraise	Kreiman	Schoenjahn
Beall	Gronstal	McCoy	Seng
Black	Hancock	Noble	Stewart
Bolkcom	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	Wood
Dearden	Hogg	Ragan	
Dotzler	Horn	Rielly	

Absent, 7:

Connolly	Gaskill	Lundby	Mulder
Courtney	Houser	McKibben	

Amendment S-5462 lost.

Senator Zaun offered amendment S-5463, filed by Senators Zaun and Johnson from the floor to page 43 of the bill.

Senator Dvorsky raised the point of order that amendment S-5463 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5463 out of order.

Senator Kreiman offered amendment S-5450, filed by Senator Connolly from the floor to pages 43-45 of the bill, and moved its adoption.

Amendment S-5450 was adopted by a voice vote.

Senator Angelo asked and received unanimous consent to withdraw amendment S-5453, filed by Senator Lundby from the floor to pages 45 and 47 of the bill.

Senator Boettger offered amendment S-5461, filed by Senator Boettger, et al., from the floor to pages 48-51 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5461 be adopted?" (H.F. 2700), the vote was:

Yeas, 21:

Angelo	Hartsuch	Putney	Wood
Behn	Hogg	Schmitz	Zaun
Black	Johnson	Schoenjahn	Zieman
Boettger	Kettering	Seymour	
Hahn	McKinley	Ward	
Hancock	Noble	Wieck	

Nays, 22:

Appel	Dvorsky	Kibbie	Rielly
Beall	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Danielson	Hatch	Olive	Warnstadt
Dearden	Heckroth	Quirnbach	
Dotzler	Horn	Ragan	

Absent, 7:

Connolly
Courtney

Gaskill
Houser

Lundby
McKibben

Mulder

Amendment S-5461 lost.

Senator Wieck offered amendment S-5457, filed by Senator Wieck, et al., from the floor to page 54 of the bill.

Senator Dvorsky raised the point of order that amendment S-5457 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5457 out of order.

Senator Dvorsky offered amendment S-5464, filed by him from the floor to pages 2, 9, 12, 17, 19, 20, 22, 26, 29, 32, 34, 35, 45-47, 56, 58, 61, and 62 of the bill.

The Senate stood at ease at 11:07 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 11:52 p.m., President Kibbie presiding.

Senator Putney offered amendment S-5465, filed by him from the floor to page 1 of amendment S-5464, and moved its adoption.

Amendment S-5465 was adopted by a voice vote.

Senator Dvorsky offered amendment S-5466, filed by him from the floor to page 17 of amendment S-5464, and moved its adoption.

Amendment S-5466 was adopted by a voice vote.

The Senate resumed consideration of amendment S-5464, as amended.

Senator Dvorsky called for the following division of amendment S-5464:

Division S-5464A: Page 9, lines 16-41;

Division S-5464B: Page 15, lines 21-36; and

Division S-5464C: Page 1, line 3-page 9, line 15; page 9, line 42-page 15, line 20; and page 15, line 37-page 35, line 17.

Senator Behn called for the following further division of amendment S-5464C:

Division S-5464C: Page 3, line 28-page 5, line 6; and

Division S-5464D: Page 1, line 3-page 3, line 27; page 5, line 7-page 9, line 15; page 9, line 42-page 15, line 20; and page 15, line 37-page 35, line 17.

Senator Dvorsky asked to withdraw amendment S-5464A.

Senator Dvorsky moved the adoption of amendment S-5464B.

A record roll call was requested.

On the question "Shall amendment S-5464B be adopted?" (H.F. 2700), the vote was:

Yeas, 47:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gronstal	Kreiman	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKinley	Stewart
Black	Hartsuch	Noble	Ward
Boettger	Hatch	Olive	Warnstadt
Bolkcom	Heckroth	Putney	Wieck
Danielson	Hogg	Quirmbach	Wood
Dearden	Horn	Ragan	Zaun
Dotzler	Johnson	Rielly	Zieman
Dvorsky	Kettering	Schmitz	

Nays, none.

Absent, 7:

Connolly	Gaskill	Lundby	Mulder
Courtney	Houser	McKibben	

Amendment S-5464B was adopted.

Senator Behn moved the adoption of S-5464C.

Senator Dvorsky raised the point of order that amendment S-5464C was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5464C out of order.

Senator Dvorsky moved the adoption of amendment S-5464D.

Amendment S-5464D was adopted by a voice vote.

Senator Dvorsky 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?" (H.F. 2700), the vote was:

Yeas, 27:

Beall	Fraise	Kibbie	Schmitz
Black	Gronstal	McCoy	Schoenjahn
Bolkcom	Hancock	Olive	Seng
Danielson	Hatch	Putney	Stewart
Dearden	Heckroth	Quirnbach	Warnstadt
Dotzler	Hogg	Ragan	Wood
Dvorsky	Horn	Rielly	

Nays, 15:

Angelo	Hartsuch	McKinley	Wieck
Behn	Johnson	Noble	Zaun
Boettger	Kettering	Seymour	Zieman
Hahn	Kreiman	Ward	

Present, 1:

Appel

Absent, 7:

Connolly	Gaskill	Lundby	Mulder
Courtney	Houser	McKibben	

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 **House File 2700** be **immediately messaged** to the House.

The Senate stood at ease at 12:35 a.m. until the fall of the gavel.

The Senate resumed session at 1:22 a.m., Saturday, April 26, 2008, President Kibbie presiding.

MOTIONS TO RECONSIDER WITHDRAWN

House File 2699

Senator Gronstal withdrew the motion to reconsider **House File 2699**, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and providing effective dates, filed by him on April 24, 2008, found on page 1281 of the Senate Journal.

House File 2645

Senator Gronstal withdrew the motion to reconsider **House File 2645**, a bill for an act concerning public employee collective bargaining and teacher discipline, filed by him on March 24, 2008, found on page 782 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2645** and **2699** be **immediately messaged** to the House.

The Senate stood at ease at 1:34 a.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 1:55 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:56 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 2:25 a.m., President Kibbie presiding.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 106, by committee on Rules and Administration, a concurrent resolution to provide for adjournment sine die.

Read first time and **placed on calendar**.

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 April 25, 2008, **amended the Senate amendment, concurred in the Senate amendment as amended, and passed** the following bill in which the concurrence of the Senate is asked:

House File 2700, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions. (S-5467)

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Putney and Seymour, for the remainder of the day, on request of Senator Wieck; and Senator McCoy, for the remainder of the day, on request of Senator Gronstal.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2700

Senator Dvorsky called up for consideration **House File 2700**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions, amended by the Senate and further amended by the House in House amendment S-5467 to Senate amendment H-8728, filed April 25, 2008.

Senator Dvorsky moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Dvorsky moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2700), the vote was:

Yeas, 26:

Beall	Fraise	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	Olive	Stewart
Danielson	Hatch	Quirmbach	Warnstadt
Dearden	Heckroth	Ragan	Wood
Dotzler	Hogg	Rielly	
Dvorsky	Horn	Schmitz	

Nays, 13:

Angelo	Hartsuch	Noble	Zieman
Behn	Johnson	Ward	
Boettger	Kettering	Wieck	
Hahn	McKinley	Zaun	

Present, 1:

Appel

Absent, 10:

Connolly	Houser	McKibben	Seymour
Courtney	Lundby	Mulder	
Gaskill	McCoy	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 **House File 2700** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 106, a concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Gronstal, Kibbie, Wieck, Danielson, Dearden, Dvorsky, Ragan, and Zieman. Nays, none. Absent, 3: Angelo, Courtney, and Lundby.

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 Concurrent Resolution 106.

Senate Concurrent Resolution 106

On motion of Senator Gronstal, **Senate Concurrent Resolution 106**, a concurrent resolution to provide for adjournment sine die, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Concurrent Resolution 106, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolution 106** be **immediately messaged** to the House.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 106, duly adopted, the day of April 26, 2008, having arrived, President Kibbie declared the 2008 Regular Session of the Eighty-second General Assembly adjourned sine die.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Bob Bierer—For his outstanding efforts in saving lives. Senator Hancock (4/25/08).

Deputy Brian Eckhart—For his outstanding efforts in saving lives. Senator Hancock (4/25/08).

Bob Platz—For 40 years of service to the Dyersville Fire Department. Senator Hancock (4/25/08).

Deputy CJ Sullivan—For his outstanding efforts in saving lives. Senator Hancock (4/25/08).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 25, 2008, 2:40 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Angelo, Behn, Black, Boettger, Bolcom, Connolly, Danielson, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood.

Members Absent: Dotzler (excused).

Committee Business: Passed HF 2700.

Adjourned: 2:50 p.m.

RULES AND ADMINISTRATION

Convened: April 25, 2008, 10:30 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Wieck, Ranking Member; Danielson, Dearden, Dvorsky, Ragan, and Zieman.

Members Absent: Angelo, Courtney, and Lundby (all excused).

Committee Business: Approved SR 164 and SCR 106.

Recessed: 10:35 a.m.

Reconvened: April 26, 2008, 2:50 a.m.

Adjourned: 2:55 a.m.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 24, 2008, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2161 – Providing for the establishment of a council on homelessness.

Senate File 2276 – Relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

Senate File 2350 – Relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

Senate File 2354 – Concerning the home ownership assistance program for members of the military.

AMENDMENTS FILED

S-5450	H.F.	2700	Michael Connolly
S-5451	S.F.	2424	House
S-5452	H.F.	2700	Jeff Angelo Herman C. Quirmbach
S-5453	H.F.	2700	Mary A. Lundby
S-5454	H.F.	2700	Jeff Angelo
S-5455	H.F.	2700	Jeff Angelo
S-5456	H.F.	2700	Jack Hatch Joe Bolkcom
S-5457	H.F.	2700	Ron Wieck David Johnson Jerry Behn John Putney Nancy J. Boettger Paul McKinley David L. Hartsuch Steve Kettering James F. Hahn Brad Zaun James A. Seymour

S-5458	H.F.	2700	Brad Zaun Paul McKinley Nancy J. Boettger Jerry Behn David Johnson Jeff Angelo Ron Wieck Mark Zieman James F. Hahn Steve Kettering John Putney Larry Noble Pat Ward David L. Hartsuch
S-5459	H.F.	2700	Brad Zaun Pat Ward David Johnson Mark Zieman Ron Wieck Jerry Behn John Putney James F. Hahn Steve Kettering Paul McKinley
S-5460	H.F.	2700	Brad Zaun Pat Ward David Johnson Nancy J. Boettger Mark Zieman Ron Wieck Jerry Behn James A. Seymour Steve Kettering James F. Hahn
S-5461	H.F.	2700	Nancy J. Boettger Paul McKinley Mark Zieman Mary A. Lundby David Johnson Jeff Angelo Brad Zaun

			Ron Wieck
			Steve Kettering
			Jerry Behn
			James F. Hahn
			Pat Ward
			David L. Hartsuch
			John Putney
S-5462	H.F.	2700	David L. Hartsuch
			Pat Ward
			David Johnson
S-5463	H.F.	2700	Brad Zaun
			David Johnson
S-5464	H.F.	2700	Robert E. Dvorsky
S-5465	H.F.	2700	John Putney
S-5466	H.F.	2700	Robert E. Dvorsky
S-5467	H.F.	2700	House

SENATE REPORTS RECEIVED AFTER ADJOURNMENT

The following is a record of Senate reports received after the close of the 2008 Regular Session.

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 ADMINISTRATIVE SERVICES

FY 2007 ICN Savings Report, pursuant to Iowa Code section 8D.10. Report received on April 26, 2008.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2308, the following correction was made:

1. Title page, line 3: Should have comma after the word "information".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2392, the following correction was made:

1. Page 49, line 24: Add a period to "CONTROL" in headline.

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2417, the following corrections were made:

1. Page 5, line 2: "g" should be "f".
2. Page 5, line 6: "h" should be "g".
3. Page 5, line 10: "i" should be "h".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2424, the following corrections were made:

1. Page 36, line 27: Period needed after "53".
2. Page 36, line 29: New paragraph needed for codified text.

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2425, the following corrections were made:

1. Page 126, line 14: Text should not run in after headnote.
2. Page 136, line 34: On rough, "DIVISION VIII" is misnumbered as IX; corrected on pan.
3. Page 138, line 21: Renumber DIVISION X as DIVISION IX.
4. Page 139, line 21: DIVISION XI should be DIVISION X.
5. Page 142, line 21: DIVISION ___ should be DIVISION XXI.
6. Page 146, line 10: DIVISION ___ should be DIVISION XXII.

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2432, the following corrections were made:

1. Page 8, line 19: "e" renumbered to "d".
2. Page 29, line 3: "8" renumbered to "9".

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS 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 bills have 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 26th day of April, 2008:

Senate Joint Resolutions 2003 and 2005, and Senate Files 517, 2124, 2132, 2134, 2160, 2203, 2216, 2222, 2303, 2308, 2321, 2337, 2341, 2348, 2364, 2386, 2392, 2394, 2400, 2405, 2406, 2413, 2415, 2417, 2418, 2419, 2422, 2424, 2425, 2428, 2429, 2430, and 2432.

MICHAEL E. MARSHALL
Secretary of the Senate

RESOLUTION ENROLLED, SIGNED AND
SENT TO THE SECRETARY OF STATE

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution has been enrolled, signed by the President of the Senate and the Speaker of the House, and submitted to the Secretary of State for deposit on this 26th day of April, 2008:

Senate Joint Resolution 2002.

MICHAEL E. MARSHALL
Secretary of the Senate

SENATE BILLS APPROVED, ITEM VETOED, AND
VETOED AFTER ADJOURNMENT

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2008 Regular Session:

SENATE BILLS APPROVED

Senate Joint Resolution 2003 – Authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date. Approved May 7, 2008.

Senate Joint Resolution 2005 – Authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation. Approved May 7, 2008.

Senate File 517 – Relating to the development, management, and efficient use of energy resources, making energy-related modifications to the state building code, setting fees, making appropriations, and providing an effective date. Approved April 29, 2008.

Senate File 2124 – Relating to income tax checkoffs and authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority and including a retroactive applicability date provision and providing an effective date. Approved May 5, 2008.

Senate File 2132 – Relating to notices regarding the disposition of seized property and providing an effective date. Approved May 10, 2008.

Senate File 2134 – Relating to veterans affairs by modifying training requirements, requiring executive directors and administrators to provide minimum hours of service in each county, specifying executive director, administrator, and employee duties, creating a county commission of veteran affairs training program, creating a county commissions of veteran affairs fund, providing an appropriation, concerning eligibility

criteria for special gold star motor vehicle registration plates and providing an effective date. Approved May 5, 2008.

Senate File 2160 – Relating to employers' participation in unemployment insurance adjudications and unemployment insurance tax penalties, and providing an effective date. Approved May 15, 2008.

Senate File 2203 – Relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators. Approved May 7, 2008.

Senate File 2216 – 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. Approved May 1, 2008.

Senate File 2222 – Relating to payment of wages. Approved May 7, 2008.

Senate File 2303 – Relating to workers' compensation provisions for continued medically related benefits in certain settlements of workers' compensation claims and to funding of the second injury fund and providing an effective date. Approved May 7, 2008.

Senate File 2308 – Relating to identity theft by providing for the notification of a breach in the security of personal information, requesting the establishment of an interim study committee relating to disclosure of personal information by public officials, entities, and affiliated organizations, and providing penalties. Approved May 10, 2008.

Senate File 2321 – Relating to the recycling of mercury-containing lamps by providing for a study. Approved May 7, 2008.

Senate File 2337 – Relating to the purchase of liability insurance and to self-insurance by the association of Iowa fairs. Approved May 7, 2008.

Senate File 2341 – Relating to Alzheimer's disease and similar forms of irreversible dementia. Approved May 7, 2008.

Senate File 2348 – Relating to the management of cooperative associations. Approved May 7, 2008.

Senate File 2386 – Relating to energy efficiency by establishing a commission on energy efficiency standards and practices, providing for the reporting of energy efficiency results and savings by gas and electric public utilities, specifying procedures for assessing potential energy and capacity savings and developing energy efficiency goals by gas and electric utilities not subject to rate regulation, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing for the establishment of an interim study committee to conduct an examination of energy efficiency plans and programs with an emphasis on the demand or customer perspective, and providing an effective date. Approved May 6, 2008.

Senate File 2392 – To regulate viatical settlements, and providing for fees and penalties. Approved May 10, 2008.

Senate File 2394 – Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date. Approved May 13, 2008.

Senate File 2405 – Relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates. Approved May 1, 2008.

Senate File 2406 – Relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions. Approved May 10, 2008.

Senate File 2413 – Relating to school budgets, including by providing for requests and applications submitted by school districts to the school budget review committee and documents submitted to other state agencies concerning school district finances, and providing an effective date. Approved May 7, 2008.

Senate File 2415 – Allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy. Approved May 9, 2008.

Senate File 2418 – Relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits. Approved May 10, 2008.

Senate File 2419 – Relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions. Approved May 7, 2008.

Senate File 2422 – Relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs, authorizing repayment of audit expenses to the auditor of state, and providing an effective date and applicability provision. Approved May 7, 2008.

Senate File 2424 – Concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates. Approved May 15, 2008.

Senate File 2428 – Relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to debt and tax collection practices and fees, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable. Approved May 15, 2008.

Senate File 2429 – Relating to budget requirements by certain small cities and providing an effective date. Approved May 7, 2008.

Senate File 2430 – Relating to economic development by creating a community microenterprise development organization grant program, a microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual development accounts and making appropriations, and including effective and retroactive applicability provisions. Approved April 29, 2008.

GOVERNOR'S ITEM VETO MESSAGES

Senate File 2400

May 12, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2400**, an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective and retroactive applicability date. Senate File 2400 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the designated portion of section 15, unnumbered paragraph 5, in its entirety. This paragraph directs the Department of Management to include in its budget request funding for the salaries of the director and assistant director of the Tim Shields Center for Governing Excellence in Iowa and also requires the Governor to include such funding in his budget recommendation for Fiscal Year 2010. While I strongly support efforts to improve innovation in our state and local governments, this language requires an Executive Branch department to provide funding by a pass-through appropriation for yet-to-be-determined non-Executive Branch positions. Further, the proposed language is premature until the Local Government Innovation Commission determines where the Tim Shields Center for Governing Excellence in Iowa will be located. My understanding is that the Commission will be asking for proposals this fall and making a recommendation on awarding a contract and funding later this calendar year. I look forward to reviewing the work of the Local Government Innovation Commission and will seriously consider any proposals that are made.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16, of the Constitution of the State of Iowa. All other items in Senate File 2400 are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

Senate File 2417

May 13, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2417**, an Act relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund and providing for the repeal of the Healthy Iowans Tobacco Trust, and providing effective dates. Senate File 2417 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve item designated as section 1, subsection 2, paragraph a, subparagraph (4) in its entirety. This designated language continues general language on substance abuse treatment expenditures. These directives are already in place, and therefore, this language is unnecessary.

Finally, I am unable to approve item designated as Section 1, subsection 2, paragraph b, subparagraphs (1) through (6) in their entireties. This designated language continues general language on substance abuse treatment expenditures. These directives are in place, and therefore, this annual report language is unnecessary.

These actions of disapproval are consistent with efforts to remove extraneous bill language.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16, of the Constitution of the State of Iowa. All other items in Senate File 2417 are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

Senate File 2425

May 13, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2425**, an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. Senate File 2425 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve item designated as section 34 in its entirety. Section 34 imposes restrictions on how pharmaceutical drugs are included on the State's preferred drug list. With the continual release of generic drugs, and relying on the advice of the Pharmaceutical and Therapeutics Committee, the Department of Human Services should have the latitude to add pharmaceutical drugs to the preferred drug list, as needed, to achieve the greatest possible savings, while meeting the medical needs of people enrolled in Medicaid. The preferred drug list is an effective tool in helping to reduce one of the fastest growing health-care costs within Medicaid—pharmaceutical costs—and the Department of Human Services thoughtfully and responsibly manages additions to the list.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16, of the Constitution of the State of Iowa. All other items in Senate File 2425 are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

Senate File 2432

May 9, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2432**, an Act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds

restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bond fund, and related matters, and providing effective and retroactive applicability date provisions. Senate File 2432 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve section 35 of this bill in its entirety. This section changes the due date of the Public Transit Funding Study report called for in Senate File 2420 that the Department of Transportation must submit to the Governor and General Assembly from December 1, 2009, to December 31, 2008. The shortened deadline does not provide adequate time to conduct an effective and comprehensive study that will assure the provision of useful data and meaningful recommendations. This disapproval action will provide the Department of Transportation with adequate time to complete this statewide study by maintaining the original deadline of December 1, 2009.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16, of the Constitution of the State of Iowa. All other items in Senate File 2432 are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

GOVERNOR'S VETO MESSAGE

Senate File 2364

May 15, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2364**, an Act related to the emancipation of a minor. Iowa is one of several states without a statutory emancipation process, although particular sections of the Code and common law provide for some aspects of emancipation. While I recognize the need to consider adding a statutory emancipation process to the Iowa Code, and I commend the legislature for addressing this important issue, I am unable to approve Senate File 2364.

Accordingly, I hereby disapprove and transmit to you, without my signature, Senate File 2364, an Act related to the emancipation of a minor, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2364 places the emancipation provisions in a little-used division of the juvenile justice chapter of the Code—Family in Need of Assistance Proceedings (FINA).

FINA allows parents and children whose conflicts with each other have led to a breakdown of the familial relationship to seek assistance from the juvenile court. To allow emancipation of a minor in the context of a FINA proceeding is inconsistent with the intent of FINA proceedings. This point is illustrated by the fact that in order for an emancipation order to be entered, the court would have to make wholly inconsistent findings. To adjudicate the family to be a family in need of assistance, the court must find that there has been a breakdown in the family relationship, the family has sought services to maintain and improve the family relationship, and the court has at its disposal services for this purpose. However, to enter an emancipation order, the court must find "by clear and convincing evidence, that no remedy is available that would result in strengthening or maintaining the familial relationship."

Perhaps the most troubling aspect of Senate File 2364 is the lack of criteria for the court to consider when making an emancipation decision. For example, the court need not determine that the minor is financially self-sufficient or able to maintain education or employment. The bill does not require the court to find that the minor clearly understands the risks and consequences of emancipation or even that emancipation is in the best interest of the minor. As a result, Senate File 2364 would allow parents in conflict with their minor child to seek emancipation of the child in order to evade financial responsibility for the child. Once an emancipation order is entered, the court has no continuing jurisdiction; therefore, there is no apparent remedy if the emancipated minor is unable to support himself or herself.

For the above reasons, I hereby respectfully disapprove Senate File 2364.

Sincerely,
CHESTER J. CULVER
Governor

AMENDMENTS FILED

EIGHTY-SECOND GENERAL ASSEMBLY 2008 REGULAR SESSION

S-5001

HOUSE AMENDMENT TO SENATE FILE 572

- 1 Amend Senate File 572, as passed by the Senate, as
2 follows:
- 3 1. Page 1, line 1, by inserting after the word
4 "Code" the following: "Supplement".
 - 5 2. Page 1, line 5, by striking the words and
6 figures "sections 422.12 and 422.12B" and inserting
7 the following: "section 422.12".
 - 8 3. Page 1, line 9, by striking the word and
9 figure "23, Code" and inserting the following: "22,
10 Code Supplement".
 - 11 4. Page 1, line 11, by striking the figure "23."
12 and inserting the following: "22."
 - 13 5. Page 1, line 15, by inserting after the word
14 "Code" the following: "Supplement".

S-5002

- 1 Amend House File 2140, as passed by the House, as
2 follows:
- 3 1. Page 1, line 7, by inserting after the word
4 "percent" the following: "with any property tax
5 increase caused as a result of this state percent of
6 growth paid for by the state".

DAVID JOHNSON

S-5003

HOUSE AMENDMENT TO SENATE FILE 261

- 1 Amend Senate File 261, as passed by the Senate, as
2 follows:
- 3 1. Page 1, by striking lines 25 and 26 and
4 inserting the following: "For the purposes of this
5 subsection, "transfer" means the transfer or
6 conveyance by sale, exchange, real estate contract, or
7 any other method by which real estate and improvements
8 are purchased, if the property includes at least one

9 but not more than four dwelling units. However,
10 “transfer” does not include any of the following:

11 (1) A transfer made pursuant to a court order,
12 including but not limited to a transfer under chapter
13 633 or 633A, the execution of a judgment, the
14 foreclosure of a real estate mortgage pursuant to
15 chapter 654, the forfeiture of a real estate contract
16 under chapter 656, a transfer by a trustee in
17 bankruptcy, a transfer by eminent domain, or a
18 transfer resulting from a decree for specific
19 performance.

20 (2) A transfer to a mortgagee by a mortgagor or
21 successor in interest who is in default, or a transfer
22 by a mortgagee who has acquired real property at a
23 sale conducted pursuant to chapter 654, a transfer
24 back to a mortgagor exercising a right of first
25 refusal pursuant to section 654.16A, a nonjudicial
26 voluntary foreclosure procedure under section 654.18
27 or chapter 655A, or a deed in lieu of foreclosure
28 under section 654.19.

29 (3) A transfer by a fiduciary in the course of the
30 administration of a decedent’s estate, guardianship,
31 conservatorship, or trust.

32 (4) A transfer between joint tenants or tenants in
33 common.

34 (5) A transfer made to a spouse, or to a person in
35 the lineal line of consanguinity of a person making
36 the transfer.

37 (6) A transfer between spouses resulting from a
38 decree of dissolution of marriage, a decree of legal
39 separation, or a property settlement agreement which
40 is incidental to the decree, including a decree
41 ordered pursuant to chapter 598.”

42 2. Page 1, by inserting before line 27 the
43 following:

44 “aa. The inspection requirement of paragraph “a”
45 does not apply to a transfer in which the transferee
46 intends to demolish or raze the building. The
47 department shall adopt rules pertaining to such
48 transfers.”

49 3. Page 1, line 31, by deleting the words “one
50 year” and inserting the following: “three years”.

Page 2

1 4. Page 3, line 1, by striking the figure “2008”
2 and inserting the following: “2009”.

3 5. By renumbering, relettering, or redesignating
4 and correcting internal references as necessary.

S-5004

1 Amend Senate File 2137 as follows:
2 1. Page 1, line 2, by striking the word
3 “subsection” and inserting the following:
4 “subsections”.
5 2. Page 1, by inserting after line 5, the
6 following:
7 “NEW SUBSECTION. 21A. “Unleaded gasoline” means
8 gasoline, including ethanol blended gasoline, if all
9 of the following applies:
10 a. It has an octane number of not less than
11 eighty-seven as provided in section 214A.2.
12 b. Lead or phosphorus compounds have not been
13 intentionally added to it.
14 c. It does not contain more than thirteen
15 thousandths grams of lead per liter and not more than
16 thirteen ten-thousandths grams of phosphorus per
17 liter.
18 Sec. ____ Section 214A.1, subsection 9, Code 2007,
19 is amended to read as follows:
20 9. “E-85 gasoline” means ethanol blended gasoline
21 formulated with a ~~minimum~~ percentage of between
22 seventy and eighty-five percent by volume of ethanol,
23 if the formulation meets the standards provided in
24 section 214A.2.”
25 3. Page 1, by striking lines 6 through 10.
26 4. Page 1, by inserting before line 11, the
27 following:
28 “Sec. ____ Section 214A.2, subsection 3, paragraph
29 b, Code 2007, is amended to read as follows:
30 b. If the motor fuel is advertised for sale or
31 sold as ethanol blended gasoline, the motor fuel must
32 comply with departmental standards which shall ~~comply~~
33 ~~with specifications for ethanol blended gasoline~~
34 ~~adopted by A.S.T.M. international. For ethanol~~
35 ~~blended gasoline meet all of the following shall apply~~
36 requirements:
37 (1) Ethanol must be an agriculturally derived
38 ethyl alcohol that meets A.S.T.M. international
39 specification D4806 for denatured fuel ethanol for
40 blending with gasoline for use as automotive
41 spark-ignition engine fuel, or a successor A.S.T.M.
42 international specification, as established by rules
43 adopted by the department.
44 (2) Gasoline blended with ethanol must meet any of
45 the following requirements:
46 (a) For the gasoline, A.S.T.M. international
47 specification D4814.
48 (b) For the ethanol blended gasoline, A.S.T.M.
49 international specification D4814.
50 (c) For gasoline, A.S.T.M. international

Page 2

- 1 specification D4814 except for distillation, if the
 2 ethanol blended gasoline meets the requirements of
 3 A.S.T.M. international specification D4814.
 4 (3) For ethanol blended gasoline other than E-85
 5 gasoline, at least ten percent of the gasoline by
 6 volume must be ethanol.
 7 ~~(3)~~ (4) E-85 gasoline must be an agriculturally
 8 derived ethyl alcohol that meets A.S.T.M.
 9 international specification D5798, described as a fuel
 10 blend for use in ground vehicles with automotive
 11 spark-ignition engines, or a successor A.S.T.M.
 12 international specification, as established by rules
 13 adopted by the department.”
 14 5. Page 1, line 17, by inserting after the word
 15 “gasoline.” the following: “A person advertising
 16 ethanol blended gasoline formulated with a percentage
 17 of between seventy and eighty-five percent by volume
 18 of ethanol shall designate it as E-85.”
 19 6. By renumbering as necessary.

JOHN P. KIBBIE

S-5005

- 1 Amend Senate File 2089 as follows:
 2 1. Page 1, by inserting after line 15 the
 3 following:
 4 “d. The state commissioner shall ensure that an
 5 absentee ballot application is included as an insert
 6 in telephone directories distributed in the state.
 7 The state commissioner shall also make absentee ballot
 8 applications available in all public libraries in the
 9 state.”

BRAD ZAUN

S-5006

- 1 Amend Senate File 2089 as follows:
 2 1. Page 1, line 5, by inserting after the word
 3 “application” the following: “on a sheet of paper
 4 eight and one-half by eleven inches in size”.

BRAD ZAUN

S-5007

- 1 Amend Senate File 2089 as follows:
 2 1. Page 1, line 6, by inserting after the word

3 “required.” the following: “An application submitted
4 in such manner shall not be accepted if it is written
5 on an envelope, matchbook, or napkin.”

BRAD ZAUN

S-5008

1 Amend Senate File 2176 as follows:
2 1. Page 1, line 11, by striking the words “ARTS,
3 AND TOURISM” and inserting the following: “AND ARTS
4 TEAMS”.
5 2. Page 1, lines 12 and 13, by striking the words
6 “ARTS, AND TOURISM” and inserting the following: “AND
7 ARTS TEAMS”.
8 3. Page 1, line 16, by striking the words “arts,
9 and tourism” and inserting the following: “and arts”.
10 4. Page 1, lines 21 and 22, by striking the words
11 “committees in various regions of the state” and
12 inserting the following: “local committees”.
13 5. Page 1, lines 24 and 25, by striking the words
14 “arts, and tourism within the regions” and inserting
15 the following: “and arts”.
16 6. Page 1, line 27, by striking the words “arts,
17 and tourism” and inserting the following: “and arts”.
18 7. Page 1, lines 28 and 29, by striking the words
19 “in each region”.
20 8. Title page, line 2, by striking the word
21 “regional” and inserting the following: “local”.

DENNIS H. BLACK

S-5009

1 Amend Senate File 2137 as follows:
2 1. By striking everything after the enacting
3 clause, and inserting the following:
4 “Section 1. Section 214A.1, subsection 9, Code
5 2007, is amended to read as follows:
6 9. “E-85 gasoline” means ethanol blended gasoline
7 formulated with a ~~minimum~~ percentage of between
8 seventy and eighty-five percent by volume of ethanol,
9 if the formulation meets the standards provided in
10 section 214A.2.
11 Sec. 2. Section 214A.1, Code 2007, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 21A. “Unleaded gasoline” means
14 gasoline, including ethanol blended gasoline, if all
15 of the following applies:
16 a. It has an octane number of not less than
17 eighty-seven as provided in section 214A.2.

18 b. Lead or phosphorus compounds have not been
19 intentionally added to it.

20 c. It does not contain more than thirteen
21 thousandths grams of lead per liter and not more than
22 thirteen ten-thousandths grams of phosphorus per
23 liter.

24 Sec. 3. Section 214A.2, subsection 3, paragraph b,
25 Code 2007, is amended to read as follows:

26 b. If the motor fuel is advertised for sale or
27 sold as ethanol blended gasoline, the motor fuel must
28 comply with departmental standards which shall ~~comply~~
29 ~~with specifications for ethanol blended gasoline~~
30 ~~adopted by A.S.T.M. international. For ethanol~~
31 ~~blended gasoline meet~~ all of the following ~~shall apply~~
32 requirements:

33 (1) Ethanol must be an agriculturally derived
34 ethyl alcohol that meets A.S.T.M. international
35 specification D4806 for denatured fuel ethanol for
36 blending with gasoline for use as automotive
37 spark-ignition engine fuel, or a successor A.S.T.M.
38 international specification, as established by rules
39 adopted by the department.

40 (2) Gasoline blended with ethanol must meet any of
41 the following requirements:

42 (a) For the gasoline, A.S.T.M. international
43 specification D4814.

44 (b) For the ethanol blended gasoline, A.S.T.M.
45 international specification D4814.

46 (c) For gasoline, A.S.T.M. international
47 specification D4814 except for distillation, if the
48 ethanol blended gasoline meets the requirements of
49 A.S.T.M. international specification D4814.

50 (3) For ethanol blended gasoline other than E-85

Page 2

1 gasoline, at least ten percent of the gasoline by
2 volume must be ethanol.

3 ~~(3)~~ (4) E-85 gasoline must be an agriculturally
4 derived ethyl alcohol that meets A.S.T.M.
5 international specification D5798, described as a fuel
6 blend for use in ground vehicles with automotive
7 spark-ignition engines, or a successor A.S.T.M.
8 international specification, as established by rules
9 adopted by the department.

10 Sec. 4. Section 214A.3, subsection 2, paragraph b,
11 subparagraph (1), Code 2007, is amended to read as
12 follows:

13 (1) Ethanol blended gasoline sold by a dealer
14 shall be designated E-xx where "xx" is the volume
15 percent of ethanol in the ethanol blended gasoline.
16 However, a person advertising E-10 gasoline may only

17 designate it as ethanol blended gasoline. A person
 18 advertising ethanol blended gasoline formulated with a
 19 percentage of between seventy and eighty-five percent
 20 by volume of ethanol shall designate it as E-85. A
 21 person shall not knowingly falsely advertise ethanol
 22 blended gasoline by using an inaccurate designation in
 23 violation of this subparagraph.”

JOHN P. KIBBIE

S-5010

1 Amend Senate File 2216 as follows:
 2 1. Page 1, by striking lines 28 through 35 and
 3 inserting the following: “asset building.”
 4 2. Page 3, by inserting after line 33 the
 5 following:
 6 “Sec. ____ Section 280.3, Code 2007, is amended to
 7 read as follows:
 8 280.3 ~~DUTIES OF BOARD EDUCATIONAL PROGRAM —~~
 9 ATTENDANCE CENTER REQUIREMENTS.
 10 1. The board of directors of each public school
 11 district and the authorities in charge of each
 12 nonpublic school shall prescribe the minimum
 13 educational program and an attendance policy which
 14 shall require each child to attend school for at least
 15 one hundred forty-eight days, to be met by attendance
 16 for at least thirty-seven days each school quarter,
 17 for the schools under their jurisdictions.
 18 2. The minimum educational program shall be the
 19 curriculum set forth in subsection 3 of this section
 20 and section 256.11, except as otherwise provided by
 21 law. The board of directors of a public school
 22 district shall not allow discrimination in any
 23 educational program on the basis of race, color,
 24 creed, sex, marital status or place of national
 25 origin.
 26 3. The board of directors of each public school
 27 district and the authorities in charge of each
 28 nonpublic school shall do all of the following:
 29 a. Adopt an implementation plan by July 1, 2010,
 30 which provides for the adoption of at least one core
 31 curriculum subject area each year as established by
 32 the state board for grades nine through twelve
 33 pursuant to section 256.7, subsection 26. The core
 34 curriculum established for grades nine through twelve
 35 by the state board pursuant to section 256.7,
 36 subsection 26, shall be fully implemented by each
 37 school district and school by July 1, 2012.
 38 b. Adopt an implementation plan, by July 1, 2012,
 39 which provides for the full implementation of the core
 40 curriculum established for kindergarten through grade

41 eight by the 2014–2015 school year.

42 4. A nonpublic school which is unable to meet the
43 minimum educational program may request an exemption
44 from the state board of education. The authorities in
45 charge of the nonpublic school shall file with the
46 director of the department of education the names and
47 locations of all schools desiring to be exempted and
48 the names, ages, and post office addresses of all
49 pupils of compulsory school age who are enrolled. The
50 director, subject to the approval of the state board,

Page 2

1 may exempt the nonpublic school from compliance with
2 the minimum educational program for two school years.
3 When the exemption has once been granted, renewal of
4 the exemption for each succeeding school year may be
5 conditioned by the director, with the approval of the
6 board, upon proof of achievement in the basic skills
7 of arithmetic, the communicative arts of reading,
8 writing, grammar, and spelling, and an understanding
9 of United States history, history of Iowa, and the
10 principles of American government, of the pupils of
11 compulsory school age exempted in the preceding year.
12 Proof of achievement shall be determined on the basis
13 of tests or other means of evaluation prescribed by
14 the director of the department of education with the
15 approval of the state board of education. The testing
16 or evaluation, if required, shall be accomplished
17 prior to submission of the request for renewal of the
18 exemption. Renewal requests shall be filed with the
19 director by April 15 of the school year preceding the
20 school year for which the applicants desire exemption.
21 This section shall not apply to schools eligible for
22 exemption under section 299.24.

23 5. The board of directors of each public school
24 district and the authorities in charge of each
25 nonpublic school shall establish and maintain
26 attendance centers based upon the needs of the school
27 age pupils enrolled in the school district or
28 nonpublic school. Public school kindergarten programs
29 shall and public and nonpublic school prekindergarten
30 programs may be provided. In addition, the board of
31 directors or governing authority may include in the
32 educational program of any school such additional
33 courses, subjects, or activities which it deems fit
34 the needs of the pupils.”

35 3. By renumbering as necessary.

FRANK B. WOOD

S-5011

1 Amend Senate File 2177 as follows:
2 1. Page 6, line 2, by striking the word
3 “Notwithstanding” and inserting the following: “1.
4 Notwithstanding”.
5 2. Page 6, by inserting after line 15, the
6 following:
7 “2. A physician, physician assistant, or advanced
8 registered nurse practitioner who prescribes,
9 dispenses, furnishes, or otherwise provides
10 prescription oral antibiotic drugs to a patient’s
11 sexual partner or partners without examination of that
12 patient’s partner or partners under this section,
13 shall be considered an employee of the state under
14 chapter 669, shall be afforded protection as an
15 employee of the state under section 669.21, and shall
16 not be subject to payment of claims arising out of the
17 care provided under this section through the
18 physician’s, physician assistant’s, or advanced
19 registered nurse practitioner’s own professional
20 liability insurance coverage, provided that the
21 physician, physician assistant, or advanced registered
22 nurse practitioner has registered with the department
23 in accordance with rules adopted by the department.”

DAVID L. HARTSUCH

S-5012

1 Amend senate File 2108 as follows:
2 1. Page 1, line 7, by inserting after the word
3 “land” the following: “or a conservation easement”.
4 2. Page 1, line 11, by inserting after the word
5 “land” the following: “or a conservation easement”.

TOM HANCOCK

S-5013

1 Amend House File 2212, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 10 the
4 following:
5 “__. “Farm tractor” means farm tractor as defined
6 in section 321.1.
7 __. “Farm truck” means a single-unit truck,
8 truck-tractor, tractor, semitrailer, or trailer used
9 by a farmer to transport agricultural, horticultural,
10 dairy, or other farm products, including livestock,
11 produced or finished by the farmer, or to transport

12 any other personal property owned by the farmer, from
13 the farm to market, and to transport property and
14 supplies to the farm of the farmer.

15 _____. “Farmer” means any of the following:

16 a. A person who files schedule F as part of the
17 person’s annual form 1040 or form 1041 filing with the
18 United States internal revenue service, or an employee
19 of such person while the employee is actively engaged
20 in farming.

21 b. A person who holds an equity position in or who
22 is employed by a business association holding
23 agricultural land where the business association is
24 any of the following:

25 (1) A family farm corporation, authorized farm
26 corporation, family farm limited partnership, limited
27 partnership, family farm limited liability company,
28 authorized limited liability company, family trust, or
29 authorized trust, as provided in chapter 9H.

30 (2) A limited liability partnership as defined in
31 section 486A.101.

32 c. A natural person related to the person actively
33 engaged in farming as provided in paragraph “a” or “b”
34 when the person is actively engaged in farming. The
35 natural person must be related as spouse, parent,
36 grandparent, lineal ascendant of a grandparent or a
37 grandparent’s spouse, other lineal descendant of a
38 grandparent or a grandparent’s spouse, or a person
39 acting in a fiduciary capacity for persons so related.

40 For purposes of this subsection: “actively engaged
41 in farming” means participating in physical labor on a
42 regular, continuous, and substantial basis, or making
43 day-to-day management decisions, where such
44 participation or decisionmaking is directly related to
45 raising and harvesting crops for feed, food, seed, or
46 fiber, or to the care and feeding of livestock.”

47 2. Page 2, by inserting after line 23 the
48 following:

49 “____. “Implement of husbandry” means implement of
50 husbandry as defined in section 321.1.”

Page 2

1 3. Page 4, line 16, by striking the words “,
2 places of public assembly,”.

3 4. Page 4, by inserting after line 27 the
4 following:

5 “____. Gambling structures, excursion gambling
6 boats, and racetrack enclosures.”

7 5. Page 6, line 4, by striking the word “Outdoor”
8 and inserting the following: “The seating areas of
9 outdoor”.

10 6. Page 6, by striking lines 6 through 8 and

- 11 inserting the following: “assemble to witness
12 entertainment events.”
- 13 7. Page 6, lines 9 and 10, by striking the words
14 “and within ten feet of such seating or serving
15 areas”.
- 16 8. Page 6, by striking lines 11 through 14.
- 17 9. Page 6, line 20, by striking the word
18 “grounds,” and inserting the following: “grounds.”
- 19 10. Page 6, by striking lines 21 through 23.
- 20 11. Page 6, lines 24 and 25, by striking the
21 words “and places of public assembly”.
- 22 12. Page 8, by striking lines 5 and 6.
- 23 13. Page 8, by inserting after line 13 the
24 following:
25 “_. Farm tractors, farm trucks, and implements
26 of husbandry when being used for their intended
27 purposes.”
- 28 14. Page 10, by striking lines 6 and 7 and
29 inserting the following: “having custody or control
30 of a public place, place of employment, or outdoor
31 area where smoking is prohibited, and the general
32 public via the department’s”.
- 33 15. Page 10, by striking line 19 and inserting
34 the following: “custody or control of a public place,
35 place of employment, or outdoor area”.
- 36 16. Page 10, by striking line 30 and inserting
37 the following: “of a public place, place of
38 employment, or outdoor area regulated by this chapter
39 to comply with this”.
- 40 17. Page 11, by striking line 3 and inserting the
41 following: “custody or control of a public place,
42 place of employment, or outdoor area regulated under
43 this chapter”.
- 44 18. Page 11, by striking line 22 and inserting
45 the following: “a public place, place of employment,
46 or outdoor area regulated under this chapter may
47 result in the”.
- 48 19. Page 11, by striking lines 34 and 35 and
49 inserting the following: “deposited in the general
50 fund of the state, unless a local authority as

Page 3

- 1 designated by the department in administrative rules
2 is involved in the enforcement, in which”.
- 3 20. Page 12, line 2, by inserting after the word
4 “the” the following: “city or”.

S-5014

1 Amend Senate File 2216 as follows:

2 1. Page 1, by striking lines 28 through 35 and
3 inserting the following: “asset building.”

4 2. Page 3, by inserting after line 33 the
5 following:

6 “Sec. ____ Section 280.3, Code 2007, is amended to
7 read as follows:

8 280.3 DUTIES OF BOARD EDUCATIONAL PROGRAM —
9 ATTENDANCE CENTER REQUIREMENTS.

10 1. The board of directors of each public school
11 district and the authorities in charge of each
12 nonpublic school shall prescribe the minimum
13 educational program and an attendance policy which
14 shall require each child to attend school for at least
15 one hundred forty-eight days, to be met by attendance
16 for at least thirty-seven days each school quarter,
17 for the schools under their jurisdictions.

18 2. The minimum educational program shall be the
19 curriculum set forth in subsection 3 of this section
20 and section 256.11, except as otherwise provided by
21 law. The board of directors of a public school
22 district shall not allow discrimination in any
23 educational program on the basis of race, color,
24 creed, sex, marital status or place of national
25 origin.

26 3. The board of directors of each public school
27 district and the authorities in charge of each
28 nonpublic school shall do all of the following:

29 a. Adopt an implementation plan by July 1, 2010,
30 which provides for the adoption of at least one core
31 curriculum subject area each year as established by
32 the state board of education for grades nine through
33 twelve pursuant to section 256.7, subsection 26. The
34 core curriculum established for grades nine through
35 twelve by the state board of education pursuant to
36 section 256.7, subsection 26, shall be fully
37 implemented by each school district and school by July
38 1, 2012.

39 b. Adopt an implementation plan, by July 1, 2012,
40 which provides for the full implementation of the core
41 curriculum established for kindergarten through grade
42 eight by the state board of education pursuant to
43 section 256.7, subsection 26, by the 2014–2015 school
44 year.

45 4. A nonpublic school which is unable to meet the
46 minimum educational program may request an exemption
47 from the state board of education. The authorities in
48 charge of the nonpublic school shall file with the
49 director of the department of education the names and
50 locations of all schools desiring to be exempted and

Page 2

1 the names, ages, and post office addresses of all
2 pupils of compulsory school age who are enrolled. The
3 director, subject to the approval of the state board,
4 may exempt the nonpublic school from compliance with
5 the minimum educational program for two school years.
6 When the exemption has once been granted, renewal of
7 the exemption for each succeeding school year may be
8 conditioned by the director, with the approval of the
9 board, upon proof of achievement in the basic skills
10 of arithmetic, the communicative arts of reading,
11 writing, grammar, and spelling, and an understanding
12 of United States history, history of Iowa, and the
13 principles of American government, of the pupils of
14 compulsory school age exempted in the preceding year.
15 Proof of achievement shall be determined on the basis
16 of tests or other means of evaluation prescribed by
17 the director of the department of education with the
18 approval of the state board of education. The testing
19 or evaluation, if required, shall be accomplished
20 prior to submission of the request for renewal of the
21 exemption. Renewal requests shall be filed with the
22 director by April 15 of the school year preceding the
23 school year for which the applicants desire exemption.
24 This section shall not apply to schools eligible for
25 exemption under section 299.24.
26 5. The board of directors of each public school
27 district and the authorities in charge of each
28 nonpublic school shall establish and maintain
29 attendance centers based upon the needs of the school
30 age pupils enrolled in the school district or
31 nonpublic school. Public school kindergarten programs
32 shall and public and nonpublic school prekindergarten
33 programs may be provided. In addition, the board of
34 directors or governing authority may include in the
35 educational program of any school such additional
36 courses, subjects, or activities which it deems fit
37 the needs of the pupils.”
38 3. By renumbering as necessary.

FRANK B. WOOD

S-5015

- 1 Amend Senate File 2162 as follows:
2 1. By striking page 12, line 29, through page 13,
3 line 7.
4 2. By renumbering as necessary.

LARRY NOBLE

S-5016

- 1 Amend Senate File 2189 as follows:
 2 1. Page 1, by inserting after line 22 the
 3 following:
 4 “Sec. ____ Section 99B.17, Code 2007, is amended
 5 to read as follows:
 6 99B.17 GAMBLING ON CREDIT UNLAWFUL.
 7 A person who tenders and a person who receives any
 8 promise, agreement, note, bill, bond, contract,
 9 mortgage or other security, or any negotiable
 10 instrument, as consideration for any wager or bet,
 11 whether or not lawfully conducted or engaged in
 12 pursuant to this chapter, commits a misdemeanor.
 13 However, a participant in a bingo occasion or in a
 14 contest lawful under section 99B.11 may make payment
 15 by personal check for any entry or participation fee
 16 assessed by the sponsor of the bingo occasion or
 17 contest. In addition, a participant in a raffle may
 18 purchase raffle tickets by personal check, money
 19 order, bank check, cashier’s check, electronic check,
 20 credit card, or debit card. The department shall
 21 adopt rules setting minimum standards concerning the
 22 purchase of raffle tickets as authorized by this
 23 section for the protection of personal information
 24 consistent with payment card industry compliance
 25 regulations.”
 26 2. Title page, line 1, by inserting after the
 27 word “fairs” the following: “and the purchasing of
 28 raffle tickets”.
 29 3. By renumbering as necessary.

TOM HANCOCK

S-5017

- 1 Amend Senate File 2230 as follows:
 2 1. Page 1, line 5, by striking the words “under
 3 eighteen years of age” and inserting the following:
 4 “twenty-one years of age or younger”.

DAVID JOHNSON

S-5018

- 1 Amend Senate File 2216 as follows:
 2 1. Page 2, by inserting after line 34 the
 3 following:
 4 “Sec. ____ Section 256.9, Code Supplement 2007, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 57. Develop and distribute, in

7 collaboration with the area education agencies, core
 8 curriculum technical assistance and implementation
 9 strategies that school districts and accredited
 10 nonpublic schools may utilize, including but not
 11 limited to the development and delivery of formative
 12 and end-of-course assessments classroom teachers can
 13 use to measure student progress on the core curriculum
 14 adopted pursuant to section 256.7, subsection 26. The
 15 department shall continue to collaborate with Iowa
 16 testing programs on the development of end-of-course
 17 and additional assessments to align with the
 18 expectations included in the Iowa core curriculum.”
 19 2. Page 2, by inserting after line 34 the
 20 following:
 21 “Sec. ___. Section 256.9, Code Supplement 2007, is
 22 amended by adding the following new subsection:
 23 NEW SUBSECTION. 58. Submit an annual report to
 24 the general assembly by January 1 regarding
 25 activities, findings, and student progress under the
 26 core curriculum established pursuant to section 256.7,
 27 subsection 26. The annual report shall include the
 28 state board’s findings and recommendations.”
 29 3. By renumbering as necessary.

BRIAN SCHOENJAHN

S-5019

1 Amend Senate File 2216 as follows:
 2 1. Page 1, line 31, by striking the words “The
 3 state board shall”.
 4 2. Page 1, by striking lines 32 through 35.

BRAD ZAUN

S-5020

1 Amend Senate File 2216 as follows:
 2 1. Page 1, line 7, by striking the words “and
 3 accredited nonpublic schools” and inserting the
 4 following: “~~and accredited nonpublic schools~~”.
 5 2. Page 1, lines 28 and 29, by striking the words
 6 “~~and accredited nonpublic schools~~”.
 7 3. Page 1, lines 33 and 34, by striking the words
 8 “~~and accredited nonpublic schools~~”.
 9 4. Page 2, by striking lines 9 and 10 and
 10 inserting the following: “quality assessments to
 11 school districts ~~and accredited nonpublic schools~~ to
 12 measure the ~~voluntary model~~ core”.
 13 5. Page 2, lines 12 and 13, by striking the words
 14 “~~or accredited nonpublic schools~~”.

- 15 6. Page 2, line 19, by striking the words “and
 16 accredited nonpublic school” and inserting the
 17 following: “~~and accredited nonpublic school~~”.
- 18 7. Page 2, lines 26 and 27, by striking the words
 19 “and accredited nonpublic schools” and inserting the
 20 following: “~~and accredited nonpublic schools~~”.
- 21 8. Page 4, line 2, by striking the words “and
 22 accredited nonpublic schools”.
- 23 9. Title page, lines 3 and 4, by striking the
 24 words “and accredited nonpublic schools”.

BRAD ZAUN

S-5021

- 1 Amend Senate File 2216 as follows:
 2 1. Page 4, by inserting after line 8 the
 3 following:
 4 “Sec. ___. CORE CURRICULUM REVIEW. Prior to
 5 implementation of the core curriculum adopted in
 6 accordance with section 256.7, subsection 26, as
 7 amended by this Act, the director of the department of
 8 education shall submit the proposed core curriculum
 9 standards to the Iowa mathematics and science
 10 coalition, which shall review the core curriculum and
 11 submit its findings and recommendations to the
 12 department and the general assembly by January 15,
 13 2009.”
 14 2. By renumbering as necessary.

DAVID JOHNSON

S-5022

- 1 Amend Senate File 2216 as follows:
 2 1. Page 2, by inserting after line 34 the
 3 following:
 4 “Sec. ___. Section 256.9, Code Supplement 2007, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 57. Demonstrate the effectiveness
 7 of the core curriculum adopted pursuant to section
 8 256.7, subsection 26, by requiring school districts to
 9 administer annually, beginning in the school year
 10 following the school year in which school districts
 11 first implemented the core curriculum, a valid,
 12 reliable statewide assessment of the core curriculum
 13 content areas. The assessment shall be an
 14 end-of-course, standardized, norm-referenced
 15 assessment developed by a nationally recognized
 16 testing service. The department shall submit the
 17 results and the department’s findings and

18 recommendations in a report to the general assembly by
19 January 15 annually.”
20 2. By renumbering as necessary.

PAUL MCKINLEY

S-5023

1 Amend Senate File 2216 as follows:
2 1. Page 4, by inserting after line 8 the
3 following:
4 “Sec. ____ ADMINISTRATIVE RULE EFFECTIVENESS
5 DELAYED. Notwithstanding section 17A.8, subsections 7
6 and 9, the administrative rules review committee shall
7 refer any rule relating to the core curriculum adopted
8 by the state board of education in accordance with
9 section 256.7, subsection 26, as amended by this Act,
10 to the speaker of the house of representatives and the
11 president of the senate during a regular session of
12 the general assembly who shall refer the rule to the
13 appropriate standing committees of the general
14 assembly. The standing committee shall review the
15 rule within twenty-one days after the rule is referred
16 to the committee by the speaker of the house of
17 representatives or the president of the senate and
18 shall take formal committee action by sponsoring a
19 joint resolution to disapprove the rule, by proposing
20 legislation relating to the rule, or by refusing to
21 propose a joint resolution or legislation concerning
22 the rule. The standing committee shall inform the
23 administrative rules review committee of the committee
24 action taken concerning the rule. If the general
25 assembly has not disapproved of the rule by a joint
26 resolution, the rule shall become effective. The
27 speaker of the house of representatives and the
28 president of the senate shall notify the
29 administrative code editor of the final disposition of
30 each rule delayed pursuant to this section. If a rule
31 is disapproved, it shall not become effective and the
32 agency shall rescind the rule.”
33 2. By renumbering as necessary.

PAUL MCKINLEY

S-5024

1 Amend Senate File 2216 as follows:
2 1. Page 1, by striking lines 28 through 35 and
3 inserting the following: “asset building.”
4 2. Page 3, by inserting after line 33 the
5 following:

6 “Sec. ____ Section 280.3, Code 2007, is amended to
7 read as follows:

8 280.3 DUTIES OF BOARD EDUCATIONAL PROGRAM —
9 ATTENDANCE CENTER REQUIREMENTS.

10 1. The board of directors of each public school
11 district and the authorities in charge of each
12 nonpublic school shall prescribe the minimum
13 educational program and an attendance policy which
14 shall require each child to attend school for at least
15 one hundred forty-eight days, to be met by attendance
16 for at least thirty-seven days each school quarter,
17 for the schools under their jurisdictions.

18 2. The minimum educational program shall be the
19 curriculum set forth in subsection 3 of this section
20 and section 256.11, except as otherwise provided by
21 law. The board of directors of a public school
22 district shall not allow discrimination in any
23 educational program on the basis of race, color,
24 creed, sex, marital status or place of national
25 origin.

26 3. The board of directors of each public school
27 district and the authorities in charge of each
28 nonpublic school shall do all of the following:

29 a. Adopt and implement the core curriculum
30 established for grades nine through twelve by the
31 state board of education pursuant to section 256.7,
32 subsection 26, by July 1, 2012.

33 b. Adopt and implement the core curriculum
34 established for kindergarten through grade eight by
35 the state board of education pursuant to section
36 256.7, subsection 26, by July 1, 2014.

37 4. A nonpublic school which is unable to meet the
38 minimum educational program may request an exemption
39 from the state board of education. The authorities in
40 charge of the nonpublic school shall file with the
41 director of the department of education the names and
42 locations of all schools desiring to be exempted and
43 the names, ages, and post office addresses of all
44 pupils of compulsory school age who are enrolled. The
45 director, subject to the approval of the state board,
46 may exempt the nonpublic school from compliance with
47 the minimum educational program for two school years.
48 When the exemption has once been granted, renewal of
49 the exemption for each succeeding school year may be
50 conditioned by the director, with the approval of the

Page 2

1 board, upon proof of achievement in the basic skills
2 of arithmetic, the communicative arts of reading,
3 writing, grammar, and spelling, and an understanding
4 of United States history, history of Iowa, and the

5 principles of American government, of the pupils of
6 compulsory school age exempted in the preceding year.
7 Proof of achievement shall be determined on the basis
8 of tests or other means of evaluation prescribed by
9 the director of the department of education with the
10 approval of the state board of education. The testing
11 or evaluation, if required, shall be accomplished
12 prior to submission of the request for renewal of the
13 exemption. Renewal requests shall be filed with the
14 director by April 15 of the school year preceding the
15 school year for which the applicants desire exemption.
16 This section shall not apply to schools eligible for
17 exemption under section 299.24.
18 5. The board of directors of each public school
19 district and the authorities in charge of each
20 nonpublic school shall establish and maintain
21 attendance centers based upon the needs of the school
22 age pupils enrolled in the school district or
23 nonpublic school. Public school kindergarten programs
24 shall and public and nonpublic school prekindergarten
25 programs may be provided. In addition, the board of
26 directors or governing authority may include in the
27 educational program of any school such additional
28 courses, subjects, or activities which it deems fit
29 the needs of the pupils.”
30 3. By renumbering as necessary.

BRAD ZAUN

S-5025

1 Amend Senate File 2216 as follows:
2 1. Page 1, line 1, by striking the words and
3 figures “subsections 26 and 28” and inserting the
4 following: “subsection 26”.
5 2. Page 1, line 2, by striking the word “are” and
6 inserting the following: “is”.
7 3. Page 1, line 3, by striking the words
8 “~~voluntary model~~” and inserting the following:
9 “voluntary model”.
10 4. Page 1, line 10, by striking the words
11 “~~voluntary model~~” and inserting the following:
12 “voluntary model”.
13 5. Page 1, line 13, by striking the words
14 “~~voluntary model~~” and inserting the following:
15 “voluntary model”.
16 6. Page 1, line 29, by striking the word “the”
17 and inserting the following: “a”.
18 7. Page 1, line 30, by striking the words
19 “pursuant to this subsection”.
20 8. Page 1, line 34, by striking the word “the”
21 and inserting the following: “a”.

- 22 9. Page 1, lines 34 and 35, by striking the words
 23 “established by the state board” and inserting the
 24 following: “for such grades”.
- 25 10. Page 2, lines 2 and 3, by striking the words
 26 “~~voluntary model~~” and inserting the following:
 27 “voluntary model”.
- 28 11. Page 2, line 6, by striking the words
 29 “~~voluntary model~~” and inserting the following:
 30 “voluntary model”.
- 31 12. Page 2, line 10, by striking the words
 32 “~~voluntary model~~” and inserting the following:
 33 “voluntary model”.
- 34 13. Page 2, by striking lines 17 through 34.
- 35 14. Page 2, line 35, by inserting after the
 36 figure “279.61,” the following: “subsection 1.”.
- 37 15. Page 3, by striking lines 2 and 3.
- 38 16. Page 3, line 9, by striking the words
 39 “~~voluntary model~~” and inserting the following:
 40 “voluntary model”.
- 41 17. Page 3, by striking lines 25 through 33.
- 42 18. Page 4, by striking lines 9 through 19.
- 43 19. Title page, by striking line 3.
- 44 20. Title page, line 4, by striking the words
 45 “accredited nonpublic schools and”.

PAUL MCKINLEY

S-5026

- 1 Amend House File 2212, as amended, passed, and
 2 reprinted by the House as follows:
- 3 1. Page 8, by inserting after line 13, the
 4 following:
 5 “ . Private offices that are equipped with
 6 separate heating, ventilation, and air conditioning
 7 systems if no nonsmoking employee frequents or must
 8 pass through the office during the course of
 9 employment or volunteering.”
- 10 2. By renumbering as necessary.

MARY A. LUNDBY

S-5027

- 1 Amend Senate File 2216 as follows:
- 2 1. Page 4, by inserting after line 8 the
 3 following:
 4 “Sec. . CORE CURRICULUM REVIEW.
 5 1. Prior to implementation of any core curriculum
 6 standards adopted in accordance with section 256.7,
 7 subsection 26 or 28, as amended by this Act, the

8 chairperson of the state board of regents, in
9 consultation with the Iowa mathematics and science
10 coalition, shall convene three groups to review the
11 proposed standards and the core curriculum.
12 2. The literature review group shall consist of
13 the following:
14 a. One individual with experience in teaching
15 direct instruction in reading.
16 b. Four individuals with backgrounds in the
17 traditional subjects of literacy, English, grammar,
18 writing, and history.
19 3. The science review group shall consist of the
20 following:
21 a. One individual representing a college of
22 engineering.
23 b. One individual representing a college of
24 mathematics.
25 c. One individual representing a college
26 specializing in advanced sciences.
27 d. Two individuals who shall be selected by the
28 executive council from a list of three qualified
29 nominees provided by the Iowa mathematics and science
30 coalition.
31 4. The mathematics review group shall consist of
32 the following:
33 a. One individual representing a college of
34 engineering.
35 b. One individual representing a college of
36 mathematics.
37 c. One individual representing a college
38 specializing in advanced sciences.
39 d. Two individuals who shall be selected by the
40 executive council from a list of three qualified
41 nominees provided by the Iowa mathematics and science
42 coalition.
43 5. Each group shall, at a minimum, review and
44 compare the proposed standards and core curriculum
45 with the standards and core curricula of states whose
46 students perform at the highest levels in reading and
47 mathematics on the national assessment of educational
48 progress. The state board of regents shall submit the
49 results and the board's findings and recommendations
50 in a report to the general assembly by January 15,

Page 2

1 2009.”

2 2. By renumbering as necessary.

PAUL MCKINLEY

S-5028

1 Amend Senate File 2216 as follows:

2 1. By striking page 1, line 1, through page 2,
3 line 34, and inserting the following:

4 “Section 1. Section 256.7, subsection 26, Code
5 Supplement 2007, is amended by striking the subsection
6 and inserting in lieu thereof the following:

7 26. Adopt rules that establish as the statewide
8 core curriculum guidelines for learning, teaching, and
9 assessment in English language arts, mathematics,
10 science, and technology and engineering for
11 prekindergarten through grade twelve the curriculum
12 frameworks adopted by the Massachusetts board of
13 education, updated as necessary.

14 Sec. ____ Section 256.7, subsection 28, Code
15 Supplement 2007, is amended by striking the
16 subsection.”

17 2. Page 3, line 10, by striking the word
18 “developed” and inserting the following: “~~developed~~
19 requirements adopted”.

20 3. Page 3, lines 31 and 32, by striking the words
21 “and high school graduation” and inserting the
22 following: “~~high school graduation~~”.

23 4. By striking page 3, line 34, through page 4,
24 line 8, and inserting the following:

25 “Sec. ____ Section 280.3, Code 2007, is amended to
26 read as follows:

27 280.3 DUTIES OF BOARD EDUCATIONAL PROGRAM —
28 ATTENDANCE CENTER REQUIREMENTS.

29 1. The board of directors of each public school
30 district and the authorities in charge of each
31 nonpublic school shall prescribe the minimum
32 educational program and an attendance policy which
33 shall require each child to attend school for at least
34 one hundred forty-eight days, to be met by attendance
35 for at least thirty-seven days each school quarter,
36 for the schools under their jurisdictions.

37 2. The minimum educational program shall be the
38 curriculum set forth in subsection 3 of this section
39 and section 256.11, except as otherwise provided by
40 law. The board of directors of a public school
41 district shall not allow discrimination in any
42 educational program on the basis of race, color,
43 creed, sex, marital status or place of national
44 origin.

45 3. The board of directors of each public school
46 district and the authorities in charge of each
47 nonpublic school shall adopt by July 1, 2010, the
48 statewide core curriculum guidelines established for
49 prekindergarten through grade twelve by the state
50 board pursuant to section 256.7, subsection 26.

Page 2

1 4. A nonpublic school which is unable to meet the
2 minimum educational program may request an exemption
3 from the state board of education. The authorities in
4 charge of the nonpublic school shall file with the
5 director of the department of education the names and
6 locations of all schools desiring to be exempted and
7 the names, ages, and post office addresses of all
8 pupils of compulsory school age who are enrolled. The
9 director, subject to the approval of the state board,
10 may exempt the nonpublic school from compliance with
11 the minimum educational program for two school years.
12 When the exemption has once been granted, renewal of
13 the exemption for each succeeding school year may be
14 conditioned by the director, with the approval of the
15 board, upon proof of achievement in the basic skills
16 of arithmetic, the communicative arts of reading,
17 writing, grammar, and spelling, and an understanding
18 of United States history, history of Iowa, and the
19 principles of American government, of the pupils of
20 compulsory school age exempted in the preceding year.
21 Proof of achievement shall be determined on the basis
22 of tests or other means of evaluation prescribed by
23 the director of the department of education with the
24 approval of the state board of education. The testing
25 or evaluation, if required, shall be accomplished
26 prior to submission of the request for renewal of the
27 exemption. Renewal requests shall be filed with the
28 director by April 15 of the school year preceding the
29 school year for which the applicants desire exemption.
30 This section shall not apply to schools eligible for
31 exemption under section 299.24.

32 5. The board of directors of each public school
33 district and the authorities in charge of each
34 nonpublic school shall establish and maintain
35 attendance centers based upon the needs of the school
36 age pupils enrolled in the school district or
37 nonpublic school. Public school kindergarten programs
38 shall and public and nonpublic school prekindergarten
39 programs may be provided. In addition, the board of
40 directors or governing authority may include in the
41 educational program of any school such additional
42 courses, subjects, or activities which it deems fit
43 the needs of the pupils.”

44 5. Title page, by striking lines 1 through 5 and
45 inserting the following: “An Act requiring the state
46 board of education, school districts, and accredited
47 nonpublic schools to adopt statewide core curriculum

48 guidelines for prekindergarten through grade twelve.”
49 6. By renumbering as necessary.

DAVID JOHNSON

S-5029

1 Amend Senate File 2216 as follows:
2 1. Page 1, line 17, by striking the words “and
3 shall” and inserting the following: “~~and~~ shall”.
4 2. Page 1, line 19, by inserting after the word
5 “areas” the following: “; and shall include the
6 statewide core curriculum guidelines adopted pursuant
7 to this section”.
8 3. Page 2, by inserting after line 34 the
9 following:
10 “Sec. ____ Section 256.7, Code Supplement 2007, is
11 amended by adding the following new subsection:
12 NEW SUBSECTION. 29. Adopt statewide core
13 curriculum guidelines for number sense and operations
14 learning standards for grades three and four which
15 provide that students shall be able to engage in
16 problem solving, communicating, reasoning, connecting,
17 and representing as follows:
18 a. Exhibit an understanding of the base ten number
19 system by reading, modeling, writing, and interpreting
20 whole numbers to at least one hundred thousand;
21 demonstrating an understanding of the values of the
22 digits; and comparing and ordering the numbers.
23 b. Represent, order, and compare large numbers to
24 at least one hundred thousand.
25 c. Demonstrate an understanding of fractions as
26 parts of unit wholes, as parts of a collection, and as
27 locations on the number line.
28 d. Select, use, and explain models to relate
29 common fractions and mixed numbers, find equivalent
30 fractions, mixed numbers, and decimals, and order
31 fractions.
32 e. Identify and generate equivalent forms of
33 common decimals and fractions less than one whole,
34 including halves, quarters, fifths, and tenths.
35 f. Exhibit an understanding of the base ten number
36 system by reading, naming, and writing decimals
37 between zero and one up to hundredths.
38 g. Recognize classes, in particular odds and
39 evens, factors or multiples of a given number, and
40 squares, to which a number may belong, and identify
41 the numbers in those classes, and be able to use this
42 recognition in the solution of problems.
43 h. Select, use, and explain various meanings and
44 models of multiplication and division of whole
45 numbers; understand and use the inverse relationship

46 between the two operations.

47 i. Select, use, and explain the commutative and
48 associative, and identity properties of operations on
49 whole numbers in problem situations.

50 j. Select and use appropriate operations,

Page 2

1 including addition, subtraction, multiplication, and
2 division, to solve problems, including those involving
3 money.

4 k. Know multiplication facts through twelve
5 multiplied by twelve and related division facts; and
6 use these facts to solve related multiplication
7 problems and compute related problems.

8 l. Add and subtract up to five-digit numbers and
9 multiply up to three digits by two digits accurately
10 and efficiently.

11 m. Divide up to a three-digit whole number with a
12 single-digit divisor, with or without remainders,
13 accurately and efficiently; and be able to interpret
14 any remainders.

15 n. Demonstrate in the classroom an understanding
16 of and the ability to use the conventional algorithms
17 for addition and subtraction up to five-digit numbers,
18 and multiplication up to three digits by two digits.

19 o. Demonstrate in the classroom an understanding
20 of and the ability to use the conventional algorithm
21 for division of up to a three-digit whole number with
22 a single-digit divisor, with or without remainders.

23 p. Round whole numbers through one hundred
24 thousand to the nearest ten, one hundred, one
25 thousand, ten thousand, and one hundred thousand.

26 q. Select and use a variety of strategies,
27 including front-end, rounding, and regrouping, to
28 estimate quantities, measures, and the results of
29 whole-number computations up to three-digit whole
30 numbers and amounts of money to one thousand dollars,
31 and to judge the reasonableness of the answer.

32 r. Use concrete objects and visual models to add
33 and subtract common fractions.”

34 4. Page 2, by inserting after line 34 the
35 following:

36 “Sec. ____. Section 256.7, Code Supplement 2007, is
37 amended by adding the following new subsection:
38 NEW SUBSECTION. 30. Adopt statewide core
39 curriculum guidelines for patterns, relations, and
40 algebra learning standards for grades three and four
41 which provide that students shall be able to engage in
42 problem solving, communicating, reasoning, connecting,
43 and representing as follows:

44 a. Create, describe, extend, and explain symbolic

- 45 or geometric and numeric patterns, including
- 46 multiplication patterns.
- 47 b. Use symbol and letter variables to represent
- 48 unknowns or quantities that vary in expressions and in
- 49 equations or inequalities.
- 50 c. Determine values of variables in simple

Page 3

- 1 equations.
- 2 d. Use pictures, models, tables, charts, graphs,
- 3 words, number sentences, and mathematical notations to
- 4 interpret mathematical relationships.
- 5 e. Solve problems involving proportional
- 6 relationships, including unit pricing and map
- 7 interpretation.
- 8 f. Determine how change in one variable relates to
- 9 a change in a second variable, such as input-output
- 10 tables.”
- 11 5. Page 2, by inserting after line 34 the
- 12 following:
- 13 “Sec. ___. Section 256.7, Code Supplement 2007, is
- 14 amended by adding the following new subsection:
- 15 NEW SUBSECTION. 31. Adopt statewide core
- 16 curriculum guidelines for geometry learning standards
- 17 for grades three and four which provide that students
- 18 shall be able to engage in problem solving,
- 19 communicating, reasoning, connecting, and representing
- 20 as follows:
- 21 a. Compare and analyze attributes and other
- 22 features, such as the number of sides, faces, corners,
- 23 right angles, diagonals, and symmetry of two-and
- 24 three-dimensional geometric shapes.
- 25 b. Describe, model, draw, compare, and classify
- 26 two-and three-dimensional shapes, such as circles,
- 27 polygons including triangles and quadrilaterals,
- 28 cubes, spheres, and pyramids.
- 29 c. Recognize similar figures.
- 30 d. Identify angles as acute, right, or obtuse.
- 31 e. Describe and draw intersecting, parallel, and
- 32 perpendicular lines.
- 33 f. Use ordered pairs of numbers or letters, graph,
- 34 locate, identify points, and describe paths such as
- 35 first quadrant.
- 36 g. Describe and apply techniques such as
- 37 reflections, rotations, and translations for
- 38 determining if two shapes are congruent.
- 39 h. Identify and describe line symmetry in
- 40 two-dimensional shapes.
- 41 i. Predict and validate the results of
- 42 partitioning, folding, and combining two-and
- 43 three-dimensional shapes.”

44 6. Page 2, by inserting after line 34 the
45 following:
46 “Sec. ____ Section 256.7, Code Supplement 2007, is
47 amended by adding the following new subsection:
48 NEW SUBSECTION. 32. Adopt statewide core
49 curriculum guidelines for measurement learning
50 standards for grades three and four which provide that

Page 4

1 students shall be able to engage in problem solving,
2 communicating, reasoning, connecting, and representing
3 as follows:
4 a. Demonstrate an understanding of such attributes
5 as length, area, weight, and volume, and select the
6 appropriate type of unit for measuring each attribute.
7 b. Carry out simple unit conversions within a
8 system of measurement, such as hours to minutes, cents
9 to dollars, and yards to feet or inches.
10 c. Identify time to the minute on analog and
11 digital clocks using a.m. and p.m., and compute
12 elapsed time using a clock and a calendar.
13 d. Estimate and find the area and perimeter of a
14 rectangle, triangle, or irregular shape using
15 diagrams, models, and grids or by measuring.
16 e. Identify and use appropriate metric and English
17 units and tools including rulers, angle rulers,
18 graduated cylinders, and thermometers to estimate,
19 measure, and solve problems involving length, area,
20 volume, weight, time, angle size, and temperature.”
21 7. Page 2, by inserting after line 34 the
22 following:
23 “Sec. ____ Section 256.7, Code Supplement 2007, is
24 amended by adding the following new subsection:
25 NEW SUBSECTION. 33. Adopt statewide core
26 curriculum guidelines for data analysis, statistics,
27 and probability learning standards for grades three
28 and four which provide that students shall be able to
29 engage in problem solving, communicating, reasoning,
30 connecting, and representing as follows:
31 a. Collect and organize data using observations,
32 measurements, surveys, or experiments, and identify
33 appropriate ways to display the data.
34 b. Match a representation of a data set such as
35 lists, tables, or graphs, including circle graphs,
36 with the actual set of data.
37 c. Construct, draw conclusions, and make
38 predictions from various representations of data sets,
39 including tables, bar graphs, pictographs, line
40 graphs, line plots, and tallies.
41 d. Represent the possible outcomes for a simple
42 probability situation.

- 43 e. List and count the number of possible
 44 combinations of objects from three sets.
 45 f. Classify outcomes as certain, likely, unlikely,
 46 or impossible by designing and conducting experiments
 47 using concrete objects such as counters, number cubes,
 48 spinners, or coins.”
 49 8. By renumbering as necessary.

DAVID JOHNSON

S-5030

- 1 Amend the amendment, S-5018, to Senate File 2216 as
 2 follows:
 3 1. Page 1, by striking lines 4 through 28 and
 4 inserting the following:
 5 ““Sec. ____ Section 256.9, Code Supplement 2007,
 6 is amended by adding the following new subsection:
 7 NEW SUBSECTION. 59. Demonstrate the effectiveness
 8 of the core curriculum adopted pursuant to section
 9 256.7, subsection 26, by requiring school districts to
 10 administer annually, beginning in the school year
 11 following the school year in which school districts
 12 first implemented the core curriculum, a valid,
 13 reliable statewide assessment of the core curriculum
 14 content areas. The assessment shall be an
 15 end-of-course, standardized, norm-referenced
 16 assessment developed by a nationally recognized
 17 testing service. The department shall submit the
 18 results and the department’s findings and
 19 recommendations in a report to the general assembly by
 20 January 15 annually.””
 21 2. By renumbering as necessary.

PAUL MCKINLEY

S-5031

- 1 Amend Senate File 2035 as follows:
 2 1. Page 4, by striking lines 1 through 10.

STACI APPEL

S-5032

- 1 Amend Senate File 2204 as follows:
 2 1. Page 2, by striking lines 2 through 6.
 3 2. Page 8, line 13, by inserting after the word
 4 “to” the following: “provide an existing single-owner
 5 personal account for obtaining support payments, or,
 6 if no existing account is provided, to”.
 7 3. Page 8, line 34, by striking the words

8 “Failure to” and inserting the following: “Failure to
9 provide or”.
10 4. By renumbering as necessary.

KEITH A. KREIMAN

S-5033

HOUSE AMENDMENT TO
SENATE FILE 249

1 Amend Senate File 249, as passed by the Senate, as
2 follows:
3 1. Page 1, line 1, by inserting after the word
4 “Code” the following: “Supplement”.
5 2. Page 2, by inserting after line 22, the
6 following:
7 “c. An assignment under this subsection is in
8 addition to an assignment of medical support payments
9 under any other law, including section 252E.11.”
10 3. By striking page 5, line 3, through page 6,
11 line 14, and inserting the following:
12 “Sec. __. Section 249J.8, subsection 1, Code
13 Supplement 2007, is amended to read as follows:
14 1. Each expansion population member whose family
15 income exceeds one hundred percent of the federal
16 poverty level as defined by the most recently revised
17 poverty income guidelines published by the United
18 States department of health and human services shall
19 pay a monthly premium not to exceed one-twelfth of
20 five percent of the member’s annual family income.
21 Each expansion population member whose family income
22 is equal to or less than one hundred percent of the
23 federal poverty level as defined by the most recently
24 revised poverty income guidelines published by the
25 United States department of health and human services
26 shall not be subject to payment of a monthly premium.
27 All premiums shall be paid on the last day of the
28 month of coverage. The department shall deduct the
29 amount of any monthly premiums paid by an expansion
30 population member for benefits under the healthy and
31 well kids in Iowa program when computing the amount of
32 monthly premiums owed under this subsection. An
33 expansion population member shall pay the monthly
34 premium during the entire period of the member’s
35 enrollment. Regardless of the length of enrollment,
36 the member is subject to payment of the premium for a
37 minimum of four consecutive months. However, an
38 expansion population member who complies with the
39 requirement of payment of the premium for a minimum of
40 four consecutive months during a consecutive
41 twelve-month period of enrollment shall be deemed to
42 have complied with this requirement for the subsequent

43 consecutive twelve-month period of enrollment and
 44 shall only be subject to payment of the monthly
 45 premium on a month-by-month basis. Timely payment of
 46 premiums, including any arrearages accrued from prior
 47 enrollment, is a condition of receiving any expansion
 48 population services. The payment to and acceptance by
 49 an automated case management system or the department
 50 of the premium required under this subsection shall

Page 2

1 not automatically confer initial or continuing program
 2 eligibility on an individual. A premium paid to and
 3 accepted by the department's premium payment process
 4 that is subsequently determined to be untimely or to
 5 have been paid on behalf of an individual ineligible
 6 for the program shall be refunded to the remitter in
 7 accordance with rules adopted by the department.
 8 Premiums collected under this subsection shall be
 9 deposited in the premiums subaccount of the account
 10 for health care transformation created pursuant to
 11 section 249J.23. An expansion population member shall
 12 also pay the same copayments required of other adult
 13 recipients of medical assistance.”
 14 4. By renumbering as necessary.

S-5034

- 1 Amend Senate File 2199 as follows:
 2 1. Page 1, line 8, by striking the word “or” and
 3 inserting the following: “~~or~~”.
 4 2. Page 1, line 8, by inserting after the words
 5 “payment insurance” the following: “or denials of
 6 coverage not based on medical necessity”.
 7 3. Title page, line 1, by striking the words
 8 “allowing appeal of denials of dental” and inserting
 9 the following: “relating to appeals of denials of”.

KEITH A. KREIMAN
 AMANDA RAGAN
 DAVID JOHNSON

S-5035

- 1 Amend House File 2212, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 “Section 1. NEW SECTION. 142D.1 TITLE —
 6 FINDINGS — PURPOSE.
 7 1. This chapter shall be known and may be cited as

8 the "Smokefree Air Act".

9 2. The general assembly finds that environmental
10 tobacco smoke causes and exacerbates disease in
11 nonsmoking adults and children. These findings are
12 sufficient to warrant measures that regulate smoking
13 in public places and places of employment in order to
14 protect the public health and the health of employees.

15 3. The purpose of this chapter is to reduce the
16 level of exposure by the general public and employees
17 to environmental tobacco smoke in order to improve the
18 public health of Iowans.

19 Sec. 2. NEW SECTION. 142D.2 DEFINITIONS.

20 As used in this chapter, unless the context
21 otherwise requires:

22 1. "Bar" means an establishment where one may
23 purchase alcoholic beverages as defined in section
24 123.3, for consumption on the premises and in which
25 the serving of food is only incidental to the
26 consumption of those beverages.

27 2. "Business" means a sole proprietorship,
28 partnership, joint venture, corporation, association,
29 or other business entity, either for-profit or
30 not-for-profit, including retail establishments where
31 goods or services are sold; professional corporations
32 and other entities where legal, medical, dental,
33 engineering, architectural, or other professional
34 services are delivered; and private clubs.

35 3. "Common area" means a reception area, lobby,
36 hallway, restroom, elevator, stairwell, the common use
37 area of a multiunit residential property, or other
38 area to which the public is invited or in which the
39 public is permitted.

40 4. "Employee" means a person who is employed by an
41 employer in consideration for direct or indirect
42 monetary wages or profit, or a person who provides
43 services to an employer on a voluntary basis.

44 5. "Employer" means a person including a sole
45 proprietorship, partnership, joint venture,
46 corporation, association, or other business entity
47 whether for-profit or not-for-profit, including state
48 government and its political subdivisions, that
49 employs the services of one or more individuals as
50 employees.

Page 2

1 6. "Enclosed area" means all space between a floor
2 and ceiling that is contained on all sides by solid
3 walls or windows, exclusive of doorways, which extend
4 from the floor to the ceiling.

5 7. "Farm tractor" means farm tractor as defined in
6 section 321.1.

7 8. "Farm truck" means a single-unit truck,
8 truck-tractor, tractor, semitrailer, or trailer used
9 by a farmer to transport agricultural, horticultural,
10 dairy, or other farm products, including livestock,
11 produced or finished by the farmer, or to transport
12 any other personal property owned by the farmer, from
13 the farm to market, and to transport property and
14 supplies to the farm of the farmer.

15 9. "Farmer" means any of the following:

16 a. A person who files schedule F as part of the
17 person's annual form 1040 or form 1041 filing with the
18 United States internal revenue service, or an employee
19 of such person while the employee is actively engaged
20 in farming.

21 b. A person who holds an equity position in or who
22 is employed by a business association holding
23 agricultural land where the business association is
24 any of the following:

25 (1) A family farm corporation, authorized farm
26 corporation, family farm limited partnership, limited
27 partnership, family farm limited liability company,
28 authorized limited liability company, family trust, or
29 authorized trust, as provided in chapter 9H.

30 (2) A limited liability partnership as defined in
31 section 486A.101.

32 c. A natural person related to the person actively
33 engaged in farming as provided in paragraph "a" or "b"
34 when the person is actively engaged in farming. The
35 natural person must be related as spouse, parent,
36 grandparent, lineal ascendant of a grandparent or a
37 grandparent's spouse, other lineal descendant of a
38 grandparent or a grandparent's spouse, or a person
39 acting in a fiduciary capacity for persons so related.

40 For purposes of this subsection: "actively engaged
41 in farming" means participating in physical labor on a
42 regular, continuous, and substantial basis, or making
43 day-to-day management decisions, where such
44 participation or decision making is directly related
45 to raising and harvesting crops for feed, food, seed,
46 or fiber, or to the care and feeding of livestock.

47 10. "Health care provider location" means an
48 office or institution providing care or treatment of
49 disease, whether physical, mental, or emotional, or
50 other medical, physiological, or psychological

Page 3

1 conditions, including but not limited to a hospital as
2 defined in section 135B.1, a health care facility as
3 defined in section 135C.1, an elder group home as
4 defined in section 231B.1, an assisted living program
5 as defined in section 231C.2, an adult day services

6 program as defined in section 231D.1, clinics,
7 laboratories, and the locations of professionals
8 regulated pursuant to Title IV, subtitle III, and
9 includes all enclosed areas of the location including
10 waiting rooms, hallways, other common areas, private
11 rooms, semiprivate rooms, and wards within the
12 location.

13 11. "Implement of husbandry" means implement of
14 husbandry as defined in section 321.1.

15 12. "Long-term care facility" means a health care
16 facility as defined in section 135C.1, an elder group
17 home as defined in section 231B.1, or an assisted
18 living program as defined in section 231C.2.

19 13. "Place of employment" means an area under the
20 control of an employer and includes all areas that an
21 employee frequents during the course of employment or
22 volunteering, including but not limited to work areas,
23 private offices, conference and meeting rooms,
24 classrooms, auditoriums, employee lounges and
25 cafeterias, hallways, restrooms, elevators, stairways,
26 and vehicles owned, leased, or provided by the
27 employer unless otherwise provided under this chapter.
28 "Place of employment" does not include a private
29 residence, unless the private residence is used as a
30 child care facility, a child care home, or as a health
31 care provider location.

32 14. "Political subdivision" means a city, county,
33 township, or school district.

34 15. "Private club" means an organization, whether
35 or not incorporated, that is the owner, lessee, or
36 occupant of a location used exclusively for club
37 purposes at all times and that meets all of the
38 following criteria:

39 a. Is operated solely for a recreational,
40 fraternal, social, patriotic, political, benevolent,
41 or athletic purpose, but not for pecuniary gain.

42 b. Sells alcoholic beverages only as incidental to
43 its operation.

44 c. Is managed by a board of directors, executive
45 committee, or similar body chosen by the members.

46 d. Has established bylaws or another document to
47 govern its activities.

48 e. Has been granted an exemption from the payment
49 of federal income tax as a club pursuant to 26 U.S.C.
50 § 501.

Page 4

1 16. "Public place" means an enclosed area to which
2 the public is invited or in which the public is
3 permitted, including common areas, and including but
4 not limited to all of the following:

- 5 a. Financial institutions.
6 b. Restaurants.
7 c. Bars.
8 d. Public and private educational facilities.
9 e. Health care provider locations.
10 f. Hotels and motels.
11 g. Laundromats.
12 h. Public transportation facilities and
13 conveyances under the authority of the state or its
14 political subdivisions, including buses and taxicabs,
15 and including the ticketing, boarding, and waiting
16 areas of these facilities.
17 i. Reception areas.
18 j. Aquariums, galleries, libraries, and museums.
19 k. Retail food production and marketing
20 establishments.
21 l. Retail service establishments.
22 m. Retail stores.
23 n. Shopping malls.
24 o. Entertainment venues including but not limited
25 to theaters; concert halls; auditoriums and other
26 facilities primarily used for exhibiting motion
27 pictures, stage performances, lectures, musical
28 recitals, and other similar performances; bingo
29 facilities; and indoor arenas including sports arenas.
30 p. Polling places.
31 q. Convention facilities and meeting rooms.
32 r. Waiting rooms.
33 s. Public buildings and vehicles owned, leased, or
34 operated by or under the control of the state
35 government or its political subdivisions and including
36 the entirety of the private residence of any state
37 employee any portion of which is open to the public.
38 t. Service lines.
39 u. Common areas.
40 v. Private clubs only when being used for a
41 function to which the general public is invited.
42 w. Private residences only when used as a child
43 care facility, a child care home, or health care
44 provider location.
45 x. Child care facilities and child care homes.
46 y. Gambling structures, excursion gambling boats,
47 and racetrack enclosures.
48 17. "Restaurant" means eating establishments,
49 including private and public school cafeterias, which
50 offer food to the public, guests, or employees,

Page 5

- 1 including the kitchen and catering facilities in which
2 food is prepared on the premises for serving
3 elsewhere, and including a bar area within a

4 restaurant.

5 18. "Retail tobacco store" means a retail store
6 utilized primarily for the sale of tobacco products
7 and accessories and in which the sale of other
8 products is incidental to the sale of tobacco
9 products.

10 19. "Service line" means an indoor line in which
11 one or more individuals are waiting for or receiving
12 service of any kind, whether or not the service
13 involves the exchange of money.

14 20. "Shopping mall" means an enclosed public
15 walkway or hall area that serves to connect retail or
16 professional establishments.

17 21. "Smoking" means inhaling, exhaling, burning,
18 or carrying any lighted cigar, cigarette, pipe, or
19 other tobacco product in any manner or in any form.
20 "Smoking" does not include smoking that is associated
21 with a recognized religious ceremony, ritual, or
22 activity, including but not limited to burning of
23 incense.

24 22. "Sports arena" means a sports pavilion,
25 stadium, gymnasium, health spa, boxing arena, swimming
26 pool, roller or ice rink, bowling alley, or other
27 similar place where members of the general public
28 assemble to engage in physical exercise, participate
29 in athletic competition, or witness sports or other
30 events.

31 Sec. 3. NEW SECTION. 142D.3 PROHIBITION OF
32 SMOKING — PUBLIC PLACES, PLACES OF EMPLOYMENT, AND
33 OUTDOOR ARENAS AND THEATERS — SURROUNDING AREA.

34 1. Smoking is prohibited and a person shall not
35 smoke in any of the following:

36 a. Public places.

37 b. All enclosed areas within places of employment
38 including but not limited to common work areas;
39 private offices; auditoriums; classrooms; conference
40 and meeting rooms; elevators; hallways; medical
41 facilities; cafeterias; employee lounges; stairways
42 and stairwells; restrooms; vehicles owned, leased, or
43 provided by an employer unless otherwise provided
44 under this chapter; and all other enclosed areas
45 within places of employment.

46 2. In addition to the prohibitions specified in
47 subsection 1, smoking is prohibited and a person shall
48 not smoke in any of the following outdoor areas:

49 a. The seating areas of outdoor sports arenas,
50 stadiums, amphitheaters and other entertainment venues

Page 6

1 where members of the general public assemble to
2 witness entertainment events.

- 3 b. In outdoor seating or serving areas of
4 restaurants.
- 5 c. Public transit stations, platforms, and
6 shelters under the authority of the state or its
7 political subdivisions.
- 8 d. On school grounds, including parking lots,
9 athletic fields, playgrounds, tennis courts, and any
10 other outdoor area under the control of a public or
11 private educational facility, including inside any
12 vehicle located on such school grounds.
- 13 e. The grounds of any public buildings owned,
14 leased, or operated by or under the control of the
15 state government or its political subdivisions,
16 including the grounds of a private residence of a
17 state employee any portion of which is open to the
18 public.
- 19 Sec. 4. NEW SECTION. 142D.4 AREAS WHERE SMOKING
20 NOT REGULATED.
- 21 Notwithstanding any provision of this chapter to
22 the contrary, the following areas are exempt from the
23 prohibitions of section 142D.3:
- 24 1. Private residences, unless used as a child care
25 facility, child care home, or a health care provider
26 location.
- 27 2. Hotel and motel rooms that are rented to guests
28 and are designated as smoking rooms; provided that not
29 more than twenty percent of the rooms of a hotel or
30 motel rented to guests are designated as smoking
31 rooms, all smoking rooms on the same floor are
32 contiguous, and smoke from smoking rooms does not
33 infiltrate into areas in which smoking is otherwise
34 prohibited under this chapter. The status of smoking
35 and nonsmoking rooms shall not be changed, except to
36 provide additional nonsmoking rooms.
- 37 3. Retail tobacco stores, provided that smoke from
38 these locations does not infiltrate into areas in
39 which smoking is otherwise prohibited under this
40 chapter.
- 41 4. Private and semiprivate rooms in long-term care
42 facilities, occupied by one or more individuals, all
43 of whom are smokers and have requested in writing to
44 be placed in a room where smoking is permitted,
45 provided that smoke from these locations does not
46 infiltrate into areas in which smoking is otherwise
47 prohibited under this chapter.
- 48 5. Private clubs that have no employees, except
49 when being used for a function to which the general
50 public is invited, provided that smoke from these

Page 7

1 locations does not infiltrate into areas in which
2 smoking is otherwise prohibited under this chapter.
3 This exemption shall not apply to any entity that is
4 established for the purpose of avoiding compliance
5 with this chapter.

6 6. Outdoor areas that are places of employment
7 except those areas where smoking is prohibited
8 pursuant to section 142D.3, subsection 2.

9 7. Limousines under private hire; vehicles owned,
10 leased, or provided by a private employer that are for
11 the sole use of the driver and are not used by more
12 than one person in the course of employment either as
13 a driver or passenger; privately owned vehicles not
14 otherwise defined as a place of employment or public
15 place; and cabs of motor trucks or truck tractors if
16 no nonsmoking employees are present.

17 8. An enclosed area within a place of employment
18 or public place that provides a smoking cessation
19 program or a medical or scientific research or therapy
20 program, if smoking is an integral part of the
21 program.

22 9. Farm tractors, farm trucks, and implements of
23 husbandry when being used for their intended purposes.

24 10. Duly incorporated and acting posts or chapters
25 of veterans' organizations operating under a United
26 States congressional charter, except when the general
27 public is invited. This exemption shall not apply to
28 any entity that is established for the purpose of
29 avoiding compliance with this chapter.

30 11. The Iowa veterans home.

31 Sec. 5. NEW SECTION. 142D.5 DECLARATION OF
32 ESTABLISHMENT AS NONSMOKING.

33 1. Notwithstanding any provision of this chapter
34 to the contrary, an owner, operator, manager, or other
35 person having custody or control of an area otherwise
36 exempt from the prohibitions of section 142D.3 may
37 declare the entire area as a nonsmoking place.

38 2. Smoking shall be prohibited in any location of
39 an area declared a nonsmoking place under this section
40 if a sign is posted conforming to the provisions of
41 section 142D.6.

42 Sec. 6. NEW SECTION. 142D.6 NOTICE OF NONSMOKING
43 REQUIREMENTS — POSTING OF SIGNS.

44 1. Notice of the provisions of this chapter shall
45 be provided to all applicants for a business license
46 in this state, to all law enforcement agencies, and to
47 any business required to be registered with the office
48 of the secretary of state.

49 2. All employers subject to the prohibitions of
50 this chapter shall communicate to all existing

Page 8

1 employees and to all prospective employees upon
2 application for employment the smoking prohibitions
3 prescribed in this chapter.

4 3. The owner, operator, manager, or other person
5 having custody or control of a public place or place
6 of employment where smoking is prohibited under this
7 chapter shall clearly and conspicuously post in and at
8 every entrance to the public place or place of
9 employment “no smoking” signs or the international “no
10 smoking” symbol. Additionally, a “no smoking” sign or
11 the international “no smoking” symbol shall be placed
12 in every vehicle that constitutes a public place or
13 place of employment under this chapter, visible from
14 the exterior of the vehicle. All signs shall contain
15 the telephone number for reporting complaints and the
16 internet site of the department of public health. The
17 owner, operator, manager, or other person having
18 custody or control of the public place, place of
19 employment, or outdoor area may use the sample signs
20 provided on the department of public health’s internet
21 site, or may use another sign if the contents of the
22 sign comply with the requirements of this subsection.

23 4. The owner, operator, manager, or other person
24 having custody or control of a public place, place of
25 employment, or outdoor area where smoking is
26 prohibited under this chapter shall remove all
27 ashtrays from these locations.

28 Sec. 7. NEW SECTION. 142D.7 NONRETALIATION —
29 NONWAIVER OF RIGHTS.

30 1. A person or employer shall not discharge,
31 refuse to employ, or in any manner retaliate against
32 an employee, applicant for employment, or customer
33 because that employee, applicant, or customer
34 exercises any rights afforded under this chapter,
35 registers a complaint, or attempts to prosecute a
36 violation of this chapter.

37 2. An employee who works in a location where an
38 employer allows smoking does not waive or surrender
39 any legal rights the employee may have against the
40 employer or any other person.

41 Sec. 8. NEW SECTION. 142D.8 ENFORCEMENT.

42 1. This chapter shall be enforced by the
43 department of public health or the department’s
44 designee. The department of public health shall adopt
45 rules to administer this chapter, including rules
46 regarding enforcement. The department of public
47 health shall provide information regarding the
48 provisions of this chapter and related compliance
49 issues to employers, owners, operators, managers, and
50 other persons having custody or control of a public

Page 9

1 place, place of employment, or outdoor area where
2 smoking is prohibited, and the general public via the
3 department's internet site. The internet site shall
4 include sample signage and the telephone number for
5 reporting complaints. Judicial magistrates shall hear
6 and determine violations of this chapter.

7 2. If a public place is subject to any state or
8 political subdivision inspection process or is under
9 contract with the state or a political subdivision,
10 the person performing the inspection shall assess
11 compliance with the requirements of this chapter and
12 shall report any violations to the department of
13 public health or the department's designee.

14 3. An owner, operator, manager, or other person
15 having custody or control of a public place, place of
16 employment, or outdoor area regulated under this
17 chapter shall inform persons violating this chapter of
18 the provisions of this chapter.

19 4. An employee or private citizen may bring a
20 legal action to enforce this chapter. Any person may
21 register a complaint under this chapter by filing a
22 complaint with the department of public health or the
23 department's designee.

24 5. In addition to the remedies provided in this
25 section, the department of public health or the
26 department's designee or any other person aggrieved by
27 the failure of the owner, operator, manager, or other
28 person having custody or control of a public place,
29 place of employment, or outdoor area regulated by this
30 chapter to comply with this chapter may seek
31 injunctive relief to enforce this chapter.

32 Sec. 9. NEW SECTION. 142D.9 CIVIL PENALTIES.

33 1. A person who smokes in an area where smoking is
34 prohibited pursuant to this chapter shall pay a civil
35 penalty pursuant to section 805.8C, subsection 3,
36 paragraph "a", for each violation.

37 2. A person who owns, manages, operates, or
38 otherwise has custody or control of a public place,
39 place of employment, or outdoor area regulated under
40 this chapter and who fails to comply with this chapter
41 shall pay a civil penalty as follows:

42 a. For a first violation, a monetary penalty not
43 to exceed one hundred dollars.

44 b. For a second violation within one year, a
45 monetary penalty not to exceed two hundred dollars.

46 c. For each violation in excess of a second
47 violation within one year, a monetary penalty not to
48 exceed five hundred dollars for each additional
49 violation.

50 3. An employer who discharges or in any manner

Page 10

1 discriminates against an employee because the employee
2 has made a complaint or has provided information or
3 instituted a legal action under this chapter shall pay
4 a civil penalty of not less than two thousand dollars
5 and not more than ten thousand dollars for each
6 violation.

7 4. In addition to the penalties established in
8 this section, violation of this chapter by a person
9 who owns, manages, operates, or who otherwise has
10 custody or control of a public place, place of
11 employment, or outdoor area regulated under this
12 chapter may result in the suspension or revocation of
13 any permit or license issued to the person for the
14 premises on which the violation occurred.

15 5. Violation of this chapter constitutes a public
16 nuisance which may be abated by the department of
17 public health or the department's designee by
18 restraining order, preliminary or permanent
19 injunction, or other means provided by law, and the
20 entity abating the public nuisance may take action to
21 recover the costs of such abatement.

22 6. Each day on which a violation of this chapter
23 occurs is considered a separate and distinct
24 violation.

25 7. Civil penalties paid pursuant to this chapter
26 shall be deposited in the general fund of the state,
27 unless a local authority as designated by the
28 department in administrative rules is involved in the
29 enforcement, in which case the civil penalties paid
30 shall be deposited in the general fund of the city or
31 county.

32 Sec. 10. Section 135.1, unnumbered paragraph 1,
33 Code 2007, is amended to read as follows:

34 For the purposes of chapter 155 and Title IV,
35 subtitle 2, excluding chapters ~~142B~~, 145B, and 146,
36 unless otherwise defined:

37 Sec. 11. Section 135.11, subsection 14, Code
38 Supplement 2007, is amended to read as follows:

39 14. Establish, publish, and enforce rules not
40 inconsistent with law for the enforcement of the
41 provisions of chapters 125 and 155, and Title IV,
42 subtitle 2, excluding chapters ~~142B~~, ~~142D~~, 145B, and
43 146 and for the enforcement of the various laws, the
44 administration and supervision of which are imposed
45 upon the department.

46 Sec. 12. Section 237A.3A, subsection 5, Code 2007,
47 is amended by striking the subsection.

48 Sec. 13. NEW SECTION. 237A.3B SMOKING
49 PROHIBITED.

50 Smoking, as defined in section 142D.2, shall not be

Page 11

1 permitted in a child care facility or child care home.
 2 Sec. 14. Section 331.427, subsection 1, unnumbered
 3 paragraph 1, Code Supplement 2007, is amended to read
 4 as follows:

5 Except as otherwise provided by state law, county
 6 revenues from taxes and other sources for general
 7 county services shall be credited to the general fund
 8 of the county, including revenues received under
 9 sections 9I.11, 101A.3, 101A.7, 123.36, 123.143,
 10 ~~142B.6~~, 142D.9, 176A.8, 321.105, 321.152, 321G.7,
 11 321I.8, section 331.554, subsection 6, sections
 12 341A.20, 364.3, 368.21, 423A.7, 428A.8, 433.15,
 13 434.19, 445.57, 453A.35, 458A.21, 483A.12, 533.329,
 14 556B.1, 583.6, 602.8108, 904.908, and 906.17, and the
 15 following:

16 Sec. 15. Section 805.8C, subsection 3, paragraph
 17 a, Code Supplement 2007, is amended to read as
 18 follows:

19 a. For violations ~~of section 142B.6~~ described in
 20 section 142D.9, subsection 1, the scheduled fine is
 21 ~~twenty five~~ fifty dollars, and is a civil penalty, and
 22 the criminal penalty surcharge under section 911.1
 23 shall not be added to the penalty, and the court costs
 24 pursuant to section 805.9, subsection 6, shall not be
 25 imposed. If the civil penalty assessed for a
 26 violation ~~of~~ described in section ~~142B.6~~ 142D.9,
 27 subsection 1, is not paid in a timely manner, a
 28 citation shall be issued for the violation in the
 29 manner provided in section 804.1. However, a person
 30 under age eighteen shall not be detained in a secure
 31 facility for failure to pay the civil penalty. The
 32 complainant shall not be charged a filing fee.

33 Sec. 16. Chapter 142B, Code 2007, is repealed.”

STACI APPEL

S-5036

1 Amend the amendment, S-5035, to House File 2212, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. By striking page 1, line 1, through page 11,
 5 line 33, and inserting the following:

6 “Amend House File 2212, as amended, passed, and
 7 reprinted by the House, as follows:

8 “____. By striking everything after the enacting
 9 clause and inserting the following:

10 “Section 1. NEW SECTION. 142D.1 TITLE —
 11 FINDINGS — PURPOSE.

12 1. This chapter shall be known and may be cited as

13 the "Smokefree Air Act".

14 2. The general assembly finds that environmental
15 tobacco smoke causes and exacerbates disease in
16 nonsmoking adults and children. These findings are
17 sufficient to warrant measures that regulate smoking
18 in public places and places of employment in order to
19 protect the public health and the health of employees.

20 3. The purpose of this chapter is to reduce the
21 level of exposure by the general public and employees
22 to environmental tobacco smoke in order to improve the
23 public health of Iowans.

24 Sec. 2. NEW SECTION. 142D.2 DEFINITIONS.

25 As used in this chapter, unless the context
26 otherwise requires:

27 1. "Bar" means an establishment where one may
28 purchase alcoholic beverages as defined in section
29 123.3, for consumption on the premises and in which
30 the serving of food is only incidental to the
31 consumption of those beverages.

32 2. "Business" means a sole proprietorship,
33 partnership, joint venture, corporation, association,
34 or other business entity, either for-profit or
35 not-for-profit, including retail establishments where
36 goods or services are sold; professional corporations
37 and other entities where legal, medical, dental,
38 engineering, architectural, or other professional
39 services are delivered; and private clubs.

40 3. "Common area" means a reception area, lobby,
41 hallway, restroom, elevator, stairwell, the common use
42 area of a multiunit residential property, or other
43 area to which the public is invited or in which the
44 public is permitted.

45 4. "Employee" means a person who is employed by an
46 employer in consideration for direct or indirect
47 monetary wages or profit, or a person who provides
48 services to an employer on a voluntary basis.

49 5. "Employer" means a person including a sole
50 proprietorship, partnership, joint venture,

Page 2

1 corporation, association, or other business entity
2 whether for-profit or not-for-profit, including state
3 government and its political subdivisions, that
4 employs the services of one or more individuals as
5 employees.

6 6. "Enclosed area" means all space between a floor
7 and ceiling that is contained on all sides by solid
8 walls or windows, exclusive of doorways, which extend
9 from the floor to the ceiling.

10 7. "Farm tractor" means farm tractor as defined in
11 section 321.1.

12 8. "Farm truck" means a single-unit truck,
13 truck-tractor, tractor, semitrailer, or trailer used
14 by a farmer to transport agricultural, horticultural,
15 dairy, or other farm products, including livestock,
16 produced or finished by the farmer, or to transport
17 any other personal property owned by the farmer, from
18 the farm to market, and to transport property and
19 supplies to the farm of the farmer.

20 9. "Farmer" means any of the following:

21 a. A person who files schedule F as part of the
22 person's annual form 1040 or form 1041 filing with the
23 United States internal revenue service, or an employee
24 of such person while the employee is actively engaged
25 in farming.

26 b. A person who holds an equity position in or who
27 is employed by a business association holding
28 agricultural land where the business association is
29 any of the following:

30 (1) A family farm corporation, authorized farm
31 corporation, family farm limited partnership, limited
32 partnership, family farm limited liability company,
33 authorized limited liability company, family trust, or
34 authorized trust, as provided in chapter 9H.

35 (2) A limited liability partnership as defined in
36 section 486A.101.

37 c. A natural person related to the person actively
38 engaged in farming as provided in paragraph "a" or "b"
39 when the person is actively engaged in farming. The
40 natural person must be related as spouse, parent,
41 grandparent, lineal ascendant of a grandparent or a
42 grandparent's spouse, other lineal descendant of a
43 grandparent or a grandparent's spouse, or a person
44 acting in a fiduciary capacity for persons so related.

45 For purposes of this subsection: "actively engaged
46 in farming" means participating in physical labor on a
47 regular, continuous, and substantial basis, or making
48 day-to-day management decisions, where such
49 participation or decision making is directly related
50 to raising and harvesting crops for feed, food, seed,

Page 3

1 or fiber, or to the care and feeding of livestock.

2 10. "Health care provider location" means an
3 office or institution providing care or treatment of
4 disease, whether physical, mental, or emotional, or
5 other medical, physiological, or psychological
6 conditions, including but not limited to a hospital as
7 defined in section 135B.1, a health care facility as
8 defined in section 135C.1, an elder group home as
9 defined in section 231B.1, an assisted living program
10 as defined in section 231C.2, an adult day services

11 program as defined in section 231D.1, clinics,
12 laboratories, and the locations of professionals
13 regulated pursuant to Title IV, subtitle III, and
14 includes all enclosed areas of the location including
15 waiting rooms, hallways, other common areas, private
16 rooms, semiprivate rooms, and wards within the
17 location.

18 11. "Implement of husbandry" means implement of
19 husbandry as defined in section 321.1.

20 12. "Long-term care facility" means a health care
21 facility as defined in section 135C.1, an elder group
22 home as defined in section 231B.1, or an assisted
23 living program as defined in section 231C.2.

24 13. "Place of employment" means an area under the
25 control of an employer and includes all areas that an
26 employee frequents during the course of employment or
27 volunteering, including but not limited to work areas,
28 private offices, conference and meeting rooms,
29 classrooms, auditoriums, employee lounges and
30 cafeterias, hallways, restrooms, elevators, stairways,
31 and vehicles owned, leased, or provided by the
32 employer unless otherwise provided under this chapter.
33 "Place of employment" does not include a private
34 residence, unless the private residence is used as a
35 child care facility, a child care home, or as a health
36 care provider location.

37 14. "Political subdivision" means a city, county,
38 township, or school district.

39 15. "Private club" means an organization, whether
40 or not incorporated, that is the owner, lessee, or
41 occupant of a location used exclusively for club
42 purposes at all times and that meets all of the
43 following criteria:

44 a. Is operated solely for a recreational,
45 fraternal, social, patriotic, political, benevolent,
46 or athletic purpose, but not for pecuniary gain.

47 b. Sells alcoholic beverages only as incidental to
48 its operation.

49 c. Is managed by a board of directors, executive
50 committee, or similar body chosen by the members.

Page 4

1 d. Has established bylaws or another document to
2 govern its activities.

3 e. Has been granted an exemption from the payment
4 of federal income tax as a club pursuant to 26 U.S.C.
5 § 501.

6 16. "Public place" means an enclosed area to which
7 the public is invited or in which the public is
8 permitted, including common areas, and including but
9 not limited to all of the following:

- 10 a. Financial institutions.
- 11 b. Restaurants.
- 12 c. Bars.
- 13 d. Public and private educational facilities.
- 14 e. Health care provider locations.
- 15 f. Hotels and motels.
- 16 g. Laundromats.
- 17 h. Public transportation facilities and
- 18 conveyances under the authority of the state or its
- 19 political subdivisions, including buses and taxicabs,
- 20 and including the ticketing, boarding, and waiting
- 21 areas of these facilities.
- 22 i. Reception areas.
- 23 j. Aquariums, galleries, libraries, and museums.
- 24 k. Retail food production and marketing
- 25 establishments.
- 26 l. Retail service establishments.
- 27 m. Retail stores.
- 28 n. Shopping malls.
- 29 o. Entertainment venues including but not limited
- 30 to theaters; concert halls; auditoriums and other
- 31 facilities primarily used for exhibiting motion
- 32 pictures, stage performances, lectures, musical
- 33 recitals, and other similar performances; bingo
- 34 facilities; and indoor arenas including sports arenas.
- 35 p. Polling places.
- 36 q. Convention facilities and meeting rooms.
- 37 r. Waiting rooms.
- 38 s. Public buildings and vehicles owned, leased, or
- 39 operated by or under the control of the state
- 40 government or its political subdivisions and including
- 41 the entirety of the private residence of any state
- 42 employee any portion of which is open to the public.
- 43 t. Service lines.
- 44 u. Common areas.
- 45 v. Private clubs only when being used for a
- 46 function to which the general public is invited.
- 47 w. Private residences only when used as a child
- 48 care facility, a child care home, or health care
- 49 provider location.
- 50 x. Child care facilities and child care homes.

Page 5

- 1 y. Gambling structures, excursion gambling boats,
- 2 and racetrack enclosures.
- 3 17. "Restaurant" means eating establishments,
- 4 including private and public school cafeterias, which
- 5 offer food to the public, guests, or employees,
- 6 including the kitchen and catering facilities in which
- 7 food is prepared on the premises for serving
- 8 elsewhere, and including a bar area within a

9 restaurant.

10 18. "Retail tobacco store" means a retail store
11 utilized primarily for the sale of tobacco products
12 and accessories and in which the sale of other
13 products is incidental to the sale of tobacco
14 products.

15 19. "Service line" means an indoor line in which
16 one or more individuals are waiting for or receiving
17 service of any kind, whether or not the service
18 involves the exchange of money.

19 20. "Shopping mall" means an enclosed public
20 walkway or hall area that serves to connect retail or
21 professional establishments.

22 21. "Smoking" means inhaling, exhaling, burning,
23 or carrying any lighted cigar, cigarette, pipe, or
24 other tobacco product in any manner or in any form.
25 "Smoking" does not include smoking that is associated
26 with a recognized religious ceremony, ritual, or
27 activity, including but not limited to burning of
28 incense.

29 22. "Sports arena" means a sports pavilion,
30 stadium, gymnasium, health spa, boxing arena, swimming
31 pool, roller or ice rink, bowling alley, or other
32 similar place where members of the general public
33 assemble to engage in physical exercise, participate
34 in athletic competition, or witness sports or other
35 events.

36 Sec. 3. NEW SECTION. 142D.3 PROHIBITION OF
37 SMOKING — PUBLIC PLACES, PLACES OF EMPLOYMENT, AND
38 OUTDOOR ARENAS AND THEATERS — SURROUNDING AREA.

39 1. Smoking is prohibited and a person shall not
40 smoke in any of the following:

41 a. Public places.

42 b. All enclosed areas within places of employment
43 including but not limited to common work areas;
44 private offices; auditoriums; classrooms; conference
45 and meeting rooms; elevators; hallways; medical
46 facilities; cafeterias; employee lounges; stairways
47 and stairwells; restrooms; vehicles owned, leased, or
48 provided by an employer unless otherwise provided
49 under this chapter; and all other enclosed areas
50 within places of employment.

Page 6

1 2. In addition to the prohibitions specified in
2 subsection 1, smoking is prohibited and a person shall
3 not smoke in any of the following outdoor areas:

4 a. The seating areas of outdoor sports arenas,
5 stadiums, amphitheaters and other entertainment venues
6 where members of the general public assemble to
7 witness entertainment events.

- 8 b. In outdoor seating or serving areas of
9 restaurants.
- 10 c. Public transit stations, platforms, and
11 shelters under the authority of the state or its
12 political subdivisions.
- 13 d. On school grounds, including parking lots,
14 athletic fields, playgrounds, tennis courts, and any
15 other outdoor area under the control of a public or
16 private educational facility, including inside any
17 vehicle located on such school grounds.
- 18 e. The grounds of any public buildings owned,
19 leased, or operated by or under the control of the
20 state government or its political subdivisions,
21 including the grounds of a private residence of a
22 state employee any portion of which is open to the
23 public with the following exceptions:
- 24 (1) This paragraph shall not apply to the Iowa
25 state fairgrounds, or fairgrounds as defined in
26 section 174.1.
- 27 (2) This paragraph shall not apply to institutions
28 administered by the department of corrections, except
29 that smoking on the grounds shall be limited to
30 designated smoking areas.
- 31 (3) This paragraph shall not apply to facilities
32 of the Iowa national guard as defined in section
33 29A.1, except that smoking on the grounds shall be
34 limited to designated smoking areas.
- 35 Sec. 4. NEW SECTION. 142D.4 AREAS WHERE SMOKING
36 NOT REGULATED.
- 37 Notwithstanding any provision of this chapter to
38 the contrary, the following areas are exempt from the
39 prohibitions of section 142D.3:
- 40 1. Private residences, unless used as a child care
41 facility, child care home, or a health care provider
42 location.
- 43 2. Hotel and motel rooms that are rented to guests
44 and are designated as smoking rooms; provided that not
45 more than twenty percent of the rooms of a hotel or
46 motel rented to guests are designated as smoking
47 rooms, all smoking rooms on the same floor are
48 contiguous, and smoke from smoking rooms does not
49 infiltrate into areas in which smoking is otherwise
50 prohibited under this chapter. The status of smoking

Page 7

- 1 and nonsmoking rooms shall not be changed, except to
2 provide additional nonsmoking rooms.
- 3 3. Retail tobacco stores, provided that smoke from
4 these locations does not infiltrate into areas in
5 which smoking is otherwise prohibited under this
6 chapter.

7 4. Private and semiprivate rooms in long-term care
8 facilities, occupied by one or more individuals, all
9 of whom are smokers and have requested in writing to
10 be placed in a room where smoking is permitted,
11 provided that smoke from these locations does not
12 infiltrate into areas in which smoking is otherwise
13 prohibited under this chapter.

14 5. Private clubs that have no employees, except
15 when being used for a function to which the general
16 public is invited, provided that smoke from these
17 locations does not infiltrate into areas in which
18 smoking is otherwise prohibited under this chapter.
19 This exemption shall not apply to any entity that is
20 established for the purpose of avoiding compliance
21 with this chapter.

22 6. Outdoor areas that are places of employment
23 except those areas where smoking is prohibited
24 pursuant to section 142D.3, subsection 2.

25 7. Limousines under private hire; vehicles owned
26 leased, or provided by a private employer that are for
27 the sole use of the driver and are not used by more
28 than one person in the course of employment either as
29 a driver or passenger; privately owned vehicles not
30 otherwise defined as a place of employment or public
31 place; and cabs of motor trucks or truck tractors if
32 no nonsmoking employees are present.

33 8. An enclosed area within a place of employment
34 or public place that provides a smoking cessation
35 program or a medical or scientific research or therapy
36 program, if smoking is an integral part of the
37 program.

38 9. Farm tractors, farm trucks, and implements of
39 husbandry when being used for their intended purposes.

40 Sec. 5. NEW SECTION. 142D.5 DECLARATION OF
41 ESTABLISHMENT AS NONSMOKING.

42 1. Notwithstanding any provision of this chapter
43 to the contrary, an owner, operator, manager, or other
44 person having custody or control of an area otherwise
45 exempt from the prohibitions of section 142D.3 may
46 declare the entire area as a nonsmoking place.

47 2. Smoking shall be prohibited in any location of
48 an area declared a nonsmoking place under this section
49 if a sign is posted conforming to the provisions of
50 section 142D.6.

Page 8

1 Sec. 6. NEW SECTION. 142D.6 NOTICE OF NONSMOKING
2 REQUIREMENTS — POSTING OF SIGNS.

3 1. Notice of the provisions of this chapter shall
4 be provided to all applicants for a business license
5 in this state, to all law enforcement agencies, and to

6 any business required to be registered with the office
7 of the secretary of state.

8 2. All employers subject to the prohibitions of
9 this chapter shall communicate to all existing
10 employees and to all prospective employees upon
11 application for employment the smoking prohibitions
12 prescribed in this chapter.

13 3. The owner, operator, manager, or other person
14 having custody or control of a public place or place
15 of employment where smoking is prohibited under this
16 chapter shall clearly and conspicuously post in and at
17 every entrance to the public place or place of
18 employment “no smoking” signs or the international “no
19 smoking” symbol. Additionally, a “no smoking” sign or
20 the international “no smoking” symbol shall be placed
21 in every vehicle that constitutes a public place or
22 place of employment under this chapter, visible from
23 the exterior of the vehicle. All signs shall contain
24 the telephone number for reporting complaints and the
25 internet site of the department of public health. The
26 owner, operator, manager, or other person having
27 custody or control of the public place, place of
28 employment, or outdoor area may use the sample signs
29 provided on the department of public health’s internet
30 site, or may use another sign if the contents of the
31 sign comply with the requirements of this subsection.

32 4. The owner, operator, manager, or other person
33 having custody or control of a public place, place of
34 employment, or outdoor area where smoking is
35 prohibited under this chapter shall remove all
36 ashtrays from these locations.

37 Sec. 7. NEW SECTION. 142D.7 NONRETALIATION —
38 NONWAIVER OF RIGHTS.

39 1. A person or employer shall not discharge,
40 refuse to employ, or in any manner retaliate against
41 an employee, applicant for employment, or customer
42 because that employee, applicant, or customer
43 exercises any rights afforded under this chapter,
44 registers a complaint, or attempts to prosecute a
45 violation of this chapter.

46 2. An employee who works in a location where an
47 employer allows smoking does not waive or surrender
48 any legal rights the employee may have against the
49 employer or any other person.

50 Sec. 8. NEW SECTION. 142D.8 ENFORCEMENT.

Page 9

1 1. This chapter shall be enforced by the
2 department of public health or the department’s
3 designee. The department of public health shall adopt
4 rules to administer this chapter, including rules

5 regarding enforcement. The department of public
6 health shall provide information regarding the
7 provisions of this chapter and related compliance
8 issues to employers, owners, operators, managers, and
9 other persons having custody or control of a public
10 place, place of employment, or outdoor area where
11 smoking is prohibited, and the general public via the
12 department's internet site. The internet site shall
13 include sample signage and the telephone number for
14 reporting complaints. Judicial magistrates shall hear
15 and determine violations of this chapter.

16 2. If a public place is subject to any state or
17 political subdivision inspection process or is under
18 contract with the state or a political subdivision,
19 the person performing the inspection shall assess
20 compliance with the requirements of this chapter and
21 shall report any violations to the department of
22 public health or the department's designee.

23 3. An owner, operator, manager, or other person
24 having custody or control of a public place, place of
25 employment, or outdoor area regulated under this
26 chapter shall inform persons violating this chapter of
27 the provisions of this chapter.

28 4. An employee or private citizen may bring a
29 legal action to enforce this chapter. Any person may
30 register a complaint under this chapter by filing a
31 complaint with the department of public health or the
32 department's designee.

33 5. In addition to the remedies provided in this
34 section, the department of public health or the
35 department's designee or any other person aggrieved by
36 the failure of the owner, operator, manager, or other
37 person having custody or control of a public place,
38 place of employment, or outdoor area regulated by this
39 chapter to comply with this chapter may seek
40 injunctive relief to enforce this chapter.

41 Sec. 9. NEW SECTION. 142D.9 CIVIL PENALTIES.

42 1. A person who smokes in an area where smoking is
43 prohibited pursuant to this chapter shall pay a civil
44 penalty pursuant to section 805.8C, subsection 3,
45 paragraph "a", for each violation.

46 2. A person who owns, manages, operates, or
47 otherwise has custody or control of a public place,
48 place of employment, or outdoor area regulated under
49 this chapter and who fails to comply with this chapter
50 shall pay a civil penalty as follows:

Page 10

- 1 a. For a first violation, a monetary penalty not
- 2 to exceed one hundred dollars.
- 3 b. For a second violation within one year, a

4 monetary penalty not to exceed two hundred dollars.
5 c. For each violation in excess of a second
6 violation within one year, a monetary penalty not to
7 exceed five hundred dollars for each additional
8 violation.

9 3. An employer who discharges or in any manner
10 discriminates against an employee because the employee
11 has made a complaint or has provided information or
12 instituted a legal action under this chapter shall pay
13 a civil penalty of not less than two thousand dollars
14 and not more than ten thousand dollars for each
15 violation.

16 4. In addition to the penalties established in
17 this section, violation of this chapter by a person
18 who owns, manages, operates, or who otherwise has
19 custody or control of a public place, place of
20 employment, or outdoor area regulated under this
21 chapter may result in the suspension or revocation of
22 any permit or license issued to the person for the
23 premises on which the violation occurred.

24 5. Violation of this chapter constitutes a public
25 nuisance which may be abated by the department of
26 public health or the department's designee by
27 restraining order, preliminary or permanent
28 injunction, or other means provided by law, and the
29 entity abating the public nuisance may take action to
30 recover the costs of such abatement.

31 6. Each day on which a violation of this chapter
32 occurs is considered a separate and distinct
33 violation.

34 7. Civil penalties paid pursuant to this chapter
35 shall be deposited in the general fund of the state,
36 unless a local authority as designated by the
37 department in administrative rules is involved in the
38 enforcement, in which case the civil penalties paid
39 shall be deposited in the general fund of the city or
40 county.

41 Sec. 10. Section 135.1, unnumbered paragraph 1,
42 Code 2007, is amended to read as follows:

43 For the purposes of chapter 155 and Title IV,
44 subtitle 2, excluding chapters ~~142B~~, 145B, and 146,
45 unless otherwise defined:

46 Sec. 11. Section 135.11, subsection 14, Code
47 Supplement 2007, is amended to read as follows:

48 14. Establish, publish, and enforce rules not
49 inconsistent with law for the enforcement of the
50 provisions of chapters 125 and 155, and Title IV,

3 administration and supervision of which are imposed
 4 upon the department.
 5 Sec. 12. Section 237A.3A, subsection 5, Code 2007,
 6 is amended by striking the subsection.
 7 Sec. 13. NEW SECTION. 237A.3B SMOKING
 8 PROHIBITED.
 9 Smoking, as defined in section 142D.2, shall not be
 10 permitted in a child care facility or child care home.
 11 Sec. 14. Section 331.427, subsection 1, unnumbered
 12 paragraph 1, Code Supplement 2007, is amended to read
 13 as follows:
 14 Except as otherwise provided by state law, county
 15 revenues from taxes and other sources for general
 16 county services shall be credited to the general fund
 17 of the county, including revenues received under
 18 sections 9I.11, 101A.3, 101A.7, 123.36, 123.143,
 19 ~~142B.6,~~ 142D.9, 176A.8, 321.105, 321.152, 321G.7,
 20 321I.8, section 331.554, subsection 6, sections
 21 341A.20, 364.3, 368.21, 423A.7, 428A.8, 433.15,
 22 434.19, 445.57, 453A.35, 458A.21, 483A.12, 533.329,
 23 556B.1, 583.6, 602.8108, 904.908, and 906.17, and the
 24 following:
 25 Sec. 15. Section 805.8C, subsection 3, paragraph
 26 a, Code Supplement 2007, is amended to read as
 27 follows:
 28 a. For violations ~~of section 142B.6 described in~~
 29 section 142D.9, subsection 1, the scheduled fine is
 30 ~~twenty five fifty~~ dollars, and is a civil penalty, and
 31 the criminal penalty surcharge under section 911.1
 32 shall not be added to the penalty, and the court costs
 33 pursuant to section 805.9, subsection 6, shall not be
 34 imposed. If the civil penalty assessed for a
 35 violation ~~of described in section 142B.6~~ 142D.9,
 36 subsection 1, is not paid in a timely manner, a
 37 citation shall be issued for the violation in the
 38 manner provided in section 804.1. However, a person
 39 under age eighteen shall not be detained in a secure
 40 facility for failure to pay the civil penalty. The
 41 complainant shall not be charged a filing fee.
 42 Sec. 16. Chapter 142B, Code 2007, is repealed.””

STACI APPEL

S-5037

1 Amend the amendment, S-5035, to House File 2212, as
 2 amended, passed, and reprinted by the House as
 3 follows:
 4 1. Page 7, by inserting after line 30, the
 5 following:
 6 “___ Private offices that are equipped with
 7 separate heating, ventilation, and air conditioning

8 systems if no nonsmoking employee frequents or must
9 pass through the office during the course of
10 employment or volunteering.”
11 2. By renumbering as necessary.

MARY A. LUNDBY

S-5038

1 Amend the amendment, S-5035, to House File 2212, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 7, by inserting after line 29 the
5 following:
6 “ . Establishments in which access is restricted
7 to persons twenty-one years of age or older, if the
8 establishment posts signs at all entrances declaring
9 the establishment to be restricted to persons age
10 twenty-one years of age or older and declaring the
11 establishment to be an area in which smoking is not
12 restricted.”
13 2. By renumbering as necessary.

WILLIAM DOTZLER

S-5039

1 Amend Senate File 2134 as follows:
2 1. Page 1, line 4, by striking the words
3 “~~executive commissioners~~” and inserting the
4 following: “commissioners, executive”.
5 2. Page 1, line 8, by striking the words
6 “~~executive commissioners~~,” and inserting the
7 following: “commissioners, executive”.
8 3. Page 1, line 25, by striking the word “a” and
9 inserting the following: “an executive”.
10 4. Page 1, line 27, by inserting after the word
11 “the” the following: “executive”.
12 5. Page 1, line 31, by striking the word “a” and
13 inserting the following: “an executive”.
14 6. Page 1, line 34, by striking the word
15 “~~executive~~” and inserting the following: “executive”.
16 7. Page 2, line 4, by striking the word “a” and
17 inserting the following: “an executive”.
18 8. Page 2, line 11, by striking the words “~~an~~
19 ~~executive a~~” and inserting the following: “an
20 executive”.
21 9. Page 2, line 12, by striking the word
22 “~~executive~~” and inserting the following: “executive”.
23 10. Page 2, line 17, by striking the word
24 “~~executive~~” and inserting the following: “executive”.

- 25 11. Page 2, line 20, by striking the word
 26 "~~executive~~" and inserting the following: "executive".
 27 12. Page 2, line 26, by inserting after the word
 28 "the" the following: "executive".
 29 13. Page 3, line 7, by striking the words "~~an~~
 30 ~~executive a~~" and inserting the following: "an
 31 executive".
 32 14. Title page, by inserting after the word
 33 "members," the following: "executive".

STEVE WARNSTADT

S-5040

HOUSE AMENDMENT TO SENATE FILE 2123

- 1 Amend Senate File 2123, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 18 the
 4 following:
 5 "Sec. ____ Section 422.7, Code Supplement 2007, is
 6 amended by adding the following new subsection:
 7 NEW SUBSECTION. 53. A taxpayer is allowed to take
 8 the increased expensing allowance under section 179 of
 9 the Internal Revenue Code, as amended by Pub. L. No.
 10 110-185, in computing state tax purposes."
 11 2. Page 1, by inserting after line 35 the
 12 following:
 13 "Sec. ____ Section 422.35, Code Supplement 2007,
 14 is amended by adding the following new subsection:
 15 NEW SUBSECTION. 24. A taxpayer is allowed to take
 16 the increased expensing allowance under section 179 of
 17 the Internal Revenue Code, as amended by Pub. L. No.
 18 110-185, in computing state tax purposes."
 19 3. Page 2, line 2, by striking the word "This"
 20 and inserting the following:
 21 "1. Except as provided in subsection 2, this".
 22 4. Page 2, by inserting after line 4 the
 23 following:
 24 "2. The sections of this Act amending sections
 25 422.7 and 422.35, being deemed of immediate
 26 importance, take effect upon enactment and apply
 27 retroactively to January 1, 2008, for tax years
 28 beginning on or after that date."

S-5041

- 1 Amend Senate File 2277 as follows:
 2 1. Page 1, by inserting after line 12 the
 3 following:

4 “___.” “Normal business hours” means Sunday through
5 Saturday, between the hours of 6:00 a.m. and 9:30
6 p.m., central standard time or central daylight saving
7 time.”

8 2. Page 1, line 35, by inserting before the words
9 “A consumer” the following: “1.”

10 3. Page 2, line 8, by striking the words “the
11 request” and inserting the following: “the consumer’s
12 written request, or within fifteen minutes after the
13 consumer’s request is received by the consumer
14 reporting agency through facsimile, the internet, or
15 other electronic contact method chosen by the consumer
16 reporting agency, or the use of a telephone, during
17 normal business hours”.

18 4. Page 2, line 10, by striking the figure “1.”
19 and inserting the following: “a.”

20 5. Page 2, line 11, by striking the figure “2.”
21 and inserting the following: “b.”

22 6. Page 2, line 13, by striking the figure “3.”
23 and inserting the following: “c.”

24 7. Page 2, line 15, by striking the figure “4.”
25 and inserting the following: “d.”

26 8. Page 2, by inserting after line 15 the
27 following:

28 “2. A consumer reporting agency need not remove a
29 security freeze within the timeframes provided in
30 subsection 1 if the consumer fails to meet the
31 requirements of subsection 1, or the ability of the
32 consumer reporting agency to remove the security
33 freeze within fifteen minutes is prevented by one of
34 the following:

35 a. An act of God, including a fire, earthquake,
36 hurricane, storm, or similar natural disaster or
37 phenomenon.

38 b. Unauthorized or illegal acts by a third party,
39 including terrorism, sabotage, riot, vandalism, labor
40 strikes or disputes disrupting operations, or similar
41 occurrences.

42 c. Operational interruption, including electrical
43 failure, unanticipated delay in equipment or
44 replacement part delivery, computer hardware or
45 software failures inhibiting response time, or similar
46 disruption.

47 d. Governmental action, including emergency orders
48 or regulations, judicial law enforcement action, or
49 similar directives.

50 e. Regularly scheduled maintenance, during other

Page 2

1 than normal business hours, of the consumer reporting
2 agency’s systems, or updates to the consumer reporting

- 3 agency's systems.
 4 f. Commercially reasonable maintenance of, or
 5 repair to, the consumer reporting agency's systems
 6 that is unexpected or unscheduled.
 7 g. Receipt of a removal request outside of normal
 8 business hours."

STEVE WARNSTADT

S-5042

- 1 Amend Senate File 2204 as follows:
 2 1. Page 8, line 13, by inserting after the word
 3 "to" the following: "provide an existing single-owner
 4 personal account for obtaining support payments, or,
 5 if no existing account is provided, to".

KEITH A. KREIMAN

S-5043

- 1 Amend House File 2309, as passed by the House, as
 2 follows:
 3 1. Page 6, by striking lines 5 through 16.
 4 2. By striking page 7, line 19, through page 9,
 5 line 11.
 6 3. Title page, by striking lines 3 and 4 and
 7 inserting the following: "program benefits, the
 8 reporting of".
 9 4. Title page, by striking line 8 and inserting
 10 the following: "unit, the".
 11 5. By renumbering as necessary.

KEITH A. KREIMAN

S-5044

- 1 Amend Senate File 2281 as follows:
 2 1. Page 1, by striking line 8 and inserting the
 3 following: "civil proceeding pursuant to chapter
 4 236."

ROBERT M. HOGG

S-5045

- 1 Amend Senate File 2291 as follows:
 2 1. Page 3, by inserting after line 21 the
 3 following:
 4 "Sec. ____. Section 8A.402, subsection 2, Code

5 2007, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. f. Develop, in consultation with
8 the department of veterans affairs, programs to inform
9 members of the national guard or organized reserves of
10 the armed forces of the United States returning to
11 Iowa following active federal service about job
12 opportunities in state government.”
13 2. By renumbering as necessary.

JEFF DANIELSON

S-5046

1 Amend Senate File 2131 as follows:
2 1. Page 3, by striking lines 12 through 14 and
3 inserting the following:
4 “___ Members shall not receive compensation.”
5 2. Page 4, by striking line 17 and inserting the
6 following: “available to”.
7 3. By striking page 4, line 28, through page 5,
8 line 4.
9 4. Title page, by striking line 3 and inserting
10 the following: “promotional fund.”
11 5. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
ROBERT E. DVORSKY, Chair

S-5047

1 Amend Senate File 2318 as follows:
2 1. Page 1, line 12, by inserting after the word
3 “section.” the following: “It is the intent of the
4 general assembly that the balance in the trust fund
5 reach fifty million dollars.”
6 2. Page 1, by striking lines 26 and 27 and
7 inserting the following: “shall be appropriated to
8 the department of revenue for distribution to county
9 directors of veteran affairs, with fifty percent of
10 the money to be distributed equally to each county and
11 fifty percent of the money to be distributed to each
12 county based upon the population of veterans in the
13 county, so long as the money distributed to a county
14 does not supplant money appropriated by that county
15 for the county director of veteran affairs.”

JEFF DANIELSON

S-5048

1 Amend Senate File 2291 as follows:

2 1. Page 3, by inserting after line 10 the

3 following:

4 “11A. An annual report regarding the Iowa targeted
5 small business procurement Act activities of the
6 department as required under section 15.108,
7 subsection 7, paragraph “c”, and quarterly reports
8 regarding the total dollar amount of certified
9 purchases for certified targeted small businesses
10 during the previous quarter as required in section
11 73.16, subsection 2. The department shall keep any
12 vendor identification information received from the
13 department of inspections and appeals as provided in
14 section 10A.104, subsection 8, and necessary for the
15 quarterly reports, confidential to the same extent as
16 the department of inspection and appeals is required
17 to keep such information. Confidential information
18 received by the department from the department of
19 inspections and appeals shall not be disclosed except
20 pursuant to court order or with the approval of the
21 department of inspections and appeals.”

22 2. Page 3, by inserting after line 21 the
23 following:

24 “Sec. ____ Section 8A.221, subsection 2, paragraph
25 a, subparagraph (2), Code 2007, is amended to read as
26 follows:

27 (2) Recommend to the director the priority of
28 projects associated with lowAccess. The
29 recommendation may also include a recommendation
30 concerning funding for a project proposed by a
31 political subdivision of the state or an association,
32 the membership of which is comprised solely of
33 political subdivisions of the state. Prior to
34 recommending a project proposed by a political
35 subdivision, the advisory council shall verify that
36 all of the following conditions are met:

37 (a) The proposed project provides a benefit to the
38 state.

39 (b) The proposed project, once completed, can be
40 shared with and used by other political subdivisions
41 or the state, as appropriate.

42 (c) The state retains ownership of any final
43 product or is granted a permanent license to the use
44 of the product.

45 Sec. ____ Section 8A.402, subsection 2, Code 2007,
46 is amended by adding the following new paragraph:

47 NEW PARAGRAPH. f. Develop, in consultation with
48 the department of veterans affairs, programs to inform
49 members of the national guard or organized reserves of
50 the armed forces of the United States returning to

Page 2

1 Iowa following active federal service about job
2 opportunities in state government.
3 Sec. ____ Section 10A.104, subsection 8, Code
4 2007, is amended to read as follows:
5 8. Establish by rule standards and procedures for
6 certifying that targeted small businesses are eligible
7 to participate in the procurement program established
8 in sections 73.15 through 73.21. The procedure for
9 determination of eligibility shall not include
10 self-certification by a business. The director shall
11 maintain a current directory of targeted small
12 businesses that have been certified pursuant to this
13 subsection. The director shall also provide
14 information to the department of administrative
15 services necessary for the identification of targeted
16 small businesses as provided under section 8A.111,
17 subsection 11A.”
18 3. Page 3, by striking lines 26 through 31 and
19 inserting the following: “government information
20 policies, standards, and guidelines. A reference copy
21 of all mandated reports, newsletters, and publications
22 shall be located at an electronic repository for
23 public access ~~to be developed and maintained by the~~
24 ~~department of administrative services in consultation~~
25 ~~with the state librarian and the state archivist.”~~
26 4. By renumbering as necessary.

JEFF DANIELSON

S-5049

1 Amend Senate File 2282 as follows:
2 1. Page 2, line 24, by inserting after the word
3 “characteristics.” the following: “Membership shall
4 also include a representative of the professional
5 educators of Iowa.”

NANCY J. BOETTGER

S-5050

1 Amend Senate File 2252 as follows:
2 1. Page 1, line 1, by inserting after the word
3 “LICENSED” the following: “SOCIAL WORKERS AND”.
4 2. Page 1, line 4, by inserting after the word
5 “entitling” the following: “social workers who are
6 licensed pursuant to chapter 154C, including but not
7 limited to social workers licensed pursuant to section
8 154C.3, subsection 1, paragraph “b”, as master social

- 9 workers, and”.
- 10 3. Page 1, line 9, by inserting before the word
 11 “MARITAL” the following: “SOCIAL WORKERS AND”.
- 12 4. Page 1, line 11, by inserting after the word
 13 “allow” the following: “social workers, including but
 14 not limited to those licensed as master social
 15 workers, and”.
- 16 5. Title page, line 1, by inserting after the
 17 word “licensed” the following: “social workers and”.

BECKY SCHMITZ

S-5051

- 1 Amend Senate File 2320 as follows:
- 2 1. By striking page 11, line 34, through page 12,
 3 line 15.
- 4 2. Page 20, line 30, by striking the word
 5 “subsection” and inserting the following:
 6 “subsections”.
- 7 3. Page 49, line 10, by inserting before the word
 8 “inserting” the following: “and”.
- 9 4. Page 54, line 23, by striking the word “(c)”
 10 and inserting the following: “(b)”.
- 11 5. Page 100, line 23, by striking the word “to”
 12 and inserting the following: “through”.
- 13 6. By renumbering, relettering, or redesignating
 14 and correcting internal references as necessary.

COMMITTEE ON JUDICIARY
 KEITH A. KREIMAN, Chair

S-5052

- 1 Amend Senate File 2317 as follows:
- 2 1. By striking page 28, line 32, through page 29,
 3 line 5.
- 4 2. Page 30, line 21, by striking the words
 5 “paragraphs “a” through “e”” and inserting the
 6 following: “paragraph “a”, subparagraphs (1) through
 7 (5)”.
- 8 3. Page 95, line 33, by striking the figure “2”
 9 and inserting the following: “4”.

COMMITTEE ON JUDICIARY
 KEITH A. KREIMAN, Chair

S-5053

- 1 Amend Senate File 2282 as follows:
- 2 1. Page 2, by striking lines 13 through 30 and

3 inserting the following: “committee shall consist of
4 three representatives of the Iowa business community;
5 three professors of higher education from Iowa
6 colleges, universities, or community colleges; and
7 three parents or guardians of students currently
8 enrolled in an Iowa elementary or secondary public
9 school or accredited nonpublic school.”

PAUL MCKINLEY

S-5054

1 Amend House File 2359, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 16, by striking the words
4 “PROVIDING AID FOR VETERANS”.
5 2. Page 1, line 21, by inserting after the word
6 “dependents” the following: “, two additional instant
7 scratch and two additional pull tab lottery games
8 annually to provide moneys for education, and two
9 additional instant scratch and two additional pull tab
10 lottery games annually to provide moneys for road
11 construction”.
12 3. Page 1, line 24, by inserting after the word
13 “moneys” the following: “from the games for
14 veterans”.
15 4. Page 1, line 26, by inserting after the figure
16 “35A.13” the following: “, the remaining moneys from
17 the games for education shall be transferred to the
18 department of education, and the remaining moneys from
19 the games for road construction shall be deposited in
20 the road use tax fund for road construction projects”.
21 5. Page 1, line 27, by inserting after the word
22 “moneys” the following: “from the games for
23 veterans”.
24 6. Title page, line 1, by inserting after the
25 words “An Act” the following: “authorizing additional
26 lottery games and”.

JEFF ANGELO

S-5055

1 Amend Senate File 2230 as follows:
2 1. Page 1, by striking lines 24 through 27, and
3 inserting the following:
4 “d. A nonresident who receives a special license
5 pursuant to this subsection shall purchase a hunting
6 license and the applicable nonresident turkey or deer
7 hunting license, and pay the wildlife habitat fee, but
8 is not required to complete the hunter safety and

9 ethics education course if the person is accompanied
10 and aided by a person who is at least eighteen years
11 of age. The accompanying person must be qualified to
12 hunt and have a hunting license. During the hunt, the
13 accompanying adult must be within arm's reach of the
14 nonresident licensee.”

DAVID JOHNSON

S-5056

1 Amend the House amendment, S-5040, to Senate File
2 2123, as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 10 the
4 following:

5 “ . Page 1, by inserting after line 22 the
6 following:

7 “Sec. . NEW SECTION. 422.11V VOLUNTEER
8 SERVICE TAX CREDIT.

9 1. a. The taxes imposed under this division, less
10 the credits allowed under section 422.12, shall be
11 reduced by a volunteer service tax credit. A taxpayer
12 who is a volunteer fire fighter or volunteer emergency
13 medical services personnel is entitled to the
14 volunteer service tax credit equal to the amount
15 specified in paragraph “b” to compensate the taxpayer
16 for the voluntary services.

17 b. The amount of the credit is equal to the
18 following:

19 (1) For tax years beginning in the 2008 calendar
20 year, twenty-five dollars.

21 (2) For tax years beginning in the 2009 calendar
22 year, fifty dollars.

23 (3) For tax years beginning in the 2010 calendar
24 year, seventy-five dollars.

25 (4) For tax years beginning in the 2011 and
26 subsequent calendar years, one hundred dollars.

27 However, if the taxpayer is not a volunteer fire
28 fighter or volunteer emergency medical services
29 personnel for the entire tax year, the amount of the
30 dollar credit shall be prorated and the amount of
31 credit shall equal the maximum amount of credit for
32 the tax year, divided by twelve, multiplied by the
33 number of months in the tax year the taxpayer was a
34 volunteer. The credit shall be rounded to the nearest
35 five dollars. If the taxpayer is a volunteer during
36 any part of a month, the taxpayer shall be considered
37 a volunteer for the entire month. If the taxpayer is
38 a volunteer fire fighter and a volunteer emergency
39 medical services personnel during the same month, a
40 credit may be claimed for only one volunteer position

41 for that month.

42 2. The taxpayer is required to have a written
43 statement from the fire chief or other appropriate
44 supervisor verifying that the taxpayer was a volunteer
45 fire fighter or volunteer emergency medical services
46 personnel for the months for which the credit under
47 this section is claimed.

48 3. Any credit in excess of the taxpayer's tax
49 liability shall be refunded. In lieu of claiming a
50 refund, the taxpayer may elect to have the overpayment

Page 2

1 shown on the taxpayer's final, completed return
2 credited to the tax liability for the following tax
3 year.

4 4. For purposes of this section:

5 a. "Emergency medical services personnel" means an
6 emergency medical care provider, as defined in section
7 147A.1, who is certified as a first responder pursuant
8 to chapter 147A.

9 b. "Volunteer fire fighter" means a volunteer fire
10 fighter as defined in section 85.61 who has met the
11 minimum training standards established by the fire
12 service training bureau pursuant to chapter 100B.""

13 2. Page 1, line 25, by inserting after the figure
14 "422.35" the following: "and the section of this Act
15 enacting section 422.11V,".

16 3. Page 1, by inserting after line 28 the
17 following:

18 "____. Title page, line 1, by inserting after the
19 word "Code" the following: ", providing for a fire
20 fighter and emergency services personnel income tax
21 credit,"".

MARK ZIEMAN
NANCY J. BOETTGER
RON WIECK
STEVE KETTERING
PAUL McKINLEY
BRAD ZAUN
JAMES F. HAHN
JOHN PUTNEY
LARRY McKIBBEN
LARRY NOBLE
JEFF ANGELO
MARY A. LUNDBY
DAVE MULDER
JAMES A. SEYMOUR
JERRY BEHN

PAT WARD
DAVID L. HARTSUCH
DAVID JOHNSON
HUBERT HOUSER

S-5057

1 Amend the House amendment, S-5040, to Senate File
2 2123, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 10 the
4 following:
5 “___ Page 1, by inserting after line 22 the
6 following:
7 “Sec. ___. Section 422.12, Code Supplement 2007,
8 is amended by adding the following new subsection:
9 NEW SUBSECTION. 2A. a. A volunteer fire fighter
10 and volunteer emergency medical services personnel
11 credit equal to the amount specified in paragraph “b”
12 to compensate the taxpayer for the voluntary services.
13 b. The amount of the credit is equal to the
14 following:
15 (1) For tax years beginning in the 2010 calendar
16 year, twenty-five dollars.
17 (2) For tax years beginning in the 2011 calendar
18 year, fifty dollars.
19 (3) For tax years beginning in the 2012 calendar
20 year, seventy-five dollars.
21 (4) For tax years beginning in the 2013 and
22 subsequent calendar years, one hundred dollars.
23 However, if the taxpayer is not a volunteer fire
24 fighter or volunteer emergency medical services
25 personnel for the entire tax year, the amount of the
26 dollar credit shall be prorated and the amount of
27 credit shall equal the maximum amount of credit for
28 the tax year, divided by twelve, multiplied by the
29 number of months in the tax year the taxpayer was a
30 volunteer. The credit shall be rounded to the nearest
31 five dollars. If the taxpayer is a volunteer during
32 any part of a month, the taxpayer shall be considered
33 a volunteer for the entire month. If the taxpayer is
34 a volunteer fire fighter and a volunteer emergency
35 medical services personnel during the same month, a
36 credit may be claimed for only one volunteer position
37 for that month.
38 c. The taxpayer is required to have a written
39 statement from the fire chief or other appropriate
40 supervisor verifying that the taxpayer was a volunteer
41 fire fighter or volunteer emergency medical services
42 personnel for the months for which the credit under
43 this subsection is claimed.
44 d. For purposes of this subsection:
45 (1) “Emergency medical services personnel” means

46 an emergency medical care provider, as defined in
 47 section 147A.1, who is certified as a first responder
 48 pursuant to chapter 147A.
 49 (2) "Volunteer fire fighter" means a volunteer
 50 fire fighter as defined in section 85.61 who has met

Page 2

1 the minimum training standards established by the fire
 2 service training bureau pursuant to chapter 100B.””
 3 2. Page 1, line 21, by striking the word and
 4 figure "subsection 2" and inserting the following:
 5 "subsections 2 and 3".
 6 3. Page 1, line 28, by striking the word "date."
 7 and inserting the following: "date."
 8 3. The section of this Act amending section 422.12
 9 takes effect January 1, 2010, for tax years beginning
 10 on or after that date.””
 11 4. Page 1, by inserting after line 28 the
 12 following:
 13 "____. Title page, line 1, by inserting after the
 14 word "Code" the following: ", providing income tax
 15 credits for fire fighters and emergency medical
 16 services personnel,””.

MARK ZIEMAN
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 RON WIECK
 STEVE KETTERING
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 DAVID JOHNSON
 HUBERT HOUSER

S-5058

1 Amend the House amendment, S-5040, to Senate File
 2 2123, as passed by the Senate, as follows:
 3 1. Page 1, by striking lines 3 through 28 and
 4 inserting the following:
 5 "____. Page 1, line 5, by striking the word and

6 figures “January 1, ~~2007~~” and inserting the following:
 7 “~~January 1, 2007~~ February 14.”
 8 _____. Page 1, line 10, by striking the word and
 9 figures “January 1, ~~2007~~” and inserting the following:
 10 “~~January 1, 2007~~ February 14.”
 11 _____. Page 1, line 18, by striking the word and
 12 figures “January 1, ~~2007~~” and inserting the following:
 13 “~~January 1, 2007~~ February 14.”
 14 _____. Page 1, line 22, by striking the word and
 15 figures “January 1, ~~2007~~” and inserting the following:
 16 “~~January 1, 2007~~ February 14.”
 17 _____. Page 1, line 29, by striking the word and
 18 figures “January 1, ~~2007~~” and inserting the following:
 19 “~~January 1, 2007~~ February 14.”
 20 _____. Page 1, line 34, by striking the word and
 21 figures “January 1, ~~2007~~” and inserting the following:
 22 “~~January 1, 2007~~ February 14.”

LARRY McKIBBEN
 MARK ZIEMAN
 NANCY J. BOETTGER
 RON WIECK
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 PAT WARD
 DAVID L. HARTSUCH
 DAVID JOHNSON
 HUBERT HOUSER

S-5059

1 Amend Senate File 2275 as follows:
 2 1. Page 1, line 18, by inserting after the word
 3 “animal” the following: “specified and identified in
 4 the petition that is”.
 5 2. Page 1, line 29, by inserting after the word
 6 “animal” the following: “specified and identified in
 7 the petition that is”.

KEITH A. KREIMAN
 PAT WARD

S-5060

- 1 Amend Senate File 2305 as follows:
2 1. Page 1, line 33, by striking the figure "1"
3 and inserting the following: "3".

THOMAS RIELLY

S-5061

- 1 Amend Senate File 2172 as follows:
2 1. Page 1, line 3, by striking the word and
3 figures "July 1, 2008" and inserting the following:
4 "~~July 1, 2008~~ December 31, 2010".

BECKY SCHMITZ

S-5062

- 1 Amend Senate File 2347 as follows:
2 1. Page 1, by striking lines 9 through 11 and
3 inserting the following: "subsection 2. The
4 secretary of state, in consultation with the
5 department of administrative services, shall establish
6 a procedure for purchasing and distributing the
7 equipment."
8 2. Page 1, by inserting before line 12 the
9 following:
10 "Sec. ____ Section 49.124, Code 2007, is amended
11 to read as follows:
12 49.124 TRAINING COURSE BY COMMISSIONER =
13 CONTINUING EDUCATION PROGRAM.
14 1. The commissioner shall conduct, not later than
15 the day before each primary and general election, a
16 training course for all election personnel, and the
17 commissioner may do so before any other election the
18 commissioner administers. The personnel shall include
19 all precinct election officials and any other persons
20 who will be employed in or around the polling places
21 on election day. At least two precinct election
22 officials who will serve on each precinct election
23 board at the forthcoming election shall attend the
24 training course. If the entire board does not attend,
25 those members who do attend shall so far as possible
26 be persons who have not previously attended a similar
27 training course.
28 2. A continuing education program shall be
29 provided to election personnel who are full-time or
30 part-time permanent employees of the commissioner's
31 office. The state commissioner of elections shall
32 adopt rules pursuant to chapter 17A to implement and

- 33 administer the continuing education program.”
 34 3. Title page, line 4, by inserting after the
 35 word “appropriations,” the following: “providing for
 36 continuing education for certain election personnel.”
 37 4. By renumbering as necessary.

JEFF DANIELSON

S-5063

- 1 Amend the House amendment, S-5040, to Senate File
 2 2123, as passed by the Senate, as follows:
 3 1. Page 1, by inserting after line 10 the
 4 following:
 5 “___ . Page 1, by inserting before line 19 the
 6 following:
 7 “Sec. ___. Section 422.7, Code Supplement 2007, is
 8 amended by adding the following new subsection:
 9 NEW SUBSECTION. 54. a. Subtract, to the extent
 10 not already deducted in determining federal adjusted
 11 gross income, an amount equal to five hundred dollars
 12 if the taxpayer is a voluntary fire fighter or
 13 voluntary emergency medical services personnel during
 14 the tax year.
 15 b. For purposes of this subsection:
 16 (1) “Emergency medical services personnel” means
 17 an emergency medical care provider, as defined in
 18 section 147A.1, who is certified as a first responder
 19 pursuant to chapter 147A.
 20 (2) “Volunteer fire fighter” means a volunteer
 21 fire fighter as defined in section 85.61 who has met
 22 the minimum training standards established by the fire
 23 service training bureau pursuant to chapter 100B.””

MARK ZIEMAN

S-5064

- 1 Amend the House amendment, S-5040, to Senate File
 2 2123, as passed by the Senate, as follows:
 3 1. Page 1, by inserting after line 10 the
 4 following:
 5 “___ . Page 1, by inserting before line 19 the
 6 following:
 7 “Sec. ___. Section 422.7, Code Supplement 2007, is
 8 amended by adding the following new subsection:
 9 NEW SUBSECTION. 54. a. Subtract, to the extent
 10 not already deducted in determining federal adjusted
 11 gross income, an amount equal to three hundred sixty
 12 dollars if the taxpayer is a voluntary fire fighter or
 13 voluntary emergency medical services personnel during

14 the tax year.

15 b. For purposes of this subsection:

16 (1) "Emergency medical services personnel" means
17 an emergency medical care provider, as defined in
18 section 147A.1, who is certified as a first responder
19 pursuant to chapter 147A.

20 (2) "Volunteer fire fighter" means a volunteer
21 fire fighter as defined in section 85.61 who has met
22 the minimum training standards established by the fire
23 service training bureau pursuant to chapter 100B."

MARK ZIEMAN

S-5065

1 Amend the House amendment, S-5040, to Senate File
2 2123, as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 10 the
4 following:

5 "____. Page 1, by inserting after line 18 the
6 following:

7 "Sec. ____ Section 422.7, Code Supplement 2007, is
8 amended by adding the following new subsection:
9 NEW SUBSECTION. 54. Subtract, to the extent not
10 already deducted, the first two hundred fifty dollars
11 of the cost incurred to purchase supplies by the
12 taxpayer to assist the taxpayer in teaching at an
13 elementary or secondary school situated in Iowa, which
14 school is accredited under section 256.11. To qualify
15 for the deduction, the costs must be nonreimbursable
16 from any source.

17 As used in this section, "supplies" includes but is
18 not limited to paper supplies, bulletin boards, books,
19 maps, charts, computer software but not hardware, and
20 other items directly used by the taxpayer as a
21 teacher. The cost incurred to purchase supplies for
22 which a tax deduction may be received under this
23 section shall not be used by a school district to
24 supplement its costs of instructional materials."

MARK ZIEMAN

S-5066

1 Amend the House amendment, S-5040, to Senate File
2 2123, as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 2 the
4 following:

5 "____. Page 1, by inserting before line 1 the
6 following:

7 "Section 1. NEW SECTION. 12G.1 INDIVIDUAL

8 UNDERPAID TAXES FUND.

9 1. An individual underpaid taxes fund is
 10 established in the state treasury. The individual
 11 underpaid taxes fund shall be separate from the
 12 general fund of the state and shall not be considered
 13 part of the general fund of the state except in
 14 determining the cash position of the state. Moneys in
 15 the fund may be used for cash flow purposes provided
 16 that any moneys so allocated are returned to the fund
 17 at the end of the fiscal year. The moneys in the fund
 18 are not subject to section 8.33 and shall not be
 19 transferred, used, obligated, appropriated, or
 20 otherwise encumbered except as provided in this
 21 section.

22 2. Moneys shall be deposited into the individual
 23 underpaid taxes fund from contributions made from
 24 individual residents and nonresidents of Iowa who
 25 believe they have not paid enough state taxes or from
 26 any other person. A contributor to the fund may
 27 designate the general purpose for which the
 28 contribution should be used. To the extent
 29 practicable, the treasurer of state shall maintain a
 30 total for each purpose designated by the contributors.
 31 The designation of a purpose for which a contribution
 32 is to be used does not, in any way, restrict or
 33 encumber the use of the contribution for any other
 34 purpose as established in an appropriation by the
 35 general assembly. However, all contributions shall be
 36 used for public purposes only.

37 Notwithstanding section 12C.7, subsection 2,
 38 interest or earnings on moneys deposited in the
 39 individual underpaid taxes fund shall be credited to
 40 the fund.

41 3. Except as provided for cash flow purposes under
 42 subsection 1, the moneys in the individual underpaid
 43 taxes fund shall only be used in accordance with an
 44 appropriation made by the general assembly.

45 4. The treasurer of state shall inform the public
 46 of the availability of the individual underpaid taxes
 47 fund for those who believe their tax burdens are less
 48 than the benefits bestowed by the state.”

49 2. Page 1, by inserting after line 10 the
 50 following:

Page 2

1 “__. Page 1, by inserting after line 22 the
 2 following:

3 “Sec. ___. Section 422.21, Code 2007, is amended
 4 by adding the following new unnumbered paragraph:
 5 NEW UNNUMBERED PARAGRAPH. The department shall
 6 provide on income tax forms or in the instruction

7 booklets in a manner that will be noticeable to the
8 taxpayers a statement that if the taxpayer determines
9 that the amount of tax owed the state is insufficient
10 to fund all benefits provided by the state, the
11 taxpayer may make a contribution to the state by
12 increasing the amount of tax owed or reducing the
13 amount of refund due with the amount of the increase
14 or reduction, as the case may be, to be deposited into
15 the individual underpaid taxes fund for general
16 operations of the state. An increase in the amount of
17 tax due or a reduction in the amount of refund due
18 which is made by an individual pursuant to this
19 paragraph shall not be considered a tax but shall only
20 be considered a contribution for state and federal tax
21 purposes.””

DAVID JOHNSON

S-5067

1 Amend the House amendment, S-5040, to Senate File
2 2123, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 10, the
4 following:
5 “___ Page 1, by inserting after line 22 the
6 following:
7 “Sec. ___. Section 422.12B, subsection 1, Code
8 Supplement 2007, is amended to read as follows:
9 1. The taxes imposed under this division less the
10 credits allowed under section 422.12 shall be reduced
11 by an earned income credit equal to ~~seven~~ ten percent
12 of the federal earned income credit provided in
13 section 32 of the Internal Revenue Code. Any credit
14 in excess of the tax liability is refundable.””
15 2. Page 1, line 25, by inserting after the figure
16 “422.7” the following: “, 422.12B,”.

JEFF ANGELO

S-5068

1 Amend the House amendment, S-5040, to Senate File
2 2123, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 “___ Page 1, by inserting after line 18 the
6 following:
7 “Sec. ___. Section 422.5, subsection 1, paragraphs
8 a through i, Code Supplement 2007, are amended to read
9 as follows:
10 a. On all taxable income from zero through one

11 thousand dollars, ~~thirty-six~~ thirty-two hundredths of
 12 one percent.

13 b. On all taxable income exceeding one thousand
 14 dollars but not exceeding two thousand dollars,
 15 ~~seventy-two~~ sixty-five hundredths of one percent.

16 c. On all taxable income exceeding two thousand
 17 dollars but not exceeding four thousand dollars, two
 18 and ~~forty-three~~ nineteen hundredths percent.

19 d. On all taxable income exceeding four thousand
 20 dollars but not exceeding nine thousand dollars, four
 21 and ~~one-half~~ five hundredths percent.

22 e. On all taxable income exceeding nine thousand
 23 dollars but not exceeding fifteen thousand dollars,
 24 six five and ~~twelve~~ fifty-one hundredths percent.

25 f. On all taxable income exceeding fifteen
 26 thousand dollars but not exceeding twenty thousand
 27 dollars, six five and ~~forty-eight~~ eighty-three
 28 hundredths percent.

29 g. On all taxable income exceeding twenty thousand
 30 dollars but not exceeding thirty thousand dollars, six
 31 and ~~eight-tenths~~ twelve hundredths percent.

32 h. On all taxable income exceeding thirty thousand
 33 dollars but not exceeding forty-five thousand dollars,
 34 seven and ~~ninety-two~~ thirteen hundredths percent.

35 i. On all taxable income exceeding forty-five
 36 thousand dollars, eight and ~~ninety-eight~~ eight
 37 hundredths percent.””

38 2. Page 1, line 25, by inserting before the
 39 figure “422.7” the following: “422.5”.

JERRY BEHN

S-5069

1 Amend Senate File 2332 as follows:

2 1. Page 6, by striking line 25 and inserting the
 3 following: “but the unforeseeable business
 4 circumstance exception may be applicable.”

5 2. By striking page 6, line 33, through page 8,
 6 line 15.

7 3. Page 8, line 18, by striking the word “five”
 8 and inserting the following: “one”.

9 4. Page 8, line 23, by inserting after the word
 10 “layoff.” the following: “Any fines collected by the
 11 department shall be forwarded to the treasurer of
 12 state and deposited in the general fund of the state.”

13 5. By renumbering as necessary.

DICK L. DEARDEN

S-5070

- 1 Amend Senate File 2278 as follows:
2 1. Page 22, line 24, by inserting before the word
3 “~~H~~” the following: “L”
4 2. Page 23, by inserting after line 1 the
5 following:
6 “2. For purposes of this section, “school
7 supplies” includes but is not limited to sport or
8 recreational apparel and equipment.””

DAVID JOHNSON

S-5071

- 1 Amend Senate File 2099 as follows:
2 1. Page 3, by striking lines 13 through 21 and
3 inserting the following:
4 “Sec. __. Section 68A.402A, subsection 1,
5 paragraph g, Code 2007, is amended by striking the
6 paragraph and inserting in lieu thereof the following:
7 g. Disbursements made to a third party and
8 disbursements made by the third party during the
9 reporting period disclosing the name and address of
10 the recipient, amount, purpose, and date.”
11 2. By renumbering as necessary.

JOHN P. KIBBIE

S-5072

- 1 Amend Senate File 2339 as follows:
2 1. Page 1, lines 8 and 9, by striking the words
3 “two thousand dollars or the cost of removing the
4 vehicle, whichever is less” and inserting the
5 following: “five hundred dollars”.

WILLIAM HECKROTH

S-5073

- 1 Amend Senate File 2347 as follows:
2 1. Page 1, by inserting before line 12 the
3 following:
4 “Sec. __. Section 49.77, subsection 4, paragraph
5 b, Code Supplement 2007, is amended to read as
6 follows:
7 b. If the voter informs the precinct election
8 official that the voter resides in the precinct and is
9 not registered to vote, the voter may register to vote
10 pursuant to section 48A.7A and cast a ~~ballot. If such~~

11 ~~a voter is unable to establish identity and residency~~
 12 ~~in the manner provided in section 48A.7A, subsection~~
 13 ~~1, paragraph "b" or "c", the voter shall be allowed to~~
 14 ~~cast a provisional ballot in the manner prescribed by~~
 15 ~~section 49.81."~~
 16 2. Title page, line 4, by inserting after the
 17 word "appropriations," the following: "requiring
 18 provisional ballots for certain voters,".
 19 3. By renumbering as necessary.

JAMES F. HAHN
 MARK ZIEMAN

S-5074

1 Amend Senate File 2325 as follows:
 2 1. Page 3, line 12, by striking the word
 3 "subsection:" and inserting the following:
 4 "subsections:"
 5 2. Page 3, by inserting before line 28 the
 6 following:
 7 "NEW SUBSECTION. 8B. For the fiscal period
 8 beginning July 1, 2009, and ending June 30, 2015, from
 9 the moneys appropriated each fiscal year from the grow
 10 Iowa values fund created in section 15G.108, to the
 11 department for program administration pursuant to
 12 subsection 1, paragraph "a", the department may
 13 allocate up to five million dollars to a business
 14 qualifying under section 15.247, 15.317, 15.339,
 15 15E.111, 15E.175, or 15E.224 which, notwithstanding
 16 section 15G.112, shall not be subject to job or wage
 17 requirements as long as the business has one hundred
 18 or fewer employees. The department may allocate
 19 moneys from the grow Iowa values fund above five
 20 million dollars each year to projects qualifying for
 21 assistance under section 15.247, 15.317, 15.339,
 22 15E.111, 15E.175, or 15E.224 but such projects shall
 23 be subject to the job and wage requirements of section
 24 15G.112."
 25 3. By renumbering as necessary.

PAUL McKINLEY

S-5075

1 Amend Senate File 2325 as follows:
 2 1. Page 4, line 3, by inserting after the figure
 3 "151.1." the following: "However, in calculating the
 4 average county wage, the department shall exclude the
 5 two largest employers in a county if the county has a
 6 population of less than thirty-eight thousand."

PAUL McKINLEY

S-5076

- 1 Amend Senate File 2277 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and
3 inserting the following:
- 4 “2. “Consumer credit report” means a consumer
5 report, as defined in 15 U.S.C. § 1681a, that is used
6 or collected in whole or in part for the purpose of
7 serving as a factor in establishing a consumer’s
8 eligibility for credit for personal, family, or
9 household purposes.”
- 10 2. Page 1, line 9, by inserting after the figure
11 “1681a(f).” the following: “A consumer reporting
12 agency does not include any of the following:
- 13 a. A check service or fraud prevention service
14 company that reports on incidents of fraud or issues
15 authorizations for the purpose of approving or
16 processing negotiable instruments, electronic fund
17 transfers, or similar methods of payment.
- 18 b. A deposit account information service company
19 that issues reports regarding account closures due to
20 fraud, overdrafts, automated teller machine abuse, or
21 similar negative information regarding a consumer to
22 inquiring financial institutions for use only in
23 reviewing the consumer’s request for a deposit account
24 at the inquiring financial institution.
- 25 c. Any person or entity engaged in the practice of
26 assembling and merging information contained in a
27 database of one or more consumer reporting agencies
28 and does not maintain a permanent database of credit
29 information from which new consumer reports are
30 produced.”
- 31 3. Page 1, line 15, by striking the word
32 “consumer’s” and inserting the following: “consumer
33 credit”.
- 34 4. Page 1, line 18, by striking the word
35 “consumer’s” and inserting the following: “consumer
36 credit”.
- 37 5. Page 2, line 2, by inserting after the word
38 “consumer” the following: “credit”.
- 39 6. Page 3, line 4, by inserting after the word
40 “consumer” the following: “credit”.
- 41 7. Page 3, line 8, by inserting after the word
42 “consumer” the following: “credit”.
- 43 8. Page 3, line 10, by inserting after the word
44 “consumer” the following: “credit”.
- 45 9. Page 4, by striking line 20 and inserting the
46 following: “providing a customer with a copy of the
47 consumer credit”.
- 48 10. Page 4, line 22, by inserting after the word
49 “consumer” the following: “credit”.
- 50 11. Page 4, line 27, by inserting after the word

Page 2

1 “consumer” the following: “credit”.

STEVE WARNSTADT

S-5077

1 Amend Senate File 2325 as follows:
 2 1. Page 1, line 22, by inserting after the word
 3 “department.” the following: “The performance
 4 measurements may include but are not limited to a
 5 requirement for building infrastructure projects
 6 involving tenant businesses that the tenant businesses
 7 meet minimum job and wage requirements pursuant to
 8 section 15G.112.”

JEFF DANIELSON

S-5078

1 Amend Senate File 2325 as follows:
 2 1. Page 4, line 1, by striking the word “thirty”
 3 and inserting the following: “~~thirty~~”.

BRAD ZAUN
 DAVE MULDER
 THOMAS RIELLY
 RICH OLIVE
 FRANK B. WOOD
 WILLIAM HECKROTH
 TOM HANCOCK
 LARRY NOBLE

S-5079

HOUSE AMENDMENT TO
 SENATE FILE 2111

1 Amend Senate File 2111 as follows:
 2 1. Page 1, by striking lines 2 through 9 and
 3 inserting the following: “2007 Iowa Acts, chapter
 4 146, section 1, is amended by striking the subsection
 5 and inserting in lieu thereof the following:
 6 2. Each public and nonpublic school shall, in
 7 collaboration with the department, do the following:
 8 a. Assure that the parent or guardian of a student
 9 enrolled in the school has complied with the
 10 requirements of subsection 1.
 11 b. Provide, if a student has not had a dental
 12 screening performed in accordance with subsection 1,

13 the parent or guardian of the student with community
 14 dental screening referral resources, including contact
 15 information for the i-smile coordinator, department,
 16 or dental society.”

17 2. By striking page 1, line 22, through page 2,
 18 line 2, and inserting the following:

19 “Sec. ____ Section 135.105D, subsection 2,
 20 paragraph b, Code Supplement 2007, is amended by
 21 striking the paragraph and inserting the following:

22 b. The board of directors of each school district
 23 and the authorities in charge of each nonpublic school
 24 shall, in collaboration with the department, do the
 25 following:

26 (1) Assure that the parent or guardian of a
 27 student enrolled in the school has complied with the
 28 requirements of paragraph “a”.

29 (2) Provide, if the parent or guardian cannot
 30 provide evidence that the child received a blood lead
 31 test in accordance with paragraph “a”, the parent or
 32 guardian with community blood lead testing program
 33 information, including contact information for the
 34 department.

35 Sec. ____ Section 135.105D, subsection 2,
 36 paragraph c, Code Supplement 2007, is amended by
 37 striking the paragraph.”

38 3. By renumbering as necessary.

S-5080

1 Amend Senate File 2197 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 “Section 1. NEW SECTION. 466B.1 SHORT TITLE.

5 This chapter shall be known and may be cited as the
 6 “Surface Water Protection Act”.

7 Sec. 2. NEW SECTION. 466B.2 DEFINITIONS.

8 For the purposes of this chapter, unless the
 9 context otherwise requires:

10 1. “Council” means the water resources

11 coordinating council created in section 466B.3.

12 2. “Department” means the department of natural
 13 resources.

14 3. “Regional watershed” means a watershed of
 15 hydrologic unit code scale 8.

16 4. “Subwatershed” means a watershed of
 17 hydrological unit code scale 12 or smaller.

18 5. “Watershed” means a geographic area in which
 19 surface water is drained by rivers, streams, or other
 20 bodies of water.

21 Sec. 3. NEW SECTION. 466B.3 WATER RESOURCES
 22 COORDINATING COUNCIL.

23 1. COUNCIL ESTABLISHED. A water resources

24 coordinating council is established within the office
25 of the governor.

26 2. PURPOSE. The purpose of the council shall be
27 to preserve and protect Iowa's water resources, and to
28 coordinate the management of those resources in a
29 sustainable and fiscally responsible manner. In the
30 pursuit of this purpose, the council shall use an
31 integrated approach to water resource management,
32 recognizing that insufficiencies exist in current
33 approaches and practices, as well as in funding
34 sources and the utilization of funds. The integrated
35 approach used by the council shall attempt to overcome
36 old categories, labels, and obstacles with the primary
37 goal of managing the state's water resources
38 comprehensively rather than compartmentally.

39 3. ACCOUNTABILITY. The success of the council's
40 efforts shall ultimately be measured by the following
41 outcomes:

42 a. Whether the citizens of Iowa can more easily
43 organize local watershed projects.

44 b. Whether the citizens of Iowa can more easily
45 access available funds and water quality program
46 resources.

47 c. Whether the funds, programs, and regulatory
48 efforts coordinated by the council eventually result
49 in a long-term improvement to the quality of surface
50 water in Iowa.

Page 2

1 4. MEMBERSHIP. The council shall consist of the
2 following members:

3 a. The director of the department of natural
4 resources or the director's designee.

5 b. The director of the soil conservation division
6 of the department of agriculture and land stewardship
7 or the director's designee.

8 c. The secretary of agriculture or the secretary's
9 designee.

10 d. The director of the department of public health
11 or the director's designee.

12 e. The director of the homeland security and
13 emergency management division of the department of
14 public defense or the director's designee.

15 f. The dean of the college of agriculture at Iowa
16 state university or the dean's designee.

17 g. The dean of the college of public health at the
18 university of Iowa or the dean's designee.

19 h. The dean of the college of natural sciences at
20 the university of northern Iowa, or the dean's
21 designee.

22 i. The director of the department of

23 transportation or the director's designee.
24 j. The director of the department of economic
25 development or the director's designee.
26 k. The director of the Iowa finance authority, or
27 the director's designee.
28 l. The governor, who shall be the chairperson, or
29 the governor's designee. As the chairperson, and in
30 order to further the coordination efforts of the
31 council, the governor may invite representatives from
32 any other public agency, private organization,
33 business, citizen group, or nonprofit entity to give
34 public input at council meetings provided the entity
35 has an interest in the coordinated management of land
36 resources, soil conservation, or water quality. The
37 governor shall also invite and solicit advice from the
38 following:
39 (1) The director of the Iowa water science center
40 of the United States geological survey or the
41 director's designee.
42 (2) The state conservationist from the Iowa office
43 of the United States department of agriculture's
44 natural resources conservation service or the state
45 conservationist's designee.
46 (3) The executive director for Iowa from the
47 United States department of agriculture's farm
48 services agency or the executive director's designee.
49 (4) The state director for Iowa from the United
50 States department of agriculture's office of rural

Page 3

1 development or the state director's designee.
2 (5) The director of region seven of the United
3 States environmental protection agency or the
4 director's designee.
5 (6) The corps commander from the United States
6 army corps of engineers' Rock Island district or the
7 commander's designee.
8 5. MEETINGS AND QUORUM.
9 a. The council shall be convened by the office of
10 the governor at least quarterly.
11 b. A majority of the members fixed by statute
12 shall constitute a quorum, and any action taken by the
13 council must be adopted by a majority of the voting
14 membership.
15 6. DUTIES AND POWERS.
16 a. The council shall engage in the regular
17 coordination of water resource-related functions,
18 including protection strategies, planning, assessment,
19 prioritization, review, concurrence, advocacy, and
20 education.
21 b. In coordinating water resource related

- 22 functions, the council may do all of the following:
- 23 (1) Consider the steps necessary to address the
24 planning, management, and implementation of water
25 resource improvement.
- 26 (2) Identify ways to facilitate communication and
27 participation among all water resource stakeholders,
28 including owners of land in Iowa whether they are
29 residents or not.
- 30 (3) Identify inefficiencies in current programs
31 and recommend ways to eliminate duplicative services.
- 32 (4) Improve the availability and management of
33 water resource information.
- 34 (5) Provide incentives for, and recognition of,
35 environmental excellence.
- 36 (6) Regularly assess and identify measurable
37 improvements in water quality.
- 38 (7) Oversee the complete, statewide regional
39 watershed assessment, prioritization, and planning
40 process described in section 466B.5, including a
41 short-term interim program and a long-term
42 comprehensive state water quality and quantity plan
43 updated every five years as provided in sections
44 466B.5 and 466B.6.
- 45 (8) Develop a protocol which identifies high
46 priority watersheds, including local and
47 community-based subwatersheds, and which appropriately
48 directs resources to those watersheds.
- 49 (9) Review best available technologies on a
50 regular basis, so that investments of time and program

Page 4

- 1 resources can be prioritized and directed to projects
2 that will best and most effectively improve water
3 quality within regional and community subwatersheds.
- 4 (10) Review voluntary, performance-based standards
5 for water resource management, land management, and
6 soil conservation.
- 7 (11) Develop a protocol for assigning multiagency
8 teams to regional watersheds and local subwatersheds
9 and guide those teams in the coordination of citizen
10 and agency activities within those watersheds.
- 11 (12) Engage in dialogue with, and pursue efforts
12 to make cooperative agreements with, other states when
13 a watershed extends beyond borders of this state.
- 14 (13) Enter into agreements and make contracts with
15 third parties for the performance of duties imposed by
16 this chapter.
- 17 (14) Prepare a memorandum of understanding
18 identifying the roles and responsibilities of council
19 members in the coordination of the implementation of
20 community-based subwatershed improvement plans. The

21 memorandum shall be a commitment by the agencies
22 participating in council meetings to reach consensus
23 regarding communications with subwatershed planning
24 units.

25 Sec. 4. NEW SECTION. 466B.4 LEGISLATIVE FINDINGS
26 AND MARKETING CAMPAIGN.

27 1. FINDINGS. The general assembly finds all of
28 the following:

29 a. Most Iowans desire to have improved water
30 quality throughout the state, but many Iowans do not
31 understand the problems with local water quality.

32 b. Most Iowans believe that the protection of fish
33 and wildlife benefits all Iowans.

34 c. The benefits of improving water quality could
35 far outweigh the costs of implementing mechanisms to
36 improve it.

37 d. Most Iowans look to some level of government
38 for the protection of water resources rather than to
39 themselves and their own actions. However, it is not
40 possible or desirable for state government to take
41 complete control and responsibility for water quality.

42 2. MARKETING CAMPAIGN. The water resources
43 coordinating council shall develop a marketing
44 campaign to educate Iowans about the need to take
45 personal responsibility for the quality of water in
46 their local watersheds. The emphasis of the campaign
47 shall be that not only is everyone responsible for
48 clean water, but that everyone benefits from it as
49 well. The goals of the campaign shall be to convince
50 Iowans to take personal responsibility for clean water

Page 5

1 and to equip them with the tools necessary to effect
2 change through local water quality improvement
3 projects.

4 3. CONTINGENT ON FUNDING. The duties imposed in
5 subsection 2 are contingent upon the receipt of
6 funding sufficient to cover the costs associated with
7 the marketing campaign.

8 Sec. 5. NEW SECTION. 466B.5 REGIONAL WATERSHED
9 ASSESSMENT, PLANNING, AND PRIORITIZATION.

10 1. REGIONAL WATERSHED ASSESSMENT PROGRAM. The
11 department shall create a regional watershed
12 assessment program. The program shall assess all the
13 regional watersheds in the state.

14 a. The statewide assessment shall be conducted at
15 the rate of approximately one-fifth of the watersheds
16 per year, and an initial full assessment shall be
17 completed within five years. Thereafter, the
18 department shall review and update the assessments on
19 a regular basis.

20 b. Each regional watershed assessment shall
 21 provide a summary of the overall condition of the
 22 watershed. The information provided in the summary
 23 may include land use patterns, soil types, slopes,
 24 management practices, stream conditions, and both
 25 point and nonpoint source impairments.

26 c. In conducting a regional watershed assessment,
 27 the department may provide opportunities for local
 28 data collection and input into the assessment process.

29 2. PLANNING AND PRIORITIZATION. In conducting the
 30 regional watershed assessment program, the department
 31 shall provide hydrological and geological information
 32 sufficient for the water resources coordinating
 33 council to prioritize watersheds statewide and for the
 34 various communities in those watersheds to plan
 35 remedial efforts in their local communities and
 36 subwatersheds.

37 3. REPORT TO COUNCIL. Upon completion of the
 38 statewide assessment, and upon updating the
 39 assessments, the department shall report the results
 40 of the assessment to the council and the general
 41 assembly, and shall make the report publicly
 42 available.

43 Sec. 6. NEW SECTION. 466B.6 COMMUNITY-BASED
 44 SUBWATERSHED IMPROVEMENT PLANS.

45 1. FACILITATION OF COMMUNITY-BASED SUBWATERSHED
 46 PLANS. After the department's completion of the
 47 initial regional watershed assessment, and after the
 48 council's prioritization of the regional watersheds,
 49 the council shall designate one or more of the
 50 agencies represented on the council to facilitate the

Page 6

1 development and implementation of local,
 2 community-based subwatershed improvement plans.
 3 2. ASSESSMENT, PLANNING, PRIORITIZATION, AND
 4 IMPLEMENTATION. In facilitating the development of
 5 community-based subwatershed improvement plans, the
 6 agency or agencies designated by the council shall,
 7 based on the results of the regional watershed
 8 assessment program, identify critical subwatersheds
 9 within priority regional watersheds and recruit
 10 communities, citizen groups, local governmental
 11 entities, or other stakeholders to engage in the
 12 assessment, planning, prioritization, and
 13 implementation of a local community-based subwatershed
 14 improvement plan. The agency or agencies designated
 15 by the council may assist in the formation of a group
 16 of initial local community-based subwatershed
 17 improvement plans that can be implemented as pilot
 18 projects, in order to develop an effective process

19 that can be replicated across the state.

20 Sec. 7. NEW SECTION. 466B.7 COMMUNITY-BASED
21 SUBWATERSHED MONITORING.

22 1. MONITORING ASSISTANCE. After completion of the
23 statewide regional watershed assessment and
24 prioritization, and throughout the implementation of
25 local community-based subwatershed improvement plans,
26 the department shall assist communities with the
27 monitoring and measurement of local subwatersheds.
28 The monitoring and measurement shall be designed for
29 the particular needs of individual communities.

30 2. DATA COLLECTION AND USE. Local communities in
31 which the department conducts subwatershed monitoring
32 shall use the information to support subwatershed
33 planning activities, do local data collection, and
34 identify priority areas needing additional resources.
35 Local communities shall also collect data over time
36 and use the data to evaluate the impacts of their
37 management efforts.

38 Sec. 8. NEW SECTION. 466B.8 WASTEWATER AND STORM
39 WATER INFRASTRUCTURE ASSESSMENT.

40 The department shall assess and prioritize
41 communities within a watershed presenting the greatest
42 level of risk to water quality and the health of
43 residents. This prioritization shall include both
44 sewerred and unsewerred communities.

45 Sec. 9. NEW SECTION. 466B.9 RULEMAKING
46 AUTHORITY.

47 The department and the department of agriculture
48 and land stewardship shall have the power and
49 authority reasonably necessary to carry out the duties
50 imposed by this chapter. As to the department, this

Page 7

1 includes rulemaking authority to carry out the
2 regional watershed assessment program described in
3 section 466B.5. As to the department of agriculture
4 and land stewardship, this includes rulemaking
5 authority to assist in the implementation of
6 community-based subwatershed improvement plans.”

7 2. Title page, by striking lines 1 through 6 and
8 inserting the following: “An Act relating to water
9 quality by establishing a water resources coordinating
10 council, authorizing a marketing campaign, directing
11 assistance to local communities for monitoring and
12 measurement, providing for a wastewater and storm
13 water infrastructure assessment, and creating a
14 regional assessment program and a community-based
15 improvement program.”

S-5081

- 1 Amend Senate File 2120 as follows:
 2 1. Page 1, by inserting after line 8, the
 3 following:
 4 “Sec. ____ Section 466A.5, Code 2007, is amended
 5 to read as follows:
 6 466A.5 ADMINISTRATION.
 7 The soil conservation division of the department of
 8 agriculture and land stewardship shall provide
 9 administrative support to the board. Not more than
 10 one percent of the total moneys deposited in the
 11 watershed improvement fund on July 1 of a fiscal year
 12 or fifty thousand dollars, whichever is less, is
 13 appropriated each fiscal year to the division for the
 14 purposes of assisting the watershed improvement review
 15 board in administering this chapter. However, the
 16 watershed improvement review board may provide
 17 additional moneys to the division as necessary to
 18 support the administration of this chapter, which
 19 shall be payable from available interest or earnings
 20 on moneys in the fund.”
 21 2. Title page, by striking lines 1 and 2, and
 22 inserting the following: “An Act relating to the
 23 administration of financing watershed improvement
 24 projects, and providing an”.
 25 3. By renumbering as necessary.

DAVID JOHNSON

S-5082

- 1 Amend Senate File 2349 as follows:
 2 1. By striking page 1, line 23, through page 2,
 3 line 19, and inserting the following:
 4 “Sec. ____ Section 523A.201, subsection 8, Code
 5 Supplement 2007, is amended to read as follows.”.
 6 2. Page 3, by inserting after line 28, the
 7 following:
 8 “Sec. ____ Section 523A.203, Code Supplement 2007,
 9 is amended by adding the following new subsection:
 10 **NEW SUBSECTION.** 5A. A financial institution
 11 acting as a trustee of trust funds under this chapter
 12 shall provide a report to each purchaser by January 31
 13 of each year that includes a detailed listing of the
 14 amount deposited in trust on behalf of that purchaser,
 15 including principal, interest, and income.”
 16 3. Page 4, by striking lines 13 through 21, and
 17 inserting the following:
 18 “Sec. ____ Section 523A.501, subsection 3,
 19 paragraph a, Code Supplement 2007, is amended to read

20 as follows:

21 a. The commissioner shall request and obtain,
 22 notwithstanding section 692.2, subsection 5, criminal
 23 history data for any director of, or person with a
 24 financial interest in, a preneed seller who is an
 25 applicant for an initial license issued pursuant to
 26 this section, ~~any an~~ applicant for reinstatement of a
 27 license issued pursuant to this section, or ~~any a~~
 28 licensee who is being monitored as a result of a
 29 commission order or agreement resolving an
 30 administrative disciplinary action, for the purpose of
 31 evaluating the applicant's or licensee's eligibility
 32 for licensure or suitability for continued practice as
 33 a preneed seller, as required by the commissioner by
 34 rules adopted pursuant to chapter 17A. The
 35 commissioner ~~shall adopt rules pursuant to chapter 17A~~
 36 ~~to implement this section~~ may limit this requirement
 37 to those persons who have the ability to control or
 38 direct control of trust funds under this chapter. The
 39 commissioner shall inform ~~the an~~ applicant or licensee
 40 ~~of to whom~~ the criminal history requirement applies
 41 and obtain a signed waiver from the applicant or
 42 licensee prior to submitting a criminal history data
 43 request.

44 Sec. ____ Section 523A.501, subsection 4, Code
 45 Supplement 2007, is amended to read as follows:

46 4. The commissioner shall request and obtain a
 47 financial history for any director of, or person with
 48 a financial interest in, a preneed seller who is an
 49 applicant for an initial license issued pursuant to
 50 this section, ~~any an~~ applicant for reinstatement of a

Page 2

1 license issued pursuant to this section, or ~~any a~~
 2 licensee who is being monitored as a result of a
 3 commission order or agreement resolving an
 4 administrative disciplinary action, for the purpose of
 5 evaluating the applicant's or licensee's eligibility
 6 for licensure or suitability for continued practice as
 7 a preneed seller, as required by the commissioner by
 8 rules adopted pursuant to chapter 17A. The
 9 commissioner may limit this requirement to those
 10 persons who have the ability to control or direct
 11 control of trust funds under this chapter. "Financial
 12 history" means the record of a person's current loans,
 13 the date of a person's loans, the amount of the loans,
 14 the person's payment record on the loans, current
 15 liens against the person's property, and the person's
 16 most recent financial statement setting forth the
 17 assets, liabilities, and the net worth of the person."
 18 4. Page 5, by striking lines 1 through 17, and

19 inserting the following:

20 ““For your prearranged funeral agreement, we will
 21 deposit not less than eighty percent of your payments
 22 in trust at (name of financial institution), (street
 23 address), (city), (state) (zip code) within fifteen
 24 days following receipt of the funds. For your
 25 protection, you ~~have the right to contact~~ will receive
 26 a report by January 31 of each year from the financial
 27 institution ~~directly~~ to confirm that the deposit of
 28 these funds occurred as required by law, including a
 29 detailed listing of the amount deposited in trust
 30 including principal, interest, and income. If you ~~are~~
 31 ~~unable to confirm the deposit of these funds in trust~~
 32 do not receive this report each year, you may contact
 33 the Iowa insurance division for assistance by calling
 34 the insurance division at (telephone number) or by
 35 mail at (street address), (city), Iowa (zip code).””

36 5. By renumbering as necessary.

BRIAN SCHOENJAHN

S-5083

1 Amend Senate File 2179 as follows:

2 1. Page 5, by striking line 10.

RICH OLIVE

S-5084

1 Amend Senate File 2354 as follows:

- 2 1. Page 1, by striking lines 8 through 17 and
- 3 inserting the following: “on or after September 11,
- 4 2001. “Eligible member”.
- 5 2. Page 1, by striking lines 23 through 28 and
- 6 inserting the following: “ninety days of”.

STEVE WARNSTADT

S-5085

1 Amend Senate File 2368 as follows:

- 2 1. Page 1, line 3, by inserting before the word
- 3 “establish” the following: “require licensees to”.
- 4 2. Page 1, line 7, by striking the words “to the
- 5 commission”.
- 6 3. Page 1, line 8, by striking the words “for
- 7 good cause shown”.
- 8 4. Page 1, line 18, by inserting before the word
- 9 “establish” the following: “require licensees to”.
- 10 5. Page 1, line 22, by striking the words “to the

11 commission”.
12 6. Page 1, line 23, by striking the words “for
13 good cause shown”.

FRANK B. WOOD

S-5086

1 Amend Senate File 2355 as follows:
2 1. Page 1, line 19, by striking the words
3 “seventy-two hours” and inserting the following:
4 “fourteen days”.

JEFF DANIELSON

S-5087

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2212

1 Amend the Senate amendment, H-8054, to House File
2 2212, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 7, by inserting after line 34 the
5 following:
6 “___ The Iowa veterans home.”
7 2. Page 7, by inserting after line 34 the
8 following:
9 “___ A restaurant, bar, hotel or motel, club as
10 defined in section 123.3, or a licensee pursuant to
11 chapter 99D or 99F, subject to the following:
12 a. The restaurant, bar, hotel or motel, club, or
13 licensee pursuant to chapter 99D or 99F is the holder
14 of a class “A”, class “B”, or class “C” liquor control
15 license for on-premises consumption pursuant to
16 chapter 123, as applicable.
17 b. The exemption from the prohibitions of section
18 142D.3 applies only to the licensed premises as
19 defined in section 123.3 of the entity specified under
20 this subsection, subject to the following limitations:
21 (1) If the holder of the liquor control license is
22 a licensee pursuant to chapter 99D or 99F, in addition
23 to any restaurants or bars located within the licensed
24 premises, only the portion of the licensed premises
25 which is the wagering area of a licensee pursuant to
26 chapter 99D, or the gaming floor of a licensee
27 pursuant to chapter 99F.
28 (2) If the holder of the liquor control license is
29 a hotel or motel, only the portion of the licensed
30 premises which is a bar or restaurant.

31 c. The restaurant, bar, hotel or motel, club, or
32 licensee pursuant to chapter 99D or 99F allows smoking
33 only at a specified time during which only individuals
34 twenty-one years of age or older are invited or
35 admitted; the specified time is a regular, single,
36 consecutive period of time; and the specified time is
37 conspicuously posted on all major entrances of the
38 licensed premises or the portion of the licensed
39 premises as specified in paragraph “b”, as
40 applicable.”
41 3. By renumbering, relettering, or redesignating
42 and correcting internal references as necessary.

S-5088

1 Amend Senate File 2355 as follows:
2 1. Page 1, line 19, by striking the words
3 “seventy-two hours” and inserting the following:
4 “fourteen days”.

PAUL MCKINLEY

S-5089

1 Amend Senate File 2368 as follows:
2 1. Page 1, line 8, by inserting before the words
3 “The process” the following: “A person shall not have
4 their exclusion revoked unless the application to
5 revoke contains the written consent of the person’s
6 spouse, if applicable.”
7 2. Page 1, line 23, by inserting before the words
8 “The process” the following: “A person shall not have
9 their exclusion revoked unless the application to
10 revoke contains the written consent of the person’s
11 spouse, if applicable.”

PAUL MCKINLEY

S-5090

1 Amend Senate File 2355 as follows:
2 1. Page 1, by striking lines 1 through 7.
3 2. Title page, line 2, by striking the words “and
4 making penalties applicable”.
5 3. By renumbering as necessary.

MARK ZIEMAN

S-5091

1 Amend Senate File 2329 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 256D.3, subsection 3, Code
5 2007, is amended to read as follows:
6 3. Beginning January 15, 2006, the department
7 shall submit an annual report to the chairpersons and
8 ranking members of the senate and house education
9 committees that includes the statewide average school
10 district class size in basic skills instruction in
11 kindergarten through grade three, by grade level and
12 by district size, and describes school district
13 progress toward achieving early intervention block
14 grant program goals and the ways in which school
15 districts are using moneys received pursuant to this
16 chapter and expended as provided in section 256D.2.
17 The report shall include district-by-district
18 information showing the allocation received for early
19 intervention block grant program purposes, the total
20 number of students enrolled in grade four in each
21 district, and the number of students in each district
22 who are not proficient in reading in grade four, as
23 measured by the Iowa tests of basic skills, for the
24 most recent reporting period, as well as for each
25 reporting period starting with the school year
26 beginning July 1, 2001, and how student achievement
27 has been affected per school district. The report
28 shall include information on whether the moneys
29 received were used to hire classroom teachers or
30 nonclassroom teachers."
31 2. By renumbering as necessary.

PAUL MCKINLEY

S-5092

1 Amend Senate File 2329 as follows:
2 1. Page 12, by inserting after line 10 the
3 following:
4 "Sec. __. Section 284.12, subsection 1, Code
5 Supplement 2007, is amended by adding the following
6 new paragraphs:
7 NEW PARAGRAPH. d. The number of teacher contract
8 days per school district.
9 NEW PARAGRAPH. e. The number of student contact
10 days per school district.
11 NEW PARAGRAPH. f. The number of hours teachers
12 spend in professional development per school

13 district.”

14 2. By renumbering as necessary.

PAUL McKINLEY
 JOHN PUTNEY
 JERRY BEHN
 RON WIECK
 MARK ZIEMAN
 JAMES A. SEYMOUR
 NANCY J. BOETTGER
 JAMES F. HAHN
 STEVE KETTERING
 LARRY McKIBBEN
 DAVID JOHNSON
 BRAD ZAUN
 LARRY NOBLE

S-5093

1 Amend Senate File 2338 as follows:

2 1. Page 21, line 11, by inserting after the word

3 “prefix” the following: “Dr. or”.

BECKY SCHMITZ

S-5094

1 Amend Senate File 2176 as follows:

2 1. Page 1, line 11, by striking the words “ARTS,
 3 AND TOURISM” and inserting the following: “AND ARTS
 4 TEAMS”.

5 2. Page 1, lines 12 and 13, by striking the words
 6 “ARTS, AND TOURISM” and inserting the following: “AND
 7 ARTS TEAMS”.

8 3. Page 1, line 16, by striking the words “arts,
 9 and tourism” and inserting the following: “and arts”.

10 4. Page 1, lines 21 and 22, by striking the words
 11 “committees in various regions of the state” and
 12 inserting the following: “local committees”.

13 5. Page 1, lines 24 and 25, by striking the words
 14 “arts, and tourism within the regions” and inserting
 15 the following: “and arts”.

16 6. Page 1, line 27, by striking the words “arts,
 17 and tourism” and inserting the following: “and arts”.

18 7. Page 1, lines 28 and 29, by striking the words
 19 “in each region”.

20 8. Title page, line 2, by striking the word
 21 “regional” and inserting the following: “local”.

DENNIS H. BLACK

S-5095

1 Amend Senate File 2329 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 256D.3, subsection 3, Code
5 2007, is amended to read as follows:
6 3. Beginning January 15, 2006, the department
7 shall submit an annual report to the chairpersons and
8 ranking members of the senate and house education
9 committees that includes the statewide average school
10 district class size in basic skills instruction in
11 kindergarten through grade three, by grade level and
12 by district size, and describes school district
13 progress toward achieving early intervention block
14 grant program goals and the ways in which school
15 districts are using moneys received pursuant to this
16 chapter and expended as provided in section 256D.2.
17 The report shall include district-by-district
18 information showing the allocation received for early
19 intervention block grant program purposes, the total
20 number of students enrolled in grade four in each
21 district, and the number of students in each district
22 who are not proficient in reading in grade four for
23 the most recent reporting period, as well as for each
24 reporting period starting with the school year
25 beginning July 1, 2001, and how student achievement
26 has been affected per school district. The report
27 shall include information on whether the moneys
28 received were used to hire classroom teachers or
29 nonclassroom teachers."
30 2. By renumbering as necessary.

PAUL MCKINLEY

S-5096

1 Amend Senate File 2189 as follows:
2 1. Page 1, by inserting after line 22 the
3 following:
4 "Sec. ____ Section 99B.17, Code 2007, is amended
5 to read as follows:
6 99B.17 GAMBLING ON CREDIT UNLAWFUL.
7 A person who tenders and a person who receives any
8 promise, agreement, note, bill, bond, contract,
9 mortgage or other security, or any negotiable
10 instrument, as consideration for any wager or bet,
11 whether or not lawfully conducted or engaged in
12 pursuant to this chapter, commits a misdemeanor.
13 However, a participant in a bingo occasion or in a
14 contest lawful under section 99B.11 may make payment

15 by personal check for any entry or participation fee
 16 assessed by the sponsor of the bingo occasion or
 17 contest. In addition, a participant in a raffle
 18 licensed under section 99B.5 or 99B.7 may purchase
 19 raffle tickets by personal check, money order, bank
 20 check, cashier's check, electronic check, credit card,
 21 or debit card. The department shall adopt rules
 22 setting minimum standards concerning the purchase of
 23 raffle tickets as authorized by this section for the
 24 protection of personal information consistent with
 25 payment card industry compliance regulations."
 26 2. Title page, line 1, by inserting after the
 27 word "fairs" the following: "and the purchasing of
 28 raffle tickets".
 29 3. By renumbering as necessary.

TOM HANCOCK

S-5097

1 Amend Senate File 2338 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "DIVISION ____
 5 STATE AGENCY RESTRICTIONS
 6 Section 1. NEW SECTION. 68A.506 POLITICAL
 7 ADVERTISEMENTS BY THE STATE PROHIBITED.
 8 A state agency shall not engage, directly or
 9 indirectly, in any advertisement, public service
 10 announcement, or other public communication that does
 11 any of the following:
 12 1. Refers to a clearly identified candidate for
 13 public office and has the effect of encouraging or
 14 discouraging the election or defeat of the candidate.
 15 2. Has the effect of encouraging or discouraging
 16 the passage or defeat of a clearly identified ballot
 17 issue.
 18 3. Has the effect of encouraging or discouraging
 19 the passage or defeat of clearly identified
 20 legislation under consideration by the general
 21 assembly."
 22 2. Title page, by inserting after the word
 23 "professions" the following: "and political
 24 advertisements by state agencies,".
 25 3. By renumbering as necessary.

BRAD ZAUN

S-5098

1 Amend Senate File 2379 as follows:
2 1. Page 5, line 23, by striking the word
3 "convictions", and inserting the following:
4 "conviction".
5 2. Page 5, line 32, by inserting after the word
6 "has", the following: "a".
7 3. Page 12, line 16, by striking the words
8 "client by" and inserting the following: "client be".
9 4. Page 15, line 27, by striking the word
10 "applicable" and inserting the following:
11 "applicable,".

JACK HATCH

S-5099

1 Amend Senate File 2329 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 256.7, subsection 21,
5 paragraph c, Code Supplement 2007, is amended to read
6 as follows:
7 c. A requirement that all school districts and
8 accredited nonpublic schools annually report to the
9 department and the local community the district-wide
10 progress made in attaining student achievement goals
11 on the academic and other core indicators and the
12 district-wide progress made in attaining locally
13 established student learning goals. The school
14 districts and accredited nonpublic schools shall
15 demonstrate the use of multiple assessment measures in
16 determining student achievement levels. The school
17 districts and accredited nonpublic schools shall also
18 report the number of students who graduate, utilizing
19 the definition of graduation rate specified by the
20 national governors association; the number of students
21 who drop out of school; the number of students
22 pursuing a high school equivalency diploma pursuant to
23 chapter 259A; the number of students who were enrolled
24 in the district within the past five years and who
25 received a high school equivalency diploma; the
26 percentage of students who receive a high school
27 diploma and who were not proficient in reading,
28 mathematics, and science in grade eleven; the number
29 of students in the prior year who were enrolled as
30 high school juniors who are within four units of
31 meeting the district's graduation requirements; the
32 number of students who are tested and the percentage
33 of students who are so tested annually; and the

34 percentage of students who graduated during the prior
 35 school year and who completed a core curriculum. The
 36 board shall develop and adopt uniform definitions
 37 consistent with the federal No Child Left Behind Act
 38 of 2001, Pub. L. No. 107-110 and any federal
 39 regulations adopted pursuant to the federal Act. The
 40 school districts and accredited nonpublic schools may
 41 report on other locally determined factors influencing
 42 student achievement. The school districts and
 43 accredited nonpublic schools shall also report to the
 44 local community their results by individual attendance
 45 center. “Proficient”, as used in this chapter and
 46 chapter 256D, means the Iowa grade equivalency, which
 47 is a number that describes a student’s location on an
 48 achievement continuum as measured by the Iowa tests of
 49 basic skills and the Iowa tests of educational
 50 development.”

Page 2

- 1 2. By renumbering as necessary.

PAUL MCKINLEY

S-5100

- 1 Amend Senate File 2251 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 “Section 1. NEW SECTION. 280.7A STUDENT EYE
- 5 CARE.
- 6 1. A parent or guardian who registers a child for
- 7 kindergarten or a preschool program shall be given a
- 8 student vision card provided by the Iowa optometric
- 9 association with a goal of every child receiving an
- 10 eye examination by age seven, as needed.
- 11 2. In conjunction with the adoption of an
- 12 individualized education plan pursuant to chapter
- 13 256B, a student may receive an eye examination by a
- 14 licensed ophthalmologist or optometrist. A parent or
- 15 guardian is responsible for ensuring a student
- 16 receives an eye examination if recommended under this
- 17 subsection.
- 18 3. Area education agencies, pursuant to section
- 19 273.3, shall make every effort to provide, in
- 20 collaboration with local community organizations,
- 21 vision screening services to children ages two through
- 22 four.
- 23 Sec. 2. APPLICABILITY DATE. This Act applies to
- 24 school years beginning on or after July 1, 2009.”
- 25 2. Title page, by striking lines 1 through 3 and
- 26 inserting the following: “An Act relating to student

27 eye care and including an applicability date
28 provision.”

FRANK B. WOOD

S-5101

1 Amend Senate File 2356 as follows:

2 1. Page 1, by inserting after line 32 the
3 following:

4 “Sec. __. Section 331.302, subsection 2, Code
5 2007, is amended to read as follows:

6 2. ~~A For a violation of an ordinance a county~~
7 ~~shall not provide a penalty in excess of a five~~
8 ~~hundred dollar the maximum fine or in excess of thirty~~
9 ~~days and term of imprisonment for the violation of an~~
10 ~~ordinance a simple misdemeanor under section 903.1,~~
11 ~~subsection 1, paragraph “a”.~~ The criminal penalty
12 surcharge required by section 911.1 shall be added to
13 a county fine and is not a part of the county’s
14 penalty.

15 Sec. __. Section 331.302, subsection 4A,
16 paragraph a, subparagraph (2), Code 2007, is amended
17 to read as follows:

18 (2) A portion of the Code of Iowa may be adopted
19 by reference only if the criminal penalty provided by
20 the law adopted does not exceed ~~thirty days the~~
21 ~~maximum fine and term of imprisonment and a five~~
22 ~~hundred dollar fine for a simple misdemeanor under~~
23 ~~section 903.1, subsection 1, paragraph “a”.~~

24 Sec. __. Section 364.3, subsection 2, Code 2007,
25 is amended to read as follows:

26 2. ~~A For the violation of an ordinance a city~~
27 ~~shall not provide a penalty in excess of a five~~
28 ~~hundred dollar the maximum fine or in excess of thirty~~
29 ~~days and term of imprisonment for the violation of an~~
30 ~~ordinance a simple misdemeanor under section 903.1,~~
31 ~~subsection 1, paragraph “a”.~~ An amount equal to ten
32 percent of all fines collected by cities shall be
33 deposited in the account established in section
34 602.8108. However, one hundred percent of all fines
35 collected by a city pursuant to section 321.236,
36 subsection 1, shall be retained by the city. The
37 criminal penalty surcharge required by section 911.1
38 shall be added to a city fine and is not a part of the
39 city’s penalty.”

40 2. Page 2, by inserting after line 13 the
41 following:

42 “Sec. __. Section 380.10, subsection 2, Code
43 2007, is amended to read as follows:

44 2. A portion of the Code of Iowa may be adopted by
45 reference only if the criminal penalty provided by the

46 law adopted does not exceed ~~thirty days' the maximum~~
 47 ~~fine and term of imprisonment and a five hundred~~
 48 ~~dollar fine for a simple misdemeanor under section~~
 49 903.1, subsection 1, paragraph "a".
 50 3. Title page, line 2, by inserting after the

Page 2

- 1 word "violations," the following: "assessment of city
- 2 and county fines,".

ROBERT E. DVORSKY

S-5102

- 1 Amend Senate File 2334 as follows:
- 2 1. Page 4, line 17, by inserting after the words
- 3 "the department" the following: "or as agreed upon by
- 4 the department and the entity".

FRANK B. WOOD

S-5103

- 1 Amend Senate File 2351 as follows:
- 2 1. Page 3, by striking lines 22 through 24 and
- 3 inserting the following: "occupancy begins. ~~A change~~
- 4 ~~in tenant shall require a new written notice to be~~
- 5 ~~given to the city utility or enterprise within ten~~
- 6 ~~business days of the change in tenant. When".~~

RICH OLIVE

S-5104

- 1 Amend Senate File 2252 as follows:
- 2 1. Page 1, line 2, by inserting after the word
- 3 "THERAPISTS" the following: "AND LICENSED MASTER
- 4 SOCIAL WORKERS".
- 5 2. Page 1, line 3, by striking the word "The" and
- 6 inserting the following:
- 7 "1. The".
- 8 3. Page 1, by inserting after line 8 the
- 9 following:
- 10 "2. The department shall adopt rules pursuant to
- 11 chapter 17A entitling master social workers who hold a
- 12 master's degree approved by the board of social work,
- 13 are licensed as a master social worker pursuant to
- 14 section 154C.3, subsection 1, paragraph "b", and
- 15 provide treatment services under the supervision of an
- 16 independent social worker licensed pursuant to section

- 17 154C.3, subsection 1, paragraph “c”, to payment for
18 behavioral health services provided to recipients of
19 medical assistance, subject to limitations and
20 exclusions the department finds necessary on the basis
21 of federal laws and regulations.”
- 22 4. Page 1, line 10, by striking the word
23 “THERAPISTS.” and inserting the following:
24 “THERAPISTS AND LICENSED MASTER SOCIAL WORKERS.
25 1.”
- 26 5. Page 1, by inserting after line 14 the
27 following:
28 “2. The department of human services shall amend
29 the medical assistance state plan to allow master
30 social workers who hold a master’s degree approved by
31 the board of social work, are licensed as a master
32 social worker pursuant to section 154C.3, subsection
33 1, paragraph “b”, and provide treatment services under
34 the supervision of an independent social worker
35 licensed pursuant to section 154C.3, subsection 1,
36 paragraph “c”, to be participating behavioral health
37 services providers under the medical assistance
38 program.”
- 39 6. Title page, line 2, by inserting after the
40 word “therapists” the following: “and licensed master
41 social workers”.
- 42 7. By renumbering as necessary.

BECKY SCHMITZ

S-5105

- 1 Amend Senate File 2308 as follows:
2 1. Page 1, line 5, by striking the words
3 “computerized data” and inserting the following:
4 “personal information”.
- 5 2. Page 1, lines 6 and 7, by striking the words
6 “personal information maintained by the person” and
7 inserting the following: “the personal information”.
- 8 3. Page 1, line 13, by inserting after the word
9 “information.” the following: “Transmittal or
10 reception of personal information on a radio
11 broadcasting system operated pursuant to section 80.9,
12 subsection 2, paragraph “e”, or any similar radio
13 broadcasting system utilized by a federal, state, or
14 local law enforcement agency, by an officer or
15 employee of a federal, state, or local law enforcement
16 agency in the performance of official duties is not a
17 breach of security.”
- 18 4. Page 2, by striking line 5 and inserting the
19 following: “individual if any of the data elements
20 are not”.
- 21 5. Page 2, line 18, by inserting after the word

22 “password” the following: “that would permit access
23 to an individual’s financial account”.

24 6. Page 2, by striking line 19 and inserting the
25 following:

26 “e. Unique biometric data, such as a fingerprint,
27 voice print or recording, retina or iris image, or
28 other unique physical representation or digital
29 representation of biometric data. Information that is
30 lawfully obtained from publicly available sources, or
31 from federal, state, or local government records
32 lawfully made available to the general public, is not
33 unique biometric data.”

34 7. Title page, lines 2 and 3, by striking the
35 words “computerized data that includes”.

STEVE WARNSTADT

S-5106

1 Amend Senate File 2132 as follows:

2 1. Page 1, by striking lines 1 through 25 and
3 inserting the following:

4 “Section 1. Section 809.5, subsection 1, Code
5 Supplement 2007, is amended to read as follows:

6 1. Seized property which is no longer required as
7 evidence or for use in an investigation shall be
8 returned to the owner, provided that the person’s
9 possession of the property is not prohibited by law
10 and there is no forfeiture claim filed on behalf of
11 the state.

12 a. ~~The~~ If the value of the property is greater
13 than five hundred dollars, the seizing agency shall
14 ~~send~~ serve notice by personal service or by sending
15 the notice by restricted certified mail, return
16 receipt requested, to the last known address of any
17 person having an ownership or possessory right in the
18 property ~~stating that the property must be claimed~~
19 ~~within thirty days from the date of receipt of the~~
20 ~~notice.~~ Refusal of restricted certified mail, return
21 receipt requested, shall be construed as receipt of
22 the notice. ~~Such notice shall state that if no~~
23 ~~written claim for the property is filed with the~~
24 ~~seizing agency within thirty days from the date of~~
25 ~~receipt of the notice, the property shall be deemed~~
26 ~~abandoned and disposed of accordingly.~~

27 b. If the value of the property is equal to or
28 less than five hundred dollars, the seizing agency
29 shall serve notice by personal service or by sending
30 the notice by regular mail to the last known address
31 of any person having an ownership or possessory right
32 in the property.

33 c. A person having an ownership or possessory

34 right in the property must file a written claim for
 35 the property with the seizing agency within thirty
 36 days from the date of receipt of the notice and must
 37 take possession of the property within thirty days of
 38 the expiration of the period of time for filing a
 39 written claim. If no written claim is filed within
 40 thirty days from the date of receipt of the notice or
 41 if a written claim is filed but the claimant does not
 42 take possession of the property within thirty days of
 43 the expiration of the period of time for filing the
 44 written claim, the property shall be deemed abandoned
 45 and shall be disposed of accordingly.
 46 d. The notice served or sent pursuant to this
 47 subsection shall inform the recipient of the filing
 48 and possession requirements of paragraph "c".
 49 ~~b. e.~~ The seizing agency shall not release the
 50 property to any party until the expiration of the date

Page 2

1 for filing claims. In the event that there is more
 2 than one claim filed for the return of property under
 3 this section, at the expiration of the period for
 4 filing claims the seizing agency shall file a copy of
 5 all such claims with the clerk of court and the clerk
 6 shall proceed as if such claims were filed by the
 7 parties under section 809.3. ~~In the event that no~~
 8 ~~owner can be located or no claim is filed under this~~
 9 ~~section for property having a value of less than five~~
 10 ~~hundred dollars, the property shall be deemed~~
 11 ~~abandoned and the seizing agency shall become the~~
 12 ~~owner of such property and may dispose of it in any~~
 13 ~~reasonable manner.~~
 14 ~~e. f.~~ For unclaimed property having a In the
 15 event that the owner is unable to be located or the
 16 property is deemed abandoned the following shall
 17 apply:
 18 (1) If the value equal to or of the property is
 19 greater than five hundred dollars, forfeiture
 20 proceedings shall be initiated pursuant to the
 21 provisions of chapter 809A. If the court does not
 22 order the property forfeited to the state in the
 23 forfeiture proceedings pursuant to chapter 809A, the
 24 seizing agency shall become the owner of the property
 25 and may dispose of it in any reasonable manner.
 26 ~~Unclaimed firearms~~
 27 (2) If the value of the property is equal to or
 28 less than five hundred dollars, the seizing agency
 29 shall become the owner of the property and may dispose
 30 of it in any reasonable manner.
 31 (3) Firearms and ammunition, if not forfeited
 32 pursuant to chapter 809A, shall be disposed of by the

33 department of public safety or the department of
 34 natural resources pursuant to section 809.21, if not
 35 forfeited pursuant to chapter 809A.”

KEITH A. KREIMAN
 WALLY E. HORN
 THOMAS RIELLY

S-5107

1 Amend Senate File 2312 as follows:
 2 1. Page 1, line 34, by striking the words
 3 “October of each year” and inserting the following:
 4 “~~October of each year~~ December”.
 5 2. Page 4, line 16, by striking the word “July”
 6 and inserting the following: “~~July~~ September”.
 7 3. Page 4, line 22, by striking the word “August”
 8 and inserting the following: “~~August~~ October”.
 9 4. Page 4, line 29, by striking the word
 10 “September” and inserting the following: “~~September~~
 11 November”.
 12 5. Page 4, line 32, by striking the word
 13 “September” and inserting the following: “~~September~~
 14 November”.
 15 6. Page 4, line 33, by striking the word
 16 “September” and inserting the following: “~~September~~
 17 November”.
 18 7. Page 4, line 35, by striking the word
 19 “September” and inserting the following: “~~September~~
 20 November”.
 21 8. Page 5, lines 4 and 5, by striking the words
 22 “October of each year” and inserting the following:
 23 “~~October of each year~~ December”.
 24 9. Page 11, by striking line 3 and inserting the
 25 following: “the ~~second~~ first Tuesday after the first
 26 Monday in September November of each odd-numbered year
 27 in”.
 28 10. Page 12, line 6, by striking the word
 29 “September” and inserting the following: “November”.
 30 11. Page 12, line 7, by striking the word
 31 “September” and inserting the following: “November”.
 32 12. Page 12, line 15, by striking the word
 33 “September” and inserting the following: “November”.
 34 13. Page 12, line 19, by striking the word
 35 “September” and inserting the following: “November”.
 36 14. By renumbering as necessary.

THOMAS G. COURTNEY

S-5108

- 1 Amend the amendment, S-5082, to Senate File 2349,
2 as follows:
- 3 1. Page 1, by striking lines 2 through 7 and
4 inserting the following:
5 “___ . By striking page 1, line 23, through page
6 3, line 28, and inserting the following.”
- 7 2. Page 1, by striking lines 12 through 15 and
8 inserting the following: “shall provide a report to
9 each purchaser within sixty days from the date of
10 purchase confirming that a deposit has been made
11 establishing a trust fund for the purchaser’s payments
12 made under the purchase agreement.””
- 13 3. Page 2, by striking lines 26 through 30 and
14 inserting the following: “a report within sixty days
15 from the date of purchase from the financial
16 institution directly to confirm that the deposit of
17 these funds ~~occurred~~ has been made establishing a
18 trust fund as required by law. If you”.
- 19 4. Page 2, line 32, by striking the words “each
20 year”.
- 21 5. Page 2, line 35, by inserting after the words
22 “(zip code)” the following: “, or you may contact the
23 financial institution by calling the financial
24 institution at (telephone number) or by mail at the
25 address indicated above”.

JEFF DANIELSON

S-5109

- 1 Amend Senate File 2312 as follows:
- 2 1. Page 44, by inserting before line 27 the
3 following:
4 “Sec. ___. Section 49.77, subsection 4, paragraph
5 b, Code Supplement 2007, is amended to read as
6 follows:
7 b. If the voter informs the precinct election
8 official that the voter resides in the precinct and is
9 not registered to vote, the voter may register to vote
10 pursuant to section 48A.7A and cast a ballot. ~~If such~~
11 ~~a voter is unable to establish identity and residency~~
12 ~~in the manner provided in section 48A.7A, subsection~~
13 ~~1, paragraph “b” or “c”, the voter shall be allowed to~~
14 ~~cast a~~ provisional ballot in the manner prescribed by
15 section 49.81.”
- 16 2. By renumbering as necessary.

JAMES F. HAHN

S-5110

1 Amend Senate File 2387 as follows:

2 1. Page 1, by striking lines 27 through 34.

3 2. Page 2, lines 30 and 31, by striking the words
4 “and that person’s sales tax permit suspended” and
5 inserting the following: “~~and that person’s sales tax~~
6 ~~permit suspended~~”.

7 3. Page 3, lines 13 and 14, by striking the words
8 “and the establishment’s sales tax permit” and
9 inserting the following: “~~and the establishment’s~~
10 ~~sales tax permit~~”.

11 4. Page 3, by inserting after line 23 the
12 following:

13 “Sec. __. Section 99B.10C, subsection 2, Code
14 Supplement 2007, is amended to read as follows:

15 2. A person ~~owning or leasing an electrical and~~
16 ~~mechanical amusement device, or an employee of a~~
17 ~~person owning or leasing an electrical and mechanical~~
18 ~~amusement device~~, who knowingly allows a person under
19 the age of twenty-one years to participate in the
20 operation of an electrical and mechanical amusement
21 device, or a person who knowingly participates in the
22 operation of an electrical and mechanical amusement
23 device with a person under the age of twenty-one
24 years, is guilty of a simple misdemeanor.

25 Sec. __. Section 99B.14, subsection 1, Code 2007,
26 is amended to read as follows:

27 1. The department may deny, suspend, or revoke a
28 license if the department finds that an applicant,
29 licensee, or an agent of the licensee violated or
30 permitted a violation of a provision of this chapter
31 or a departmental rule adopted pursuant to chapter
32 17A, or for any other cause for which the director of
33 the department would be or would have been justified
34 in refusing to issue a license, or upon the conviction
35 of a person of a violation of this chapter or a rule
36 adopted under this chapter which occurred on the
37 licensed premises. However, the denial, suspension,
38 or revocation of one type of gambling license does not
39 require, but may result in, the denial, suspension, or
40 revocation of a different type of gambling license
41 held by the same licensee. In addition, a person
42 whose license is revoked under this section who is a
43 person for which a class “A”, class “B”, class “C”, or
44 class “D” liquor control license has been issued
45 pursuant to chapter 123 shall have the person’s liquor
46 control license suspended for a period of fourteen
47 days in the same manner as provided in section 123.50,
48 subsection 3, paragraph “a”. In addition, a person
49 whose license is revoked under this section who is a
50 person for which only a class “B” or class “C” beer

Page 2

- 1 permit has been issued pursuant to chapter 123 shall
 2 have the person's class "B" or class "C" beer permit
 3 suspended ~~and that person's sales tax permit suspended~~
 4 for a period of fourteen days in the same manner as
 5 provided in section 123.50, subsection 3, paragraph
 6 "a".
 7 5. By renumbering as necessary.

JOHN P. KIBBIE

S-5111

HOUSE AMENDMENT TO SENATE FILE 2154

- 1 Amend Senate File 2154, as passed by the Senate as
 2 follows:
 3 1. Page 1, by inserting after line 8 the
 4 following:
 5 "Sec. ____ Section 89A.2, Code Supplement 2007, is
 6 amended to read as follows:
 7 89A.2 SCOPE OF CHAPTER.
 8 1. The provisions of this chapter shall not apply
 9 to any of the following:
 10 a. Any conveyance installed in any single private
 11 dwelling residence, ~~to conveyances,~~
 12 b. Material hoists subject to regulation under 875
 13 IAC 26.1 and 29 C.F.R. § 1926.552, ~~to lifts,~~
 14 c. Lifts subject to regulation under chapter 88,
 15 ~~to material,~~
 16 d. Material lift elevators existing in the same
 17 location since prior to January 1, 1975, ~~or to~~
 18 ~~conveyances,~~
 19 e. Conveyances over which an agency of the federal
 20 government is asserting similar enforcement
 21 jurisdiction.
 22 2. Provisions of this chapter supersede
 23 conflicting provisions contained in building codes of
 24 this state or any subdivision thereof."
 25 2. By renumbering as necessary.

S-5112

- 1 Amend Senate File 2278 as follows:
 2 1. Page 8, by inserting after line 19 the
 3 following:
 4 "Sec. ____ Section 257.17, Code 2007, is amended
 5 to read as follows:
 6 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.
 7 State aid payments made pursuant to section 257.16
 8 for a fiscal year shall be reduced by one

9 one-hundred-eightieth for each day of that fiscal year
 10 for which the school district begins school before the
 11 earliest starting date specified in section 279.10,
 12 subsection 1. However, this section does not apply to
 13 a school district that has received approval for a
 14 pilot program for an innovative school year from ~~the~~
 15 ~~director of the department of education under section~~
 16 ~~279.10, subsection 4, to commence classes for~~
 17 ~~regularly established elementary and secondary schools~~
 18 ~~in advance of the starting date established in section~~
 19 ~~279.10, subsection 4 3.”~~

20 2. Page 15, by inserting after line 13 the
 21 following:

22 “Sec. ____ Section 279.10, subsection 1, Code
 23 2007, is amended to read as follows:

24 1. The school year shall begin on the first day of
 25 July and each regularly established elementary and
 26 secondary school shall begin no sooner than ~~a day~~
 27 ~~during the calendar week in which the first day of~~
 28 ~~September falls~~ August 25 but no later than the first
 29 Monday in December unless the school district has
 30 received approval from the department of education for
 31 a pilot program in accordance with subsection 3.
 32 ~~However, if the first day of September falls on a~~
 33 ~~Sunday, school may begin on a day during the calendar~~
 34 ~~week which immediately precedes the first day of~~
 35 ~~September.~~ School shall continue for at least one
 36 hundred eighty days, except as provided in subsection
 37 3, and may be maintained during the entire calendar
 38 year. However, if the board of directors of a
 39 district extends the school calendar because inclement
 40 weather caused the district to temporarily close
 41 school during the regular school calendar, the
 42 district may excuse a graduating senior who has met
 43 district or school requirements for graduation from
 44 attendance during the extended school calendar. A
 45 school corporation may begin employment of personnel
 46 for in-service training and development purposes
 47 before the date to begin elementary and secondary
 48 school.

49 Sec. ____ Section 279.10, subsection 2, Code 2007,
 50 is amended to read as follows:

Page 2

1 2. The board of directors shall hold a public
 2 hearing on any ~~proposal request made pursuant to~~
 3 subsection 3 prior to submitting it to the department
 4 of education for approval.

5 Sec. ____ Section 279.10, subsection 4, Code 2007,
 6 is amended by striking the subsection.”

7 3. Page 25, by inserting after line 19 the

8 following:
9 “3. EFFECTIVE DATES. The section of this Act that
10 amends section 279.10, subsection 2, takes effect upon
11 enactment and the sections of this Act that amend
12 section 257.17 and section 279.10, subsections 1 and
13 4, take effect July 1, 2009, and are applicable for
14 school years beginning on or after that date.”
15 4. By renumbering as necessary.

JOHN PUTNEY

S-5113

1 Amend Senate File 2308 as follows:
2 1. Page 1, line 5, by striking the words
3 “computerized data” and inserting the following:
4 “personal information”.
5 2. Page 1, lines 6 and 7, by striking the words
6 “personal information maintained by the person” and
7 inserting the following: “the personal information”.
8 3. Page 1, line 13, by inserting after the word
9 “information.” the following: “Transmittal or
10 reception of personal information on a radio
11 broadcasting system operated pursuant to section 80.9,
12 subsection 2, paragraph “e”, or any similar radio
13 broadcasting system, utilized by a federal, state, or
14 local law enforcement agency, by an officer or
15 employee of a federal, state, or local law enforcement
16 agency, or by an emergency medical care provider as
17 defined in section 147A.1, subsection 4, in the
18 performance of official duties is not a breach of
19 security.”
20 4. Page 2, by striking line 5 and inserting the
21 following: “individual if any of the data elements
22 are not”.
23 5. Page 2, line 18, by inserting after the word
24 “password” the following: “that would permit access
25 to an individual’s financial account”.
26 6. Page 2, by striking line 19 and inserting the
27 following:
28 “e. Unique biometric data, such as a fingerprint,
29 voice print or recording, retina or iris image, or
30 other unique physical representation or digital
31 representation of biometric data. Information that is
32 lawfully obtained from publicly available sources, or
33 from federal, state, or local government records
34 lawfully made available to the general public, is not
35 unique biometric data.”
36 7. Title page, lines 2 and 3, by striking the
37 words “computerized data that includes”.

STEVE WARNSTADT

S-5114

- 1 Amend Senate File 2395 as follows:
- 2 1. Page 11, line 28, by striking the words “A
3 operating” and inserting the following: “An
4 operating”.
- 5 2. Page 16, line 29, by striking the figure
6 “489.110” and inserting the following: “489.112”.
- 7 3. Page 29, line 8, by inserting after the word
8 “becomes” the following: “a”.
- 9 4. Page 49, line 33, by striking the word
10 “transferree” the following: “transferee”.
- 11 5. Page 51, line 10, by striking the word
12 “applies” and inserting the following: “apply”.
- 13 6. Page 101, line 9, by striking the word ““a”,”
14 and inserting the following: ““a””.
- 15 7. Page 107, line 27, by striking the word
16 “entity” and inserting the following: “entity,”.
- 17 8. Page 118, line 12, by striking the figure
18 “289.108” and inserting the following: “489.108”.
- 19 9. By renumbering as necessary.

ROBERT M. HOGG

S-5115

- 1 Amend Senate File 2308 as follows:
- 2 1. Page 1, line 5, by striking the words
3 “computerized data” and inserting the following:
4 “personal information”.
- 5 2. Page 1, lines 6 and 7, by striking the words
6 “personal information maintained by the person” and
7 inserting the following: “the personal information”.
- 8 3. Page 1, line 13, by inserting after the word
9 “information.” the following: “Transmittal or
10 reception of personal information on a radio
11 broadcasting system operated pursuant to section 80.9,
12 subsection 2, paragraph “e”, or any similar radio
13 broadcasting system, utilized by a federal, state, or
14 local law enforcement agency, by an officer or
15 employee of a federal, state, or local law enforcement
16 agency, or by an emergency medical care provider as
17 defined in section 147A.1, subsection 4, in the
18 performance of official duties is not a breach of
19 security.”
- 20 4. Page 2, by striking line 5 and inserting the
21 following: “individual if any of the data elements
22 are not”.
- 23 5. Page 2, line 18, by inserting after the word
24 “password” the following: “that would permit access
25 to an individual’s financial account”.

26 6. Page 2, by striking line 19 and inserting the
 27 following:
 28 “e. Unique biometric data, such as a fingerprint,
 29 voice print or recording, retina or iris image, or
 30 other unique physical representation or digital
 31 representation of biometric data.
 32 “Personal information” does not include information
 33 that is lawfully obtained from publicly available
 34 sources, or from federal, state, or local government
 35 records lawfully made available to the general
 36 public.”
 37 7. Title page, lines 2 and 3, by striking the
 38 words “computerized data that includes”.

STEVE WARNSTADT

S-5116

1 Amend Senate File 2342 as follows:
 2 1. Page 1, line 4, by inserting before the word
 3 “Every” the following: “1”
 4 2. Page 1, by inserting after line 9 the
 5 following:
 6 “2. Notwithstanding the
 7 three-hundred-sixty-five-day period in subsection 1,
 8 the court may require a return of the execution,
 9 together with the money collected, at an earlier date
 10 if any of the following apply:
 11 a. Two or more creditors are executing judgments
 12 against the same judgment debtor.
 13 b. The court determines that the interest of
 14 either the judgment debtor or the creditor will be
 15 adversely affected by the three-hundred-sixty-five-day
 16 period.
 17 3. The sheriff shall deposit any money collected
 18 with the clerk and the clerk shall disburse the
 19 amounts, after subtracting applicable fees, within
 20 ninety days of collection.”
 21 3. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-5117

1 Amend Senate File 2278 as follows:
 2 1. Page 22, line 24, by inserting before the word
 3 “~~H~~” the following:
 4 “1”
 5 2. Page 23, by inserting after line 1 the
 6 following:
 7 “2. Nothing in this section shall be construed to

8 prohibit a school director, officer, area education
 9 agency director, or teacher from acting as an agent
 10 for school textbooks or school supplies in a
 11 transaction with an individual acting on behalf of a
 12 school district other than the school district in
 13 which the school director, officer, area education
 14 agency director, or teacher holds office or is
 15 employed.”
 16 3. By renumbering as necessary.

DAVID JOHNSON

S-5118

1 Amend Senate File 2319 as follows:
 2 1. Page 2, line 5, by inserting after the word
 3 “activity,” the following: “physical fitness,”.
 4 2. Page 2, line 7, by inserting after the word
 5 “secondary” the following: “physical”.
 6 3. Page 2, line 9, by inserting after the word
 7 “professional,” the following: “at least one member
 8 shall be a registered dietician, at least one member
 9 shall be recommended by the department of elder
 10 affairs,”.
 11 4. Page 2, line 10, by inserting after the word
 12 “professional.” the following: “In addition, at least
 13 one member shall be a member of a racial or ethnic
 14 minority.”
 15 5. Page 2, line 21, by inserting after the word
 16 “activity,” the following: “improve physical
 17 fitness,”.

JOE BOLKCOM

S-5119

1 Amend Senate File 2251 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. NEW SECTION. 280.7A STUDENT EYE
 5 CARE.
 6 1. A parent or guardian who registers a child for
 7 kindergarten or a preschool program shall be given a
 8 student vision card provided by the Iowa optometric
 9 association with a goal of every child receiving an
 10 eye examination by age seven, as needed.
 11 2. In conjunction with the adoption of an
 12 individualized education program pursuant to chapter
 13 256B, a student may receive an eye examination by a
 14 licensed ophthalmologist or optometrist as part of a
 15 perceptual visual evaluation supervised by a

16 professional member of the student's individualized
 17 education program or a school psychologist. A parent
 18 or guardian is responsible for ensuring a student
 19 receives an eye examination if recommended under this
 20 subsection.

21 3. Area education agencies, pursuant to section
 22 273.3, shall make every effort to provide, in
 23 collaboration with local community organizations,
 24 vision screening services to children ages two through
 25 four.

26 Sec. 2. APPLICABILITY DATE. This Act applies to
 27 school years beginning on or after July 1, 2009.”

28 2. Title page, by striking lines 1 through 3 and
 29 inserting the following: “An Act relating to student
 30 eye care and including an applicability date
 31 provision.”

FRANK B. WOOD

S-5120

1 Amend Senate File 2302 as follows:

2 1. Page 1, line 1, by striking the words “DUTY OF
 3 AGENCY” and inserting the following: “MORTGAGE
 4 BROKERS DUTIES TO BORROWERS”.

5 2. Page 1, by striking lines 4 and 5 and
 6 inserting the following: “subsection 5, shall
 7 perform”.

8 3. Page 1, line 26, by striking the words “as
 9 agent” and inserting the following: “from the
 10 borrower”.

11 4. Title page, line 1, by striking the words “a
 12 duty of agency” and inserting the following: “certain
 13 duties”.

14 5. By renumbering as necessary.

ROGER STEWART

S-5121

1 Amend Senate File 2302 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 “Sec. __. Section 535B.2, subsection 1, Code
 5 2007, is amended to read as follows:

6 1. A bank, bank holding company, savings bank,
 7 savings and loan association, or credit union
 8 organized under the laws of this state, another state,
 9 or the United States, or a subsidiary or affiliate of
 10 such a bank, bank holding company, savings bank,
 11 savings and loan association, or credit union.

12 Additionally, a bank, bank holding company, savings
 13 bank, savings and loan association, or credit union
 14 organized under the laws of this state, another state,
 15 or the United States, or a subsidiary or affiliate of
 16 such a bank, bank holding company, savings bank,
 17 savings and loan association, or credit union shall be
 18 subject to the duty of agency provisions of section
 19 535B.18.”

20 2. Title page, line 2, by inserting after the
 21 word “brokers” the following: “, specifying that an
 22 exemption otherwise applicable for specified banks,
 23 credit unions, and related entities or organizations
 24 shall not apply.”.

25 3. By renumbering as necessary.

DICK L. DEARDEN

S-5122

1 Amend Senate File 2302 as follows:

2 1. Page 1, line 3, by inserting after the word
 3 “broker” the following: “or mortgage banker”.

4 2. Page 1, line 4, by striking the word
 5 “subsection” and inserting the following: “subsection
 6 4 or”.

7 3. Title page, line 2, by inserting after the
 8 word “brokers” the following: “and mortgage bankers”.

DICK L. DEARDEN

S-5123

1 Amend Senate File 2279 as follows:

2 1. Page 2, by striking line 35 and inserting the
 3 following:

4 “b. (1) All physically able students in
 5 kindergarten through grade five shall be required to”.

6 2. Page 3, line 2, by inserting after the word
 7 “day,” the following:

8 “(2) All physically able students in grades six
 9 through twelve shall be required to engage in a
 10 physical activity for a minimum of one hundred twenty
 11 minutes per week. A student participating in an
 12 organized and supervised athletic program or
 13 non-school-sponsored extracurricular activity which
 14 requires the student to participate in physical
 15 activity for a minimum of one hundred twenty minutes
 16 per week is exempt from the requirements of this
 17 paragraph.

18 (3)”.

19 3. Page 3, by inserting after line 20 the

20 following:

21 “Sec. ___. DEPARTMENT OF EDUCATION — FITNESS
22 WORKING GROUP. The department of education shall
23 convene a working group comprised of elementary and
24 secondary education and fitness professionals and
25 stakeholders to assist the department in developing
26 daily physical activity opportunities and requirements
27 and developing models that describe ways in which
28 school districts and schools may incorporate physical
29 activities for students into the educational program
30 as provided in section 256.11, subsection 6, paragraph
31 “b”, as enacted by this Act. The working group shall
32 also develop recommendations for a system of
33 implementation that offers every student the
34 opportunity to become physically active. The
35 department of education shall submit its findings and
36 recommendations, including any recommendations for
37 changes in policy or statute, in a report to the
38 general assembly by January 15, 2009.

39 Sec. ___. EFFECTIVE DATE. The section of this Act
40 that amends section 256.11, subsection 6, takes effect
41 July 1, 2009.”

42 4. Title page, line 3, by inserting after the
43 word “schools” the following: “, and providing an
44 effective date”.

45 5. By renumbering as necessary.

STACI APPEL

S-5124

1 Amend Senate File 2323 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 “Section 1. Section 321.449, subsection 1,
5 unnumbered paragraph 2, Code 2007, is amended by
6 striking the unnumbered paragraph.”

7 2. By striking page 1, line 35, through page 4,
8 line 34, and inserting the following: “adopted by the
9 department by rule. Operators of vehicles for hire
10 designed to transport seven or more persons but fewer
11 than sixteen persons, including the driver, shall
12 comply with 49 C.F.R. pt. 395. In addition, operators
13 of vehicles for hire designed to transport seven or
14 more persons but fewer than sixteen persons, including
15 the driver, are not exempt from logbook requirements
16 afforded the one hundred air-mile radius driver under
17 49 C.F.R. § 395.1(e). However, the provisions of 49
18 C.F.R. pt. 395 shall not apply to vehicles offered to
19 the public for hire that are used principally in
20 intracity operation and regulated by local
21 authorities.”

- 22 3. Title page, by striking lines 1 and 2 and
 23 inserting the following: “An Act concerning the
 24 regulation of operators of certain vehicles for hire
 25 used to transport persons.”
 26 4. By renumbering as necessary.

DARYL BEALL

S-5125

- 1 Amend Senate File 2278 as follows:
 2 1. Page 22, line 25, by striking the words “area
 3 education director,” and inserting the following:
 4 “~~area education director~~”.
 5 2. Page 22, line 28, by striking the words “or a”
 6 and inserting the following: “during such term of
 7 office or employment. An area education agency
 8 director, officer, or teacher shall not act as an
 9 agent for school textbooks or school supplies in any
 10 transaction with a”.
 11 3. Page 22, by striking lines 29 and 30 and
 12 inserting the following: “member of the area
 13 education agency or with any school district located
 14 within the area education agency during such term of
 15 office or employment.”
 16 4. Page 22, line 31, by striking the words “and
 17 any” and inserting the following: “~~and any~~ Any”.
 18 5. Page 22, line 34, by striking the words “in
 19 which the school district is located”.

DAVID JOHNSON

S-5126

- 1 Amend Senate File 2312 as follows:
 2 1. Page 14, by striking lines 2 through 4 and
 3 inserting the following: “election held to fill a
 4 vacancy in the same county, on the first Tuesday in
 5 March or the first Tuesday in May of each year, or on
 6 a Tuesday in one other month during the year as
 7 determined by the board of supervisors.”
 8 2. Page 14, by striking lines 7 through 9 and
 9 inserting the following: “election held to fill a
 10 vacancy in the same city, on the first Tuesday in
 11 March or the first Tuesday in May of each year, or on
 12 a Tuesday in one other month during the year as
 13 determined by the city council.”
 14 3. Page 14, line 12, by striking the words “the
 15 last Tuesday in June, or”.
 16 4. Page 14, line 13, by inserting after the word
 17 “September” the following: “, or a Tuesday in one

18 other month during the year as determined by the
19 school district board of directors”.
20 5. Page 14, by striking line 16 and inserting the
21 following: “a Tuesday in one other month during the
22 year as determined by the school district board of
23 directors”.

HERMAN C. QUIRMBACH

S-5127

- 1 Amend Senate File 2312 as follows:
2 1. By striking page 1, line 1, through page 12,
3 line 26.
4 2. By renumbering as necessary.

ROBERT M. HOGG

S-5128

- 1 Amend Senate File 2279 as follows:
2 1. Page 1, lines 7 and 8, by striking the words
3 “or accredited nonpublic school”.
4 2. Page 2, by striking line 13.
5 3. Page 2, lines 15 and 16, by striking the words
6 “and accredited nonpublic schools”.
7 4. Page 2, lines 19 and 20, by striking the words
8 “and accredited nonpublic schools”.
9 5. Page 2, line 22, by striking the words “or
10 accredited nonpublic school”.
11 6. Page 3, by inserting after line 12 the
12 following:
13 “d. The requirements of paragraphs “b” and “c”
14 shall not apply to students attending accredited
15 nonpublic schools.”
16 7. Title page, by striking lines 2 and 3 and
17 inserting the following: “resuscitation certification
18 requirements for school districts and students.”
19 8. By renumbering as necessary.

BRAD ZAUN

S-5129

- 1 Amend Senate File 2364 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. Section 232.125, Code 2007, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 6. A petition may contain a
7 request for an emancipation order. If the petition

8 contains a request for an emancipation order, the
 9 request shall provide the following:

- 10 a. The child is at least sixteen years of age.
- 11 b. The child is a resident of this state.
- 12 c. The child is not in the care, custody, or
 13 control of the state.

14 Sec. 2. Section 232.127, Code 2007, is amended by
 15 adding the following new subsection:

16 NEW SUBSECTION. 11. If a petition contains a
 17 request for an emancipation order and the court
 18 adjudicates the family to be a family in need of
 19 assistance, the court may enter any dispositional
 20 order allowed under this section and may proceed as
 21 provided in section 232.128 in addition to any
 22 dispositional order entered under this section.

23 Sec. 3. NEW SECTION. 232.128 EMANCIPATION —
 24 EFFECT.

- 25 1. If after adjudicating the family to be a family
 26 in need of assistance pursuant to section 232.127 the
 27 court finds, by clear and convincing evidence, that no
 28 remedy is available that would result in strengthening
 29 or maintaining the familial relationship, the court
 30 may enter an order emancipating the child.
- 31 2. An emancipation order shall have the same
 32 effect as a child reaching the age of majority with
 33 respect but not limited to the following:
 - 34 a. The ability to sue or be sued in the child's
 35 own name.
 - 36 b. The right to enter into a binding contract.
 - 37 c. The right to buy and sell real estate.
 - 38 d. The right to establish a legal residence.
 - 39 e. The right to incur debts.
 - 40 f. The right to consent to medical, dental, or
 41 psychiatric care.
- 42 3. An emancipation order shall have the same
 43 effect as the child reaching the age of majority and
 44 the parents are exempt from the following:
 - 45 a. Future child support obligations relating to
 46 the emancipated child.
 - 47 b. An obligation to provide medical support for
 48 the emancipated child, unless deemed necessary by the
 49 court.
 - 50 c. Tort liability for the actions of the child

Page 2

- 1 after emancipation.
- 2 d. A right to the income or property of the
 3 emancipated child.
- 4 e. A responsibility for the debts of the
 5 emancipated child.
- 6 4. An emancipated child shall remain subject to

7 voting restrictions under chapter 48A, gambling
8 restrictions under chapter 99D, 99F, 99G, or 725,
9 alcohol restrictions under chapter 123, compulsory
10 attendance requirements under chapter 299, and
11 cigarette tobacco restrictions under chapter 453A.
12 5. An emancipated child shall not be considered an
13 adult for prosecution except as provided in section
14 232.8.
15 6. Notwithstanding section 232.147 through
16 232.151, the emancipation order shall be released by
17 the court subject to rules prescribed by the supreme
18 court.”

KEITH A. KREIMAN

S-5130

1 Amend Senate File 2199 as follows:
2 1. Page 1, line 8, by inserting after the word
3 “insurance.” the following: “This chapter does not
4 apply to claims made under a policy or contract of
5 dental insurance if, throughout the course of
6 treatment, the liability to the enrollee for any
7 procedure that is the subject of a coverage decision,
8 is two hundred fifty dollars or less.”

THOMAS RIELLY

S-5131

1 Amend Senate File 2279 as follows:
2 1. Page 1, by inserting after line 2 the
3 following:
4 “Sec. ____ Section 256.7, subsection 19,
5 unnumbered paragraph 1, Code Supplement 2007, is
6 amended to read as follows:
7 Define the minimum school day as a day consisting
8 of ~~five and one half~~ six hours of instructional time
9 for grades one through twelve. The minimum hours
10 shall be exclusive of the lunch period, but may
11 include passing time between classes. Time spent on
12 parent-teacher conferences shall be considered
13 instructional time. A school or school district may
14 record a day of school with less than the minimum
15 instructional hours as a minimum school day if any of
16 the following apply:
17 Sec. ____ Section 256.7, subsection 19, paragraph
18 b, Code Supplement 2007, is amended to read as
19 follows:
20 b. If the total hours of instructional school time
21 for grades one through twelve for any five consecutive

22 school days equal a minimum of ~~twenty seven and~~
 23 ~~one half thirty~~ hours, even though any one day of
 24 school is less than the minimum instructional hours
 25 because of a staff development opportunity provided
 26 for the professional instructional staff or because
 27 parent-teacher conferences have been scheduled beyond
 28 the regular school day. Furthermore, if the total
 29 hours of instructional time for the first four
 30 consecutive days equal at least ~~twenty seven and~~
 31 ~~one half thirty~~ hours because parent-teacher
 32 conferences have been scheduled beyond the regular
 33 school day, a school or school district may record
 34 zero hours of instructional time on the fifth
 35 consecutive school day as a minimum school day.”
 36 2. By renumbering as necessary.

MARK ZIEMAN

S-5132

- 1 Amend Senate File 2279 as follows:
 2 1. Page 2, by inserting after line 14 the
 3 following:
 4 “___ . The professional educators of Iowa.”
 5 2. By renumbering as necessary.

NANCY J. BOETTGER

S-5133

- 1 Amend Senate File 2279 as follows:
 2 1. Page 1, line 2, by striking the word “Kids”
 3 and inserting the following: “Schools”.
 4 2. Page 2, by striking line 13.
 5 3. Page 3, by inserting after line 20 the
 6 following:
 7 “Sec. ___. NEW SECTION. 280.23A CARDIOPULMONARY
 8 TRAINING FOR PRACTITIONERS.
 9 The board of directors of each public school
 10 district and the authorities in charge of each
 11 nonpublic school shall require every practitioner
 12 employed by the school district or school to
 13 successfully complete a certification course for
 14 cardiopulmonary resuscitation. The board of directors
 15 or the authorities may waive this requirement if a
 16 practitioner is physically unable to successfully
 17 complete the training.”
 18 4. By renumbering as necessary.

NANCY J. BOETTGER

S-5134

- 1 Amend Senate File 2392 as follows:
2 1. Page 3, by inserting after line 14 the
3 following:
4 “() Entering into any practice or plan which
5 involves stranger-originated life insurance.
6 () Failing to disclose to the insurer when
7 requested by the insurer that the prospective insured
8 has undergone a life expectancy evaluation by any
9 person or entity other than the insurer or its
10 authorized representative in connection with the
11 issuance of the policy.”
12 2. Page 5, by inserting after line 26 the
13 following:
14 “_. “Stranger-originated life insurance” means a
15 practice or a plan to initiate a life insurance policy
16 for the benefit of a third-party investor who, at the
17 time of policy origination, has no insurable interest
18 in the insured.
19 a. Stranger-originated life insurance practices
20 include cases in which life insurance is purchased
21 with resources or guarantees from or through a person
22 or entity who, at the time of the policy inception,
23 could not lawfully initiate the policy by the person
24 or entity, and where, at the time of the policy’s
25 inception, there is an arrangement or agreement,
26 whether verbal or written, to directly or indirectly
27 transfer the ownership of the policy or the policy
28 benefits to a third party. Trusts that are created to
29 give the appearance of an insurable interest, and are
30 used to initiate policies for investors, violate
31 insurable interest laws and the prohibition against
32 wagering on life.
33 b. Stranger-originated life insurance arrangements
34 do not include those practices set forth in subsection
35 14, paragraph “d.”
36 3. Page 5, line 32, by striking the word “who”
37 and inserting the following: “who.”
38 4. Page 7, line 26, by inserting after the words
39 “provided that” the following: “neither”.
40 5. Page 7, line 27, by striking the words “is
41 not” and inserting the following: “nor the transfer
42 of the policy in connection with such default is”.
43 6. Page 13, line 15, by striking the words “two
44 hundred fifty” and inserting the following: “one
45 hundred”.
46 7. Page 13, lines 21 and 22, by striking the
47 words “two hundred fifty” and inserting the following:
48 “one hundred”.
49 8. Page 17, line 2, by striking the word “Each”
50 and inserting the following: “For any policy settled

Page 2

1 within five years of policy issuance, each”.

2 9. Page 17, line 5, by inserting after the word
3 “rule.” the following: “In addition to any other
4 requirements, the annual statement shall specify the
5 total number, aggregate face amount, and life
6 settlement proceeds of policies settled during the
7 immediately preceding calendar year, together with a
8 breakdown of the information by policy issue year.
9 The annual statement shall also include the names of
10 the insurance companies whose policies have been
11 settled and the viatical settlement brokers that have
12 settled said policies.”

13 10. Page 40, by inserting after line 7 the
14 following:

15 “(). Other circumstances as established as
16 eligible exemptions by the commissioner by rule.”

17 11. Page 40, by striking line 18 and inserting
18 the following: “508E.2, subsection 14, paragraph
19 “d”.”

20 12. Page 42, by inserting after line 30 the
21 following:

22 “ . A person shall not issue, solicit, market,
23 or otherwise promote the purchase of an insurance
24 policy for the purpose of or with an emphasis on
25 settling the policy.

26 . A person shall not enter into a premium
27 finance agreement with any other person or agency, or
28 any person affiliated with such person or agency,
29 pursuant to which such person shall receive any
30 proceeds, fees, or other consideration, directly or
31 indirectly, from the policy or owner of the policy or
32 any other person with respect to the premium finance
33 agreement or any viatical settlement contract or other
34 transaction related to such policy that are in
35 addition to the amounts required to pay the principal,
36 interest, and service charges related to policy
37 premiums pursuant to the premium finance agreement or
38 subsequent sale of such agreement. Any payments,
39 charges, fees, or other amounts in addition to the
40 amounts required to pay the principal, interest, and
41 service charges related to policy premiums paid under
42 the premium finance agreement shall be remitted to the
43 original owner of the policy or to the original
44 owner’s estate if the original owner is not living at
45 the time of the determination of overpayment.

46 . In the solicitation, application for, or
47 issuance of a life insurance policy, a person shall
48 not employ any device, scheme, or artifice to create
49 an insurable interest in the life of a person except
50 as provided in sections 511.39 and 511.40.”

Page 3

- 1 13. By renumbering as necessary.

THOMAS RIELLY

S-5135

1 Amend Senate File 2312 as follows:

2 1. By striking page 1, line 1, through page 12,
3 line 26.

4 2. By striking page 13, line 28, through page 38,
5 line 8.

6 3. Page 59, by inserting after line 13 the
7 following:

8 "DIVISION ____

9 LOCAL GOVERNMENT ELECTIONS

10 Sec. ____ LOCAL GOVERNMENT ELECTIONS COMMITTEE.

11 1. There is established a local government
12 elections committee. The committee shall study the
13 following issues:

14 a. Specified dates of special elections for
15 counties, cities, school districts, and community
16 colleges.

17 b. The length of terms of office of school
18 district boards of directors and community college
19 boards of directors.

20 2. The local government elections committee shall
21 be comprised of the following members:

22 a. The secretary of state.

23 b. Two county auditors appointed by the Iowa state
24 association of counties.

25 c. Two representatives of cities appointed by the
26 Iowa league of cities.

27 d. Two representatives of school districts
28 appointed by the Iowa association of school boards.

29 e. Two representatives of community colleges
30 appointed by the Iowa association of community college
31 trustees.

32 f. Two members of the house of representatives,
33 one appointed by the speaker of the house of
34 representatives and one appointed by the minority
35 leader of the house of representatives.

36 g. Two members of the senate, one appointed by the
37 majority leader of the senate and one appointed by the
38 minority leader of the senate.

39 3. The secretary of state shall serve as
40 chairperson of the committee. Staffing assistance
41 shall be provided to the committee by the office of
42 secretary of state. Meetings of the committee shall
43 be at the call of the chairperson.

44 4. The local government elections committee shall

45 report to the general assembly no later than January
 46 15, 2009. The report shall contain findings and
 47 recommendations related to the issues described in
 48 subsection 1.”

49 4. Title page, by striking lines 2 and 3 and
 50 inserting the following: “registration and making

Page 2

- 1 penalties applicable.”
 2 5. By renumbering as necessary.

FRANK B. WOOD
 BRAD ZAUN
 DAVE MULDER

S-5136

- 1 Amend Senate File 2312 as follows:
 2 1. Page 50, by inserting after line 2 the
 3 following:
 4 “Sec. __. Section 47.2, subsection 2, Code 2007,
 5 is amended to read as follows:
 6 2. When an election is to be held as required by
 7 law or is called by a political subdivision of the
 8 state and the political subdivision is located in more
 9 than one county, the county commissioner of elections
 10 of the county having the greatest taxable base within
 11 the political subdivision shall conduct that election.
 12 However, in the case of the regular school election or
 13 any election called by a school district, the county
 14 commissioner of elections of the county having the
 15 greatest number of registered voters within the school
 16 district as of January 1 of the year of the election
 17 shall conduct that election. The county commissioners
 18 of elections of the other counties in which the
 19 political subdivision is located shall cooperate with
 20 the county commissioner of elections who is conducting
 21 the election.”
 22 2. By renumbering as necessary.

PAUL MCKINLEY
 KEITH A. KREIMAN

S-5137

- 1 Amend Senate File 2279 as follows:
 2 1. Page 1, line 11, by inserting after the figure
 3 “283A” the following: “, and exclusive of foods sold
 4 for fundraising purposes and foods and beverages sold
 5 at concession stands”.

NANCY J. BOETTGER

S-5138

- 1 Amend the amendment, S-5123, to Senate File 2279 as
2 follows:
3 1. Page 1, line 4, by striking the figure “(1)”.
4 2. Page 1, by striking lines 8 through 18.
5 3. By renumbering as necessary.

DAVE MULDER
FRANK B. WOOD

S-5139

- 1 Amend Senate File 2353 as follows:
2 1. Page 8, by inserting after line 25 the
3 following:
4 “Sec. ____ Section 602.9202, Code 2007, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 3A. “Senior judge retirement age”
7 means seventy-eight years of age or, if the senior
8 judge is reappointed as a senior judge for an
9 additional two-year term upon attaining seventy-eight
10 years of age pursuant to section 602.9203, eighty
11 years of age.
12 Sec. ____ Section 602.9203, subsection 5, Code
13 2007, is amended to read as follows:
14 5. a. A senior judge may be reappointed to
15 additional two-year terms, at the discretion of the
16 supreme court, if the judicial officer meets the
17 requirements of subsection 2.
18 b. A senior judge may be reappointed to an
19 additional two-year term upon attaining seventy-eight
20 years of age, at the discretion of the supreme court,
21 if the judicial officer meets the requirements of
22 subsection 2.”
23 2. Page 9, line 10, by striking the words
24 “seventy-eight years of” and inserting the following:
25 “~~seventy-eight years of~~ senior judge retirement”.
26 3. Page 9, line 22, by striking the words
27 “seventy-eight years of” and inserting the following:
28 “~~seventy-eight years of~~ senior judge retirement”.
29 4. Page 9, by striking line 26 and inserting the
30 following: “~~the senior judge retirement age of~~
31 ~~seventy-eight years.~~”
32 5. Page 9, line 32, by striking the words
33 “attains seventy-eight years of” and inserting the
34 following: “~~seventy-eight years of~~ attains senior
35 judge retirement”.
36 6. Page 10, line 3, by striking the words
37 “seventy-eight years of” and inserting the following:
38 “~~seventy-eight years of~~ senior judge retirement”.

39 7. Page 10, line 15, by striking the words
 40 “attaining the age of seventy-eight years of” and
 41 inserting the following: “seventy-eight years of
 42 attaining senior judge retirement”.
 43 8. Page 10, line 24, by striking the words
 44 “seventy-eight years of” and inserting the following:
 45 “seventy-eight years of senior judge retirement”.

ROBERT M. HOGG

S-5140

1 Amend the amendment, S-5123, to Senate File 2279 as
 2 follows:
 3 1. Page 1, line 17, by striking the word
 4 “paragraph” and inserting the following:
 5 “subparagraph”.

STACI APPEL

S-5141

1 Amend the amendment, S-5123, to Senate File 2279 as
 2 follows:
 3 1. Page 1, by inserting after line 20 the
 4 following:
 5 ““Sec. ____ NEW SECTION. 280.23A PHYSICAL
 6 ACTIVITY FOR TEACHERS AND PERSONNEL.
 7 1. The board of directors of each public school
 8 district and the authorities in charge of each
 9 nonpublic school shall require the following:
 10 a. All elementary school teachers and school
 11 service personnel employed by the school district or
 12 school to engage in a physical activity for a minimum
 13 of thirty minutes per school day.
 14 b. All secondary school teachers and school
 15 service personnel employed by the school district or
 16 school to engage in a physical activity for a minimum
 17 of one hundred twenty minutes per week.
 18 2. The board of directors or the authorities may
 19 waive the requirements of subsection 1 if a teacher or
 20 staff person is physically unable to successfully
 21 participate in the activity.”
 22 2. By renumbering as necessary.

BRAD ZAUN

S-5142

1 Amend Senate File 2328 as follows:
 2 1. Page 4, by inserting after line 11 the

3 following:

4 "Sec. ____ Section 483A.1, subsection 2, paragraph
5 f, Code Supplement 2007, is amended to read as
6 follows:

7 f. Deer hunting license, antlerless deer
8 only, two of which are required with the
9 purchase of an antlered or any sex deer

10 hunting license \$ 100.00

11 50.00

12 Sec. ____ Section 483A.8, subsection 3, paragraphs
13 b and c, Code Supplement 2007, are amended to read as
14 follows:

15 b. A nonresident who purchases an antlered or any
16 sex deer hunting license pursuant to section 483A.1,
17 subsection 2, paragraph "e", is required to purchase
18 ~~an two~~ antlerless deer only deer hunting ~~license~~
19 licenses at the same time, pursuant to section 483A.1,
20 subsection 2, paragraph "f". A nonresident shall
21 harvest two antlerless deer before harvesting an
22 antlered or any sex deer pursuant to the licenses
23 purchased.

24 c. The commission shall annually limit to ~~six~~
25 twelve thousand the number of nonresidents allowed to
26 have antlered or any sex deer hunting licenses. Of
27 the ~~six twelve~~ thousand nonresident antlered or any
28 sex deer licenses issued, not more than thirty-five
29 percent of the licenses shall be bow season licenses.
30 After the ~~six twelve~~ thousand antlered or any sex
31 nonresident deer licenses have been issued, all
32 additional licenses shall be issued for antlerless
33 deer only. The commission shall annually determine
34 the number of nonresident antlerless deer only deer
35 hunting licenses that will be available for issuance."

36 2. Title page, by striking lines 1 through 3 and
37 inserting the following: "An Act relating to deer
38 depredation and hunting, including the deer
39 depredation management program, nonresident deer
40 hunting licenses, and a deer study advisory committee,
41 and providing an effective date."

42 3. By renumbering as necessary.

BRAD ZAUN

S-5143

1 Amend Senate File 2353 as follows:

2 1. Page 4, line 4, by inserting after the word
3 "children." the following: "Prior to the entry of any
4 temporary order pursuant to this subsection related to
5 a child-custody determination as defined in section
6 598B.102, the plaintiff shall comply with the
7 provisions of section 598B.209."

8 2. Page 4, line 23, by inserting after the word
 9 “children.” the following: “Prior to the entry of any
 10 temporary order pursuant to this subsection related to
 11 a child-custody determination as defined in section
 12 598B.102, the plaintiff and defendant shall comply
 13 with the provisions of section 598B.209.”

ROBERT M. HOGG

S-5144

1 Amend the amendment, S-5123, to Senate File 2279 as
 2 follows:
 3 1. Page 1, line 17, by inserting after the word
 4 “paragraph.” the following: “A student is not
 5 required to meet the requirements of this paragraph if
 6 the student’s parent or guardian files with the school
 7 principal a written statement excusing the student
 8 from the activity.”

PAUL MCKINLEY

S-5145

1 Amend Senate File 2328 as follows:
 2 1. Page 1, line 12, by inserting after the word
 3 “association.” the following: “the Iowa nursery and
 4 landscape association.”
 5 2. Page 5, by inserting after line 2 the
 6 following:
 7 “(17) Iowa nursery and landscape association.”

MARY A. LUNDBY

S-5146

1 Amend the amendment, S-5123, to Senate File 2279 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 18 and
 4 inserting the following:
 5 “___. By striking page 2, line 27, through page
 6 3, line 12.”
 7 2. Page 1, by striking lines 39 through 44.
 8 3. By renumbering as necessary.

DAVID JOHNSON

S-5147

- 1 Amend House File 2392, as passed by the House, as
2 follows:
- 3 1. Page 3, by striking lines 19 and 20 and
4 inserting the following: "written notice shall
5 contain the name of the tenant responsible for
6 charges, address of the residential rental".
 - 7 2. Page 3, line 21, by striking the word
8 "occupy," and inserting the following: "occupy,".

RICH OLIVE
ROBERT E. DVORSKY

S-5148

- 1 Amend Senate File 2392 as follows:
- 2 1. Page 16, line 34, by inserting after the word
3 "material." the following: "The commissioner's
4 approval of any of the materials shall not be a
5 defense or otherwise preclude a civil action for
6 fraud."
 - 7 2. Page 22, line 16, by inserting after the word
8 "duties." the following: "All examination reports,
9 working papers, recorded information, documents, and
10 their copies produced by, obtained by, or disclosed to
11 the commissioner or any other person in the course of
12 an examination made under this chapter, or in the
13 course of an analysis or investigation by the
14 commissioner of the financial condition or market
15 conduct of a licensee shall be privileged and
16 confidential in any judicial or administrative
17 proceeding except for any of the following:
18 (1) An administrative proceeding brought by the
19 insurance division under chapter 17A.
20 (2) A judicial review proceeding under chapter 17A
21 brought by an insurer to whom the records relate.
22 (3) An action or proceeding which arises out of
23 the criminal provisions of the laws of this state or
24 the United States."
 - 25 3. Page 23, by striking lines 2 through 8.
 - 26 4. Page 26, line 7, by inserting after the word
27 "performed" the following: "reasonably and".
 - 28 5. Page 26, line 14, by inserting after the word
29 "performed" the following: "reasonably and".
 - 30 6. Page 26, by striking lines 19 through 27.
 - 31 7. Page 50, line 1, by striking the words
32 "person's furnishing" and inserting the following:
33 "person, who acting reasonably and in good faith,
34 furnishes".
 - 35 8. Page 50, line 22, by inserting after the word

- 36 “made” the following: “in bad faith or”.
- 37 9. Page 50, line 28, by inserting after the words
- 38 “did so” the following: “in bad faith or”.
- 39 10. By renumbering as necessary.

THOMAS RIELLY

S-5149

- 1 Amend House File 2450, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, lines 24 and 25, by striking the words
- 4 “the date of the report” and inserting the following:
- 5 “June 30 of the prior year”.
- 6 2. Page 3, lines 28 and 29, by striking the words
- 7 “the time of reporting” and inserting the following:
- 8 “June 30 of the prior year”.
- 9 3. Page 3, line 35, and page 4, line 1, by
- 10 striking the words “the time of reporting” and
- 11 inserting the following: “June 30 of the prior year”.
- 12 4. Page 4, lines 4 and 5, by striking the words
- 13 “the time of reporting” and inserting the following:
- 14 “June 30 of the prior year”.
- 15 5. Page 4, line 9, by striking the words “the
- 16 time of reporting” and inserting the following: “June
- 17 30 of the prior year”.
- 18 6. Page 4, line 11, by striking the words “the
- 19 time of reporting” and inserting the following: “June
- 20 30 of the prior year”.

COMMITTEE ON ECONOMIC GROWTH
ROGER STEWART, Chair

S-5150

- 1 Amend Senate File 2378 as follows:
- 2 1. Page 6, by striking lines 1 and 2 and
- 3 inserting the following: “more than five hundred
- 4 dollars ~~not and not~~ less than one hundred dollars.
- 5 However, if a member of a governmental body knowingly
- 6 participated in such a violation, damages shall be in
- 7 the amount of not more than two thousand five hundred
- 8 dollars and not less than one thousand dollars. These
- 9 damages shall be”.
- 10 2. Page 6, line 16, by inserting after the word
- 11 “body” the following: “, given in writing, or as
- 12 memorialized in the minutes of the meeting at which a
- 13 formal oral opinion was given”.
- 14 3. Page 6, by inserting after line 25 the
- 15 following:
- 16 “Sec. ___. NEW SECTION. 22.0A PURPOSE.

17 The purpose of this chapter is to provide as much
18 transparency in government operations as possible
19 consistent with the need to avoid undue invasions of
20 personal privacy and the need to avoid significant
21 interference with the achievement of other important
22 and legitimate state objectives.”

23 4. Page 9, line 25, by inserting after the word
24 “cause” the following: “in responding to a request to
25 examine or copy a record the lawful custodian knows is
26 a public record”.

27 5. Page 9, line 34, by inserting after the word
28 “request” the following: “unless further delay is
29 necessary because of a pending request by the lawful
30 custodian to the Iowa public information board for an
31 opinion regarding the status of the record requested,
32 or other good cause, which is communicated in writing
33 to the requester”.

34 6. Page 10, by inserting after line 16 the
35 following:

36 “Sec. ___. Section 22.3, subsection 2, Code 2007,
37 is amended to read as follows:

38 2. All expenses of the examination and copying
39 shall be paid by the person desiring to examine or
40 copy. The lawful custodian may charge a reasonable
41 fee for the services of the lawful custodian or the
42 custodian’s authorized designee in supervising the
43 examination and copying of the records or in reviewing
44 the records for optional public record information or
45 confidential record information prior to release.
46 The lawful custodian shall provide such services at no
47 charge to a requester for up to three hours per month.

48 If copy equipment is available at the office of the
49 lawful custodian of any public records, the lawful
50 custodian shall provide any person a reasonable number

Page 2

1 of copies of any public record in the custody of the
2 office upon the payment of a fee. The fee for the
3 copying service as determined by the lawful custodian
4 shall not exceed the actual cost of providing the
5 service. Actual costs shall include only those
6 expenses directly attributable to supervising the
7 examination of and making and providing copies of
8 public records. Actual costs shall not include
9 charges for ordinary expenses or costs such as
10 employment benefits, depreciation, maintenance,
11 electricity, or insurance associated with the
12 administration of the office of the lawful custodian.”

13 7. Page 10, by inserting after line 28 the
14 following:

15 “Sec. ___. Section 22.7, subsection 7, Code

16 Supplement 2007, is amended to read as follows:

17 7. Appraisals or appraisal information concerning
 18 the purchase of real or personal property for public
 19 purposes, prior to ~~public announcement of a project~~
 20 the submission of the appraisal to the property owner
 21 or other interest holders as provided in section
 22 6B.45.”

23 8. Page 10, line 33, by inserting after the
 24 figure “11.” the following: “a.”

25 9. Page 11, by striking line 5 and inserting the
 26 following:

27 “(1) The name and compensation of the individual
 28 including any written agreement establishing
 29 compensation or any other terms of employment
 30 excluding any information otherwise excludable from
 31 public information pursuant to this section or any
 32 other applicable provision of law. For”.

33 10. Page 11, line 14, by striking the word “b.”
 34 and inserting the following: “(2)”.

35 11. Page 11, line 16, by striking the word “c.”
 36 and inserting the following: “(3)”.

37 12. Page 11, line 18, by striking the word “d.”
 38 and inserting the following: “(4)”.

39 13. Page 11, line 21, by striking the word “e.”
 40 and inserting the following: “(5)”.

41 14. Page 11, by striking lines 22 and 23 and
 42 inserting the following: “individual that resulted in
 43 the individual’s discharge.”

44 b. Personal information in confidential personnel
 45 records of government bodies relating to student
 46 employees shall only be released pursuant to 20 U.S.C.
 47 § 1232g.”

48 15. Page 16, line 8, by striking the word
 49 “final”.

50 16. Page 16, by striking line 10 and inserting

Page 3

1 the following: “the form in which it is submitted for
 2 use or used in the actual”.

3 17. Page 16, line 18, by striking the word
 4 “Records” and inserting the following: “Information
 5 in records”.

6 18. Page 16, line 19, by striking the words
 7 “containing information”.

8 19. Page 17, by striking lines 31 through 33 and
 9 inserting the following: “violation damages in the
 10 amount of not more than five hundred dollars ~~not~~ and
 11 not less than one hundred dollars. However, if a
 12 member of a governmental body knowingly participated
 13 in such a violation, damages shall be in the amount of
 14 not more than two thousand five hundred dollars and

15 not less than one thousand dollars. These damages
16 shall be paid by the court”.

17 20. Page 19, by striking lines 5 through 11 and
18 inserting the following: “government body and another
19 person or entity shall be filed with the government
20 body. For each such settlement agreement, the
21 government body shall prepare and file, together with
22 the settlement agreement, a brief summary indicating
23 the identity of the parties involved, the nature of
24 the dispute, any underlying relevant facts, and the
25 terms of the settlement. The settlement agreement and
26 summary shall be available for public inspection.”

27 21. Page 19, by inserting after line 25 the
28 following:

29 “Sec. ____ NEW SECTION. 22.15 JUDICIAL BRANCH —
30 RULES.

31 This chapter does not apply to government records
32 owned, created, possessed, or under the control of the
33 judicial branch related to the performance by the
34 courts of their judicial functions. The supreme court
35 shall prescribe rules governing access to such records
36 consistent with the purposes of this chapter.”

37 22. Page 19, line 30, by inserting after the
38 figure “22” the following: “through the provision by
39 the Iowa public information board to all interested
40 parties of an efficient, informal, and cost-effective
41 process for resolving disputes”.

42 23. Page 21, line 21, by inserting after the word
43 “respondent” the following: “or person requesting
44 access to the record which is the subject of the
45 request for injunction”.

46 24. Page 22, line 9, by inserting after the word
47 “situations” the following: “and issue informal
48 advice to any person concerning the applicability of
49 chapters 21 and 22”.

50 25. Page 24, by striking line 28 and inserting

Page 4

1 the following: “its jurisdiction, is legally
2 insufficient, is frivolous, is without merit, involves
3 harmless error.”

4 26. Page 25, by striking lines 2 through 6 and
5 inserting the following:

6 “1. After accepting a complaint, the board shall
7 promptly work with the parties through its employees
8 to reach an informal, expeditious resolution of the
9 complaint. If an informal resolution satisfactory to
10 the parties cannot be reached, the board or the
11 board’s designee shall offer the parties an
12 opportunity to resolve the dispute through mediation
13 and settlement.”

- 14 27. By striking page 37, line 34, through page
 15 38, line 16.
- 16 28. Page 40, by inserting after line 25 the
 17 following:
 18 “Sec. ___. APPLICABILITY. The section of this Act
 19 enacting section 22.7, subsection 61, relating to
 20 information invading personal privacy, applies to all
 21 records created on or after the effective date of that
 22 section of this Act.”
- 23 29. By renumbering as necessary.

MICHAEL CONNOLLY

S-5151

- 1 Amend Senate File 2378 as follows:
 2 1. Page 2, line 25, by striking the word
 3 “paragraph” and inserting the following:
 4 “paragraphs”.
- 5 2. Page 2, by inserting after line 32 the
 6 following:
 7 “NEW PARAGRAPH. j. Either house of the general
 8 assembly, a standing committee of either house of the
 9 general assembly, or a joint conference committee.
 10 “Government body” includes a political party caucus of
 11 members of a house of the general assembly.”
- 12 3. Page 5, by inserting after line 6 the
 13 following:
 14 “Sec. ___. Section 21.5, subsection 1, Code
 15 Supplement 2007, is amended by adding the following
 16 new paragraph:
 17 NEW PARAGRAPH. 1. To discuss campaign or
 18 political strategy.”
- 19 4. Page 27, by striking lines 9 through 12 and
 20 inserting the following:
 21 “The board shall not have jurisdiction over the
 22 judicial branch or any officer or employee of the
 23 judicial branch or over the governor or the office of
 24 the governor.”
- 25 5. By renumbering as necessary.

JEFF ANGELO

S-5152

- 1 Amend Senate Joint Resolution 2002 as follows:
 2 1. Page 1, line 10, by inserting after the word
 3 “State.” the following: “If moneys are used to
 4 acquire an acre of agricultural land, there is
 5 appropriated from the fund to the county where the
 6 agricultural land is located an annual payment amount

7 based upon the suitability of the acquired acre's soil
 8 for potential row crop productivity. The amount of
 9 the annual payment to a county shall equal fifty
 10 dollars for each acre of agricultural land that is
 11 rated fifty or higher plus one dollar for each whole
 12 rating unit in excess of fifty, according to an index
 13 as shall be established by the general assembly that
 14 measures the productivity for all agricultural land in
 15 this State and which includes a whole unit rating
 16 system ranging from zero for soils that are
 17 unproductive to one hundred for soils that are the
 18 most productive."

MARK ZIEMAN
 JAMES A. SEYMOUR
 NANCY J. BOETTGER
 JAMES F. HAHN
 HUBERT HOUSER
 STEVE KETTERING
 DAVID L. HARTSUCH
 PAUL McKINLEY
 E. THURMAN GASKILL
 JOHN PUTNEY
 JERRY BEHN
 RON WIECK

S-5153

1 Amend Senate Joint Resolution 2002 as follows:
 2 1. Page 1, line 11, by inserting after the word
 3 "purposes." the following: "Moneys in the fund shall
 4 not be used to acquire land."

JERRY BEHN
 RON WIECK
 PAUL McKINLEY
 DAVID L. HARTSUCH
 NANCY J. BOETTGER
 JAMES F. HAHN
 STEVE KETTERING
 HUBERT HOUSER
 JAMES A. SEYMOUR
 MARK ZIEMAN

S-5154

1 Amend Senate Joint Resolution 2002 as follows:
 2 1. Page 1, line 11, by inserting after the word
 3 "purposes." the following: "Of the total amount of
 4 moneys appropriated from the fund for land acquisition
 5 during any ten-year period, an equal amount of such

6 moneys shall be appropriated and allocated to each
7 county of this State for land acquisition.”

MARK ZIEMAN
JAMES A. SEYMOUR
NANCY J. BOETTGER
JAMES F. HAHN
STEVE KETTERING
DAVID L. HARTSUCH
PAUL MCKINLEY
JOHN PUTNEY
RON WIECK

S-5155

1 Amend Senate Joint Resolution 2002 as follows:
2 1. Page 1, line 21, by inserting after the word
3 “State.” the following: “However, the fund shall not
4 be annually credited with an amount that is in excess
5 of one hundred forty-six million dollars.”

RON WIECK
JERRY BEHN
E. THURMAN GASKILL
JOHN PUTNEY
PAUL MCKINLEY
DAVID L. HARTSUCH
NANCY J. BOETTGER
JAMES F. HAHN
STEVE KETTERING
HUBERT HOUSER
JAMES A. SEYMOUR

S-5156

1 Amend Senate File 2392 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “DIVISION I
5 LIFE SETTLEMENT CONTRACTS
6 Section 1. NEW SECTION. 508G.1 SHORT TITLE.
7 This chapter may be cited as the “Life Settlements
8 Act”.
9 Sec. 2. NEW SECTION. 508G.2 DEFINITIONS.
10 As used in this chapter, unless the context
11 otherwise requires:
12 1. “Advertisement” means any written, electronic,
13 or printed communication or any communication by means
14 of recorded telephone messages or transmitted on
15 radio, television, the internet, or similar
16 communications media, including film strips, motion

17 pictures, and videos, published, disseminated,
18 circulated, or placed before the public, directly or
19 indirectly, for the purpose of creating an interest in
20 or inducing a person to purchase or sell, assign,
21 devise, bequest, or transfer the death benefit or
22 ownership of a life insurance policy or an interest in
23 a life insurance policy pursuant to a life settlement
24 contract.

25 2. "Broker" means a person who, on behalf of an
26 owner and for a fee, commission or other valuable
27 consideration, offers or attempts to negotiate a life
28 settlement contract between an owner and a provider.
29 A broker represents only the owner and owes a
30 fiduciary duty to the owner to act according to the
31 owner's instructions, and in the best interest of the
32 owner, notwithstanding the manner in which the broker
33 is compensated. A broker does not include an
34 attorney, certified public accountant, or financial
35 planner retained in the type of practice customarily
36 performed in the attorney's, accountant's, or
37 planner's professional capacity to represent the owner
38 whose compensation is not paid directly or indirectly
39 by the provider or any other person, except the owner.

40 3. "Business of life settlement" means an activity
41 involved in but not limited to offering to enter into,
42 soliciting, negotiating, procuring, effectuating,
43 monitoring, or tracking, of life settlement contracts.

44 4. "Chronically ill" means any of the following:
45 a. Being unable to perform at least two activities
46 of daily living such as eating, toileting,
47 transferring, bathing, dressing, or continence.
48 b. Requiring substantial supervision to protect
49 the individual from threats to health and safety due
50 to severe cognitive impairment.

Page 2

1 c. Having a level of disability similar to that
2 described in paragraph "a" as determined by the United
3 States secretary of health and human services.

4 5. "Commissioner" means the commissioner of
5 insurance.

6 6. a. "Financing entity" means a person who is an
7 underwriter, placement agent, lender, purchaser of
8 securities, purchaser of a policy or certificate from
9 a provider, credit enhancer, or any entity that has a
10 direct ownership in a policy or certificate that is
11 the subject of a life settlement contract, if all of
12 the following apply:

13 (1) The person's principal activity related to the
14 transaction is providing funds to effect the life
15 settlement contract or purchase of one or more

16 policies.

17 (2) The person has an agreement in writing with
18 one or more providers to finance the acquisition of
19 one or more life settlement contracts.

20 b. "Financing entity" does not include a
21 nonaccredited investor or purchaser.

22 7. "Financing transaction" means a transaction in
23 which a licensed provider obtains financing from a
24 financing entity including but not limited to any
25 secured or unsecured financing, any securitization
26 transaction, or any securities offering which either
27 is registered or exempt from registration under
28 federal and state securities law, including chapter
29 502.

30 8. "Fraudulent life settlement act" includes any
31 of the following:

32 a. An act or omission committed by a person who,
33 knowingly and with intent to defraud, for the purpose
34 of depriving another of property or for pecuniary
35 gain, commits, or permits its employees or its agents
36 to engage in, an act including but not limited to any
37 of the following:

38 (1) Presenting, causing to be presented, or
39 preparing with knowledge and belief that it will be
40 presented to or by a provider, premium finance lender,
41 broker, insurer, insurance producer, or any other
42 person, false material information, or concealing
43 material information, as part of, in support of, or
44 concerning a fact material to one or more of the
45 following:

46 (a) An application for the issuance of a life
47 settlement contract or insurance policy.

48 (b) The underwriting of a life settlement contract
49 or insurance policy.

50 (c) A claim for payment or benefit pursuant to a

Page 3

1 life settlement contract or life insurance policy.

2 (d) Premiums paid on a life insurance policy.

3 (e) Payments and changes in ownership or
4 beneficiary made in accordance with the terms of a
5 life settlement contract or life insurance policy.

6 (f) The reinstatement or conversion of a life
7 insurance policy.

8 (g) In the solicitation, offer to enter into, or
9 effectuation of a life settlement contract or life
10 insurance policy.

11 (h) The issuance of written evidence of a life
12 settlement contract or life insurance policy.

13 (i) Any application for or the existence of, or
14 any payments related to, a loan secured directly or

15 indirectly by any interest in a life insurance policy.
16 (j) Entering into any practice or plan which
17 involves a stranger-originated life insurance policy.
18 (2) Failing to disclose to the insurer where the
19 request for such disclosure has been asked for by the
20 insurer that the prospective insured has undergone a
21 life expectancy evaluation by any person or entity
22 other than the insurer or its authorized
23 representatives in connection with the issuance of the
24 life insurance policy.
25 (3) Employing any device, scheme, or artifice to
26 defraud in the business of life settlements.
27 (4) In the solicitation, application or issuance
28 of a life insurance policy, employing any device,
29 scheme or artifice in violation of state insurable
30 interest laws.
31 b. In the furtherance of a fraud, or to prevent
32 the detection of a fraud, a person commits or permits
33 its employee or its agent to do any of the following:
34 (1) Remove, conceal, alter, destroy, or sequester
35 from the commissioner the assets or records of a
36 licensee or other person engaged in the business of
37 life settlements.
38 (2) Misrepresent or conceal the financial
39 condition of a licensee, financing entity, insurer, or
40 other person.
41 (3) Transact the business of life settlements in
42 violation of laws requiring a license, certificate of
43 authority, or other legal authority for the
44 transaction of the business of life settlements.
45 (4) File with the commissioner or the chief
46 insurance regulatory official of another jurisdiction
47 a document containing false information or otherwise
48 concealing information about a material fact from the
49 commissioner.
50 (5) Engage in embezzlement, theft,

Page 4

1 misappropriation, or conversion of moneys, funds,
2 premiums, credits, or other property of a provider,
3 broker insurer, insured, owner, or any other person
4 engaged in the business of life settlement contracts
5 or insurance policy.
6 (6) Knowingly and with intent to defraud, enter
7 into, broker, or otherwise deal in a life settlement
8 contract, the subject of which is a life insurance
9 policy that was obtained by presenting false
10 information concerning any fact material to the life
11 insurance policy or by concealing, for the purpose of
12 misleading another, information concerning any fact
13 material to the life insurance policy, where the owner

14 or the owner's agent intended to defraud the life
15 insurance policy's issuer.

16 (7) Attempt to commit, assist, aid, or abet in the
17 commission of, or conspiracy to commit an act or
18 omission specified in this subsection.

19 (8) Misrepresent the state of residence of an
20 owner to be a state or jurisdiction that does not have
21 a law substantially similar to this chapter for the
22 purpose of evading or avoiding the provisions of this
23 chapter.

24 9. "Insured" means the person covered under the
25 life insurance policy being considered for sale in a
26 life settlement contract.

27 10. "Life expectancy" means the arithmetic mean of
28 the number of months the insured under the life
29 insurance policy to be settled can be expected to live
30 as determined by a life expectancy company considering
31 medical records and appropriate experiential data.

32 11. "Life insurance policy" means an individual or
33 group policy, group certificate, contract, or
34 arrangement of life insurance owned by a resident of
35 this state, regardless of whether delivered or issued
36 for delivery in this state.

37 12. "Life insurance producer" or "producer" means
38 any person licensed in this state as a resident or
39 nonresident insurance producer who has received
40 qualification or authority for life insurance coverage
41 or a life line of coverage pursuant to title XIII,
42 subtitle 1 of the Code.

43 13. a. "Life settlement contract" means a written
44 agreement entered into between a provider and an
45 owner, establishing the terms under which compensation
46 or anything of value will be paid, which compensation
47 or thing of value is less than the expected death
48 benefit of the life insurance policy or life insurance
49 certificate, in return for the owner's assignment,
50 transfer, sale, devise, or bequest of the death

Page 5

1 benefit or any portion of a life insurance policy or
2 life insurance certificate for compensation, provided,
3 however, that the minimum value for a life settlement
4 contract shall be greater than a cash surrender value
5 or accelerated death benefit available at the time of
6 an application for a life settlement contract.

7 b. "Life settlement contract" also includes the
8 transfer for compensation or value of ownership or
9 beneficial interest in a trust or other entity that
10 owns such policy if the trust or other entity was
11 formed or availed of for the principal purpose of
12 acquiring one or more life insurance contracts, which

13 life insurance contract insures the life of a person
14 residing in this state.
15 c. "Life settlement contract" also includes any of
16 the following:
17 (1) A written agreement for a loan or other
18 lending transaction, secured primarily by an
19 individual or group life insurance policy.
20 (2) A premium finance loan made for a life
21 insurance policy on or before the date of issuance of
22 the life insurance policy where any of the following
23 applies:
24 (a) The loan proceeds are not used solely to pay
25 premiums for the life insurance policy and any costs
26 or expenses incurred by the lender or the borrower in
27 connection with the financing.
28 (b) The owner receives on the date of the premium
29 finance loan a guarantee of the future life settlement
30 value of the life insurance policy.
31 (c) The owner agrees on the date of the premium
32 finance loan to sell the life insurance policy or any
33 portion of its death benefit on any date following the
34 issuance of the life insurance policy.
35 d. "Life settlement contract" does not include any
36 of the following:
37 (1) A life insurance policy loan by a life
38 insurance company pursuant to the terms of the life
39 insurance policy or accelerated death provisions
40 contained in the life insurance policy, whether issued
41 with the original life insurance policy or as a rider.
42 (2) A premium finance loan or any loan made by a
43 bank or other licensed financial institution, provided
44 that a default on such loan or a transfer of the life
45 insurance policy in connection with such default is
46 pursuant to an agreement or understanding with any
47 other person for the purpose of evading regulation
48 under this chapter.
49 (3) A collateral assignment of a life insurance
50 policy by an owner.

Page 6

1 (4) A loan made by a lender, provided such loan is
2 not described in paragraph "c", and is not otherwise a
3 life settlement contract.
4 (5) An agreement where all the parties (a) are
5 closely related to the insured by blood or law or (b)
6 have a lawful substantial economic interest in the
7 continued life, health, and bodily safety of the
8 person insured, or are trusts established primarily
9 for the benefit of such parties.
10 (6) Any designation, consent, or agreement by an
11 insured who is an employee of an employer in

12 connection with the purchase by the employer, or trust
13 established by the employer, of life insurance on the
14 life of the employee.

15 (7) A bona fide business succession planning
16 arrangement that is between any of the following:

17 (a) One or more shareholders in a corporation or
18 between a corporation and one or more of its
19 shareholders or one or more trusts established by its
20 shareholders.

21 (b) One or more partners in a partnership or
22 between a partnership and one or more of its partners
23 or one or more trusts established by its partners.

24 (c) One or more members in a limited liability
25 company or between a limited liability company and one
26 or more of its members or one or more trusts
27 established by its members.

28 (8) An agreement entered into by a service
29 recipient, or a trust established by the service
30 recipient, and a service provider, or a trust
31 established by the service provider, who performs
32 significant services for the service recipient's trade
33 or business.

34 (9) Any other contract, transaction, or
35 arrangement that qualifies as a life settlement
36 contract but that the commissioner determines is not
37 of the type intended to be regulated by this chapter.

38 14. "Net death benefit" means the amount of the
39 life insurance policy or life insurance certificate to
40 be settled less any outstanding debts or liens.

41 15. "Owner" means the owner of a life insurance
42 policy or a life insurance certificate holder under a
43 group policy, with or without a terminal illness, who
44 enters or seeks to enter into a life settlement
45 contract.

46 a. "Owner" includes but is not limited to an owner
47 of a life insurance policy or a life insurance
48 certificate holder under a group policy that insures
49 the life of an individual with a terminal or chronic
50 illness or condition.

Page 7

1 b. "Owner" does not include any of the following:

2 (1) A provider or other licensee under this
3 chapter.

4 (2) A qualified institutional buyer as defined in
5 17 C.F.R. § 230.144 promulgated by the United States
6 securities and exchange commission under the federal
7 Securities Act of 1933, as amended, 15 U.S.C. § 77a et
8 seq.

9 (3) A financing entity.

10 (4) A special purpose entity.

- 11 (5) A related provider trust.
- 12 16. "Premium finance loan" means a loan made
13 primarily for the purposes of making premium payments
14 on a life insurance policy, which loan is secured by
15 an interest in such life insurance policy.
- 16 17. a. "Provider" means a person, other than an
17 owner, who enters into or effectuates a life
18 settlement contract with an owner.
- 19 b. "Provider" does not include any of the
20 following:
- 21 (1) A bank, savings bank, savings and loan
22 association, or credit union.
- 23 (2) A licensed lending institution or creditor or
24 secured party pursuant to a premium finance loan
25 agreement which takes an assignment of a life
26 insurance policy or certificate issued pursuant to a
27 group life insurance policy as collateral for a loan.
- 28 (3) The insurer of a life insurance policy or
29 rider to the extent of providing accelerated death
30 benefits, riders, or cash surrender value.
- 31 (4) A natural person who enters into or
32 effectuates not more than one agreement in a calendar
33 year for the transfer of a life insurance policy or
34 certificate issued pursuant to a group life insurance
35 policy, for compensation or anything of value less
36 than the expected death benefit payable under the
37 policy.
- 38 (5) A purchaser.
- 39 (6) An authorized or eligible insurer that
40 provides stop loss coverage to a provider, purchaser,
41 financing entity, special purpose entity, or related
42 provider trust.
- 43 (7) A financing entity.
- 44 (8) A special purpose entity.
- 45 (9) A related provider trust.
- 46 (10) A broker.
- 47 (11) An accredited investor or qualified
48 institutional buyer as defined, respectively, in 17
49 C.F.R. § 230.501(a) or 17 C.F.R. § 230.144A as
50 promulgated by the United States securities and

Page 8

- 1 exchange commission under the federal Securities Act
2 of 1933, as amended, 15 U.S.C. § 77a et seq., who
3 purchases a life settlement policy from a provider.
- 4 18. "Purchased policy" means a policy or group
5 certificate that has been acquired by a provider
6 pursuant to a life settlement contract.
- 7 19. "Purchaser" means a person who pays
8 compensation or anything of value as consideration for
9 a beneficial interest in a trust which is vested with,

10 or for the assignment, transfer or sale of, an
11 ownership or other interest in a life insurance policy
12 or a certificate issued pursuant to a group life
13 insurance policy which has been the subject of a life
14 settlement contract.

15 20. a. "Related provider trust" means a titling
16 trust or other trust established by a licensed
17 provider or a financing entity for the sole purpose of
18 holding the ownership or beneficial interest in
19 purchased policies in connection with a financing
20 transaction.

21 b. In order to qualify as a related provider
22 trust, the trust must have a written agreement with
23 the licensed provider under which the licensed
24 provider is responsible for ensuring compliance with
25 all statutory and regulatory requirements and under
26 which the trust agrees to make all records and files
27 relating to life settlement transactions available to
28 the commissioner as if those records and files were
29 maintained directly by the licensed provider.

30 21. "Settled policy" means a life insurance policy
31 or life insurance certificate that has been acquired
32 by a provider pursuant to a life settlement contract.

33 22. "Special purpose entity" means a corporation,
34 partnership, trust, limited liability company, or
35 other legal entity formed solely to provide, either
36 directly or indirectly, access to institutional
37 capital markets as follows:

38 a. For a financing entity or provider.

39 b. In connection with a transaction in which the
40 securities in the special purpose entity are acquired
41 by the owner or by a qualified institutional buyer as
42 defined in 17 C.F.R. § 230.144 promulgated by the
43 United States securities and exchange commission under
44 the federal Securities Act of 1933, as amended, 15
45 U.S.C. § 77a et seq.

46 c. In connection with a transaction in which the
47 securities pay a fixed rate of return commensurate
48 with established asset-backed institutional capital
49 markets.

50 23. "Stranger-originated life insurance" means a

Page 9

1 practice or plan to initiate a life insurance policy
2 for the benefit of a third-party investor who, at the
3 time of policy origination, has no insurable interest
4 in the insured. Stranger-originated life insurance
5 practices include but are not limited to cases in
6 which life insurance is purchased with resources or
7 guarantees from or through a person, or entity, who at
8 the time of inception, there is an arrangement or

9 agreement, whether verbal or written, to directly or
10 indirectly transfer the ownership of the policy or the
11 policy benefits to a third party. Trusts that are
12 created to give the appearance of insurable interest
13 and are used to initiate stranger-originated life
14 insurance arrangements do not include those practices
15 as set forth in subsection 13, paragraph "b".

16 24. "Terminally ill" means having an illness or
17 sickness that can reasonably be expected to result in
18 death in twenty-four months or less.

19 Sec. 3. NEW SECTION. 508G.3 LICENSING
20 REQUIREMENTS.

21 1. A person, wherever located, shall not act as a
22 provider or broker with an owner or multiple owners
23 residing in this state, without first having obtained
24 a license from the commissioner. If there is more
25 than one owner on a single policy and the owners are
26 residents of different states, the life settlement
27 contract shall be governed by the law of the state in
28 which the owner having the largest percentage
29 ownership resides or, if the owners hold equal
30 ownership, the state of residence of one owner agreed
31 upon in writing by all owners.

32 2. An application for a provider or broker license
33 shall be made to the commissioner by the applicant on
34 a form prescribed by the commissioner, and the
35 application shall be accompanied by a fee in an amount
36 established by the commissioner, provided, however,
37 that a license or renewal fee for a provider license
38 shall be reasonable and that a license or renewal fee
39 for a broker license shall not exceed the fee
40 established for an insurance producer.

41 3. A life insurance producer who has been duly
42 licensed as a resident insurance producer with a life
43 line of authority in this state or in the life
44 insurance producer's home state for at least one year
45 and is licensed as a nonresident producer in this
46 state shall be deemed to meet the licensing
47 requirements of this section and shall be permitted to
48 operate as a broker.

49 4. Not later than thirty days from the first day
50 of operating as a broker, the life insurance producer

Page 10

1 shall notify the commissioner that the life insurance
2 producer is acting as a broker on a form prescribed by
3 the commissioner, and shall pay an applicable fee
4 established by rules adopted by the commissioner.
5 Notification shall include an acknowledgment by the
6 life insurance producer that the life insurance
7 producer will operate as a broker in accordance with

8 this chapter.

9 5. The insurer that issued the life insurance
10 policy that is the subject of a life settlement
11 contract shall not be responsible for any act or
12 omission of a broker, provider, or purchaser arising
13 out of or in connection with the life settlement
14 transaction, unless the insurer receives compensation
15 for the placement of a life settlement contract from
16 the broker, provider, or purchaser in connection with
17 the life settlement contract.

18 6. A person licensed as an attorney, certified
19 public accountant, or financial planner accredited by
20 a nationally recognized accreditation agency, who is
21 retained to represent the owner, whose compensation is
22 not paid directly or indirectly by the provider or
23 purchaser, may negotiate life settlement contracts on
24 behalf of the owner without having to obtain a license
25 as a broker.

26 7. The term of a provider license shall be equal
27 to that of a domestic stock life insurance company and
28 the term of a broker license shall be equal to that of
29 an insurance producer license. A license requiring
30 periodic renewal may be renewed on its anniversary
31 date upon payment of the periodic renewal fee as
32 specified in subsection 2. A failure to pay a fee on
33 or before the renewal date shall result in revocation
34 of the license.

35 8. The applicant shall provide such information as
36 the commissioner may require on forms prepared by the
37 commissioner. The commissioner may, at any time,
38 require such applicant to fully disclose the identity
39 of its stockholders except for a stockholder owning
40 fewer than ten percent of the shares of an applicant
41 whose shares are publicly traded; partners; officers;
42 and employees. The commissioner may, in the exercise
43 of the commissioner's sole discretion, refuse to issue
44 such a license in the name of any person if not
45 satisfied that any officer, employee, stockholder, or
46 partner of the applicant who may materially influence
47 the applicant's conduct meets the standards of this
48 chapter.

49 9. A license issued to a partnership, corporation,
50 limited liability company, or other entity authorizes

Page 11

1 a person who is a member, officer, or designated
2 employee to act as a licensee under the license, if
3 the person is named in the application or a supplement
4 to the application.

5 10. Upon the filing of an application and the
6 payment of the license fee, the commissioner shall

7 make an investigation of each applicant and may issue
8 a license if the commissioner finds that all of the
9 following apply:

10 a. If the applicant is a provider, the applicant
11 has provided a detailed plan of operation.

12 b. The applicant is competent and trustworthy and
13 intends to transact its business in good faith.

14 c. The applicant has a good business reputation
15 and has had experience, training, or education so as
16 to be qualified in the business for which the license
17 is applied.

18 d. If the applicant is a legal entity, is formed
19 or organized pursuant to the laws of this state or is
20 a foreign legal entity authorized to transact business
21 in this state, or provides a certificate of good
22 standing from the state of its domicile.

23 e. The applicant has provided to the commissioner
24 an antifraud plan that meets the requirements of
25 section 508G.14 and includes all of the following:

26 (1) A description of the procedures for detecting
27 and investigating a possible fraudulent act and
28 procedure for resolving material inconsistencies
29 between a medical record and insurance applications.

30 (2) A description of the procedures for reporting
31 a fraudulent insurance act to the commissioner.

32 (3) A description of the plan for antifraud
33 education and training of its underwriters and other
34 personnel.

35 (4) A written description or chart outlining the
36 arrangement of the antifraud personnel who are
37 responsible for the investigation and reporting of a
38 possible fraudulent insurance act and investigating
39 any unresolved material inconsistency between a
40 medical record and the insurance application.

41 11. The commissioner shall not issue a license to
42 a nonresident applicant, unless a written designation
43 of an agent for service of process is filed and
44 maintained with the commissioner or unless the
45 applicant has filed with the commissioner the
46 applicant's written irrevocable consent that any
47 action against the applicant may be commenced against
48 the applicant by service of process on the
49 commissioner.

50 12. A licensee shall file with the commissioner on

Page 12

1 or before the first day of March of each year an
2 annual statement containing such information as the
3 commissioner by rule may prescribe.

4 13. A provider shall not use any person to perform
5 the functions of a broker unless the person holds a

6 license as a broker as provided in this section.

7 14. A broker shall not use a person to perform the
8 functions of a provider unless such person holds a
9 license as a provider as provided in this section.

10 15. A provider or broker shall provide to the
11 commissioner new or revised information about an
12 officer, ten percent or more stockholders, a partner,
13 director, members, or a designated employee within
14 thirty days of a change.

15 16. An individual licensed as a broker shall
16 complete on a biennial basis fifteen hours of training
17 related to a life settlement or a life settlement
18 transaction, as required by the commissioner.
19 However, a life insurance producer who is operating as
20 a broker pursuant to this section shall not be subject
21 to the requirements of this subsection. A person
22 failing to meet the requirements of this subsection
23 shall be subject to the penalties imposed by the
24 commissioner.

25 Sec. 4. NEW SECTION. 508G.4 LICENSE SUSPENSION,
26 REVOCATION, OR REFUSAL TO RENEW.

27 1. The commissioner may suspend, revoke, or refuse
28 to renew the license of a licensee if the commissioner
29 finds any of the following:

30 a. There was any material misrepresentation in the
31 application for the license.

32 b. The licensee or any officer, partner, member,
33 or director has been guilty of a fraudulent or
34 dishonest practice, is subject to a final agency
35 action under chapter 17A, or is otherwise shown to be
36 untrustworthy or incompetent to act as a licensee.

37 c. The provider demonstrates a pattern of
38 unreasonably withholding payments to policy owners.

39 d. The licensee no longer meets the requirements
40 for initial licensure.

41 e. The licensee or any officer, partner, member,
42 or director has been convicted of a felony, or of any
43 misdemeanor of which criminal fraud or moral turpitude
44 is an element; or the licensee has pleaded guilty or
45 nolo contendere with respect to any felony or any
46 misdemeanor of which criminal fraud or moral turpitude
47 is an element, regardless of whether a judgment of
48 conviction has been entered by the court.

49 f. The provider has entered into a life settlement
50 contract that has not been approved pursuant to this

Page 13

1 chapter.

2 g. The provider has failed to honor contractual
3 obligations set out in a life settlement contract.

4 h. The provider has assigned, transferred, or

5 pledged a settled policy to a person other than a
6 provider licensed in this state; a purchaser; an
7 accredited investor or qualified institutional buyer
8 as defined, respectively, in 17 C.F.R. § 230.501(a) or
9 17 C.F.R. § 230.144A as promulgated by the United
10 States securities and exchange commission under the
11 federal Securities Act of 1933, as amended, 15 U.S.C.
12 § 77a et seq.; a financing entity; a special purpose
13 entity; or a related provider trust.

14 i. The licensee or any officer, partner, member,
15 or key management personnel has violated any of the
16 provisions of this chapter.

17 2. Before the commissioner denies a license
18 application or suspends, revokes, or refuses to renew
19 the license of any licensee under this chapter, the
20 commissioner shall conduct a contested case proceeding
21 in accordance with chapter 17A.

22 Sec. 5. NEW SECTION. 508G.5 CONTRACT
23 REQUIREMENTS.

24 1. A person shall not use any form of life
25 settlement contract in this state unless it has been
26 filed with and approved, if required, by the
27 commissioner in a manner that conforms with the filing
28 procedures and any time restrictions or deeming
29 provisions, if any, for life insurance forms,
30 policies, and contracts.

31 2. An insurer shall not, as a condition of
32 responding to a request for verification of coverage
33 or in connection with the transfer of a life insurance
34 policy pursuant to a life settlement contract, require
35 that the owner, insured provider, or broker sign any
36 form, disclosure, consent, waiver, or acknowledgment
37 that has not been expressly approved by the
38 commissioner for use in connection with life
39 settlement contracts in this state.

40 3. A person shall not use a life settlement
41 contract form or provide to an owner a disclosure
42 statement form in this state unless first filed with
43 and approved by the commissioner. The commissioner
44 shall disapprove a life settlement contract form or
45 disclosure statement form if, in the commissioner's
46 opinion, the contract or provisions contained in such
47 form fail to meet the requirements of sections 508G.8,
48 508G.9, or 508G.11, or are unreasonable, contrary to
49 the interests of the public, or otherwise misleading
50 or unfair to the owner. At the commissioner's

Page 14

1 discretion, the commissioner may require the
2 submission of advertising material.

3 Sec. 6. NEW SECTION. 508G.6 REPORTING
4 REQUIREMENTS AND PRIVACY.

5 1. For any life insurance policy settled within
6 five years of policy issuance, each provider shall
7 file with the commissioner on or before March 1 of
8 each year an annual statement containing such
9 information as the commissioner may prescribe by rule.
10 In addition to any other requirements, the annual
11 statement shall specify the total number, aggregate
12 face amount, and life settlement proceeds of life
13 insurance policies settled during the immediately
14 preceding calendar year, together with a breakdown of
15 the information by policy issue year for each insurer.
16 The annual statement shall also include the names of
17 the insurance companies whose policies have been
18 settled and the brokers that have settled the
19 policies.

20 a. Such information shall be limited to only those
21 transactions where the insured is a resident of this
22 state and shall not include individual transaction
23 data regarding the business of life settlements or
24 information that there is a reasonable basis to
25 believe could be used to identify the owner or the
26 insured.

27 b. A provider that willfully fails to file an
28 annual statement as required in this section, or
29 willfully fails to reply within thirty days to a
30 written inquiry by the commissioner in connection to
31 the filing of the annual statement, shall, in addition
32 to other penalties provided by this chapter, be
33 subject to a civil penalty of up to two hundred fifty
34 dollars per day of delay, not to exceed twenty-five
35 thousand dollars in the aggregate, for each such
36 failure.

37 2. A provider, broker, insurer, insurance
38 producer, information bureau, rating agency, or
39 company, or any other person with actual knowledge of
40 an insured's identity, shall not disclose the identity
41 of an insured or information that there is a
42 reasonable basis to believe could be used to identify
43 the insured or the insured's financial or medical
44 information to any other person unless the disclosure
45 is any of the following:

46 a. Necessary to effect a life settlement contract
47 between the owner and a provider and the owner and
48 insured have provided prior written consent to the
49 disclosure.

50 b. Necessary to effectuate the sale of life

Page 15

1 settlement contracts, or interest in a life insurance
2 contract as an investment, provided the sale is
3 conducted in accordance with applicable federal
4 securities law, including chapter 502, and provided
5 further that the owner and the insured have both
6 provided prior written consent to the disclosure.

7 c. Is provided in response to an investigation or
8 examination by the commissioner or any other
9 governmental officer or agency or pursuant to the
10 requirements of section 508G.13.

11 d. Is a term or condition to the transfer of a
12 policy by one provider to another provider, in which
13 case the receiving provider shall be required to
14 otherwise comply with the confidentiality requirements
15 of this subsection.

16 e. (1) Is necessary to allow the provider or
17 broker or its authorized representatives to make a
18 contact for the purpose of determining health status.
19 A provider or broker shall require its authorized
20 representative to agree in writing to adhere to the
21 privacy provisions of this chapter.

22 (2) An authorized representative does not include
23 any person who has or may have any financial interest
24 in the life settlement contract other than a provider,
25 licensed broker, financing entity, related provider
26 trust, or special purpose entity.

27 f. Is required to purchase stop loss coverage.

28 3. Nonpublic personal information solicited or
29 obtained in connection with a proposed or actual life
30 settlement contract shall be subject to the provisions
31 applicable to financial institutions under the federal
32 Gramm Leach Bliley Act, 15 U.S.C. § 6801 et seq., and
33 all other federal and state laws relating to
34 confidentiality of nonpublic personal information.

35 Sec. 7. NEW SECTION. 508G.7 EXAMINATION.

36 1. The commissioner may, when the commissioner
37 deems it reasonably necessary to protect the interests
38 of the public, examine the business and affairs of any
39 licensee or applicant for a license. The commissioner
40 may order any licensee or applicant to produce any
41 records, books, files, or other information reasonably
42 necessary to ascertain whether such licensee or
43 applicant is acting or has acted in violation of the
44 law or otherwise contrary to the interests of the
45 public. The expenses incurred in conducting any
46 examination shall be paid by the licensee or
47 applicant.

48 2. In lieu of an examination under this section of
49 any foreign or alien licensee licensed in this state,
50 the commissioner may, at the commissioner's

Page 16

1 discretion, accept an examination report on the
2 license as prepared by the commissioner for the
3 licensee's state of domicile or port-of-entry state.

4 3. Notwithstanding chapter 22, the name and
5 individual identification data for each owner and
6 insured shall be considered private and confidential
7 information and shall not be disclosed by the
8 commissioner unless required by law.

9 4. The records of all consummated transactions and
10 life settlement contracts shall be maintained by the
11 provider for three years after the death of the
12 insured and shall be available to the commissioner for
13 inspection during reasonable business hours.

14 5. For the conduct of examinations, all of the
15 following shall apply:

16 a. Upon determining that an examination is
17 appropriate, the commissioner shall issue an
18 examination warrant appointing one or more examiners
19 to perform the examination and instructing them as to
20 the scope of the examination. In conducting the
21 examination, an examiner shall use methods common to
22 the examination of any life settlement licensee and
23 may use those guidelines and procedures set forth in
24 an examiners' handbook adopted by a national
25 organization as required by the commissioner.

26 b. A licensee or other person from whom
27 information is sought, its officers, directors, or
28 agents shall provide to an examiner timely,
29 convenient, and free access at all reasonable hours at
30 its office to all books, records, accounts, papers,
31 documents, assets, and computer or other recordings
32 relating to the property, assets, business, and
33 affairs of the licensee or other person being
34 examined. The officer, director, employee, or agent
35 of the licensee or other person shall facilitate the
36 examination and aid in the examination so far as it is
37 in the person's power to do so. The refusal of a
38 licensee, by an officer, director, employee, or agent,
39 to submit to examination or to comply with any
40 reasonable written request of the commissioner shall
41 be grounds for suspension or refusal of, or nonrenewal
42 of any license or authority held by the licensee to
43 engage in the business of life settlements or other
44 business subject to the commissioner's jurisdiction.
45 Any proceedings for suspension, revocation, or refusal
46 of a license or authority shall be conducted pursuant
47 to chapter 17A.

48 c. The commissioner may issue subpoenas,
49 administer oaths, and examine under oath any person as
50 to any matter pertinent to the examination. Upon the

Page 17

1 failure or refusal of a person to obey a subpoena, the
2 commissioner may petition a court of competent
3 jurisdiction, and upon proper showing, the court may
4 enter an order compelling the witness to appear and
5 testify or produce documentary evidence.

6 d. When making an examination under this chapter,
7 the commissioner may retain one or more attorneys,
8 appraisers, independent actuaries, independent
9 certified public accountants, or other professionals
10 and specialists as examiners, the reasonable cost of
11 which shall be borne by the licensee that is the
12 subject of the examination.

13 e. This chapter shall not be construed to limit
14 the commissioner's authority to terminate or suspend
15 an examination in order to pursue other legal or
16 administrative action pursuant to the insurance laws
17 of this state. Findings of fact and conclusions made
18 pursuant to any examination shall be prima facie
19 evidence in any legal or regulatory action.

20 f. This chapter shall not be construed to limit
21 the commissioner's authority to use and, if
22 appropriate, to make public any final or preliminary
23 examination report, any examiner or licensee work
24 papers or other documents, or any other information
25 discovered or developed during the course of any
26 examination in the furtherance of any legal or
27 administrative action which the commissioner may, in
28 the commissioner's sole discretion, deem appropriate.

29 6. For the examination report, all of the
30 following apply:

31 a. An examination report shall be comprised of
32 only facts appearing upon the books, from the
33 testimony of its officers or agents or other persons
34 examined concerning its affairs, and such conclusions
35 and recommendations as the examiners find reasonably
36 warranted from the facts.

37 b. Not later than sixty days following completion
38 of the examination, the examiner in charge shall file
39 with the commissioner a verified written report of
40 examination under oath. Upon receipt of the verified
41 report, the commissioner shall transmit the report to
42 the licensee examined, together with a notice that
43 shall afford the licensee examined a reasonable
44 opportunity of not more than thirty days to make a
45 written submission or rebuttal with respect to any
46 matter contained in the examination report and which
47 shall become part of the report or to request an
48 administrative hearing on any matter in dispute as
49 provided in chapter 17A.

50 c. In the event the commissioner determines that

Page 18

1 regulatory action is appropriate as a result of an
2 examination, the commissioner may initiate any
3 proceeding or action provided by law.

4 7. For the confidentiality of examination
5 information, all of the following apply:

6 a. The name and individual identification data for
7 each owner, purchaser, or insured shall be considered
8 private and confidential information and shall not be
9 disclosed by the commissioner, unless the disclosure
10 is to another regulator or is required by law.

11 b. Except as otherwise provided in this chapter,
12 an examination report, working papers, recorded
13 information, documents or materials, and copies
14 produced by, obtained by, or disclosed to the
15 commissioner or any other person in the course of an
16 examination made under this chapter, or in the course
17 of analysis or investigation by the commissioner of
18 the financial condition or market conduct of a
19 licensee shall be confidential by law and privileged,
20 shall not be subject to chapter 22, shall not be
21 subject to subpoena, and shall not be subject to
22 discovery or admissible in evidence in any private
23 civil action. The commissioner may use the
24 examination report, working papers, recorded
25 information, documents, materials, or other
26 information in the furtherance of any administrative
27 or legal action brought as part of the commissioner's
28 official duties. The licensee being examined may have
29 access to all documents used to make the report.

30 8. For conflict of interest, all of the following
31 apply:

32 a. An examiner shall not be appointed by the
33 commissioner if the examiner, either directly or
34 indirectly, has a conflict of interest or is
35 affiliated with the management of or owns a pecuniary
36 interest in any person subject to examination under
37 this chapter. This section shall not be construed to
38 automatically preclude an examiner from being any of
39 the following:

40 (1) An owner.

41 (2) An insured in a life settlement contract or
42 life insurance policy.

43 (3) A beneficiary in a life insurance policy that
44 is proposed for a life settlement contract.

45 b. Notwithstanding the requirements of this
46 subsection, the commissioner may retain from time to
47 time, on an individual basis, one or more qualified
48 actuaries, certified public accountants, or other
49 similar individuals who are independently practicing
50 their professions, even though these persons may from

Page 19

1 time to time be similarly employed or retained by
2 persons subject to examination under this chapter.

3 9. For immunity from liability, all of the
4 following shall apply:

5 a. A cause of action shall not arise and liability
6 shall not be imposed against the commissioner, the
7 commissioner's authorized representative, or any
8 examiner appointed by the commissioner for any
9 statements made or conduct performed in good faith
10 while carrying out the provisions of this chapter.

11 b. A cause of action shall not arise, and
12 liability shall not be imposed, against any person for
13 communicating or delivering information or data to the
14 commissioner or the commissioner's authorized
15 representative or examiner pursuant to an examination
16 made under this chapter, if the communication or
17 delivery was performed in good faith and without
18 fraudulent intent or the intent to deceive. This
19 paragraph does not abrogate or modify in any way any
20 common law or statutory privilege or immunity enjoyed
21 by any person identified in paragraph "a".

22 c. (1) A person identified in paragraph "a" or
23 "b" shall be entitled to an award of attorney fees and
24 costs if the person is the prevailing party in a civil
25 cause of action for libel, slander, or any other
26 relevant tort arising out of activities in carrying
27 out the provisions of this chapter and the party
28 bringing the action was not substantially justified in
29 doing so.

30 (2) For purposes of subparagraph (1), a proceeding
31 is substantially justified if it has a reasonable
32 basis in law or fact at the time that it was
33 initiated.

34 10. The commissioner may investigate a suspected
35 fraudulent life settlement act and a person engaged in
36 the business of life settlements.

37 11. The commission by rule may establish
38 reasonable costs for examinations imposed upon a
39 person.

40 Sec. 8. NEW SECTION. 508G.8 ADVERTISING.

41 1. A broker or provider licensed pursuant to this
42 chapter may conduct or participate in an advertisement
43 within this state. Such advertisement shall comply
44 with all statutes or rules adopted by the commissioner
45 that are applicable to life insurers or to brokers,
46 and providers licensed pursuant to this chapter.

47 2. An advertisement shall be accurate, truthful,
48 and not misleading in fact or by implication.

49 3. A person shall not do any of the following:

50 a. Directly or indirectly market, advertise,

Page 20

1 solicit, or otherwise promote the purchase of a life
2 insurance policy for the sole purpose of or with an
3 emphasis on settling the life insurance policy.

4 b. Use the words “free”, “no cost”, or words of
5 similar import in the marketing, advertising,
6 soliciting, or otherwise promoting of the purchase of
7 a life insurance policy.

8 Sec. 9. NEW SECTION. 508G.9 DISCLOSURES TO
9 OWNERS.

10 1. A provider shall provide in writing, a separate
11 disclosure document that is signed by the owner and
12 provider, to the owner not later than the date the
13 life settlement contract is signed by all parties.

14 a. The disclosure document shall include all of
15 the following information:

16 (1) That possible alternatives to life settlement
17 contracts exist including but not limited to
18 accelerated benefits offered by the issuer of the life
19 insurance policy.

20 (2) That some or all of the proceeds of a life
21 settlement contract may be taxable and that assistance
22 should be sought from a professional tax advisor.

23 (3) That the proceeds from a life settlement
24 contract could be subject to the claims of creditors.

25 (4) That receipt of proceeds from a life
26 settlement contract may adversely affect the
27 recipient’s eligibility for public assistance or other
28 government benefits or entitlements and that advice
29 should be obtained from the appropriate agencies.

30 (5) That the owner has a right to rescind a life
31 settlement contract within fifteen days of the date it
32 is executed by all parties and the owner has received
33 the disclosures required in this section. Rescission,
34 if exercised by the owner, is effective only if both
35 notice of the rescission is given, and the owner repays
36 all proceeds and any premiums, loans, and loan
37 interest paid on account of the provider within the
38 rescission period. If the insured dies during the
39 rescission period, the contract shall be deemed to have
40 been rescinded subject to repayment by the owner or
41 the owner’s estate of all proceeds and any premiums,
42 loans, and loan interest to the provider.

43 (6) That proceeds will be sent to the owner within
44 three business days after the provider has received
45 the insurer or group administrator’s acknowledgment
46 that ownership of the life insurance policy or
47 interest in the life insurance certificate has been
48 transferred and the beneficiary has been designated in
49 accordance with the terms of the life settlement
50 contract.

Page 21

1 (7) That entering into a life settlement contract
2 may cause other rights or benefits, including
3 conversion rights and waiver of premium benefits that
4 may exist under the life insurance policy or
5 certificate of a group life insurance policy, to be
6 forfeited by the owner and that assistance should be
7 sought from a professional financial advisor.

8 (8) (a) The amount and method of calculating the
9 compensation paid or to be paid to the broker, or any
10 other person acting for the owner in connection with
11 the transaction.

12 (b) As used in subparagraph subdivision (a),
13 compensation includes anything of value paid or given.

14 (9) The date by which the funds will be available
15 to the owner and the transmitter of the funds.

16 (10) That the commissioner requires delivery of a
17 buyer's guide or a similar consumer advisory package
18 in the form prescribed by the commissioner to owners
19 during the solicitation process.

20 (11) The following language:

21 "All medical, financial, or personal information
22 solicited or obtained by a provider or broker about an
23 insured, including the insured's identity or the
24 identity of family members, a spouse, or a significant
25 other may be disclosed as necessary to effect the life
26 settlement contract between the owner and provider.
27 If you are asked to provide this information, you will
28 be asked to consent to the disclosure. The
29 information may be provided to someone who buys the
30 policy or provides funds for the purchase. You may be
31 asked to renew your permission to share information
32 every two years."

33 (12) That the commissioner requires providers and
34 brokers to print separate signed fraud warnings on
35 their applications and on their life settlement
36 contracts as follows:

37 "Any person who knowingly presents false
38 information in an application for a life insurance
39 policy or life settlement contract is guilty of a
40 crime and may be subject to fines and confinement in
41 prison."

42 (13) That the insured may be contacted by either
43 the provider or broker or its authorized
44 representative for the purpose of determining the
45 insured's health status or to verify the insured's
46 address. This contact is limited to once every three
47 months if the insured has a life expectancy of more
48 than one year, and no more than once per month if the
49 insured has a life expectancy of one year or less.

50 (14) The affiliation, if any, between the provider

Page 22

1 and the issuer of the life insurance policy to be
2 settled.

3 (15) That a broker represents exclusively the
4 owner, and not the insurer or the provider or any
5 other person, and owes a fiduciary duty to the owner,
6 including a duty to act according to the owner's
7 instructions and in the best interest of the owner.

8 (16) The name, address, and telephone number of
9 the provider.

10 (17) The name, business address, and telephone
11 number of the independent third-party escrow agent,
12 and the fact that the owner may inspect or receive
13 copies of the relevant escrow or trust agreements or
14 documents.

15 (18) That a change of ownership could in the
16 future limit the insured's ability to purchase future
17 insurance on the insured's life because of a limit on
18 the amount of coverage insurers will issue on one
19 life.

20 b. The written disclosure as provided in paragraph
21 "a" shall be conspicuously displayed in any life
22 settlement contract furnished to the owner by a
23 provider including the disclosure of any affiliations
24 or contractual arrangements between the provider and
25 the broker.

26 2. A broker shall provide the owner and the
27 provider with at least the following disclosures not
28 later than the date the life settlement contract is
29 signed by all parties. The disclosures shall be
30 conspicuously displayed in the life settlement
31 contract or in a separate document signed by the owner
32 and provide all of the following information:

33 a. The name, business address, and telephone
34 number of the broker.

35 b. A full, complete, and accurate description of
36 all the offers, counteroffers, acceptances, and
37 rejections relating to the proposed life settlement
38 contract.

39 c. A written disclosure of any affiliation or
40 contractual arrangement between the broker and any
41 person making an offer in connection with the proposed
42 life settlement contract.

43 d. The name of each broker who receives
44 compensation and the amount of compensation received
45 by that broker, which compensation includes anything
46 of value paid or given to the broker in connection
47 with the life settlement contract.

48 e. (1) A complete reconciliation of the gross
49 offer or bid by the provider to the net amount of
50 proceeds or value to be received by the owner.

Page 23

1 (2) For the purpose of subparagraph (1), “gross
2 offer” or “bid” means the total amount or value
3 offered by the provider for the purchase of one or
4 more life insurance policies, inclusive of commissions
5 and fees.

6 f. The failure to provide the disclosures or
7 rights described in this section is deemed an unfair
8 trade practice pursuant to section 508G.17.

9 Sec. 10. NEW SECTION. 508G.10 DISCLOSURE TO
10 INSURER.

11 Without limiting the ability of an insurer from
12 assessing the insurability of a policy applicant and
13 determining whether or not to issue the policy, and in
14 addition to other questions an insurer may lawfully
15 pose to a life insurance applicant, insurers may
16 inquire in the application for insurance whether the
17 proposed owner intends to pay premiums with the
18 assistance of financing from a lender that will use
19 the policy as collateral to support the financing.

20 1. If, as described in the definition of life
21 settlement contract in section 508G.2, the loan
22 provides funds which can be used for a purpose other
23 than paying for the premiums, costs, and expenses
24 associated with obtaining and maintaining the life
25 insurance policy and loan, the application shall be
26 rejected as a violation of the prohibited practices in
27 section 508G.13.

28 2. If the financing does not violate section
29 508G.13 in the manner provided in subsection 1, the
30 insurer may do any of the following:

31 a. Make a disclosure, including but not limited to
32 such as the following, to the applicant and the
33 insured, either on the application or an amendment to
34 the application to be completed no later than the
35 delivery of the policy:

36 “If you have entered into a loan arrangement where
37 the life insurance policy is used as collateral, and
38 the life insurance policy does change ownership at
39 some point in the future in satisfaction of the loan,
40 the following may be true:

41 A change of ownership could lead to a stranger
42 owning an interest in the insured’s life.

43 A change of ownership could in the future limit
44 your ability to purchase future insurance on the
45 insured’s life because of a limit on the amount of
46 coverage insurers will issue on one life.

47 Should there be a change of ownership and you wish
48 to obtain more insurance coverage on the insured’s
49 life in the future, the insured’s higher issue age, a
50 change in health status, or other factors may reduce

Page 24

1 the ability to obtain coverage or may result in
2 significantly higher premiums.

3 You should consult a professional advisor, since a
4 change in ownership in satisfaction of the loan may
5 result in tax consequences to the owner, depending on
6 the structure of the loan.”

7 b. Require certifications, such as the following,
8 from the applicant or the insured:

9 “I have not entered into any agreement or
10 arrangement providing for the future sale of this life
11 insurance policy.

12 My loan arrangement for this life insurance policy
13 provides funds sufficient to pay for some or all of
14 the premiums, costs, and expenses associated with
15 obtaining and maintaining my life insurance policy,
16 but I have not entered into any agreement by which I
17 am to receive consideration in exchange for procuring
18 this life insurance policy.

19 The borrower has an insurable interest in the
20 insured.”

21 Sec. 11. NEW SECTION. 508G.11 GENERAL RULES.

22 1. A provider entering into a life settlement
23 contract with an owner of a life insurance policy,
24 where the insured is terminally ill or chronically
25 ill, shall first obtain all of the following:

26 a. If the owner is the insured, a written
27 statement from a licensed attending physician that the
28 owner is of sound mind and under no constraint or
29 undue influence to enter into a life settlement
30 contract.

31 b. A document in which the insured consents to the
32 release of the owner’s medical records to a provider,
33 broker, or insurance producer and, if the life
34 insurance policy was issued less than two years from
35 the date of application for a life settlement
36 contract, to the insurance company that issued the
37 policy.

38 2. An insurer shall respond to a request for
39 verification of coverage submitted by a provider,
40 broker, or life insurance producer not later than
41 thirty calendar days of the date the request is
42 received. The request for verification of coverage
43 must be made on a form approved by the commissioner.
44 The insurer shall complete and issue the verification
45 of coverage or indicate in which respects it is unable
46 to respond. In its response, the insurer shall
47 indicate whether, based on the medical evidence and
48 documents provided, the insurer intends to pursue an
49 investigation at this time regarding the validity of
50 the life insurance policy.

Page 25

1 3. Before or at the time of the execution of the
2 life settlement contract, the provider shall obtain a
3 witnessed document in which the owner consents to the
4 life settlement contract, represents that the owner
5 has a full and complete understanding of the life
6 settlement contract, that the owner has a full and
7 complete understanding of the benefits of the life
8 insurance policy, acknowledges that the owner is
9 entering into the life settlement contract freely and
10 voluntarily, and, for persons with a terminal or
11 chronic illness or condition, acknowledges that the
12 insured has a terminal or chronic illness and that the
13 terminal or chronic illness or condition was diagnosed
14 after the life insurance policy was issued.

15 4. The insurer shall not unreasonably delay
16 effecting change of ownership or beneficiary with any
17 life settlement contract lawfully entered into in this
18 state or with a resident of this state.

19 5. If a broker or life insurance producer performs
20 any activities required of the provider, the provider
21 is deemed to have fulfilled the requirements of this
22 section.

23 6. If a broker performs verification of coverage
24 activities required of the provider, the provider is
25 deemed to have fulfilled the requirements of section
26 508G.9, subsection 1.

27 7. Within twenty days after an owner executes the
28 life settlement contract, a provider shall give
29 written notice to the insurer that issued the life
30 insurance policy that the policy has become subject to
31 a life settlement contract. The notice shall be
32 accompanied by the documents required by section
33 508G.10, subsection 1, paragraph "b".

34 8. All medical information solicited or obtained
35 by any licensee shall be subject to the applicable
36 provision of state law relating to confidentiality of
37 medical information, if not otherwise provided in this
38 chapter.

39 9. A life settlement contract entered into in this
40 state shall provide that the owner may rescind the
41 contract on or before fifteen days after the date it
42 is executed by all parties. Recision, if exercised by
43 the owner, is effective only if both notice of the
44 recision is given, and the owner repays all proceeds
45 and any premiums, loans, and loan interest paid on
46 account of the provider within the recision period.
47 If the insured dies during the recision period, the
48 contract shall be deemed to have been rescinded
49 subject to repayment by the owner or the owner's
50 estate of all proceeds and any premiums, loans, and

Page 26

1 loan interest to the provider.
2 10. Within three business days after receipt from
3 the owner of documents to effect the transfer of the
4 insurance policy, the provider shall pay the proceeds
5 of the settlement to a trust or escrow account managed
6 by a trustee or escrow agent in a state or federally
7 chartered financial institution pending acknowledgment
8 of the transfer by the issuer of the policy. The
9 trustee or escrow agent shall be required to transfer
10 the proceeds due to the owner within three business
11 days of acknowledgment of the transfer from the
12 insurer.

13 11. A failure to tender life settlement contract
14 proceeds to the owner by the date disclosed to the
15 owner renders the contract voidable by the owner for
16 lack of consideration until the time the proceeds are
17 tendered to and accepted by the owner. A failure to
18 give written notice of the right of rescission shall
19 toll the right of rescission until thirty days after the
20 written notice of the right of rescission has been
21 given.

22 12. Any fee paid by a provider, party, individual,
23 or an owner to a broker in exchange for services
24 provided to the owner pertaining to a life settlement
25 contract shall be computed as a percentage of the
26 offer obtained, not the face value of the life
27 insurance policy. This section shall not be construed
28 as prohibiting a broker from reducing the broker's fee
29 below this percentage if the broker so chooses.

30 13. A broker shall disclose to the owner anything
31 of value paid or given to the broker, which relates to
32 a life settlement contract.

33 14. A person shall not at any time prior to, or at
34 the time of, the application for, or issuance of, a
35 life insurance policy, or during a two-year period
36 commencing with the date of issuance of the life
37 insurance policy, enter into a life settlement
38 contract regardless of the date the compensation is to
39 be provided and regardless of the date the assignment,
40 transfer, sale, devise, bequest, or surrender of the
41 policy is to occur. This prohibition shall not apply
42 if the owner certifies to the provider that any of the
43 following applies:

44 a. The life insurance policy was issued upon the
45 owner's exercise of conversion rights arising out of a
46 group or individual life insurance policy, provided
47 the total of the time covered under the conversion
48 policy plus the time covered under the prior life
49 insurance policy is at least twenty-four months. The
50 time covered under a group life insurance policy must

Page 27

1 be calculated without regard to a change in insurers,
2 provided the coverage has been continuous and under
3 the same group sponsorship.

4 b. The owner submits independent evidence to the
5 provider that one or more of the following conditions
6 have been met within the two-year period:

7 (1) The owner or insured is terminally ill or
8 chronically ill.

9 (2) The owner or insured disposes of the owner's
10 or insured's ownership interests in a closely held
11 corporation, pursuant to the terms of a buyout or
12 other similar agreement in effect at the time the life
13 insurance policy was initially issued.

14 (3) The owner's spouse dies.

15 (4) The owner divorces the owner's spouse.

16 (5) The owner retires from full-time employment.

17 (6) The owner becomes physically or mentally
18 disabled and a physician determines that the
19 disability prevents the owner from maintaining
20 full-time employment.

21 (7) A final order, judgment, or decree is entered
22 by a court of competent jurisdiction, on the
23 application of a creditor of the owner, adjudicating
24 the owner bankrupt or insolvent, or approving a
25 petition seeking reorganization of the owner or
26 appointing a receiver, trustee, or liquidator to all
27 or a substantial part of the owner's assets.

28 c. Copies of the independent evidence required by
29 subsection 14, paragraph "b", shall be submitted to
30 the insurer when the provider submits a request to the
31 insurer for verification of coverage. The copies
32 shall be accompanied by a letter of attestation from
33 the provider that the copies are true and correct
34 copies of the documents received by the provider.
35 This section does not prohibit an insurer from
36 exercising its right to contest the validity of any
37 life insurance policy.

38 d. If the provider submits to the insurer a copy
39 of independent evidence provided for in paragraph "b",
40 subparagraph (1), when the provider submits a request
41 to the insurer to effect the transfer of the policy to
42 the provider, the copy is deemed to establish that the
43 life settlement contract satisfies the requirements of
44 this section.

45 Sec. 12. NEW SECTION. 508G.12 AUTHORITY TO ADOPT
46 RULES — CONFLICT OF LAWS.

47 1. The commissioner may adopt rules implementing
48 this chapter and regulating the activities and
49 relationships of providers, brokers, insurers, and
50 their agents, pursuant to chapter 17A.

Page 28

1 2. For conflict of laws, all of the following
2 shall apply:
3 a. If there is more than one owner on a single
4 policy, and the owners are residents of different
5 states, the life settlement contract shall be governed
6 by the law of the state in which the owner having the
7 largest percentage ownership resides or, if the owners
8 hold equal ownership, the state of residence of one
9 owner agreed upon in writing by all of the owners.
10 The law of the state of the insured shall govern in
11 the event that equal owners fail to agree in writing
12 upon a state of residence for jurisdictional purposes.
13 b. A provider from this state who enters into a
14 life settlement contract with an owner who is a
15 resident of another state that has enacted statutes or
16 adopted regulations governing life settlement
17 contracts shall be governed in the effectuation of
18 that life settlement contract by the statutes and
19 regulations of the owner's state of residence. If the
20 state in which the owner is a resident has not enacted
21 statutes or regulations governing life settlement
22 contracts, the provider shall give the owner notice
23 that neither state regulates the transaction into
24 which the owner is entering. For transactions in
25 those states, however, the provider shall maintain all
26 records required as if the transactions were executed
27 in the state of residence. The forms used in those
28 states need not be approved by the commissioner.
29 c. If there is a conflict in the laws that apply
30 to an owner and a purchaser in any individual
31 transaction, the laws of the state that apply to the
32 owner shall take precedence and the provider shall
33 comply with those laws.

34 Sec. 13. NEW SECTION. 508G.13 PROHIBITED
35 PRACTICES.

36 1. A person shall not do any of the following:
37 a. Enter into a life settlement contract if the
38 person knows or reasonably should have known that the
39 life insurance policy was obtained by means of a
40 false, deceptive, or misleading application for such
41 life insurance policy.
42 b. Engage in any transaction, practice, or course
43 of business if such person knows or reasonably should
44 have known that the intent was to avoid the notice
45 requirements of this chapter.
46 c. Engage in any fraudulent act or practice in
47 connection with any transaction relating to any
48 settlement involving an owner who is a resident of
49 this state.
50 d. Issue, solicit, market, or otherwise promote

Page 29

1 the purchase of a life insurance policy for the
2 purpose of or with an emphasis on settling the life
3 insurance policy.
4 e. Enter into a premium finance agreement with any
5 person or agency, or any person affiliated with such
6 person or agency, pursuant to which such person or
7 agency shall receive any proceeds, fees, or other
8 consideration, directly or indirectly, from the life
9 insurance policy or owner of the life insurance policy
10 or any other person with respect to the premium
11 finance agreement or any life settlement contract or
12 other transaction related to such life insurance
13 policy that are in addition to the amounts required to
14 pay the principal, interest, and service charges
15 related to life insurance policy premiums pursuant to
16 the premium finance agreement or subsequent sale of
17 such agreement. However, any payments, charges, fees,
18 or other amounts in addition to the amounts required
19 to pay the principal, interest, and service charges
20 related to life insurance policy premiums paid under
21 the premium finance agreement shall be remitted to the
22 original owner of the life insurance policy or to the
23 original owner's estate if the original owner is not
24 living at the time of the determination of the
25 overpayment.
26 f. With respect to any life settlement contract or
27 life insurance policy and a broker, knowingly solicit
28 an offer from, effectuate a life settlement contract
29 with, or make a sale to any provider, financing
30 entity, or related provider trust that is controlling,
31 controlled by, or under common control with such
32 broker.
33 g. With respect to any life settlement contract or
34 life insurance policy and a provider, knowingly enter
35 into a life settlement contract with an owner, if, in
36 connection with such life settlement contract,
37 anything of value will be paid to a broker that is
38 controlling, controlled by, or under common control
39 with such provider or the financing entity or related
40 provider trust that is involved in such life
41 settlement contract.
42 h. With respect to a provider, enter into a life
43 settlement contract unless the life settlement
44 promotional, advertising, and marketing materials, as
45 may be adopted by rule, have been filed with the
46 commissioner. In no event shall any marketing
47 materials expressly reference that the insurance is
48 free for any period of time. The inclusion of any
49 reference in the marketing materials that would cause
50 an owner to reasonably believe that the insurance is

Page 30

1 free for any period of time shall be considered a
2 violation of this chapter.

3 i. With respect to any life insurance producer,
4 insurer, broker, or provider, make any statement or
5 representation to the applicant or policyholder in
6 connection with the sale or financing of a life
7 insurance policy to the effect that the insurance is
8 free or without cost to the policyholder for any
9 period of time unless provided in the policy.

10 2. A violation of this section shall be deemed a
11 fraudulent life settlement act.

12 Sec. 14. NEW SECTION. 508G.14 FRAUD PREVENTION
13 AND CONTROL.

14 1. This subsection applies to a fraudulent life
15 settlement act, interference, and convicted felons as
16 follows:

17 a. A person shall not commit a fraudulent life
18 settlement act.

19 b. A person shall not knowingly and intentionally
20 interfere with the enforcement of the provisions of
21 this chapter or an investigation of suspected or
22 actual violations of this chapter.

23 c. A person in the business of life settlements
24 shall not knowingly or intentionally permit any person
25 convicted of a felony involving dishonesty or breach
26 of trust to participate in the business of life
27 settlements.

28 2. This subsection applies to required fraud
29 warnings as follows:

30 a. A life settlement contract and an application
31 for a life settlement contract, regardless of the form
32 of transmission, shall contain the following statement
33 or a substantially similar statement:

34 "Any person who knowingly presents false
35 information in an application for a life insurance
36 policy or life settlement contract is guilty of a
37 crime and may be subject to fines and confinement in
38 prison."

39 b. The lack of a statement as required in
40 paragraph "a" does not constitute a defense in any
41 prosecution for a fraudulent life settlement act.

42 3. This section applies to the mandatory reporting
43 of fraudulent life settlement acts as follows:

44 a. Any person engaged in the business of life
45 settlements having knowledge or a reasonable belief
46 that a fraudulent life settlement act is being, will
47 be, or has been committed shall provide to the
48 commissioner the information required by, and in a
49 manner prescribed by, the commissioner.

50 b. Any other person having knowledge or a

Page 31

1 reasonable belief that a fraudulent life settlement
2 act is being, will be, or has been committed may
3 provide to the commissioner the information required
4 by, and in a manner prescribed by, the commissioner.

5 4. This subsection applies to immunity from
6 liability as follows:

7 a. Civil liability shall not be imposed on and a
8 cause of action shall not arise from a person's
9 furnishing information concerning suspected,
10 anticipated, or a completed fraudulent life settlement
11 act, if the information is provided to or received
12 from any of the following:

13 (1) The commissioner or the commissioner's
14 employees, agents, or representatives.

15 (2) Federal, state, or local law enforcement or
16 regulatory officials or their employees, agents, or
17 representatives.

18 (3) A person involved in the prevention and
19 detection of fraudulent life settlement acts or that
20 person's agents, employees, or representatives.

21 (4) Any regulatory body or its employees, agents,
22 or representatives, overseeing life insurance, life
23 settlements, securities, or investment fraud.

24 (5) The life insurer that issued the life
25 insurance policy covering the life of the insured.

26 (6) The licensee and any agents, employees, or
27 representatives.

28 b. Paragraph "a" shall not apply to a statement
29 made with actual malice. In an action brought against
30 a person for filing a report or furnishing other
31 information concerning a fraudulent life settlement
32 act, the party bringing the action shall plead
33 specifically any allegation that paragraph "a" does
34 not apply because the person filing the report or
35 furnishing the information did so with actual malice.

36 c. (1) A person identified in paragraph "a" shall
37 be entitled to an award of attorney fees and costs if
38 the person is the prevailing party in a civil cause of
39 action for libel, slander, or any other relevant tort
40 arising out of activities in carrying out the
41 provisions of this chapter and the party bringing the
42 action was not substantially justified in doing so.

43 (2) For purposes of this paragraph "c", a
44 proceeding is substantially justified if it had a
45 reasonable basis in law or fact at the time that it
46 was initiated.

47 d. This section does not abrogate or modify common
48 law or statutory privileges or immunities enjoyed by a
49 person described in paragraph "a".

50 5. This subsection applies to confidentiality as

Page 32

1 follows:
2 a. The documents and evidence provided pursuant to
3 subsection 4 or obtained by the commissioner in an
4 investigation of a suspected or actual fraudulent life
5 settlement act shall be privileged and confidential
6 and shall not be subject to chapter 22, and shall not
7 be subject to discovery or subpoena in a civil or
8 criminal action.
9 b. Paragraph "a" does not prohibit a release by
10 the commissioner of documents and evidence obtained in
11 an investigation of a suspected or actual fraudulent
12 life settlement act to any of the following:
13 (1) In administrative or judicial proceedings to
14 enforce laws administered by the commissioner.
15 (2) To federal, state, or local law enforcement or
16 regulatory agencies, to an organization established
17 for the purpose of detecting and preventing fraudulent
18 life settlement acts or to the national association of
19 insurance commissioners.
20 (3) At the discretion of the commissioner, to a
21 person in the business of life settlements that is
22 aggrieved by a fraudulent life settlement act.
23 c. Release of documents and evidence under
24 paragraph "b" does not abrogate or modify the
25 privilege granted in paragraph "a".
26 6. This chapter shall not do any of the following:
27 a. Preempt the authority or relieve the duty of
28 other law enforcement or regulatory agencies to
29 investigate, examine, or prosecute suspected
30 violations of law.
31 b. Preempt, supersede, or limit any provision of
32 any state securities law or any rule, order, or notice
33 issued under this chapter.
34 c. Prevent or prohibit a person from voluntarily
35 disclosing information concerning life settlement
36 fraud to a law enforcement or regulatory agency other
37 than the commissioner.
38 d. Limit the powers granted elsewhere by the laws
39 of this state to the commissioner or the insurance
40 division, or an insurance fraud unit, to investigate
41 and examine possible violations of law and to take
42 appropriate action against wrongdoers.
43 7. This subsection applies to life settlement
44 antifraud initiatives as follows:
45 a. A provider or broker shall have in place
46 antifraud initiatives reasonably calculated to detect,
47 prosecute, and prevent a fraudulent life settlement
48 act. At the discretion of the commissioner, the
49 commissioner may order, or a licensee may request and
50 the commissioner may grant, such modifications of the

Page 33

1 following required initiatives as necessary to ensure
2 an effective antifraud program. The modifications may
3 be more or less restrictive than the required
4 initiatives so long as the modifications may
5 reasonably be expected to accomplish the purpose of
6 this section. The antifraud initiatives shall include
7 all of the following:

8 (1) Fraud investigators, who may be provider or
9 broker employees or independent contractors.

10 (2) An antifraud plan, which shall be submitted to
11 the commissioner. The antifraud plan shall include
12 but not be limited to any of the following:

13 (a) A description of the procedures for detecting
14 and investigating possible fraudulent life settlement
15 acts and procedures for resolving material
16 inconsistencies between medical records and insurance
17 applications.

18 (b) A description of the procedures for reporting
19 possible fraudulent life settlement acts to the
20 commissioner.

21 (c) A description of the plan for antifraud
22 education and training of underwriters and other
23 personnel.

24 (d) A description or chart outlining the
25 organizational arrangement of the antifraud personnel
26 who are responsible for the investigation and
27 reporting of possible fraudulent life settlement acts
28 and investigating unresolved material inconsistencies
29 between medical records and insurance applications.

30 b. Antifraud plans submitted to the commissioner
31 shall be privileged and confidential, shall not be
32 subject to chapter 22, and shall not be subject to
33 discovery or subpoena in a civil or criminal action.

34 Sec. 15. NEW SECTION. 508G.15 INJUNCTIONS —
35 CIVIL REMEDIES — CEASE AND DESIST.

36 1. In addition to the penalties and other
37 enforcement provisions of this chapter, if any person
38 violates this chapter or any rule implementing this
39 chapter, the commissioner may seek an injunction in a
40 court of competent jurisdiction in the county where
41 the person resides or has a principal place of
42 business and may apply for temporary and permanent
43 orders that the commissioner determines necessary to
44 restrain the person from further committing the
45 violation.

46 2. A person damaged by an act of another person in
47 violation of this chapter or any rule implementing or
48 administering this chapter, may bring a civil action
49 for damages against the person committing the
50 violation in a court of competent jurisdiction.

Page 34

1 3. The commissioner may issue a cease and desist
2 order upon a person who violates any provision of this
3 chapter, any rule adopted or order issued by the
4 commissioner, or any written agreement entered into
5 with the commissioner.

6 4. If the commissioner finds that such an action
7 presents an immediate danger to the public and
8 requires an immediate final order, the commissioner
9 may issue an emergency cease and desist order reciting
10 with particularity the facts underlying such findings.
11 The emergency cease and desist order is effective
12 immediately upon service of a copy of the order on the
13 respondent and remains effective for ninety days. If
14 the commissioner begins nonemergency cease and desist
15 proceedings under subsection 1, the emergency cease
16 and desist order remains effective, absent an order by
17 a court of competent jurisdiction pursuant to chapter
18 17A. In the event of a willful violation of this
19 chapter, the court may award statutory damages in
20 addition to actual damages in an additional amount up
21 to three times the actual damage award. The
22 provisions of this chapter shall not be waived by
23 agreement. A choice of law provision shall not be
24 utilized to prevent the application of this chapter to
25 any life settlement in which a party to the life
26 settlement is a resident of this state.

27 Sec. 16. NEW SECTION. 508G.16 PENALTIES.

28 1. It is a violation of this chapter for any
29 person, provider, broker, or any other party related
30 to the business of life settlements, to commit a
31 fraudulent life settlement act.

32 2. For criminal liability purposes, a person that
33 commits a fraudulent life settlement act is guilty of
34 a class "D" felony.

35 3. In addition to the penalty provided in
36 subsection 2, the commissioner may establish, assess,
37 and collect a civil penalty not exceeding ten thousand
38 dollars for each violation of this chapter, including
39 a person or the person's employee licensed pursuant to
40 this chapter, who commits a fraudulent life settlement
41 act or violates any other provision of this chapter
42 and penalties shall be deposited into the general fund
43 of the state.

44 4. The license of a person licensed under this
45 chapter that commits a fraudulent life settlement act
46 shall be revoked for a period of five years.

47 Sec. 17. NEW SECTION. 508G.17 UNFAIR TRADE
48 PRACTICES.

49 A violation of sections 508G.3 through 508G.16 by a
50 provider, broker, or insurer shall be considered an

Page 35

1 unfair trade practice pursuant to chapter 507B.

2 DIVISION II

3 COORDINATING CHANGES

4 Sec. 18. Section 502.102, subsection 17, paragraph
5 d, Code 2007, is amended to read as follows:

6 d. With respect to a ~~viatical life settlement~~
7 ~~investment~~ contract as defined in section 508G.2,

8 “issuer” means a person involved in creating,
9 transferring, or selling to an investor any interest
10 in such a contract, including but not limited to
11 fractional or pooled interests, but does not include
12 an agent or a broker-dealer.

13 Sec. 19. Section 502.102, subsection 28, paragraph
14 f, Code 2007, is amended to read as follows:

15 f. It includes a ~~viatical life settlement~~
16 ~~investment~~ contract as defined in section 508G.2.

17 Sec. 20. Section 502.102, subsection 31A, Code
18 2007, is amended by striking the subsection.

19 Sec. 21. Section 502.201, subsection 9E, Code
20 2007, is amended to read as follows:

21 9E. VIACIAL LIFE SETTLEMENT CONTRACTS. A

22 ~~viatical life settlement contract as defined in~~
23 section 508.102, or fractional or pooled interest in
24 such contract, provided any of the following
25 conditions are satisfied:

26 a. The assignment, transfer, sale, devise, or
27 bequest of a death benefit of a life insurance policy
28 or contract is made by the ~~viator to~~ owner of a life
29 insurance policy to an insurance company as provided
30 under ~~Title XIII, subtitle 1 chapter 508G,~~

31 b. The assignment, transfer, sale, devise, or
32 bequest of a life insurance policy or contract, for
33 any value less than the expected death benefit, is
34 made by the ~~viator~~ owner of the life insurance policy
35 to a family member or other person who enters into no
36 more than one such agreement in a calendar year.

37 c. A life insurance policy or contract is assigned
38 to a bank, savings bank, savings and loan association,
39 credit union, or other licensed lending institution as
40 collateral for a loan.

41 d. Accelerated benefits are exercised as provided
42 in the life insurance policy or contract and
43 consistent with applicable law.

44 e. The assignment, transfer, sale, devise, or
45 bequest of the death benefit or ownership of a life
46 insurance policy or contract made by the policyholder
47 or contract owner to a ~~viatical settlement~~ provider
48 pursuant to a life settlement contract, if the
49 ~~viatical life settlement transaction contract~~ viatical life settlement contract complies
50 with chapter ~~508E~~ 508G, including rules adopted

Page 36

1 pursuant to that chapter.

2 Sec. 22. Chapter 508E, Code 2007, is repealed.

3 DIVISION III

4 TRANSITIONAL PROVISIONS

5 Sec. 23. TRANSACTIONS OF BUSINESS.

6 1. A provider lawfully transacting business in
7 this state prior to July 1, 2009, may continue to do
8 so pending approval or disapproval of that person's
9 application for a license as long as the application
10 is filed with the commissioner not later than thirty
11 days after publication by the commissioner of an
12 application form and instructions for licensure of
13 providers. If the publication of the application form
14 and instructions is made prior to July 1, 2009, the
15 filing of the application shall not be later than
16 thirty days after July 1, 2009. During the time that
17 such an application is pending with the commissioner,
18 the applicant may use any form of life settlement
19 contract that has been filed with the commissioner
20 pending approval of the application, provided that
21 such form is otherwise in compliance with the
22 provisions of this Act. Any person transacting
23 business in this state under this provision shall be
24 obligated to comply with all other requirements of
25 this Act.

26 2. A person who has lawfully negotiated life
27 settlement contracts between any owner residing in
28 this state and one or more providers for at least one
29 year immediately prior to July 1, 2009, may continue
30 to do so pending approval or disapproval of that
31 person's application for a license as long as the
32 application is filed with the commissioner not later
33 than thirty days after publication by the commissioner
34 of an application form and instructions for licensure
35 of brokers. If the publication of the application
36 form and instructions is prior to July 1, 2009, the
37 filing of the application shall not be later than
38 thirty days after July 1, 2009. Any person
39 transacting business in this state under this
40 provision shall be obligated to comply with all other
41 requirements of this Act.

42 Sec. 24. EFFECTIVE DATE. This Act takes effect
43 July 1, 2009."

44 2. Title page, line 1, by striking the words
45 "viatical settlements" and inserting the following:
46 "life settlement arrangements".

47 3. Title page, line 2, by inserting after the
48 word "penalties" the following: "and an effective
49 date".

JEFF ANGELO

S-5157

- 1 Amend Senate Joint Resolution 2002 as follows:
- 2 1. Page 1, by inserting after line 32 the
- 3 following:
- 4 "This amendment to the Constitution of the State of
- 5 Iowa is repealed on December 31 following the ten-year
- 6 anniversary date that a majority of qualified electors
- 7 voted in favor of this amendment."

PAUL MCKINLEY

S-5158

- 1 Amend Senate File 2328 as follows:
- 2 1. Page 4, line 34, by striking the words
- 3 "Federation of Iowa insurers" and inserting the
- 4 following: "Iowa insurance institute".

DICK L. DEARDEN

S-5159

- 1 Amend Senate File 2378 as follows:
- 2 1. Page 6, line 33, by inserting after the word
- 3 "state," the following: "either house of the general
- 4 assembly."

JEFF ANGELO

S-5160

- 1 Amend Senate File 2378 as follows:
- 2 1. Page 2, line 25, by striking the word
- 3 "paragraph" and inserting the following:
- 4 "paragraphs".
- 5 2. Page 2, by inserting after line 32 the
- 6 following:
- 7 "NEW PARAGRAPH. j. Either house of the general
- 8 assembly."

JEFF ANGELO

S-5161

- 1 Amend Senate File 2189 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 99B.5A BINGO CONDUCTED
- 5 AT A FAIR OR COMMUNITY FESTIVAL.

- 6 1. For purposes of this section:
7 a. "Community festival" means a festival of no
8 more than four days in length held by a community
9 group.
10 b. "Community group" means an Iowa nonprofit,
11 tax-exempt organization which is open to the general
12 public and established for the promotion and
13 development of the arts, history, culture, ethnicity,
14 historic preservation, tourism, economic development,
15 festivals, or municipal libraries. "Community group"
16 does not include a school, college, university,
17 political party, labor union, state or federal
18 government agency, fraternal organization, church,
19 convention or association of churches, or
20 organizations operated primarily for religious
21 purposes, or which are operated, supervised,
22 controlled, or principally supported by a church,
23 convention, or association of churches.
24 2. Bingo may lawfully be conducted at a fair, as
25 defined in section 174.1, or a community festival if
26 all the following conditions are met:
27 a. Bingo is conducted by the sponsor of the fair
28 or community festival or a qualified organization
29 licensed under section 99B.7 that has received
30 permission from the sponsor of the fair or community
31 festival to conduct bingo.
32 b. The sponsor of the fair or community festival
33 or the qualified organization has submitted a license
34 application and a fee of twenty-five dollars to the
35 department, has been issued a license, and prominently
36 displays the license at the area where the bingo
37 occasion is being held. A license shall only be valid
38 for the duration of the fair or community festival
39 indicated on the application.
40 c. The number of bingo occasions shall be limited
41 to one for each day of the duration of the fair or
42 community festival.
43 d. The rules for the bingo occasion are posted.
44 e. Except as provided in this section, the
45 provisions of sections 99B.2 and 99B.7 related to
46 bingo shall apply.
47 3. An individual other than a person conducting
48 the bingo occasion may participate in the bingo
49 occasion conducted at a fair or community festival,
50 whether or not conducted in compliance with this

Page 2

- 1 section.
2 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
3 immediate importance, takes effect upon enactment."
4 2. Title page, line 1, by inserting after the

- 5 word “fairs” the following: “and community festivals
6 and providing an effective date”.
7 3. By renumbering as necessary.

E. THURMAN GASKILL

S-5162

- 1 Amend Senate File 2297 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. Section 657A.1, subsection 1, Code
5 2007, is amended to read as follows:
6 1. ~~“Abandoned” or “abandonment”~~ “Abandoned
7 building” means that one or more of the following:
8 a. That a building has remained vacant and has
9 been in violation of the housing ~~code, building,~~
10 plumbing, mechanical, or electrical codes of the city
11 in which the property is located or the housing ~~code,~~
12 building, plumbing, mechanical, or electrical codes
13 applicable in the county in which the property is
14 located if outside the limits of a city for a period
15 of six consecutive months.
16 b. That a building has been declared by a court to
17 be abandoned or in a dangerous or unsafe condition
18 pursuant to section 657A.2 or that a building has been
19 declared by a court to be abandoned pursuant to
20 section 657A.10A.
21 An “abandoned building” includes the real property
22 upon which a building is located.
23 Sec. 2. Section 657A.1, Code 2007, is amended by
24 adding the following new subsection:
25 NEW SUBSECTION. 1A. “Abandoned vacant lot” means
26 a vacant lot that has been declared by a court to be
27 abandoned pursuant to section 657A.10A.
28 Sec. 3. Section 657A.1, Code 2007, is amended by
29 adding the following new subsection:
30 NEW SUBSECTION. 8. “Vacant lot” means a lot or
31 parcel of property that is located within the limits
32 of a city, that contains no buildings or structures,
33 and that is zoned to allow for residential or
34 commercial structures. “Vacant lot” does not include
35 property zoned for residential or commercial use
36 currently in use as farmland.
37 Sec. 4. Section 657A.10A, Code 2007, is amended to
38 read as follows:
39 657A.10A PETITION BY CITY FOR TITLE TO ABANDONED
40 PROPERTY.
41 1. ~~In lieu of the procedures~~ addition to or as an
42 alternative to the relief provided under chapter 657,
43 chapter 6B, or in ~~sections~~ section 657A.2 through
44 657A.10, a city in which an abandoned building or

45 abandoned vacant lot is located may petition the court
 46 to condemn the abandoned building or abandoned vacant
 47 lot if the property contains a public nuisance as
 48 provided in this section and enter judgment awarding
 49 title to the abandoned property to the city for the
 50 public purpose of disposing of the property under

Page 2

1 section 364.7 by conveying the property to a private
 2 individual or entity for reuse, demolition and reuse,
 3 or rehabilitation and reuse, in conformance with any
 4 applicable city requirements. If more than one
 5 abandoned building is located on a parcel of real
 6 estate, the city may combine the actions into one
 7 petition. Condemnation of an abandoned building or
 8 abandoned vacant lot for the abatement of a public
 9 nuisance and for the sale and use of the abandoned
 10 property shall constitute a public purpose under
 11 section 6A.4, subsection 6.

12 2. a. The owner of the abandoned building and
 13 grounds or the abandoned vacant lot, mortgagees of
 14 record, lienholders of record, or the county in which
 15 the property is located if delinquent property taxes
 16 are owing, holders of tax sale certificates, and other
 17 known persons who hold an interest in the property
 18 shall be named as respondents on the petition.

19 b. The petition shall be filed in the district
 20 court of the county in which the property is located.
 21 Service on the owner and any other named respondents
 22 shall be by certified mail and by posting the notice
 23 in a conspicuous place on the building. The action

24 shall be in equity. If more than one abandoned
 25 building is located on a parcel of real estate, the
 26 city may combine the actions into one petition.

27 c. The city shall set forth in the petition all of
 28 the following:

29 (1) All public nuisance conditions existing on the
 30 property.

31 (2) The fair market value of the property in the
 32 property's existing condition on the date the petition
 33 is filed as determined by an appraisal prepared for
 34 the city. The appraisal shall be attached to the
 35 petition.

36 (3) The city's anticipated costs of abating each
 37 nuisance on the property. Abatement costs may include
 38 the city's anticipated costs to remove or remediate
 39 any hazardous wastes or materials and any groundwater
 40 contamination on the property as required for
 41 redevelopment of the property in compliance with any
 42 applicable city, state, or federal requirements.

43 (4) Any costs previously incurred by the city to

- 44 abate a nuisance on the property.
 45 (5) The city's anticipated costs to sell and
 46 convey the property for reuse, demolition and reuse,
 47 or rehabilitation and reuse.
 48 (6) The amount of delinquent property taxes or
 49 special assessments on the property.
 50 (7) The city's anticipated costs of bringing the

Page 3

- 1 action including reasonable attorney fees.
 2 3. a. Service on the owner and any other named
 3 respondents shall be by certified mail. The petition
 4 shall be mailed to each respondent at the respondent's
 5 last known address as reflected in county records.
 6 The city shall also cause the petition to be published
 7 once in a newspaper of general circulation in the
 8 county within ten days of the petition being filed.
 9 Service of the petition shall be deemed complete on
 10 the date of publication.
 11 b. In lieu of mailing and publishing the petition,
 12 the city may cause the petition to be served upon such
 13 persons in the manner provided by the Iowa rules of
 14 civil procedure for the personal service of original
 15 notice.
 16 ~~2. 4. Not~~ The city may request a hearing on the
 17 petition to be held not sooner than sixty days after
 18 the filing of the petition, the city may request a
 19 hearing on the petition and not sooner than thirty
 20 days after the completion of service. Notice of the
 21 hearing shall be provided to all respondents by
 22 mailing and publication as provided in subsection 3.
 23 Notice of the hearing shall be given not less than
 24 thirty days prior to the date of the hearing. The
 25 petition may be served, and notice of the hearing may
 26 be provided, to the respondent at the same time,
 27 provided that the deadlines for service are met.
 28 ~~3. 5. a.~~ In determining whether a property
 29 public nuisance exists on the property and whether the
 30 building or vacant lot has been abandoned, the court
 31 shall consider the following for each building that is
 32 located on the property and named in the petition and
 33 the building grounds:
 34 ~~a.~~ (1) Whether any property taxes or special
 35 assessments on the property were delinquent at the
 36 time the petition was filed.
 37 (2) Whether local authorities have received
 38 complaints from neighboring landowners regarding the
 39 appearance or condition of the property.
 40 (3) Whether the condition of the property violates
 41 a city ordinance and how long the property has been in
 42 violation of the ordinance.

- 43 (4) Whether conditions exist on the property which
 44 create an unreasonable risk to public health or
 45 safety.
 46 (5) The presence of vermin, accumulation of debris
 47 and garbage, and uncut vegetation.
 48 (6) The effort expended by the petitioning city to
 49 maintain the property.
 50 (7) Past and current efforts by the property owner

Page 4

- 1 to comply with orders of local government authorities
 2 pertaining to the property.
 3 (8) Any other evidence the court deems relevant.
 4 b. When a court hears a petition related to an
 5 alleged abandoned building the court shall consider,
 6 in addition to the factors provided in paragraph "a",
 7 the following:
 8 ~~b.~~ (1) Whether any utilities are currently being
 9 provided to the property.
 10 ~~e.~~ (2) Whether the building is unoccupied by the
 11 owner or lessees or licensees of the owner.
 12 ~~d.~~ (3) Whether the building meets the city's
 13 housing code for being fit for human habitation,
 14 occupancy, or use.
 15 ~~e.~~ (4) Whether the building is exposed to the
 16 elements such that deterioration of the building is
 17 occurring.
 18 ~~f.~~ (5) Whether the building is boarded up.
 19 ~~g.~~ (6) Past efforts to rehabilitate the building
 20 and grounds.
 21 ~~h.~~ The presence of vermin, accumulation of debris,
 22 and uncut vegetation.
 23 ~~i.~~ The effort expended by the petitioning city to
 24 maintain the building and grounds.
 25 ~~j.~~ (7) Past and current ~~compliance~~ efforts by the
 26 property owner to comply with orders of ~~the~~ local
 27 building or housing ~~official~~ officials or other local
 28 government authorities.
 29 (8) Whether the building meets the city's
 30 building, plumbing, mechanical, and electrical codes.
 31 ~~k.~~ Any other evidence the court deems relevant.
 32 6. The city shall have the burden of proving the
 33 existence of a public nuisance on the property, and
 34 that the building or the vacant lot is an abandoned
 35 building or abandoned vacant lot as those terms are
 36 defined in section 657A.1. A respondent may appear at
 37 the hearing and present evidence. The case shall be
 38 tried to the court.
 39 7. If the court determines that a public nuisance
 40 exists upon the property and that the property is an
 41 abandoned building or an abandoned vacant lot, the

42 court shall enter judgment against the respondents
 43 granting the city title to the property and shall also
 44 determine an award of damages to be paid to the
 45 respondents as just compensation for the taking of the
 46 property. However, any amounts specified in
 47 subsection 2, paragraph “c”, subparagraphs (3) through
 48 (7), as determined by the court shall be deducted from
 49 such compensation.

50 ~~4. 8. In lieu of the considerations in subsection~~

Page 5

1 ~~3. a hearing on the petition as provided in subsection~~
 2 ~~4, if the city can establish to the court’s~~
 3 ~~satisfaction that all parties with an interest in the~~
 4 ~~property have received proper notice and either have~~
 5 ~~consented to the entry of an order awarding title to~~
 6 ~~the property to the city or did not make a good faith~~
 7 ~~effort to comply with the order of the local housing~~
 8 ~~official within sixty days after the filing of the~~
 9 ~~petition, the court shall enter judgment against the~~
 10 ~~respondents granting the city title to the property~~
 11 ~~and shall determine an award of damages pursuant to~~
 12 ~~the requirements of subsection 7.~~

13 ~~5. 9. If the court determines that the property~~
 14 ~~has been abandoned or that subsection 4 applies, the~~
 15 ~~court shall enter judgment awarding title to the city.~~
 16 ~~The title awarded to the city under this section shall~~
 17 ~~be free and clear of any claims, liens, or~~
 18 ~~encumbrances held by the respondents.~~

19 Sec. 5. NEW SECTION. 657A.10B IMMUNITY FROM
 20 LIABILITY — NUISANCE ABATEMENT.

21 1. A city shall not be liable for failing to take
 22 action to abate a nuisance or failing to petition for
 23 title to property under this chapter.

24 2. A city shall not be liable for damages
 25 resulting from declaring the existence of a nuisance
 26 on a property unless it is proven that the declaration
 27 was unfounded and made with the intent to damage or
 28 injure an owner or an interest holder in the property.

29 3. A city shall not be liable for damages to
 30 property abutting a public nuisance property or the
 31 property of a neighboring landowner caused by the
 32 city’s attempt to abate the nuisance if the nuisance
 33 posed a substantial and imminent risk to public
 34 health, safety, or welfare requiring immediate
 35 abatement. If such nuisance did not pose a
 36 substantial and imminent risk to public health,
 37 safety, or welfare, a city shall not be held liable
 38 for damage to property abutting or in the vicinity of
 39 the nuisance property unless it is proven that the
 40 city’s action to abate the nuisance was in reckless

41 disregard for the safety or welfare of such other
 42 property.”
 43 2. Title page, by striking line 2 and inserting
 44 the following: “abandoned buildings and to abandoned
 45 vacant lots within cities by condemnation and
 46 providing for payment of just compensation in certain
 47 instances.”

HERMAN C. QUIRMBACH

S-5163

1 Amend Senate File 2378 as follows:
 2 1. By striking page 15, line 4, through page 16,
 3 line 5.
 4 2. By renumbering as necessary.

RICH OLIVE

S-5164

1 Amend Senate File 2378 as follows:
 2 1. Page 16, by striking lines 6 through 17.
 3 2. By renumbering as necessary.

RICH OLIVE
 DAVID JOHNSON

S-5165

1 Amend Senate File 2378 as follows:
 2 1. Page 2, line 25, by striking the word
 3 “paragraph” and inserting the following:
 4 “paragraphs”.
 5 2. Page 2, by inserting after line 32 the
 6 following:
 7 “NEW PARAGRAPH. j. A political party caucus of
 8 members of either house of the general assembly.”
 9 3. By renumbering as necessary.

BRAD ZAUN
 DAVE MULDER

S-5166

1 Amend Senate File 2218 as follows:
 2 1. By striking page 1, line 14, through page 2,
 3 line 30, and inserting the following:
 4 “(2) If a school district does not file a data or
 5 information report with the department on the date

6 prescribed by law or rule, the department shall inform
 7 the school district of the overdue submission within
 8 fifteen days. If a report is more than thirty days
 9 overdue, the department shall notify the school
 10 district board of directors and may inform the board
 11 of educational examiners of the school district's
 12 failure to comply with the reporting requirement. The
 13 board of educational examiners is authorized to
 14 suspend the license of an administrator responsible
 15 for the school district's failure to comply with the
 16 reporting requirement. A school district may apply to
 17 the department for an extension of a filing deadline.
 18 For the purposes of this subparagraph, "administrator"
 19 means a superintendent or principal of a public
 20 school, or the authorities in charge at an accredited
 21 nonpublic school.

22 Sec. ____ Section 260C.5, subsection 5, Code 2007,
 23 is amended to read as follows:

24 5. a. Administer, allocate, and disburse federal
 25 or state funds available to pay a portion of the
 26 operating costs of community colleges.
 27 b. If a community college does not file a data or
 28 information report with the department on the date
 29 prescribed by law or rule, the department shall inform
 30 the community college of the overdue submission within
 31 fifteen days. If a report is more than thirty days
 32 overdue, the department may notify the community
 33 college merged area board and the merged area board of
 34 directors of the community college's failure to comply
 35 with the reporting requirement. A school district may
 36 apply to the department for an extension of a filing
 37 deadline.

38 Sec. ____ NEW SECTION. 273.14 REPORT DEADLINES
 39 — PENALTIES.

40 If an area education agency does not file a data or
 41 information report with the department on the date
 42 prescribed by law or rule, the department shall inform
 43 the area education agency of the overdue submission
 44 within fifteen days. If the report is more than
 45 thirty days overdue, the department shall notify the
 46 area education agency board and may inform the board
 47 of educational examiners of the area education
 48 agency's failure to comply with the reporting
 49 requirement. The board of educational examiners is
 50 authorized to suspend the license of an area education

Page 2

1 agency administrator responsible for the area
 2 education agency's failure to comply with the
 3 reporting requirement. A school district may apply to
 4 the department for an extension of a filing deadline.

- 5 For the purposes of this section, “administrator”
 6 means a chief administrator, special education
 7 director, and other division administrators.”
 8 2. Title page, by striking lines 2 and 3 and
 9 inserting the following: “inform the regulatory
 10 boards of school districts, area education agencies,
 11 and community colleges when required”.
 12 3. Title page, line 4, by inserting after the
 13 word “late” the following: “and providing suspension
 14 of professional licenses in certain circumstances”.
 15 4. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5167

- 1 Amend Senate File 2377 as follows:
 2 1. Page 6, by striking lines 12 through 14 and
 3 inserting the following: “sections of this Act
 4 amending section 96.5 take effect June 29, 2008, and
 5 apply to any”.

WILLIAM DOTZLER

S-5168

- 1 Amend Senate File 2377 as follows:
 2 1. Page 4, line 9, by inserting after the word
 3 “b.” the following: “(1).
 4 2. Page 4, by inserting after line 16 the
 5 following:
 6 “(2) This paragraph “b” shall apply to any new
 7 claim filed one hundred twenty days or more after the
 8 enactment of federal law providing for distribution of
 9 funding relating to section 903 of the federal Social
 10 Security Act.”
 11 3. Page 6, by striking lines 9 through 15 and
 12 inserting the following:
 13 “Sec. ____ EFFECTIVE AND APPLICABILITY DATES. The
 14 section of this Act amending section 96.3 applies to
 15 any week of unemployment benefits beginning on or
 16 after July 1, 2008. The sections of this Act amending
 17 section 96.5, subsection 1, paragraph “c”, and
 18 enacting section 96.5, subsection 1, paragraph “k”,
 19 take effect June 29, 2008, and apply to any claim with
 20 an effective date on or after June 29, 2008.”
 21 4. By renumbering as necessary.

WILLIAM DOTZLER

S-5169

1 Amend House File 2392, as passed by the House, as
2 follows:
3 1. Page 3, by striking lines 19 and 20 and
4 inserting the following: “written notice shall
5 contain the name of the tenant responsible for
6 charges, address of the residential rental”.
7 2. Page 3, line 21, by striking the word
8 “occupy,” and inserting the following: “occupy,”.
9 3. Page 3, by striking lines 22 through 24 and
10 inserting the following: “occupancy begins. A change
11 in tenant shall require a new written notice to be
12 given to the city utility or enterprise within ~~ten~~
13 thirty business days of the change in tenant. When
14 the”.

RICH OLIVE
ROBERT E. DVORSKY

S-5170

1 Amend the amendment, S-5161, to Senate File 2189 as
2 follows:
3 1. Page 2, by inserting after line 1 the
4 following:
5 “Sec. ____ Section 99B.17, Code 2007, is amended
6 to read as follows:
7 99B.17 GAMBLING ON CREDIT UNLAWFUL.
8 A person who tenders and a person who receives any
9 promise, agreement, note, bill, bond, contract,
10 mortgage or other security, or any negotiable
11 instrument, as consideration for any wager or bet,
12 whether or not lawfully conducted or engaged in
13 pursuant to this chapter, commits a misdemeanor.
14 However, a participant in a bingo occasion or in a
15 contest lawful under section 99B.11 may make payment
16 by personal check for any entry or participation fee
17 assessed by the sponsor of the bingo occasion or
18 contest. In addition, a participant in a raffle
19 licensed under section 99B.5 or 99B.7 may purchase
20 raffle tickets by personal check, money order, bank
21 check, cashier’s check, electronic check, credit card,
22 or debit card. The department shall adopt rules
23 setting minimum standards concerning the purchase of
24 raffle tickets as authorized by this section for the
25 protection of personal information consistent with
26 payment card industry compliance regulations.”
27 2. Page 2, line 5, by inserting after the word
28 “festivals” the following: “, the purchasing of

29 raffle tickets.”
 30 3. By renumbering as necessary.

TOM HANCOCK

S-5171

1 Amend Senate File 2342 as follows:
 2 1. Page 1, by striking lines 3 through 19 and
 3 inserting the following:
 4 “626.16 RECEIPT AND RETURN.
 5 1. Every officer who receives an execution shall
 6 provide a receipt, if required, stating the hour when
 7 the same was received, and shall make sufficient
 8 return of the execution, together with the money
 9 collected, on or before the one hundred twentieth day
 10 from the date of its issuance.
 11 2. Notwithstanding the one-hundred-twenty-day
 12 period in subsection 1, a creditor may request the
 13 court to allow for the return of the execution,
 14 together with the money collected, for a period of up
 15 to three-hundred-sixty days from the date of its
 16 issuance. In such a case, if a second creditor
 17 subsequently executes a judgment against the same
 18 judgment debtor, the court shall require a return of
 19 the execution of the first creditor’s judgment,
 20 together with the money collected, on the one hundred
 21 twentieth day from the date of its issuance or thirty
 22 days from the issuance of the second creditor’s
 23 execution, whichever occurs later. Upon return of the
 24 first creditor’s execution, the second creditor’s
 25 execution shall begin and the return of the second
 26 creditor’s execution, together with the money
 27 collected, shall occur on or before the one hundred
 28 twentieth day of the date of its issuance.
 29 3. The sheriff shall deposit any moneys collected
 30 with the clerk and the clerk shall disburse the
 31 amounts, after subtracting applicable fees, within one
 32 hundred twenty days of collection.”
 33 2. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-5172

1 Amend House File 2539, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 1, line 3, through page 2,
 4 line 4, and inserting the following:
 5 “Section 1. DECLARATION OF INTENT.
 6 1. It is the intent of the general assembly to

- 7 progress toward achievement of the goal that all
8 Iowans have health care coverage with the following
9 priorities:
- 10 a. The goal that all children in the state have
11 health care coverage which meets certain standards of
12 quality and affordability with the following
13 priorities:
- 14 (1) Covering all children who are declared
15 eligible for the medical assistance program or the
16 hawk-i program pursuant to chapter 514I no later than
17 January 1, 2011.
- 18 (2) Building upon the current hawk-i program by
19 creating a hawk-i expansion program to provide
20 coverage to children who meet the hawk-i program's
21 eligibility criteria but whose income is at or below
22 three hundred percent of the federal poverty level,
23 beginning July 1, 2009.
- 24 (3) If federal reauthorization of the state
25 children's health insurance program provides
26 sufficient federal allocations to the state and
27 authorization to cover such children as an option
28 under the state children's health insurance program,
29 requiring the department of human services to expand
30 coverage under the state children's health insurance
31 program to cover children with family incomes at or
32 below three hundred percent of the federal poverty
33 level, with appropriate cost sharing established for
34 families with incomes above two hundred percent of the
35 federal poverty level.
- 36 (4) Moving toward a requirement that all parents
37 of children less than nineteen years of age must
38 provide proof of qualified health care coverage which
39 meets certain standards of quality and affordability
40 beginning January 1, 2011.
- 41 b. The goal that the Iowa comprehensive health
42 insurance association, in consultation with the
43 advisory council established in section 514E.5A,
44 provide access to unsubsidized, affordable, qualified
45 health care coverage for children, adults, and
46 families with family incomes as specified under the
47 Iowa choice health care coverage program who are not
48 otherwise eligible for health care coverage through
49 public programs.
- 50 c. The goal of decreasing health care costs and

Page 2

- 1 health care coverage costs by:
- 2 (1) Instituting health insurance reforms that
3 assure the availability of private health insurance
4 coverage for Iowans by addressing issues involving
5 guaranteed availability and issuance to applicants,

6 preexisting condition exclusions, portability, and
 7 allowable or required pooling and rating
 8 classifications.
 9 (2) Requiring children who have health care
 10 coverage through a public program administered by the
 11 state, with the exception of any public program that
 12 provides health care coverage through private
 13 insurers, and children who are insured through plans
 14 created by the Iowa choice health care coverage
 15 program to have a medical home.
 16 (3) Establishing a statewide health information
 17 technology system.
 18 (4) Implementing cost containment strategies and
 19 initiatives such as chronic care management, long-term
 20 living planning and patient autonomy in health care
 21 decision making, and transparency in health care costs
 22 and quality information.”

23 2. Page 2, by inserting before line 5 the
 24 following:

25 “DIVISION ____

26 HAWK-I AND MEDICAID EXPANSION

27 Sec. ____ Section 249A.3, subsection 1, paragraph
 28 1, Code Supplement 2007, is amended to read as
 29 follows:

30 1. Is an infant whose income is not more than two
 31 hundred percent of the federal poverty level, as
 32 defined by the most recently revised income guidelines
 33 published by the United States department of health
 34 and human services. Additionally, effective July 1,
 35 2009, medical assistance shall be provided to an
 36 infant whose family income is at or below three
 37 hundred percent of the federal poverty level, as
 38 defined by the most recently revised poverty income
 39 guidelines published by the United States department
 40 of health and human services.

41 Sec. ____ Section 514I.1, subsection 4, Code 2007,
 42 is amended to read as follows:

43 4. It is the intent of the general assembly that
 44 the hawk-i program be an integral part of the
 45 continuum of health insurance coverage and that the
 46 program be developed and implemented in such a manner
 47 as to facilitate movement of families between health
 48 insurance providers and to facilitate the transition
 49 of families to private sector health insurance
 50 coverage. It is the intent of the general assembly in

Page 3

1 developing such continuum of health insurance coverage
 2 and in facilitating such transition, that beginning
 3 July 1, 2009, the department implement the hawk-i
 4 expansion program.

5 Sec. ____ Section 514I.1, Code 2007, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 5. It is the intent of the
8 general assembly that if federal reauthorization of
9 the state children's health insurance program provides
10 sufficient federal allocations to the state and
11 authorization to cover such children as an option
12 under the state children's health insurance program,
13 the department shall expand coverage under the state
14 children's health insurance program to cover children
15 with family incomes at or below three hundred percent
16 of the federal poverty level.

17 Sec. ____ Section 514I.2, Code 2007, is amended by
18 adding the following new subsection:
19 NEW SUBSECTION. 7A. "Hawk-i expansion program" or
20 "hawk-i expansion" means the healthy and well kids in
21 Iowa expansion program created in section 514I.12 to
22 provide health insurance to children who meet the
23 hawk-i program eligibility criteria pursuant to
24 section 514I.8, with the exception of the family
25 income criteria, and whose family income is at or
26 below three hundred percent of the federal poverty
27 level exclusive of any income disregards, as defined
28 by the most recently revised poverty income guidelines
29 published by the United States department of health
30 and human services.

31 Sec. ____ Section 514I.5, subsection 7, paragraph
32 d, Code Supplement 2007, is amended to read as
33 follows:
34 d. (1) Develop, with the assistance of the
35 department, an outreach plan, and provide for periodic
36 assessment of the effectiveness of the outreach plan.
37 The plan shall provide outreach to families of
38 children likely to be eligible for assistance under
39 the program, to inform them of the availability of and
40 to assist the families in enrolling children in the
41 program. The outreach efforts may include, but are
42 not limited to, solicitation of cooperation from
43 programs, agencies, and other persons who are likely
44 to have contact with eligible children, including but
45 not limited to those associated with the educational
46 system, and the development of community plans for
47 outreach and marketing.

48 (2) Beginning July 1, 2008, develop, with the
49 assistance of the department, enhanced outreach,
50 enrollment, and reenrollment strategies to ensure that

Page 4

1 eligible children are enrolled and continue to be
2 enrolled in the hawk-i program and the medical
3 assistance program. The strategies shall include but

4 are not limited to working with and supporting
5 community-based organizations, schools, voluntary tax
6 assistance sites, and other organizations that are
7 likely to have contact with families of children
8 likely to be eligible for assistance under the
9 programs, and designing and implementing other
10 marketing and communications campaigns. The
11 strategies shall also include but are not limited to
12 examining hawk-i and medical assistance program
13 reenrollment statistics and procedures, establishing
14 reenrollment goals and expectations for the hawk-i and
15 medical assistance programs, and coordinating and
16 streamlining reenrollment procedures between the
17 hawk-i and medical assistance programs, based upon
18 best practices in other states. The board shall
19 provide progress reports at six-month intervals
20 beginning September 1, 2008, to the governor and the
21 general assembly.

22 Sec. ____ Section 514I.5, subsection 7, Code
23 Supplement 2007, is amended by adding the following
24 new paragraph:

25 NEW PARAGRAPH. 1. Develop a design for a premium
26 assistance program for the hawk-i program to provide
27 options to allow children eligible for the hawk-i
28 program to participate in qualified employer-sponsored
29 health plans. The design shall ensure reasonable
30 alignment between the benefits and costs of the hawk-i
31 program and the employer-sponsored health plans. The
32 design shall be completed by January 1, 2009, and
33 submitted to the governor and the general assembly for
34 consideration as part of the hawk-i program.

35 Sec. ____ Section 514I.7, subsection 2, paragraph
36 a, Code 2007, is amended to read as follows:

37 a. Determine individual eligibility for program
38 enrollment based upon review of completed applications
39 and supporting documentation. ~~The administrative~~
40 ~~contractor shall not enroll a child who has group~~
41 ~~health coverage or any child who has dropped coverage~~
42 ~~in the previous six months, unless the coverage was~~
43 ~~involuntarily lost or unless the reason for dropping~~
44 ~~coverage is allowed by rule of the board.~~

45 Sec. ____ Section 514I.10, subsection 2, Code
46 2007, is amended to read as follows:

47 2. Cost sharing for eligible children whose family
48 income ~~equals or exceeds~~ is one hundred fifty percent
49 but does not exceed two hundred percent of the federal
50 poverty level may include a premium or copayment

- 1 amount which does not exceed five percent of the
- 2 annual family income. The amount of any premium or

3 the copayment amount shall be based on family income
4 and size.

5 Sec. ____ Section 514I.11, subsections 1 and 3,
6 Code 2007, are amended to read as follows:

7 1. A hawk-i trust fund is created in the state
8 treasury under the authority of the department of
9 human services, in which all appropriations and other
10 revenues of the program and the hawk-i expansion
11 program such as grants, contributions, and participant
12 payments shall be deposited and used for the purposes
13 of the program and the hawk-i expansion program. The
14 moneys in the fund shall not be considered revenue of
15 the state, but rather shall be funds of the program.

16 3. Moneys in the fund are appropriated to the
17 department and shall be used to offset any program and
18 hawk-i expansion program costs.

19 Sec. ____ NEW SECTION. 514I.12 HAWK-I EXPANSION
20 PROGRAM.

21 1. All children less than nineteen years of age
22 who meet the hawk-i program eligibility criteria
23 pursuant to section 514I.8, with the exception of the
24 family income criteria, and whose family income is at
25 or below three hundred percent of the federal poverty
26 level exclusive of any income disregards, shall be
27 eligible for the hawk-i expansion program.

28 2. To the greatest extent possible, the provisions
29 of section 514I.4, relating to the director and
30 department duties and powers, section 514I.5 relating
31 to the hawk-i board, section 514I.6 relating to
32 participating insurers, and section 514I.7 relating to
33 the administrative contractor shall apply to the
34 hawk-i expansion program. The department shall adopt
35 any rules necessary, pursuant to chapter 17A, and
36 shall amend any existing contracts to facilitate the
37 application of such sections to the hawk-i expansion
38 program.

39 3. The hawk-i board shall establish by rule
40 pursuant to chapter 17A, the cost-sharing amounts for
41 children under the hawk-i expansion program. The
42 rules shall include criteria for modification of the
43 cost-sharing amounts by the board. Beginning July 1,
44 2009, the board shall establish the cost-sharing
45 amounts under the hawk-i expansion program as follows:

46 a. For children with family incomes of more than
47 two hundred percent but less than two hundred fifty
48 percent of the federal poverty level, the monthly
49 cost-sharing amount shall be not less than ten dollars
50 per individual and twenty dollars per family if not

1 otherwise prohibited by federal law.
 2 b. For children with family incomes of at least
 3 two hundred fifty percent but at or below three
 4 hundred percent of the federal poverty level, the
 5 monthly cost-sharing amount shall be forty dollars per
 6 individual and eighty dollars per family if not
 7 otherwise prohibited by federal law.

8 Sec. __. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I
 9 EXPANSION PROGRAMS — COVERING CHILDREN —
 10 APPROPRIATION. There is appropriated from the
 11 general fund of the state to the department of human
 12 services for the designated fiscal years, the
 13 following amounts, or so much thereof as is necessary,
 14 for the purpose designated:

15 To cover children as provided in this Act under the
 16 medical assistance, hawk-i, and hawk-i expansion
 17 programs and outreach under the current structure of
 18 the programs:

19 FY 2008–2009	\$	4,800,000
20 FY 2009–2010	\$	14,800,000
21 FY 2010–2011	\$	24,800,000

22 DIVISION __

23 IOWA CHOICE HEALTH CARE COVERAGE PROGRAM

24 Sec. __. Section 514E.1, Code 2007, is amended by
 25 adding the following new subsections:

26 NEW SUBSECTION. 0A. “Advisory council” means the
 27 advisory council created in section 514E.5A.

28 NEW SUBSECTION. 6A. “Eligible individual” means
 29 an individual who satisfies the eligibility
 30 requirements for participation in the Iowa choice
 31 health care coverage program as provided by the
 32 association by rule.

33 NEW SUBSECTION. 14A. “Iowa choice health care
 34 coverage program” means the Iowa choice health care
 35 coverage program established in this chapter.

36 NEW SUBSECTION. 14B. “Iowa choice health care
 37 policy” means an individual or group policy issued by
 38 the association that provides the coverage set forth
 39 in the benefit plans adopted by the association’s
 40 board of directors and approved by the commissioner
 41 for the Iowa choice health care coverage program.

42 NEW SUBSECTION. 14C. “Iowa choice health
 43 insurance” means the health insurance product
 44 established by the Iowa choice health care coverage
 45 program that is offered by a private health insurance
 46 carrier.

47 NEW SUBSECTION. 14D. “Iowa choice health
 48 insurance carrier” means any entity licensed by the
 49 division of insurance of the department of commerce to
 50 provide health insurance in Iowa or an organized

Page 7

1 delivery system licensed by the director of public
2 health that has contracted with the association to
3 provide health insurance coverage to eligible
4 individuals under the Iowa choice health care coverage
5 program.

6 NEW SUBSECTION. 21. “Qualified health care
7 coverage” means creditable coverage which meets
8 minimum standards of quality and affordability as
9 determined by the association by rule.

10 Sec. ____ Section 514E.2, subsections 1 and 3,
11 Code 2007, are amended to read as follows:

12 1. The Iowa comprehensive health insurance
13 association is established as a nonprofit corporation.
14 The association shall assure that benefit plans as
15 authorized in section 514E.1, subsection 2, for an
16 association policy, are made available to each
17 eligible Iowa resident and each federally eligible
18 individual applying to the association for coverage.
19 The association shall also be responsible for
20 administering the Iowa individual health benefit
21 reinsurance association pursuant to all of the terms
22 and conditions contained in chapter 513C. The
23 association shall also assure that benefit plans as
24 authorized in section 514E.1, subsection 14C, for an
25 Iowa choice health care policy are made available to
26 each eligible individual applying to the association
27 for coverage.

28 a. All carriers and all organized delivery systems
29 licensed by the director of public health providing
30 health insurance or health care services in Iowa,
31 whether on an individual or group basis, and all other
32 insurers designated by the association’s board of
33 directors and approved by the commissioner shall be
34 members of the association.

35 b. The association shall operate under a plan of
36 operation established and approved under subsection 3
37 and shall exercise its powers through a board of
38 directors established under this section.

39 3. The association shall submit to the
40 commissioner a plan of operation for the association
41 and any amendments necessary or suitable to assure the
42 fair, reasonable, and equitable administration of the
43 association. The plan of operation shall include
44 provisions for the issuance of Iowa choice health care
45 policies and shall include provisions for the
46 implementation of the Iowa choice health care coverage
47 program established in section 514E.5. In developing
48 the plan of operation for the Iowa choice health care
49 coverage program, the association shall give deference
50 to the recommendations made by the advisory council as

Page 8

1 provided in section 514E.5A, subsection 1. The
2 association shall approve or disapprove but shall not
3 modify recommendations made by the advisory council.
4 Recommendations that are approved shall be included in
5 the plan of operation submitted to the commissioner.
6 Recommendations that are disapproved shall be
7 submitted to the commissioner with reasons for the
8 disapproval. The plan of operation becomes effective
9 upon approval in writing by the commissioner prior to
10 the date on which the coverage under this chapter must
11 be made available. After notice and hearing, the
12 commissioner shall approve the plan of operation if
13 the plan is determined to be suitable to assure the
14 fair, reasonable, and equitable administration of the
15 association, and provides for the sharing of
16 association losses, if any, on an equitable and
17 proportionate basis among the member carriers. If the
18 association fails to submit a suitable plan of
19 operation within one hundred eighty days after the
20 appointment of the board of directors, or if at any
21 later time the association fails to submit suitable
22 amendments to the plan, the commissioner shall adopt,
23 pursuant to chapter 17A, rules necessary to implement
24 this section. The rules shall continue in force until
25 modified by the commissioner or superseded by a plan
26 submitted by the association and approved by the
27 commissioner. In addition to other requirements, the
28 plan of operation shall provide for all of the
29 following:

- 30 a. The handling and accounting of assets and
- 31 moneys of the association.
- 32 b. The amount and method of reimbursing members of
- 33 the board.
- 34 c. Regular times and places for meeting of the
- 35 board of directors.
- 36 d. Records to be kept of all financial
- 37 transactions, and the annual fiscal reporting to the
- 38 commissioner.
- 39 e. Procedures for selecting the board of directors
- 40 and submitting the selections to the commissioner for
- 41 approval.
- 42 f. The periodic advertising of the general
- 43 availability of health insurance coverage from the
- 44 association.
- 45 g. Additional provisions necessary or proper for
- 46 the execution of the powers and duties of the
- 47 association.

48 Sec. __. **NEW SECTION.** 514E.5 IOWA CHOICE HEALTH
49 CARE COVERAGE PROGRAM.

- 50 1. The association, in consultation with the

Page 9

1 advisory council, shall establish the Iowa choice
2 health care coverage program to provide access by
3 January 1, 2010, to unsubsidized, affordable,
4 qualified health care coverage to all Iowa children
5 less than nineteen years of age with a family income
6 that is more three hundred percent of the federal
7 poverty level and to adults and families with a family
8 income that is less than four hundred percent of the
9 federal poverty level. However, a child, adult, or
10 family shall not be eligible for health care coverage
11 under the Iowa choice health care coverage program if
12 the child, adult, or family is enrolled in group
13 health coverage or has dropped coverage in the
14 previous six months, unless the coverage was
15 involuntarily lost or unless the reason for dropping
16 coverage is allowed by rule of the association, in
17 consultation with the advisory council.

18 2. All children less than nineteen years of age
19 shall be required to have qualified health care
20 coverage beginning January 1, 2011. All parents or
21 legal guardians of children less than nineteen years
22 of age shall be required to provide proof that each
23 child has qualified health care coverage at a time and
24 in a manner as specified by the association by rule.
25 Implementation of this requirement may include a
26 coverage reporting requirement on Iowa income tax
27 returns or during school registration. The
28 association shall develop an operational plan to
29 implement this reporting requirement and submit the
30 plan to the general assembly for review by January 1,
31 2010. This subsection is not applicable to a child
32 whose parent or legal guardian submits a signed
33 affidavit to the association stating that the
34 requirement to have health care coverage conflicts
35 with a genuine and sincere religious belief.

36 3. The association, in consultation with the
37 advisory council, shall define what constitutes
38 qualified health care coverage for children less than
39 nineteen years of age. An Iowa choice health care
40 policy for such children shall provide qualified
41 health care coverage. For the purposes of this
42 definition and for designing Iowa choice health care
43 policies for children, requirements for coverage and
44 benefits shall include but are not limited to all of
45 the following:

46 a. Inpatient hospital services including medical,
47 surgical, intensive care unit, mental health, and
48 substance abuse services.

49 b. Nursing care services including skilled nursing
50 facility services.

Page 10

- 1 c. Outpatient hospital services including
 - 2 emergency room, surgery, lab, and x-ray services and
 - 3 other services.
 - 4 d. Physician services, including surgical and
 - 5 medical, office visits, newborn care, well-baby and
 - 6 well-child care, immunizations, urgent care,
 - 7 specialist care, allergy testing and treatment, mental
 - 8 health visits, and substance abuse visits.
 - 9 e. Ambulance services.
 - 10 f. Physical therapy.
 - 11 g. Speech therapy.
 - 12 h. Durable medical equipment.
 - 13 i. Home health care.
 - 14 j. Hospice services.
 - 15 k. Prescription drugs.
 - 16 l. Dental services including preventive services.
 - 17 m. Medically necessary hearing services.
 - 18 n. Vision services including corrective lenses.
 - 19 o. No underwriting requirements and no preexisting
 - 20 condition exclusions.
 - 21 p. Chiropractic services.
- 22 4. The association, in consultation with the
- 23 advisory council, shall develop Iowa choice health
- 24 care policy options that are available for purchase
- 25 for children less than nineteen years of age with a
- 26 family income that is more than three hundred percent
- 27 of the federal poverty level. The program shall
- 28 require a copayment in an amount determined by the
- 29 association for all services received under such a
- 30 policy except that the contribution requirement for
- 31 all cost-sharing expenses of the policy shall be an
- 32 amount that is no more than two percent of family
- 33 income per each child covered, up to a maximum of six
- 34 and one-half percent of family income per family.
- 35 Policies developed pursuant to this subsection shall
- 36 be available for purchase no later than January 1,
- 37 2010.
- 38 5. The association, in consultation with the
- 39 advisory council, shall define what constitutes
- 40 qualified health care coverage for adults and families
- 41 who are not eligible for a public program and have a
- 42 family income that is less than four hundred percent
- 43 of the federal poverty level. Iowa choice health care
- 44 policies for adults and families shall provide
- 45 qualified health care coverage. The association, in
- 46 consultation with the advisory council, shall develop
- 47 Iowa choice health care policy options that are
- 48 available for purchase by adults and families who are
- 49 not eligible for a public program and have a family
- 50 income that is less than four hundred percent of the

Page 11

1 federal poverty level. The Iowa choice health care
2 policy options that are offered for purchase by such
3 adults and families shall provide a selection of
4 health benefit plans and standardized benefits with
5 the objective of providing health care coverage for
6 which all cost-sharing expenses do not exceed six and
7 one-half percent of family income. Policies developed
8 pursuant to this subsection shall be available for
9 purchase no later than January 1, 2010.

10 6. The Iowa choice health care coverage program
11 shall provide for health benefits coverage through
12 private health insurance carriers that apply to the
13 association and meet the qualifications described in
14 this section and any additional qualifications
15 established by rules of the association. The Iowa
16 choice health care coverage program shall provide for
17 the sale of Iowa choice health care policies by
18 licensed insurance producers that apply to the
19 association and meet the qualifications established by
20 rules of the association. The association shall
21 collaborate with potential Iowa choice health
22 insurance carriers to do the following, including but
23 not limited to:

24 a. Assure the availability of private qualified
25 health care coverage to all eligible individuals by
26 designing solutions to issues relating to guaranteed
27 issuance of insurance, preexisting condition
28 exclusions, portability, and allowable pooling and
29 rating classifications.

30 b. Formulate principles that ensure fair and
31 appropriate practices relating to issues involving
32 individual Iowa choice health care policies such as
33 rescission and preexisting condition clauses, and that
34 provide for a binding third-party review process to
35 resolve disputes related to such issues.

36 c. Design affordable, portable Iowa choice health
37 care policies that specifically meet the needs of
38 eligible individuals.

39 7. The association, in administering the Iowa
40 choice health care coverage program, may do any of the
41 following:

42 a. Seek and receive any grant funding from the
43 federal government, departments, or agencies of this
44 state, and private foundations.

45 b. Contract with professional service firms as may
46 be necessary, and fix their compensation.

47 c. Employ persons necessary to carry out the
48 duties of the program.

49 d. Design a premium schedule to be published by
50 the association by December 1 of each year, which

Page 12

1 includes the development of rating factors that are
2 consistent with market conditions.
3 8. The association shall submit an annual report
4 to the governor and the general assembly at the end of
5 the Iowa choice health care coverage program's fiscal
6 year of all the activities of the program including
7 but not limited to membership in the program, the
8 administrative expenses of the program, the extent of
9 coverage, the effect on premiums, the number of
10 covered lives, the number of Iowa choice health care
11 policies issued or renewed, and Iowa choice health
12 care coverage program premiums earned and claims
13 incurred by Iowa choice health insurance carriers
14 offering Iowa choice health care policies. The
15 association shall also report specifically on the
16 impact of the program on the small group and
17 individual health insurance markets and any reduction
18 in the number of uninsured individuals in the state.
19 9. The association may grant not more than two
20 six-month extensions of the deadlines established in
21 this section as deemed necessary by the association to
22 promote orderly administration of the program and to
23 facilitate public outreach and information concerning
24 the program.
25 10. Any state obligation to provide services
26 pursuant to this section is limited to the extent of
27 the funds appropriated or provided for implementation
28 of this section.
29 11. Section 514E.7 is not applicable to Iowa
30 choice health care policies issued pursuant to this
31 section.
32 Sec. ____ NEW SECTION. 514E.5A ADVISORY COUNCIL.
33 1. An advisory council is created for the purpose
34 of assisting the association with the development and
35 implementation of the Iowa choice health care coverage
36 program. The advisory council shall make
37 recommendations to the association concerning the plan
38 of operation for the Iowa choice health care coverage
39 program, including but not limited to a definition of
40 what constitutes qualified health care coverage,
41 suggestions for the design of Iowa choice health
42 insurance options, implementation of the health care
43 coverage reporting requirement, and plans for
44 implementing the Iowa choice health care coverage
45 program.
46 2. The advisory council consists of the following
47 persons who are voting members unless otherwise
48 provided:
49 a. The two most recent former governors, or if one
50 or both of them are unable or unwilling to serve, a

Page 13

- 1 person or persons appointed by the governor.
- 2 b. The commissioner of insurance, or a designee.
- 3 c. The director of human services, or a designee.
- 4 d. Five members appointed by the governor, subject
- 5 to confirmation by the senate:
 - 6 (1) An actuary who is a member in good standing of
 - 7 the American academy of actuaries.
 - 8 (2) A health economist.
 - 9 (3) A consumer.
 - 10 (4) A representative of organized labor.
 - 11 (5) A representative of an organization of
 - 12 employers.
- 13 e. Four members of the general assembly, one
- 14 appointed by the speaker of the house of
- 15 representatives, one appointed by the minority leader
- 16 of the house of representatives, one appointed by the
- 17 majority leader of the senate, and one appointed by
- 18 the minority leader of the senate who shall be ex
- 19 officio, nonvoting members of the advisory council.
- 20 3. The members of the council appointed by the
- 21 governor shall be appointed for terms of six years
- 22 beginning and ending as provided in section 69.19.
- 23 Such a member of the board is eligible for
- 24 reappointment. The governor shall fill a vacancy for
- 25 the remainder of the unexpired term.
- 26 4. The members of the council shall annually elect
- 27 one voting member as chairperson and one as vice
- 28 chairperson. Meetings of the council shall be held at
- 29 the call of the chairperson or at the request of a
- 30 majority of the council's members.
- 31 5. The members of the council shall not receive
- 32 compensation for the performance of their duties as
- 33 members but each member shall be paid necessary
- 34 expenses while engaged in the performance of duties of
- 35 the council.
- 36 6. The members of the council are subject to and
- 37 are officials within the meaning of chapter 68B.
- 38 Sec. ____ **NEW SECTION.** 514E.6 IOWA CHOICE HEALTH
- 39 CARE COVERAGE PROGRAM FUND — APPROPRIATION.
- 40 The Iowa choice health care coverage program fund
- 41 is created in the state treasury as a separate fund
- 42 under the control of the association for deposit of
- 43 any funds for initial operating expenses of the Iowa
- 44 choice health care coverage program, payments made by
- 45 employers and individuals, and any funds received from
- 46 any public or private source. All moneys credited to
- 47 the fund are appropriated and available to the
- 48 association to be used for the purposes of the Iowa
- 49 choice health care coverage program. Notwithstanding
- 50 section 8.33, any balance in the fund on June 30 of

1 each fiscal year shall not revert to the general fund
2 of the state, but shall be available for the purposes
3 set forth for the program in this chapter in
4 subsequent years.

5 Sec. ____ IOWA CHOICE HEALTH CARE COVERAGE PROGRAM

6 — APPROPRIATION. There is appropriated from the
7 general fund of the state to the insurance division of
8 the department of commerce for the fiscal year
9 beginning July 1, 2008, and ending June 30, 2009, the
10 following amount, or so much thereof as is necessary,
11 for the purpose designated:

12 For deposit in the Iowa choice health care coverage
13 program fund existing in section 514E.6, for the
14 activities of the Iowa choice health care coverage
15 program:

16 \$ 50,000

17 DIVISION ____

18 BUREAU OF HEALTH INSURANCE OVERSIGHT

19 Sec. ____ NEW SECTION. 505.8A BUREAU OF HEALTH
20 INSURANCE OVERSIGHT.

21 1. The bureau of health insurance oversight is
22 created in the insurance division of the department of
23 commerce to promote uniformity and transparency in the
24 administrative and operational business requirements
25 and practices that are imposed by health insurers upon
26 health care providers for the purpose of maximizing
27 administrative efficiencies and minimizing
28 administrative costs of health care providers that
29 contract with or otherwise have business relationships
30 with health insurers.

31 2. The bureau of health insurance oversight shall
32 have jurisdiction over administrative and operational
33 policies, processes, and practices of health insurers
34 that are imposed upon or otherwise affect health care
35 providers, including but not limited to eligibility
36 determinations; coordination of benefits; claims
37 administration; noncompliance with contract terms and
38 conditions; preauthorization, notification, or
39 accreditation programming; notice to providers; and
40 sanctions.

41 3. The commissioner of insurance shall establish a
42 process for the filing, receipt, and investigation of
43 complaints by health care providers regarding
44 administrative and operational requirements and
45 practices of health insurers that impede
46 administrative efficiency, add administrative costs,
47 or otherwise impair the provider's ability to provide
48 affordable, quality health care services. For
49 purposes of this section, complaints may be filed on
50 behalf of such providers by a professional society

Page 15

- 1 that advocates on behalf of the interests of their
2 provider members.
- 3 4. The commissioner shall require health insurers
4 to file with the bureau of health insurance oversight
5 each contract the insurer offers to health care
6 providers in this state, at least ninety days prior to
7 offering that contract to a health care provider. The
8 filed contracts shall be accessible to the public upon
9 request.
- 10 5. The commissioner may, from time to time,
11 convene representatives of health insurers, health
12 care providers, and other interested persons, to
13 discuss administrative or operational policies,
14 processes, or practices of health insurers that affect
15 health care providers and to recommend ways to improve
16 upon such policies, processes, or practices to foster
17 uniformity and transparency and to minimize
18 administrative costs to health care providers.
- 19 6. The commissioner shall identify administrative
20 and operational policies, processes, or practices that
21 merit regulatory intervention or direction by the
22 commissioner and shall take action as appropriate
23 within the commissioner's authority to effectuate the
24 purposes of this section.
- 25 7. The commissioner shall develop for
26 implementation, uniform billing practices, including
27 uniform claim forms, billing codes, and compatible
28 electronic or other data interchange standards for use
29 by health care providers and payers in their health
30 care claims, health care encounters, and electronic or
31 other data interchange activities.
- 32 8. The commissioner may make recommendations to
33 the general assembly and the governor regarding
34 legislation affecting health insurers' administrative
35 and operational business requirements and practices
36 imposed upon health care providers for the purpose of
37 furthering uniformity, advancing health insurer
38 transparency of such requirements and practices, and
39 lessening administrative costs to health care
40 providers.
- 41 9. The commissioner shall adopt rules under
42 chapter 17A as necessary to carry out the provisions
43 of this section.
- 44 10. As used in this section, unless the context
45 requires otherwise:
- 46 a. "Health care provider" means a physician
47 licensed under chapter 148, 150, or 150A.
- 48 b. "Health insurer" means any entity which
49 provides a health benefit plan.
- 50 Sec. ___. BUREAU OF HEALTH INSURANCE OVERSIGHT —

Page 16

1 APPROPRIATION. There is appropriated from the general
2 fund of the state to the insurance division of the
3 department of commerce for the fiscal year beginning
4 July 1, 2008, and ending June 30, 2009, the following
5 amount, or so much thereof as is necessary, for the
6 purpose designated:

7 For administration of the bureau of health
8 insurance oversight created in section 505.8A:
9 \$ 80,000”

10 3. Page 2, by striking lines 12 and 13 and
11 inserting the following:

12 “___, “Commission” means the Iowa electronic
13 health information commission.”

14 4. By striking page 4, line 35, through page 8,
15 line 34, and inserting the following:

16 “Sec. ___ NEW SECTION. 135.156 IOWA ELECTRONIC
17 HEALTH INFORMATION COMMISSION.

18 1. a. An electronic health information commission
19 is created as a public and private collaborative
20 effort to promote the adoption and use of health
21 information technology in this state in order to
22 improve health care quality, increase patient safety,
23 reduce health care costs, enhance public health, and
24 empower individuals and health care professionals with
25 comprehensive, real-time medical information to
26 provide continuity of care and make the best health
27 care decisions. The commission shall provide
28 oversight for the development, implementation, and
29 coordination of an interoperable electronic health
30 records system, telehealth expansion efforts, the
31 health information technology infrastructure, and
32 other health information technology initiatives in
33 this state.

34 b. All health information technology efforts shall
35 endeavor to represent the interests and meet the needs
36 of consumers and the health care sector, protect the
37 privacy of individuals and the confidentiality of
38 individuals’ information, promote physician best
39 practices, and make information easily accessible to
40 the appropriate parties. The system developed shall
41 be consumer-driven, flexible, and expandable.

42 2. The commission shall consist of the following
43 voting members:

44 a. Individuals with broad experience and vision in
45 health care and health information technology and one
46 member representing the health care consumer. The
47 voting members shall be appointed by the governor,
48 subject to confirmation by the senate. The voting
49 members shall include all of the following:

50 (1) The director of the Iowa communications

Page 17

1 network.
2 (2) Three members who are the chief information
3 officers of the three largest private health care
4 systems.
5 (3) One member who is the chief information
6 officer of a public health care system.
7 (4) A representative of the private
8 telecommunications industry.
9 (5) A representative of a rural hospital that is a
10 member of the Iowa hospital association.
11 (6) A consumer advocate.
12 (7) A representative of the Iowa safety net
13 provider network created in section 135.153.
14 3. a. The members shall select a chairperson,
15 annually, from among the membership, and shall serve
16 terms of three years beginning and ending as provided
17 in section 69.19. Voting member appointments shall
18 comply with sections 69.16 and 69.16A. Vacancies
19 shall be filled by the original appointing authority
20 and in the manner of the original appointments.
21 Members shall receive reimbursement for actual
22 expenses incurred while serving in their official
23 capacity and voting members may also be eligible to
24 receive compensation as provided in section 7E.6. A
25 person appointed to fill a vacancy for a member shall
26 serve only for the unexpired portion of the term. A
27 member is eligible for reappointment for two
28 successive terms.
29 b. The commission shall meet at least quarterly
30 and at the call of the chairperson. A majority of the
31 voting members of the commission constitutes a quorum.
32 Any action taken by the commission must be adopted by
33 the affirmative vote of a majority of its voting
34 membership.
35 c. The commission is located for administrative
36 purposes within the department of public health. The
37 department shall provide office space, staff
38 assistance, administrative support, and necessary
39 supplies and equipment for the commission.
40 4. The commission shall do all of the following:
41 a. Establish an advisory council which shall
42 consist of the representatives of entities involved in
43 the electronic health records system task force
44 established pursuant to section 217.41A, Code 2007,
45 and any other members the commission determines
46 necessary to assist in the commission's duties
47 including but not limited to consumers and consumer
48 advocacy organizations; physicians and health care
49 professionals; pharmacists; leadership of community
50 hospitals and major integrated health care delivery

Page 18

1 networks; state agencies including the department of
2 public health, the department of human services, the
3 department of elder affairs, the division of insurance
4 of the department of commerce, and the office of the
5 attorney general; health plans and health insurers;
6 legal experts; academics and ethicists; business
7 leaders; and professional associations. Public
8 members of the advisory council shall receive
9 reimbursement for actual expenses incurred while
10 serving in their official capacity only if they are
11 not eligible for reimbursement by the organization
12 that they represent. Any legislative member shall be
13 paid the per diem and expenses specified in section
14 2.10.

15 b. Adopt a statewide health information technology
16 plan by January 1, 2009. In developing the plan, the
17 commission shall seek the input of providers, payers,
18 and consumers. Standards and policies developed for
19 the plan shall promote and be consistent with national
20 standards developed by the office of the national
21 coordinator for health information technology of the
22 United States department of health and human services
23 and shall address or provide for all of the following:

24 (1) The effective, efficient, statewide use of
25 electronic health information in patient care, health
26 care policymaking, clinical research, health care
27 financing, and continuous quality improvement. The
28 commission shall adopt requirements for interoperable
29 electronic health records in this state including a
30 recognized interoperability standard.

31 (2) Education of the public and health care
32 sectors about the value of health information
33 technology in improving patient care, and methods to
34 promote increased support and collaboration of state
35 and local public health agencies, health care
36 professionals, and consumers in health information
37 technology initiatives.

38 (3) Standards for the exchange of health care
39 information.

40 (4) Policies relating to the protection of privacy
41 of patients and the security and confidentiality of
42 patient information.

43 (5) Policies relating to health information
44 ownership.

45 (6) Policies relating to governance of the various
46 facets of the health information technology system.

47 (7) A single patient identifier or alternative
48 mechanism to share secure patient information. If no
49 alternative mechanism is acceptable to the commission,
50 all health care professionals shall utilize the

Page 19

- 1 mechanism selected by the commission by January 1,
2 2010.
- 3 (8) A standard continuity of care record and other
4 issues related to the content of electronic
5 transmissions. All health care professionals shall
6 utilize the standard continuity of care record by
7 January 1, 2010.
- 8 (9) Requirements for electronic prescribing.
- 9 (10) Economic incentives and support to facilitate
10 participation in an interoperable system by health
11 care professionals.
- 12 c. Identify existing and potential health
13 information technology efforts in this state,
14 regionally, and nationally, and integrate existing
15 efforts to avoid incompatibility between efforts and
16 avoid duplication.
- 17 d. Coordinate public and private efforts to
18 provide the network backbone infrastructure for the
19 health information technology system. In coordinating
20 these efforts, the commission shall do all of the
21 following:
- 22 (1) Adopt policies to effectuate the logical
23 cost-effective usage of and access to the state-owned
24 network, and support of telecommunication carrier
25 products, where applicable.
- 26 (2) Complete a memorandum of understanding with
27 the Iowa communications network for governmental
28 access usage, with private fiber optic networks for
29 core backbone usage of private fiber optic networks,
30 and with any other communications entity for
31 state-subsidized usage of the communications entity's
32 products to access any backbone network.
- 33 (3) Establish protocols to ensure compliance with
34 any applicable federal standards.
- 35 (4) Determine costs for accessing the network at a
36 level that provides sufficient funding for the
37 network.
- 38 e. Promote the use of telemedicine.
- 39 (1) Examine existing barriers to the use of
40 telemedicine and make recommendations for eliminating
41 these barriers.
- 42 (2) Examine the most efficient and effective
43 systems of technology for use and make recommendations
44 based on the findings.
- 45 f. Address the workforce needs generated by
46 increased use of health information technology.
- 47 g. Adopt rules in accordance with chapter 17A to
48 implement all aspects of the statewide plan and the
49 network.
- 50 h. Coordinate, monitor, and evaluate the adoption,

1 use, interoperability, and efficiencies of the various
 2 facets of health information technology in this state.
 3 i. Seek and apply for any federal or private
 4 funding to assist in the implementation and support of
 5 the health information technology system and make
 6 recommendations for funding mechanisms for the ongoing
 7 development and maintenance costs of the health
 8 information technology system.

9 j. Identify state laws and rules that present
 10 barriers to the development of the health information
 11 technology system and recommend any changes to the
 12 governor and the general assembly.

13 Sec. ____. Section 8D.13, Code 2007, is amended by
 14 adding the following new subsection:

15 NEW SUBSECTION. 20. Access shall be offered to
 16 the Iowa hospital association only for the purposes of
 17 collection, maintenance, and dissemination of health
 18 and financial data for hospitals and for hospital
 19 education services. The Iowa hospital association
 20 shall be responsible for all costs associated with
 21 becoming part of the network, as determined by the
 22 commission.

23 Sec. ____. Section 217.41A, Code 2007, is repealed.

24 Sec. ____. IOWA HEALTH INFORMATION TECHNOLOGY
 25 SYSTEM — APPROPRIATION. There is appropriated from
 26 the general fund of the state to the department of
 27 public health for the fiscal year beginning July 1,
 28 2008, and ending June 30, 2009, the following amount,
 29 or so much thereof as is necessary, for the purpose
 30 designated:

31 For administration of the Iowa health information
 32 technology system:

33 \$ 118,800”

34 5. Page 9, by striking line 1 and inserting the
 35 following:

36 “LONG-TERM LIVING PLANNING AND
 37 PATIENT AUTONOMY IN HEALTH CARE”

38 6. Page 9, by inserting after line 14 the
 39 following:

40 “Sec. ____. END-OF-LIFE CARE DECISION MAKING —
 41 APPROPRIATION. There is appropriated from the general
 42 fund of the state to the department of elder affairs
 43 for the fiscal year beginning July 1, 2008, and ending
 44 June 30, 2009, the following amount, or so much
 45 thereof as is necessary, for the purpose designated:

46 For activities associated with the end-of-life care
 47 decision-making requirements of this division:

48 \$ 10,000

49 Sec. ____. LONG-TERM LIVING PLANNING TOOLS —
 50 PUBLIC EDUCATION CAMPAIGN. The legal services

1 development and substitute decision maker programs of
2 the department of elder affairs, in collaboration with
3 other appropriate agencies and interested parties,
4 shall research existing long-term living planning
5 tools that are designed to increase quality of life
6 and contain health care costs and recommend a public
7 education campaign strategy on long-term living to the
8 general assembly by January 1, 2009.

9 Sec. ____ LONG-TERM CARE OPTIONS PUBLIC EDUCATION

10 CAMPAIGN. The department of elder affairs, in
11 collaboration with the insurance division of the
12 department of commerce, shall implement a long-term
13 care options public education campaign. The campaign
14 may utilize such tools as the "Own Your Future
15 Planning Kit" administered by the centers for Medicare
16 and Medicaid services, the administration on aging,
17 and the office of the assistant secretary for planning
18 and evaluation of the United States department of
19 health and human services, and other tools developed
20 through the aging and disability resource center
21 program of the administration on aging and the centers
22 for Medicare and Medicaid services designed to promote
23 health and independence as Iowans age, assist older
24 Iowans in making informed choices about the
25 availability of long-term care options, including
26 alternatives to facility-based care, and to streamline
27 access to long-term care.

28 Sec. ____ LONG-TERM CARE OPTIONS PUBLIC EDUCATION

29 CAMPAIGN — APPROPRIATION. There is appropriated from
30 the general fund of the state to the department of
31 elder affairs for the fiscal year beginning July 1,
32 2008, and ending June 30, 2009, the following amount,
33 or so much thereof as is necessary, for the purpose
34 designated:

35 For activities associated with the long-term care
36 options public education campaign requirements of this
37 division:

38 \$ 75,000

39 Sec. ____ HOME AND COMMUNITY-BASED SERVICES PUBLIC
40 EDUCATION CAMPAIGN. The department of elder affairs

41 shall work with other public and private agencies to
42 identify resources that may be used to continue the
43 work of the aging and disability resource center
44 established by the department through the aging and
45 disability resource center grant program efforts of
46 the administration on aging and the centers for
47 Medicare and Medicaid services of the United States
48 department of health and human services, beyond the
49 federal grant period ending September 30, 2008.

50 Sec. ____ PATIENT AUTONOMY IN HEALTH CARE

Page 22

1 DECISIONS PILOT PROJECT.

2 1. The department of public health shall establish
3 a two-year community coalition for patient treatment
4 wishes across the health care continuum pilot project,
5 beginning July 1, 2008, and ending June 30, 2010, in a
6 county with a population of between fifty thousand and
7 one hundred thousand. The pilot project shall utilize
8 the process based upon the national physicians orders
9 for life sustaining treatment program initiative,
10 including use of a standardized physician order for
11 scope of treatment form. The pilot project may
12 include applicability to chronically ill, frail, and
13 elderly or terminally ill individuals in hospitals
14 licensed pursuant to chapter 135B, nursing facilities
15 or residential care facilities licensed pursuant to
16 chapter 135C, or hospice programs as defined in
17 section 135J.1.

18 2. The department of public health shall convene
19 an advisory council, consisting of representatives of
20 entities with interest in the pilot project, including
21 but not limited to the Iowa hospital association, the
22 Iowa medical society, organizations representing
23 health care facilities, representatives of health care
24 providers, and the Iowa trial lawyers association, to
25 develop recommendations for expanding the pilot
26 project statewide. The advisory council shall hold
27 meetings throughout the state to obtain input
28 regarding the pilot project and its statewide
29 application. Based on information collected regarding
30 the pilot project and information obtained through its
31 meetings, the advisory council shall report its
32 findings and recommendations, including
33 recommendations for legislation, to the governor and
34 the general assembly by January 1, 2010.

35 3. The pilot project shall not alter the rights of
36 individuals who do not execute a physician order for
37 scope of treatment.

38 a. If an individual is a qualified patient as
39 defined in section 144A.2, the individual's
40 declaration executed under chapter 144A shall control
41 health care decision making for the individual in
42 accordance with chapter 144A. A physician order for
43 scope of treatment shall not supersede a declaration
44 executed pursuant to chapter 144A. If an individual
45 has not executed a declaration pursuant to chapter
46 144A, health care decision making relating to
47 life-sustaining procedures for the individual shall be
48 governed by section 144A.7.

49 b. If an individual has executed a durable power
50 of attorney for health care pursuant to chapter 144B,

1 the individual’s durable power of attorney for health
2 care shall control health care decision making for the
3 individual in accordance with chapter 144B. A
4 physician order for scope of treatment shall not
5 supersede a durable power of attorney for health care
6 executed pursuant to chapter 144B.

7 c. In the absence of actual notice of the
8 revocation of a physician order for scope of
9 treatment, a physician, health care provider, or any
10 other person who complies with a physician order for
11 scope of treatment shall not be subject to liability,
12 civil or criminal, for actions taken under this
13 section which are in accordance with reasonable
14 medical standards. Any physician, health care
15 provider, or other person against whom criminal or
16 civil liability is asserted because of conduct in
17 compliance with this section may interpose the
18 restriction on liability in this paragraph as an
19 absolute defense.

20 Sec. ____ PATIENT AUTONOMY IN HEALTH CARE
21 DECISIONS PILOT PROJECT — APPROPRIATION. There is
22 appropriated from the general fund of the state to the
23 department of public health for the fiscal year
24 beginning July 1, 2008, and ending June 30, 2009, the
25 following amount, or so much thereof as is necessary,
26 for the purpose designated:

27 For activities associated with the patient autonomy
28 in health care decisions pilot project requirements of
29 this division:

30 \$ 40,000”

31 7. Page 9, by inserting after line 34 the
32 following:

33 “Sec. ____ NEW SECTION. 509A.13B CONTINUATION OF
34 DEPENDENT COVERAGE.

35 If a governing body, a county board of supervisors,
36 or a city council has procured accident or health care
37 coverage for its employees under this chapter such
38 coverage shall permit continuation of existing
39 coverage for an unmarried dependent child of an
40 insured or enrollee who so elects, at least through
41 the age of twenty-five years old or so long as the
42 dependent child maintains full-time status as a
43 student in an accredited institution of postsecondary
44 education, whichever occurs last, at a premium
45 established in accordance with the rating practices of
46 the coverage.”

47 8. Page 12, by inserting after line 31 the
48 following:

49 “____. A chiropractor licensed pursuant to chapter
50 151.”

Page 24

1 9. Page 16, by striking lines 23 through 29 and
2 inserting the following: “of a statewide medical home
3 system.”

4 10. Page 17, line 17, by inserting after the word
5 “service.” the following: “The plan shall provide
6 that in sharing information, the priority shall be the
7 protection of the privacy of individuals and the
8 security and confidentiality of the individual’s
9 information. Any sharing of information required by
10 the medical home system shall comply and be consistent
11 with all existing state and federal laws and
12 regulations relating to the confidentiality of health
13 care information and shall be subject to written
14 consent of the patient.”

15 11. Page 20, line 26, by inserting after the
16 words “recipients of” the following: “full benefits
17 under”.

18 12. Page 20, lines 33 and 34, by striking the
19 words “adult recipients of medical assistance” and
20 inserting the following: “adults who are recipients
21 of full benefits under the medical assistance
22 program”.

23 13. Page 21, line 25, by striking the figure “12”
24 and inserting the following: “11”.

25 14. Page 22, by inserting after line 1 the
26 following:

27 Sec. ____ MEDICAL HOME SYSTEM — APPROPRIATION.

28 There is appropriated from the general fund of the
29 state to the department of public health for the
30 fiscal year beginning July 1, 2008, and ending June
31 30, 2009, the following amount, or so much thereof as
32 is necessary, for the purpose designated:

33 For activities associated with the medical home
34 system requirements of this division:
35 \$ 137,800”

36 15. Page 28, by striking lines 2 through 6.

37 16. Page 28, by inserting after line 29 the
38 following:

39 “Sec. ____ Section 136.3, Code 2007, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 12. Perform those duties
42 authorized pursuant to section 135.161.

43 Sec. ____ PREVENTION AND CHRONIC CARE MANAGEMENT

44 — APPROPRIATION. There is appropriated from the
45 general fund of the state to the department of public
46 health for the fiscal year beginning July 1, 2008, and
47 ending June 30, 2009, the following amount, or so much
48 thereof as is necessary, for the purpose designated:

49 For activities associated with the prevention and
50 chronic care management requirements of this division:

1 \$ 150,500”

2 17. By striking page 29, line 16, through page

3 31, line 8, and inserting the following:

4 “DIVISION ____

5 HEALTH CARE QUALITY, COST CONTAINMENT, AND

6 CONSUMER INFORMATION

7 DIVISION XXIV

8 OFFICE OF HEALTH CARE QUALITY, COST CONTAINMENT,

9 AND CONSUMER INFORMATION

10 Sec. ____ NEW SECTION. 135.163 OFFICE OF HEALTH

11 CARE QUALITY, COST CONTAINMENT, AND CONSUMER

12 INFORMATION.

13 1. An office of health care quality, cost

14 containment, and consumer information is created in

15 the department.

16 2. The office shall, at a minimum, do all of the

17 following:

18 a. Develop and implement cost-containment measures

19 that help to contain costs while improving quality in

20 the health care system.

21 b. Provide for coordination of public and private

22 cost-containment, quality, and safety efforts in this

23 state, including but not limited to efforts of the

24 Iowa healthcare collaborative, the Iowa health buyers’

25 alliance, the state’s Medicare quality improvement

26 organization, and the Iowa Medicaid enterprise.

27 c. Carry out other health care price, quality, and

28 safety-related research as directed by the governor

29 and the general assembly.

30 d. Develop strategies to contain health care costs

31 which may include:

32 (1) Promoting adoption of health information

33 technology through provider incentives.

34 (2) Considering a four-tier prescription drug

35 copayment system within a prescription drug benefit

36 that includes a zero copayment tier for select

37 medications to improve patient compliance.

38 (3) Providing a standard medication therapy

39 management program as a prescription drug benefit to

40 optimize high-risk patients’ medication outcomes.

41 (4) Investigating whether pooled purchasing for

42 prescription drug benefits, such as a common statewide

43 preferred drug list, would decrease costs.

44 e. Develop strategies to increase the public’s

45 role and responsibility in personal health care

46 choices and decisions which may include:

47 (1) Creating a public awareness campaign to

48 educate consumers on smart health care choices.

49 (2) Promoting public reporting of quality

50 performance measures.

1 f. Develop implementation strategies which may
 2 include piloting the various quality,
 3 cost-containment, and public involvement strategies
 4 utilizing publicly funded health care coverage groups
 5 such as the medical assistance program, state of Iowa
 6 employee group health plans, and regents institutions
 7 health care plans, consistent with collective
 8 bargaining agreements in effect.

9 g. Develop a method for health care providers to
 10 provide a patient, upon request, with a reasonable
 11 estimate of charges for the services.

12 h. Identify the process and time frames for
 13 implementation of any initiatives, identify any
 14 barriers to implementation of initiatives, and
 15 recommend any changes in law or rules necessary to
 16 eliminate the barriers and to implement the
 17 initiatives.

18 Sec. ____ OFFICE OF HEALTH CARE QUALITY, COST
 19 CONTAINMENT, AND CONSUMER INFORMATION —
 20 APPROPRIATION. There is appropriated from the general
 21 fund of the state to the department of public health
 22 for the fiscal year beginning July 1, 2008, and ending
 23 June 30, 2009, the following amount, or so much
 24 thereof as is necessary, for the purpose designated:

25 For activities associated with the office of health
 26 care quality, cost containment, and consumer
 27 information requirements of this division:
 28 \$ 135,900

29 DIVISION XXV

30 BUREAU OF HEALTH CARE ACCESS

31 Sec. ____ NEW SECTION. 135.164 BUREAU OF HEALTH
 32 CARE ACCESS.

33 A bureau of health care access is created to
 34 coordinate public and private efforts to develop and
 35 maintain an appropriate health care delivery
 36 infrastructure and a stable, well-qualified, diverse,
 37 and sustainable health care workforce in this state.
 38 The bureau shall, at a minimum, do all of the
 39 following:

- 40 1. Develop a strategic plan for health care
 41 delivery infrastructure and health care workforce
 42 resources in this state.
- 43 2. Provide for the continuous collection of data
 44 to provide a basis for health care strategic planning
 45 and health care policymaking.
- 46 3. Make recommendations regarding the health care
 47 delivery infrastructure and the health care workforce
 48 that assist in monitoring current needs, predicting
 49 future trends, and informing policymaking.
- 50 4. Advise and provide support to the health

Page 27

1 facilities council established in section 135.62.
2 Sec. ____ NEW SECTION. 135.165 STRATEGIC PLAN.
3 1. The strategic plan for health care delivery
4 infrastructure and health care workforce resources
5 shall describe the existing health care system,
6 describe and provide a rationale for the desired
7 health care system, provide an action plan for
8 implementation, and provide methods to evaluate the
9 system. The plan shall incorporate expenditure
10 control methods and integrate criteria for
11 evidence-based health care. The bureau of health care
12 access shall do all of the following in developing the
13 strategic plan for health care delivery infrastructure
14 and health care workforce resources:
15 a. Conduct strategic health planning activities
16 related to preparation of the strategic plan.
17 b. Develop a computerized system for accessing,
18 analyzing, and disseminating data relevant to
19 strategic health planning. The bureau may enter into
20 data sharing agreements and contractual arrangements
21 necessary to obtain or disseminate relevant data.
22 c. Conduct research and analysis or arrange for
23 research and analysis projects to be conducted by
24 public or private organizations to further the
25 development of the strategic plan.
26 d. Establish a technical advisory committee to
27 assist in the development of the strategic plan. The
28 members of the committee may include but are not
29 limited to health economists, health planners,
30 representatives of health care purchasers,
31 representatives of state and local agencies that
32 regulate entities involved in health care,
33 representatives of health care providers and health
34 care facilities, and consumers.
35 2. The strategic plan shall include statewide
36 health planning policies and goals related to the
37 availability of health care facilities and services,
38 the quality of care, and the cost of care. The
39 policies and goals shall be based on the following
40 principles:
41 a. That a strategic health planning process,
42 responsive to changing health and social needs and
43 conditions, is essential to the health, safety, and
44 welfare of Iowans. The process shall be reviewed and
45 updated as necessary to ensure that the strategic plan
46 addresses all of the following:
47 (1) Promoting and maintaining the health of all
48 Iowans.
49 (2) Providing accessible health care services
50 through the maintenance of an adequate supply of

Page 28

- 1 health facilities and an adequate workforce.
- 2 (3) Controlling excessive increases in costs.
- 3 (4) Applying specific quality criteria and
- 4 population health indicators.
- 5 (5) Recognizing prevention and wellness as
- 6 priorities in health care programs to improve quality
- 7 and reduce costs.
- 8 (6) Addressing periodic priority issues including
- 9 disaster planning, public health threats, and public
- 10 safety dilemmas.
- 11 (7) Coordinating health care delivery and resource
- 12 development efforts among state agencies including
- 13 those tasked with facility, services, and professional
- 14 provider licensure; state and federal reimbursement;
- 15 health service utilization data systems; and others.
- 16 b. That both consumers and providers throughout
- 17 the state must be involved in the health planning
- 18 process, outcomes of which shall be clearly
- 19 articulated and available for public review and use.
- 20 c. That the supply of a health care service has a
- 21 substantial impact on utilization of the service,
- 22 independent of the effectiveness, medical necessity,
- 23 or appropriateness of the particular health care
- 24 service for a particular individual.
- 25 d. That given that health care resources are not
- 26 unlimited, the impact of any new health care service
- 27 or facility on overall health expenditures in this
- 28 state must be considered.
- 29 e. That excess capacity of health care services
- 30 and facilities places an increased economic burden on
- 31 the public.
- 32 f. That the likelihood that a requested new health
- 33 care facility, service, or equipment will improve
- 34 health care quality and outcomes must be considered.
- 35 g. That development and ongoing maintenance of
- 36 current and accurate health care information and
- 37 statistics related to cost and quality of health care
- 38 and projections of the need for health care facilities
- 39 and services are necessary to developing an effective
- 40 health care planning strategy.
- 41 h. That the certificate of need program as a
- 42 component of the health care planning regulatory
- 43 process must balance considerations of access to
- 44 quality care at a reasonable cost for all Iowans,
- 45 optimal use of existing health care resources,
- 46 fostering of expenditure control, and elimination of
- 47 unnecessary duplication of health care facilities and
- 48 services, while supporting improved health care
- 49 outcomes.
- 50 i. That strategic health care planning must be

Page 29

1 concerned with the stability of the health care
2 system, encompassing health care financing, quality,
3 and the availability of information and services for
4 all residents.

5 3. The health care delivery infrastructure and
6 resources strategic plan developed by the bureau shall
7 include all of the following:

8 a. A health care system assessment and objectives
9 component that does all of the following:

10 (1) Describes state and regional population
11 demographics, health status indicators, and trends in
12 health status and health care needs.

13 (2) Identifies key policy objectives for the state
14 health care system related to access to care, health
15 care outcomes, quality, and cost-effectiveness.

16 b. A health care facilities and services plan that
17 assesses the demand for health care facilities and
18 services to inform state health care planning efforts
19 and direct certificate of need determinations, for
20 those facilities and services subject to certificate
21 of need. The plan shall include all of the following:

22 (1) An inventory of each geographic region's
23 existing health care facilities and services.

24 (2) Projections of the need for each category of
25 health care facility and service, including those
26 subject to certificate of need.

27 (3) Policies to guide the addition of new or
28 expanded health care facilities and services to
29 promote the use of quality, evidence-based,
30 cost-effective health care delivery options, including
31 any recommendations for criteria, standards, and
32 methods relevant to the certificate of need review
33 process.

34 (4) An assessment of the availability of health
35 care providers, public health resources,
36 transportation infrastructure, and other
37 considerations necessary to support the needed health
38 care facilities and services in each region.

39 c. A health care data resources plan that
40 identifies data elements necessary to properly conduct
41 planning activities and to review certificate of need
42 applications, including data related to inpatient and
43 outpatient utilization and outcomes information, and
44 financial and utilization information related to
45 charity care, quality, and cost. The plan shall
46 provide all of the following:

47 (1) An inventory of existing data resources, both
48 public and private, that store and disclose
49 information relevant to the health care planning
50 process, including information necessary to conduct

Page 30

1 certificate of need activities. The plan shall
2 identify any deficiencies in the inventory of existing
3 data resources and the data necessary to conduct
4 comprehensive health care planning activities. The
5 plan may recommend that the bureau be authorized to
6 access existing data sources and conduct appropriate
7 analyses of such data or that other agencies expand
8 their data collection activities as statutory
9 authority permits. The plan may identify any
10 computing infrastructure deficiencies that impede the
11 proper storage, transmission, and analysis of health
12 care planning data.

13 (2) Recommendations for increasing the
14 availability of data related to health care planning
15 to provide greater community involvement in the health
16 care planning process and consistency in data used for
17 certificate of need applications and determinations.
18 The plan shall also integrate the requirements for
19 annual reports by hospitals and health care facilities
20 pursuant to section 135.75, the provisions relating to
21 analyses and studies by the department pursuant to
22 section 135.76, the data compilation provisions of
23 section 135.78, and the provisions for contracts for
24 assistance with analyses, studies, and data pursuant
25 to section 135.83.

26 d. An assessment of emerging trends in health care
27 delivery and technology as they relate to access to
28 health care facilities and services, quality of care,
29 and costs of care. The assessment shall recommend any
30 changes to the scope of health care facilities and
31 services covered by the certificate of need program
32 that may be warranted by these emerging trends. In
33 addition, the assessment may recommend any changes to
34 criteria used by the department to review certificate
35 of need applications, as necessary.

36 e. A rural health care resources plan to assess
37 the availability of health resources in rural areas of
38 the state, assess the unmet needs of these
39 communities, and evaluate how federal and state
40 reimbursement policies can be modified, if necessary,
41 to more efficiently and effectively meet the health
42 care needs of rural communities. The plan shall
43 consider the unique health care needs of rural
44 communities, the adequacy of the rural health care
45 workforce, and transportation needs for accessing
46 appropriate care.

47 f. A health care workforce resources plan to
48 assure a competent, diverse, and sustainable health
49 care workforce in Iowa and to improve access to health
50 care in underserved areas and among underserved

1 populations. The plan shall include the establishment
2 of an advisory council to inform and advise the
3 bureau, the department, and policymakers regarding
4 issues relevant to the health care workforce in Iowa.

5 4. The bureau shall submit the initial statewide
6 health care delivery infrastructure and resources
7 strategic plan to the governor and the general
8 assembly by January 1, 2010, and shall submit an
9 updated strategic plan to the governor and the general
10 assembly every two years thereafter.

11 Sec. ___. BUREAU OF HEALTH CARE ACCESS —
12 APPROPRIATION. There is appropriated from the general
13 fund of the state to the department of public health
14 for the fiscal year beginning July 1, 2008, and ending
15 June 30, 2009, the following amount, or so much
16 thereof as is necessary, for the purpose designated:

17 For activities associated with the bureau of health
18 care access requirements of this division:

19 \$ 135,900”

20 18. By striking page 31, line 12, through page
21 33, line 22.

22 19. Page 34, by inserting after line 4 the
23 following:

24 “Sec. ___. IOWA HEALTHY COMMUNITIES INITIATIVE —
25 APPROPRIATION. There is appropriated from the general
26 fund of the state to the department of public health
27 for the fiscal period beginning January 1, 2009, and
28 ending June 30, 2009, the following amount, or so much
29 thereof as is necessary, for the purpose designated:

30 For Iowa healthy communities initiative grants
31 distributed beginning January 1, 2009:

32 \$ 450,000

33 Sec. ___. GOVERNOR’S COUNCIL ON PHYSICAL FITNESS
34 AND NUTRITION — APPROPRIATION. There is appropriated
35 from the general fund of the state to the department
36 of public health for the fiscal period beginning July
37 1, 2008, and ending June 30, 2009, the following
38 amount, or so much thereof as is necessary, for the
39 purpose designated:

40 For the governor’s council on physical fitness:

41 \$ 112,100”

42 20. Page 34, line 7, by striking the word and
43 figure “DIVISION V” and inserting the following:
44 “DIVISION XXVI”.

45 21. Page 34, by inserting after line 8 the
46 following:

47 “Sec. ___. Section 135.62, subsection 2,
48 unnumbered paragraph 1, Code 2007, is amended to read
49 as follows:

50 There is established a state health facilities

Page 32

1 council consisting of ~~five~~ seven persons appointed by
 2 the governor, one of whom shall be a health economist,
 3 one of whom shall be an actuary, and at least one of
 4 whom shall be a health care consumer. The council
 5 shall be within the department for administrative and
 6 budgetary purposes.”

7 22. Page 34, line 9, by striking the figure
 8 “135.45” and inserting the following: “135.166”.

9 23. Page 34, by inserting after line 23 the
 10 following:

11 “___ . Each hospital in the state that is
 12 recognized by the Internal Revenue Code as a nonprofit
 13 organization or entity shall submit, to the department
 14 of public health and to the legislative services
 15 agency, annually, a copy of the hospital’s internal
 16 revenue service form 990, including but not limited to
 17 schedule J or any successor schedule that provides
 18 compensation information for certain officers,
 19 directors, trustees, and key employees, and highest
 20 compensated employees within ninety days following the
 21 due date for filing the hospital’s return for the
 22 taxable year.”

23 24. Title page, line 3, by striking the words
 24 “end-of-life care decision making” and inserting the
 25 following: “long-term living planning and patient
 26 autonomy in health care”.

27 25. Title page, line 8, by inserting after the
 28 word “transparency,” the following: “health care
 29 quality, cost containment and consumer information,
 30 health care access, making appropriations,”.

31 26. By renumbering, relettering, or redesignating
 32 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS
 ROBERT E. DVORSKY, Chair

S-5173

1 Amend Senate File 2332 as follows:

2 1. Page 2, line 14, by striking the words
 3 “sixty-day”, and inserting the following:
 4 “thirty-day”.

5 2. Page 2, line 16, by inserting after the word
 6 “department.” the following: “The notice to the
 7 affected employees or their representatives shall be
 8 at least thirty days before such action is planned
 9 unless an applicable collective bargaining agreement
 10 designates a different notice period, in which case
 11 the notice period in the collective bargaining
 12 agreement shall govern.”

- 13 3. Page 3, line 18, by striking the word “sixty”,
14 and inserting the following: “thirty”.
15 4. Page 3, line 27, by striking the words
16 “sixty-day”, and inserting the following:
17 “thirty-day”.
18 5. Page 3, line 31, by striking the word “sixty”,
19 and inserting the following: “thirty”.
20 6. Page 4, line 12, by striking the word “sixty”,
21 and inserting the following: “thirty”.
22 7. Page 4, line 19, by striking the word “sixty”,
23 and inserting the following: “thirty”.
24 8. Page 4, line 22, by striking the words
25 “sixty-day”, and inserting the following:
26 “thirty-day”.
27 9. Page 4, line 27, by striking the words
28 “sixty-day”, and inserting the following:
29 “thirty-day”.
30 10. Page 5, line 24, by striking the words
31 “sixty-day”, and inserting the following:
32 “thirty-day”.
33 11. Page 5, line 27, by striking the words
34 “sixty-day”, and inserting the following:
35 “thirty-day”.
36 12. Page 6, line 8, by striking the words
37 “sixty-day”, and inserting the following:
38 “thirty-day”.
39 13. Page 7, line 33, by striking the word
40 “sixty”, and inserting the following: “thirty”.
41 14. By renumbering as necessary.

DICK L. DEARDEN

S-5174

- 1 Amend the amendment, S-5150, to Senate File 2378,
2 as follows:
3 1. Page 4, by inserting after line 13 the
4 following:
5 “___ Page 27, line 10, by striking the word
6 “agency” and inserting the following: “entity”.”

MICHAEL CONNOLLY

S-5175

- 1 Amend the amendment, S-5150, to Senate File 2378 as
2 follows:
3 1. Page 1, line 46, by striking the word “The”
4 and inserting the following: “If the lawful custodian
5 is a state agency, the”.

ROBERT E. DVORSKY

S-5176

- 1 Amend Senate File 2378 as follows:
- 2 1. Page 10, by striking lines 5 through 9.
- 3 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5177

- 1 Amend Senate File 2378 as follows:
- 2 1. Page 20, line 35, by inserting after the word
- 3 "board." the following: "The budget for the board
- 4 shall not exceed five hundred thousand dollars
- 5 annually."

JERRY BEHN
 PAUL McKINLEY
 LARRY McKIBBEN
 JOHN PUTNEY
 BRAD ZAUN
 DAVID L. HARTSUCH
 NANCY J. BOETTGER
 JAMES A. SEYMOUR
 MARK ZIEMAN
 RON WIECK
 STEVE KETTERING
 JAMES F. HAHN
 JEFF ANGELO

S-5178

- 1 Amend Senate File 2378 as follows:
- 2 1. Page 2, by striking lines 9 through 23.
- 3 2. Page 5, by striking lines 2 through 6.
- 4 3. By striking page 6, line 26, through page 8,
- 5 line 32.
- 6 4. Page 10, by striking lines 17 through 28.
- 7 5. Page 17, by striking lines 18 through 27.
- 8 6. By striking page 27, line 13, through page 31,
- 9 line 28.
- 10 7. By striking page 32, line 2, through page 37,
- 11 line 33.
- 12 8. By striking page 38, line 17, through page 40,
- 13 line 21.
- 14 9. By renumbering as necessary.

KEITH A. KREIMAN

S-5179

- 1 Amend Senate File 2378 as follows:
2 1. By striking page 8, line 33, through page 9,
3 line 11.
4 2. By renumbering as necessary.

KEITH A. KREIMAN

S-5180

- 1 Amend Senate File 2343 as follows:
2 1. Page 2, by inserting after line 3 the
3 following:
4 “Sec. __. NEW SECTION. 123.92A CIVIL PENALTY —
5 SOCIAL HOSTS AND UNDERAGE PERSONS CONSUMING OR
6 POSSESSING ALCOHOL.
7 Notwithstanding section 123.49, subsection 1, a
8 person who is not a licensee or permittee who
9 knowingly permits a private social gathering in the
10 person’s residence or on the person’s property and who
11 knows or has reason to know that an underage person
12 has consumed any beer, wine, or intoxicating liquor or
13 possessed any beer, wine, or intoxicating liquor in
14 the person’s residence or on the person’s property
15 commits a scheduled violation under section 805.8C,
16 subsection 2, paragraph “b”, for each violation.
17 Sec. __. Section 805.8C, subsection 2, Code
18 Supplement 2007, is amended to read as follows:
19 2. ALCOHOLIC BEVERAGE VIOLATIONS.
20 a. For violations of section 123.49, subsection 2,
21 paragraph “h”, the scheduled fine for a licensee or
22 permittee is one thousand five hundred dollars, and
23 the scheduled fine for a person who is employed by a
24 licensee or permittee is five hundred dollars.
25 b. For violations of section 123.92A, the
26 scheduled fine is two hundred fifty dollars and is a
27 civil penalty, and the criminal penalty surcharge
28 under section 911.1 shall not be added to the penalty,
29 and the court costs pursuant to section 805.9,
30 subsection 6, shall not be imposed.”
31 2. Title page, line 1, by inserting after the
32 word “liability” the following: “and other
33 penalties”.
34 3. By renumbering as necessary.

KEITH A. KREIMAN
FRANK B. WOOD

S-5181

- 1 Amend Senate File 2378 as follows:
- 2 1. Page 3, line 34, by inserting after the word
 - 3 "board" the following: "at least twenty-four hours".
 - 4 2. Page 4, line 1, by inserting after the word
 - 5 "at" the following: "least twenty-four hours prior
 - 6 to".
 - 7 3. Page 4, line 4, by inserting after the word
 - 8 "posted" the following: "at least twenty-four hours"
 - 9 4. Page 4, line 5, by inserting after the word
 - 10 "at" the following: "least twenty-four hours prior
 - 11 to".
 - 12 5. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-5182

- 1 Amend Senate File 2378 as follows:
- 2 1. Page 5, by striking lines 2 and 3 and
 - 3 inserting the following:
 - 4 "Sec. ____ Section 21.5, subsection 1, paragraphs
 - 5 j and k, Code Supplement 2007, are amended to read as
 - 6 follows:
 - 7 j. To discuss the purchase of particular real
 - 8 estate only where premature disclosure could be
 - 9 reasonably expected to increase the price the
 - 10 governmental body would have to pay for that property.
 - 11 The minutes and the ~~tape audio~~ recording of a session
 - 12 closed under this paragraph shall be available for
 - 13 public examination when the transaction discussed is
 - 14 completed."
 - 15 2. Page 5, line 11, by striking the word "tape"
 - 16 and inserting the following: "tape audio".
 - 17 3. Page 5, line 12, by striking the word "tape"
 - 18 and inserting the following: "tape audio".
 - 19 4. Page 5, line 15, by striking the word "tape"
 - 20 and inserting the following: "tape audio".
 - 21 5. Page 5, line 27, by striking the word "tape"
 - 22 and inserting the following: "tape audio".
 - 23 6. Page 5, line 29, by striking the word "tape"
 - 24 and inserting the following: "tape audio".
 - 25 7. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-5183

- 1 Amend Senate File 2377 as follows:
- 2 1. Page 2, by striking lines 32 and 33 and

3 inserting the following: “during a quarter in the
4 individual’s base period ~~other than the quarter of the~~
5 ~~individual’s base period in which the individual’s~~
6 ~~wages were highest~~ in an amount at least ~~one and~~
7 ~~one quarter~~ one-half times the wages paid to the
8 individual during”.

9 2. Page 2, by striking line 35 and inserting the
10 following: “individual’s wages were highest; has been
11 paid wages for a minimum of twenty weeks during the
12 individual’s base period; provided that the
13 individual”.

14 3. Page 4, by striking line 5 and inserting the
15 following: “~~two hundred fifty dollars~~ ten times the
16 individual’s weekly benefit amount, as a condition to
17 receive benefits”.

18 4. By striking page 4, line 7, through page 5,
19 line 27.

20 5. Page 6, by striking lines 1 through 8.

21 6. Page 6, by striking line 12 and inserting the
22 following: “section of this Act amending section
23 96.4, except”.

24 7. By renumbering as necessary.

RON WIECK

S-5184

1 Amend Senate File 2400 as follows:

2 1. Page 4, by striking line 28 and inserting the
3 following:

4 “..... FTEs 101.00”

JEFF DANIELSON

S-5185

1 Amend the amendment, S-5150, to Senate File 2378 as
2 follows:

3 1. Page 1, by striking lines 10 through 13 and
4 inserting the following:

5 “___ Page 6, by striking lines 14 through 16 and
6 inserting the following:

7 “(3) Reasonably relied upon a decision of a court,
8 ~~or~~ a formal opinion of the Iowa public information
9 board, the attorney general, or the attorney for the
10 governmental body, given in writing, or as
11 memorialized in the minutes of the meeting at which a
12 formal oral opinion was given, or an advisory opinion
13 of the Iowa public information board, the attorney
14 general, or the attorney for the governmental body,
15 given in writing.””

- 16 2. Page 3, by inserting after line 16 the
 17 following:
 18 “___ Page 18, by striking lines 13 through 15
 19 and inserting the following:
 20 “(3) Reasonably relied upon a decision of a court,
 21 ~~or an a formal~~ opinion of the Iowa public information
 22 board, the attorney general, or the attorney for the
 23 governmental body, given in writing, or as memorialized
 24 in the minutes of the meeting at which a formal oral
 25 opinion was given, or an advisory opinion of the Iowa
 26 public information board, the attorney general, or the
 27 attorney for the governmental body, given in
 28 writing.””
- 29 3. Page 3, by inserting after line 36 the
 30 following:
 31 “___ Page 19, by inserting before line 26 the
 32 following:
 33 “Sec. ___ NEW SECTION. 22.15 IMMUNITY.
 34 This chapter does not create a cause of action for
 35 damages in favor of any person due to the release of
 36 confidential records or information pursuant to a
 37 public record request under this chapter provided the
 38 person releasing the confidential records or
 39 information acted reasonably and in good faith and
 40 without malice in carrying out the person’s official
 41 duties in the person’s official capacity.”
- 42 4. By renumbering as necessary.

KEITH A. KREIMAN

S-5186

- 1 Amend the amendment, S-5150, to Senate File 2378 as
 2 follows:
 3 1. Page 1, by striking lines 10 through 13 and
 4 inserting the following:
 5 “___ Page 6, by striking lines 14 through 16 and
 6 inserting the following:
 7 “(3) Reasonably relied upon a decision of a court,
 8 ~~or an informal opinion of the county attorney,~~ a
 9 formal opinion of the Iowa public information board,
 10 the attorney general, or the attorney for the
 11 governmental body, given in writing, or as
 12 memorialized in the minutes of the meeting at which a
 13 formal oral opinion was given, or an advisory opinion
 14 of the Iowa public information board, the attorney
 15 general, or the attorney for the governmental body,
 16 given in writing.””
- 17 2. Page 3, by inserting after line 16 the
 18 following:
 19 “___ Page 18, by striking lines 13 through 15
 20 and inserting the following:

21 “(3) Reasonably relied upon a decision of a court,
22 ~~or an informal opinion of the county attorney, a~~
23 formal opinion of the Iowa public information board,
24 the attorney general, or the attorney for the
25 government body, given in writing, or as memorialized
26 in the minutes of the meeting at which a formal oral
27 opinion was given, or an advisory opinion of the Iowa
28 public information board, the attorney general, or the
29 attorney for the governmental body, given in
30 writing.””
31 3. By renumbering as necessary.

KEITH A. KREIMAN

S-5187

1 Amend Senate File 2218 as follows:
2 1. By striking page 1, line 14, through page 2,
3 line 30, and inserting the following:
4 “(2) If a school district does not file a data or
5 information report with the department on the date
6 prescribed by law or rule, the department shall inform
7 the school district of the overdue submission within
8 fifteen days. If a report is more than thirty days
9 overdue, the department shall notify the school
10 district board of directors and may inform the board
11 of educational examiners of the school district’s
12 failure to comply with the reporting requirement. The
13 board of educational examiners is authorized to
14 suspend the license of an administrator responsible
15 for the school district’s failure to comply with the
16 reporting requirement. A school district may apply to
17 the department for an extension of a filing deadline.
18 For the purposes of this subparagraph, “administrator”
19 means a superintendent or principal of a public
20 school, or the authorities in charge at an accredited
21 nonpublic school.
22 Sec. ____ Section 260C.5, subsection 5, Code 2007,
23 is amended to read as follows:
24 5. a. Administer, allocate, and disburse federal
25 or state funds available to pay a portion of the
26 operating costs of community colleges.
27 b. If a community college does not file a data or
28 information report with the department on the date
29 prescribed by law or rule, the department shall inform
30 the community college of the overdue submission within
31 fifteen days. If a report is more than thirty days
32 overdue, the department may notify the community
33 college merged area board and the merged area board of
34 directors of the community college’s failure to comply
35 with the reporting requirement. A community college
36 may apply to the department for an extension of a

37 filing deadline.

38 Sec. ____ NEW SECTION. 273.14 REPORT DEADLINES
39 — PENALTIES.

40 If an area education agency does not file a data or
41 information report with the department on the date
42 prescribed by law or rule, the department shall inform
43 the area education agency of the overdue submission
44 within fifteen days. If the report is more than
45 thirty days overdue, the department shall notify the
46 area education agency board and may inform the board
47 of educational examiners of the area education
48 agency's failure to comply with the reporting
49 requirement. The board of educational examiners is
50 authorized to suspend the license of an area education

Page 2

1 agency administrator responsible for the area
2 education agency's failure to comply with the
3 reporting requirement. A school district may apply to
4 the department for an extension of a filing deadline.
5 For the purposes of this section, "administrator"
6 means a chief administrator, special education
7 director, and other division administrators."
8 2. Title page, by striking lines 2 and 3 and
9 inserting the following: "inform the regulatory
10 boards of school districts, area education agencies,
11 and community colleges when required".
12 3. Title page, line 4, by inserting after the
13 word "late" the following: "and providing suspension
14 of professional licenses in certain circumstances".
15 4. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5188

1 Amend Senate File 2332 as follows:
2 1. Page 3, by inserting before line 24 the
3 following:
4 "____. STRIKE OR LOCKOUT. If a plant closing or
5 mass layoff constitutes a strike or constitutes a
6 lockout not intended to evade the requirements of this
7 chapter, notice is not required to be given by the
8 employer. This chapter does not require an employer
9 to serve written notice when permanently replacing an
10 employee who is deemed to be an economic striker under
11 the federal National Labor Relations Act. This Act
12 shall not be deemed to validate or invalidate any

13 judicial or administrative ruling relating to the
14 hiring of permanent replacements for economic strikers
15 under the federal National Labor Relations Act.”
16 2. By renumbering as necessary.

DICK L. DEARDEN

S-5189

1 Amend House File 2645, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting after line 3 the
4 following:
5 “Sec. ____ Section 279.59, Code 2007, is amended
6 to read as follows:
7 279.59 ACCESS BY PROFESSIONAL EDUCATION
8 ASSOCIATIONS.
9 1. The board of directors of a school district
10 shall provide not-for-profit, professional education
11 associations that offer membership to teachers or
12 administrators equal access to teacher or
13 administrator mailboxes for distribution of
14 professional literature.
15 2. Notwithstanding section 20.9, a school district
16 may, upon a teacher’s or administrator’s written
17 request, deduct from the salary or wages of the
18 teacher or administrator an amount specified by the
19 teacher or administrator for payment of dues or
20 membership fees for the teacher’s or administrator’s
21 membership in a not-for-profit, professional education
22 association. If a written request is granted, all
23 other written requests for salary or wage deductions
24 for payment of dues or membership fees for membership
25 in the same not-for-profit, professional education
26 association shall also be granted. The teacher or
27 administrator may withdraw the request for the
28 deduction at any time by giving the school district
29 thirty days’ written notice.
30 3. For purposes of this section, unless the
31 context otherwise requires, “professional education
32 association” means an association in which the
33 majority of members are practitioners licensed in
34 accordance with chapter 272.”
35 2. Title page, line 1, by inserting after the
36 word “bargaining” the following: “, payment of
37 professional dues.”
38 3. By renumbering as necessary.

NANCY J. BOETTGER

S-5190

- 1 Amend House File 2645, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 2.
 - 4 2. By striking page 2, line 8, through page 4,
 5 line 19.
 - 6 3. By striking page 12, line 10, through page 13,
 7 line 35, and inserting the following:
 8 “Sec. ____ Section 20.19, Code 2007, is amended by
 9 adding the following new unnumbered paragraph:
 10 NEW UNNUMBERED PARAGRAPH. Parties who by agreement
 11 are utilizing a cooperative alternative bargaining
 12 process shall, at the outset of such process, agree
 13 upon a method and schedule for the completion of
 14 impasse procedures should they fail to reach a
 15 collective bargaining agreement through the use of
 16 such alternative process.”
 - 17 4. Page 18, by striking lines 4 through 17.
 - 18 5. By striking page 18, line 19, through page 30,
 19 line 10.
 - 20 6. Title page, lines 1 and 2, by striking the
 21 words “and teacher discipline”.
 - 22 7. By renumbering as necessary.

BRAD ZAUN

S-5191

- 1 Amend House File 2645, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. By striking page 18, line 21, through page 21,
 4 line 2.
 - 5 2. Page 27, line 5, by inserting after the word
 6 “final” the following: “subject to appeal to district
 7 court pursuant to section 279.18”.
 - 8 3. Page 30, by striking line 10.
 - 9 4. By renumbering as necessary.

PAT WARD
STEVE KETTERING**S-5192**

- 1 Amend House File 2645, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 2, line 14, by striking the words “but
 4 not limited to”.
 - 5 2. Page 2, by striking lines 17 through 19 and
 6 inserting the following:
 7 “b. hours, Hours.”

- 8 3. Page 3, by striking lines 22 through 23 and
9 inserting the following:
10 “w. Other matters mutually agreed upon.”

LARRY NOBLE

S-5193

- 1 Amend House File 2645, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 1 and 2.
4 2. By striking page 18, line 19, through page 30,
5 line 10.
6 3. Title page, lines 1 and 2, by striking the
7 words “and teacher discipline”.
8 4. By renumbering as necessary.

DAVE MULDER

S-5194

- 1 Amend House File 2645, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting after line 19 the
4 following:
5 “c. School curriculum.”
6 2. By renumbering as necessary.

DAVID L. HARTSUCH

S-5195

- 1 Amend House File 2645, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting after line 19 the
4 following:
5 “5. Notwithstanding any provision of this chapter
6 to the contrary, an arbitrator shall not make an award
7 in favor of the final offer of an employee
8 organization as to any of the items described in
9 subsection 1, paragraph “i”, “n”, “q”, “r”, “s”, “t”,
10 “u”, “v”, or “w”, if the granting of an award as to
11 that item would require the public employer to raise
12 its levy rate or increase its bonded indebtedness.”
13 2. By renumbering as necessary.

MARK ZIEMAN

S-5196

- 1 Amend House File 2645, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 16, by inserting after line 30 the
 4 following:
- 5 “Sec. ____ Section 20.22, subsection 9, Code 2007,
 6 is amended by adding the following new paragraph:
 7 NEW PARAGRAPH. e. Comparison of wages of the
 8 involved public employees with those of similar
 9 private sector employees doing comparable work, giving
 10 consideration to factors peculiar to the area and the
 11 classifications involved, and providing that the
 12 maximum wages awarded public sector employees shall be
 13 no more than five percent greater than comparable
 14 private sector employees unless the public employees
 15 are in a merit pay program.”
- 16 2. By renumbering as necessary.

RON WIECK

S-5197

- 1 Amend House File 2645 as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 8 the
 4 following:
- 5 “Sec. ____ Section 20.3, subsection 1, Code 2007,
 6 is amended to read as follows:
- 7 1. “Arbitration” means the procedure whereby the
 8 parties involved in an impasse submit their
 9 differences to a third party for a ~~final and binding~~
 10 decision or as provided in this chapter.”
- 11 2. Page 10, line 9, by striking the word
 12 “binding” and inserting the following: “~~binding~~”.
- 13 3. Page 10, line 14, by striking the word
 14 “binding” and inserting the following: “~~binding~~”.
- 15 4. Page 15, lines 3 and 4, by striking the words
 16 “, which shall be binding” and inserting the
 17 following: “~~, which shall be binding~~”.
- 18 5. Page 17, line 18, by inserting after the word
 19 “parties” the following: “subject to the provisions
 20 of section 20.22A”.
- 21 6. Page 17, line 21, by inserting after the word
 22 and figure “subsection 6” the following: “, and
 23 section 20.22A”.
- 24 7. Page 17, by inserting after line 24 the
 25 following:
- 26 “Sec. ____ NEW SECTION. 20.22A STATE EMPLOYEE
 27 NEGOTIATIONS.
- 28 1. The items of a collective bargaining agreement

29 reached pursuant to this chapter between a public
30 employer and an employee organization representing
31 state employees which require economic adjustments
32 shall not take effect and the agreement is not final
33 and binding until moneys have been appropriated to
34 fund the economic adjustments by the general assembly,
35 specifically to fund the economic adjustments of the
36 collective bargaining agreement at issue. Items of a
37 collective bargaining agreement concerning an employee
38 organization representing state employees that are not
39 economic adjustments are not subject to approval by
40 the general assembly and are final and binding upon
41 their determination subject to the provisions of
42 section 20.17, subsection 6.

43 2. Within ten days following the determination of
44 a collective bargaining agreement on all negotiated
45 items by agreement of the parties or by an arbitration
46 decision, the governor, or the governor's designee,
47 shall inform the general assembly the amount of the
48 appropriation necessary to fund the economic
49 adjustments requires to fund the collective bargaining
50 agreement.

Page 2

1 3. The general assembly shall appropriate funds in
2 any amount up to and including the amount indicated by
3 the governor, or the governor's designee, under
4 subsection 2. If less than the entire amount
5 indicated by the governor, or the governor's designee,
6 is appropriated by the general assembly, the
7 collective bargaining agreement shall be administered
8 on the basis of the amounts appropriated by and any
9 directions of the general assembly.

10 4. The general assembly shall make an
11 appropriation as provided by this section prior to the
12 date the collective bargaining agreement is to become
13 effective.

14 5. The items of a collective bargaining agreement
15 that require economic adjustments subject to the
16 provisions of this section shall become final and
17 binding upon an appropriation of funds by the general
18 assembly, subject to the provisions of section 20.17,
19 subsection 6.”

20 8. By renumbering as necessary.

RON WIECK

S-5198

1 Amend House File 2645, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 27, by striking lines 16 through 32.
- 4 2. Page 28, by striking lines 15 and 16.
- 5 3. By renumbering as necessary.

PAUL MCKINLEY

S-5199

- 1 Amend House File 2645, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 20 and 21.
- 4 2. Page 4, by striking lines 11 through 16 and
- 5 inserting the following:
- 6 “a. All retirement systems.”
- 7 3. Page 18, by striking lines 4 through 17.
- 8 4. By striking page 28, line 17, through page 29,
- 9 line 5.
- 10 5. By renumbering as necessary.

MARK ZIEMAN

S-5200

- 1 Amend House File 2645, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 34 the
- 4 following:
- 5 “Sec. ____ Section 20.6, Code 2007, is amended by
- 6 adding the following new subsection:
- 7 NEW SUBSECTION. 6. By January 1, 2009, and each
- 8 two years thereafter, submit a report to the general
- 9 assembly providing a comparison of public sector and
- 10 private sector salaries and benefits.”
- 11 2. By renumbering as necessary.

PAUL MCKINLEY

S-5201

- 1 Amend House File 2645, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 29, by inserting after line 35 the
- 4 following:
- 5 “Sec. ____ Section 284.6, subsection 8, Code
- 6 Supplement 2007, is amended to read as follows:
- 7 8. For each year in which a school district
- 8 receives funds allocated for distribution to school
- 9 districts for professional development pursuant to
- 10 section 284.13, subsection 1, paragraph “d”, the
- 11 school district shall create quality professional
- 12 development opportunities. The goal for the use of

13 the funds is to provide one additional contract day or
 14 the equivalent thereof for professional development
 15 and use of the funds is limited to providing
 16 professional development to teachers, including
 17 additional salaries for time beyond the normal
 18 negotiated agreement; pay for substitute teachers,
 19 professional development materials, speakers, and
 20 professional development content; and costs associated
 21 with implementing the individual professional
 22 development plans. The use of the funds shall be
 23 balanced between school district, attendance center,
 24 and individual professional development plans, making
 25 every reasonable effort to provide equal access to all
 26 teachers. A school district shall submit a monthly
 27 report to the department describing the professional
 28 development activities and opportunities provided by
 29 the school district in the prior month.”
 30 2. By renumbering as necessary.

PAUL MCKINLEY

S-5202

1 Amend House File 2645, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 26 the
 4 following:
 5 “Sec. ____ Section 20.6, subsection 2, Code 2007,
 6 is amended to read as follows:
 7 2. Collect, for public employers other than the
 8 state and its boards, commissions, departments, and
 9 agencies, data and conduct studies relating to wages,
 10 hours, benefits and other terms and conditions of
 11 public employment, including such information filed
 12 with the board pursuant to section 20.29, and make the
 13 same available to any interested person or
 14 organization.”
 15 2. Page 18, by inserting after line 3 the
 16 following:
 17 “Sec. ____ Section 20.29, Code 2007, is amended by
 18 adding the following new unnumbered paragraph:
 19 NEW UNNUMBERED PARAGRAPH. Within ninety days of
 20 the completion of a collective bargaining agreement
 21 entered into pursuant to this chapter, the public
 22 employer shall file two copies of the agreement with
 23 the board. In addition, within the same time period,
 24 the public employer and the applicable certified
 25 employee organization shall file with the board,
 26 either jointly or separately, a report on a form
 27 prescribed by the board which shall include the number
 28 of employees covered by the agreement, the estimated
 29 cost of implementing each wage, benefit, and other

30 provision of the agreement having an economic impact
 31 and the estimated percentage increase in cost for each
 32 item compared to the prior agreement, the estimated
 33 total cost of implementing the agreement for the
 34 entire term of the agreement, and any other
 35 information relating to the agreement as requested by
 36 the board. The board shall ensure that the report is
 37 submitted in an electronic format and is made
 38 available to the public on the board's internet site.”
 39 3. By renumbering as necessary.

PAUL MCKINLEY

S-5203

1 Amend House File 2645, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by striking lines 17 through 19 and
 4 inserting the following:
 5 “b. hours, Hours.”
 6 2. Page 4, by inserting after line 19 the
 7 following:
 8 “c. The establishment of work shifts and schedules
 9 and procedures and criteria for assigning work shifts
 10 and schedules.”
 11 3. By renumbering as necessary.

BRAD ZAUN

S-5204

1 Amend House File 2645, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 21, by inserting after line 2 the
 4 following:
 5 “Sec. ____ Section 279.8, Code 2007, is amended to
 6 read as follows:
 7 279.8 GENERAL RULES — BONDS OF EMPLOYEES.
 8 1. The board shall make rules for its own
 9 government and that of the directors, officers,
 10 employees, teachers and pupils, and for the care of
 11 the schoolhouse, grounds, and property of the school
 12 corporation, and shall aid in the enforcement of the
 13 rules, and require the performance of duties imposed
 14 by law and the rules.
 15 a. The board shall include in its rules provisions
 16 regulating the loading and unloading of pupils from a
 17 school bus stopped on the highway during a period of
 18 reduced highway visibility caused by fog, snow or
 19 other weather conditions.
 20 b. The board shall have the authority to include

21 in its rules provisions allowing school corporation
 22 employees to use school credit cards to pay for the
 23 actual and necessary expenses incurred in the
 24 performance of work-related duties.
 25 c. The board shall include in its rules a
 26 provision which permits a student's parent or guardian
 27 to select from the instructional staff for the grade
 28 level at the attendance center of the student's
 29 enrollment the teacher who shall provide instruction
 30 to the student for the school year.
 31 2. Employees of a school corporation maintaining a
 32 high school who have the custody of funds belonging to
 33 the corporation or funds derived from extracurricular
 34 activities and other sources in the conduct of their
 35 duties, shall be required to furnish suitable bond
 36 indemnifying the corporation or any activity group
 37 connected with the school against loss, and employees
 38 who have the custody of property belonging to the
 39 corporation or any activity group connected with the
 40 school may be required to furnish such bond. Said
 41 bond or bonds may be in such form and penalty as the
 42 board may approve and the premiums on same shall be
 43 paid from the general fund of the corporation."
 44 2. By renumbering as necessary.

BRAD ZAUN

S-5205

1 Amend House File 2645, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 18, by inserting after line 20 the
 4 following:
 5 "Sec. __. Section 256.7, subsection 21, paragraph
 6 c, Code Supplement 2007, is amended to read as
 7 follows:
 8 c. A requirement that all school districts and
 9 accredited nonpublic schools annually report to the
 10 department and the local community the district-wide
 11 progress made in attaining student achievement goals
 12 on the academic and other core indicators and the
 13 district-wide progress made in attaining locally
 14 established student learning goals. The school
 15 districts and accredited nonpublic schools shall
 16 demonstrate the use of multiple assessment measures in
 17 determining student achievement levels. The school
 18 districts and accredited nonpublic schools shall also
 19 report the number of students who graduate, utilizing
 20 the definition of graduation rate specified by the
 21 national governors association; the number of students
 22 who drop out of school; the number of students
 23 pursuing a high school equivalency diploma pursuant to

24 chapter 259A; the number of students who were enrolled
 25 in the district within the past five years and who
 26 received a high school equivalency diploma; the
 27 percentage of students who receive a high school
 28 diploma and who were not proficient in reading,
 29 mathematics, and science in grade eleven; the number
 30 of students in the prior year who were enrolled as
 31 high school juniors who are within four units of
 32 meeting the district's graduation requirements; the
 33 number of students who are tested and the percentage
 34 of students who are so tested annually; the building
 35 of attendance summary, by classroom, for the Iowa
 36 tests of basic skills and the Iowa tests of
 37 educational development within thirty days of receipt
 38 of the summary; and the percentage of students who
 39 graduated during the prior school year and who
 40 completed a core curriculum. The board shall develop
 41 and adopt uniform definitions consistent with the
 42 federal No Child Left Behind Act of 2001, Pub. L. No.
 43 107-110 and any federal regulations adopted pursuant
 44 to the federal Act. The school districts and
 45 accredited nonpublic schools may report on other
 46 locally determined factors influencing student
 47 achievement. The school districts and accredited
 48 nonpublic schools shall also report to the local
 49 community their results by individual attendance
 50 center."

Page 2

- 1 2. By renumbering as necessary.

PAUL MCKINLEY

S-5206

- 1 Amend House File 2645, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 16, by inserting after line 30 the
- 4 following:
- 5 "Sec. ____ Section 20.22, subsection 9, paragraph
- 6 d, Code 2007, is amended by striking the paragraph and
- 7 inserting in lieu thereof the following:
- 8 d. Whether any proposed increase in wages to
- 9 public employees is justified based upon an increase
- 10 in productivity and performance of the employees and
- 11 based upon the ability of the public employer to pay
- 12 the award using existing resources without any
- 13 increase in taxes."
- 14 2. By renumbering as necessary.

PAUL MCKINLEY

S-5207

1 Amend House File 2645, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 26 the
4 following:
5 “Sec. ____ Section 20.6, subsection 2, Code 2007,
6 is amended to read as follows:
7 2. Collect, for public employers other than the
8 state and its boards, commissions, departments, and
9 agencies, data and conduct studies relating to wages,
10 hours, benefits and other terms and conditions of
11 public employment, including such information filed
12 with the board pursuant to section 20.29, and make the
13 same available to any interested person or
14 organization.”
15 2. Page 18, by inserting after line 3 the
16 following:
17 “Sec. ____ Section 20.29, Code 2007, is amended by
18 adding the following new unnumbered paragraph:
19 NEW UNNUMBERED PARAGRAPH. Within ninety days of
20 the completion of a collective bargaining agreement
21 entered into pursuant to this chapter, the public
22 employer shall file two copies of the agreement with
23 the board. In addition, within the same time period,
24 the public employer and the applicable certified
25 employee organization shall file with the board,
26 either jointly or separately, a report on a form
27 prescribed by the board which shall include the number
28 of employees covered by the agreement, the estimated
29 cost of implementing each wage, benefit, and other
30 provision of the agreement having an economic impact
31 and the estimated percentage increase in cost for each
32 item compared to the prior agreement, the estimated
33 total cost of implementing the agreement for the
34 entire term of the agreement, and any other
35 information relating to the agreement as requested by
36 the board.”
37 3. By renumbering as necessary.

DAVID JOHNSON

S-5208

1 Amend Senate File 2332 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. NEW SECTION. 86C.1 TITLE.
5 This chapter shall be known as the “Iowa Worker
6 Adjustment and Retraining Notification Act”.
7 Sec. 2. NEW SECTION. 86C.2 DEFINITIONS.

- 8 For the purposes of this chapter:
- 9 1. "Aggrieved employee" means an employee who has
10 worked for the employer ordering the plant closing or
11 mass layoff and who, as a result of the failure by the
12 employer to comply with section 86C.3, did not receive
13 timely notice either directly or through the
14 employee's representative.
- 15 2. "Department" means the department of workforce
16 development.
- 17 3. "Employee" means a worker who may reasonably
18 expect to experience an employment loss as a
19 consequence of a proposed plant closing or mass layoff
20 by an employer.
- 21 4. "Employer" means a person who employs
22 twenty-five or more employees, excluding part-time
23 employees.
- 24 5. "Employment loss" means an employment
25 termination, other than a discharge for cause,
26 voluntary separation, or retirement; a layoff
27 exceeding six months; or a reduction in hours of more
28 than fifty percent of work of individual employees
29 during each month of a six-month period.
- 30 6. "Mass layoff" means a reduction in employment
31 force that is not the result of a plant closing and
32 results in an employment loss at a single site of
33 employment during any thirty-day period of twenty-five
34 or more employees, other than part-time employees.
- 35 7. "Part-time employee" means an employee who is
36 employed for an average of fewer than twenty hours per
37 week or an employee, including a full-time employee,
38 who has been employed for fewer than six of the twelve
39 months preceding the date on which notice is required.
- 40 8. "Plant closing" means the permanent or
41 temporary shutdown of a single site of employment of
42 one or more facilities or operating units that will
43 result in an employment loss for twenty-five or more
44 employees, other than part-time employees.
- 45 9. "Representative" means an exclusive
46 representative of employees within the meaning of
47 section 9(a) of the federal National Labor Relations
48 Act, 29 U.S.C. § 151 et seq., and the federal Railway
49 Labor Act, 45 U.S.C. § 151 et seq.
- 50 10. "Single site of employment" refers to a single

Page 2

- 1 location or a group of contiguous locations, such as a
2 group of structures that form a campus or business
3 park or separate facilities across the street from
4 each other.
- 5 Sec. 3. NEW SECTION. 86C.3 NOTICE —
6 REQUIREMENTS.

7 1. a. An employer who plans a plant closing or a
8 mass layoff shall not order such action until the end
9 of a thirty-day period which begins after the employer
10 serves written notice of such action to the affected
11 employees or their representatives and to the
12 department. However, if an applicable collective
13 bargaining agreement designates a different notice
14 period, the notice period in the collective bargaining
15 agreement shall govern.

16 b. An employer who has previously announced and
17 carried out a short-term mass layoff of six months or
18 less which is extended beyond six months due to
19 business circumstances not reasonably foreseeable at
20 the time of the initial mass layoff is required to
21 give notice when it becomes reasonably foreseeable
22 that the extension is required. A mass layoff
23 extending beyond six months from the date the mass
24 layoff commenced for any other reason shall be treated
25 as an employment loss from the date of commencement of
26 the mass layoff.

27 c. In the case of the sale of part or all of a
28 business, the seller is responsible for providing
29 notice of any plant closing or mass layoff which will
30 take place up to and on the effective date of the
31 sale. The buyer is responsible for providing notice
32 of any plant closing or mass layoff that will take
33 place thereafter.

34 2. a. Notice from the employer to the affected
35 employees or their representatives and to the
36 department shall be in written form and shall contain
37 the following:

38 (1) The name and address of the employment site
39 where the plant closing or mass layoff will occur, and
40 the name and telephone number of a company official to
41 contact for further information.

42 (2) A statement as to whether the planned action
43 is expected to be permanent or temporary and, if the
44 entire plant is to be closed, a statement to that
45 effect.

46 (3) The expected date of the first employment loss
47 and the anticipated schedule for employment losses.

48 (4) The job titles of positions to be affected and
49 the names of the employees currently holding the
50 affected jobs.

Page 3

1 b. The notice may include additional information
2 useful to the employees, such as information about
3 available dislocated worker assistance, and, if the
4 planned action is expected to be temporary, the
5 estimated duration, if known.

6 3. Any reasonable method of delivery to the
 7 affected employees or their representatives, and the
 8 department which is designed to ensure receipt of
 9 notice of at least thirty days before the planned
 10 action is acceptable. In the case of notification
 11 directly to affected employees, insertion of notice
 12 into pay envelopes is a viable option.
 13 Sec. 4. NEW SECTION. 86C.4 NOTICE — EXEMPTIONS,
 14 SPECIAL CIRCUMSTANCES.

15 1. STRIKE OR LOCKOUT. If a plant closing or mass
 16 layoff constitutes a strike or constitutes a lockout
 17 not intended to evade the requirements of this
 18 chapter, notice is not required to be given by the
 19 employer. This chapter does not require an employer
 20 to serve written notice when permanently replacing an
 21 employee who is deemed to be an economic striker under
 22 the federal National Labor Relations Act. This Act
 23 shall not be deemed to validate or invalidate any
 24 judicial or administrative ruling relating to the
 25 hiring of permanent replacements for economic strikers
 26 under the federal National Labor Relations Act.

27 2. ROLLING LAYOFFS.

28 a. When affected employees will not be terminated
 29 on the same date, the date of the first individual
 30 employment loss within the thirty-day notice period
 31 triggers the notice requirement. An employee's last
 32 day of employment is considered the date of that
 33 employee's layoff. The first and subsequent groups of
 34 terminated employees are entitled to a full thirty
 35 days' notice.

36 b. An employer shall give notice if the number of
 37 employment losses of two or more actions in any
 38 ninety-day period triggers the notice requirements in
 39 section 86C.3 for a plant closing or a mass layoff.
 40 An employer is not required to give notice if the
 41 number of employment losses from one action in a
 42 thirty-day period does not meet the requirements of
 43 section 86C.3. All employment losses in any
 44 ninety-day period shall be aggregated to trigger the
 45 notice requirement unless the employer demonstrates to
 46 the department that the employment losses during the
 47 ninety-day period are the result of separate and
 48 distinct actions and causes.

49 3. EXTENDED NOTICE. Additional notice is required
 50 if the date or schedule of dates of a planned plant

Page 4

1 closing or mass layoff is extended beyond the date or
 2 the ending date of any period announced in the
 3 original notice.

4 a. If the postponement is for less than thirty

5 days, the additional notice shall be given as soon as possible to the affected employees or their representatives and the department and shall include reference to the earlier notice, the date to which the planned action is postponed, and the reasons for the postponement. The notice shall be given in a manner which will provide the information to all affected employees.

b. If the postponement is for more than thirty days, the additional notice shall be treated as new notice subject to the provisions of section 86C.3.

4. FALTERING COMPANY. An exception to the thirty-day notice applies to plant closings but not to mass layoffs if the requirements of this subsection are met and the exception shall be narrowly construed.

a. An employer must have been actively seeking capital or business at the time that the thirty-day notice would have been required by seeking financing or refinancing through the arrangement of loans or the issuance of stocks, bonds, or other methods of internally generated financing, or by seeking additional money, credit, or business through any other commercially reasonable method. The employer must identify specific actions taken to obtain capital or business.

b. The employer must, at the time notice is actually given, provide a statement of explanation for reducing the notice period in addition to the other notice requirements in section 86C.3.

c. There must have been a realistic opportunity to obtain the financing or business sought.

d. The financing or business sought must have been sufficient, if obtained, to have enabled the employer to avoid or postpone the shutdown. The employer must be able to objectively demonstrate that the amount of capital or the volume of new business sought would have enabled the company to keep the facility, operating unit, or site open for a reasonable period of time.

e. The employer reasonably and in good faith must have believed that giving the required notice would have precluded the employer from obtaining the needed capital or business. The employer must be able to objectively demonstrate that the employer reasonably thought that a potential customer or source of financing would have been unwilling to provide the new

Page 5

- 1 business or capital if notice had been given. This
- 2 condition may be satisfied if the employer can show
- 3 that the financing or business source would not choose

4 to do business with a troubled company or with a
5 company whose workforce would be looking for other
6 jobs.

7 5. UNFORESEEABLE BUSINESS CIRCUMSTANCE. An
8 exception to the thirty-day notice applies to plant
9 closings and to mass layoffs if the requirements of
10 this subsection are met.

11 a. Business circumstances occurred that were not
12 reasonably foreseeable at the time that the thirty-day
13 notice would have been required.

14 b. The employer must, at the time notice is
15 actually given, provide a statement of explanation for
16 reducing the notice period in addition to the other
17 notice requirements in section 86C.3.

18 c. An important indicator of a reasonably
19 unforeseeable business circumstance is that the
20 circumstance is caused by some sudden, dramatic, and
21 unexpected action or condition outside the employer's
22 control.

23 d. The employer must exercise commercially
24 reasonable business judgment as would a similarly
25 situated employer in predicting the demands of the
26 employer's particular market. The employer is not
27 required to accurately predict general economic
28 conditions that also may affect demand for products or
29 services.

30 6. NATURAL DISASTER. An exception to the
31 thirty-day notice applies to plant closings and to
32 mass layoffs if the requirements of this subsection
33 are met.

34 a. A natural disaster occurred at the time notice
35 would have been required.

36 b. The employer must, at the time notice is
37 actually given, provide a statement of explanation for
38 reducing the notice period in addition to the other
39 requirements to notice in section 86C.3.

40 c. Floods, earthquakes, droughts, storms,
41 tornadoes, and similar effects of nature are natural
42 disasters under this subsection.

43 d. An employer must be able to demonstrate that
44 the plant closing or mass layoff is a direct result of
45 the natural disaster.

46 e. If a plant closing or mass layoff occurs as an
47 indirect result of a natural disaster, this exception
48 does not apply but the unforeseeable business
49 circumstance exception may be applicable.

50 Sec. 5. NEW SECTION. 86C.5 ENFORCEMENT AND

Page 6

1 PENALTIES.

2 1. The department shall adopt rules pursuant to

3 and consistent with chapter 17A regarding
4 investigations to determine whether an employer has
5 violated any provisions of this chapter. A
6 determination by the department that a violation has
7 occurred shall be considered final agency action under
8 chapter 17A.

9 2. An employer who violates the provisions of
10 section 86C.3 with respect to the department shall be
11 subject to a civil penalty of not more than one
12 hundred dollars for each day of the violation. Any
13 penalties collected by the department shall be
14 forwarded to the treasurer of state and deposited in
15 the general fund of the state.

16 3. The penalties provided for in this section
17 shall be the exclusive remedies for any violation of
18 this chapter. Under this chapter, a court shall not
19 have authority to enjoin a plant closing or mass
20 layoff.”

21 2. Title page, line 2, by striking the words
22 “remedies and”.

DICK L. DEARDEN

S-5209

1 Amend House File 2645, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 7, by inserting after line 14 the
4 following:

5 “Sec. ____ Section 20.14, subsection 2, paragraph
6 b, Code 2007, is amended to read as follows:

7 b. The petition is accompanied by written evidence
8 that ~~thirty~~ thirty-five percent of such public employees
9 are members of the employee organization or have
10 authorized it to represent them for the purposes of
11 collective bargaining.

12 Sec. ____ Section 20.14, subsection 5, paragraph
13 a, Code 2007, is amended to read as follows:

14 a. It finds that less than ~~thirty~~ thirty-five
15 percent of the public employees in the unit
16 appropriate for collective bargaining support the
17 petition for decertification or for certification.”

18 2. By renumbering as necessary.

PAUL MCKINLEY

S-5210

1 Amend House File 2645, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 8 the

- 4 following:
- 5 “Sec. ____ Section 20.3, Code 2007, is amended by
- 6 adding the following new subsection:
- 7 NEW SUBSECTION. 1A. “Bargaining unit” means only
- 8 those employees in a particular class of employees who
- 9 voluntarily agree to be represented by an employee
- 10 organization.”
- 11 2. Page 1, line 12, by inserting after the word
- 12 “employees” the following: “voluntarily”.
- 13 3. By renumbering as necessary.

DAVID L. HARTSUCH

S-5211

- 1 Amend House File 2645, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 18, by inserting after line 3 the
- 4 following:
- 5 “Sec. ____ Section 24.3, Code 2007, is amended by
- 6 adding the following new subsection:
- 7 NEW SUBSECTION. 5. The amounts proposed to be
- 8 expended pursuant to collective bargaining agreements
- 9 negotiated pursuant to chapter 20 and a comparison of
- 10 such amounts so proposed to be expended with the
- 11 amounts expended for like purposes for the two
- 12 preceding years.
- 13 Sec. ____ Section 331.434, subsection 1, Code
- 14 Supplement 2007, is amended to read as follows:
- 15 1. The budget shall show the amount required for
- 16 each class of proposed expenditures, a comparison of
- 17 the amounts proposed to be expended with the amounts
- 18 expended for like purposes for the two preceding
- 19 years, the amounts proposed to be expended pursuant to
- 20 collective bargaining agreements negotiated pursuant
- 21 to chapter 20 and a comparison of such amounts so
- 22 proposed to be expended with the amounts expended for
- 23 like purposes for the two preceding years, the
- 24 revenues from sources other than property taxation,
- 25 and the amount to be raised by property taxation, in
- 26 the detail and form prescribed by the director of the
- 27 department of management. For each county that has
- 28 established an urban renewal area, the budget shall
- 29 include estimated and actual tax increment financing
- 30 revenues and all estimated and actual expenditures of
- 31 the revenues, proceeds from debt and all estimated and
- 32 actual expenditures of the debt proceeds, and
- 33 identification of any entity receiving a direct
- 34 payment of taxes funded by tax increment financing
- 35 revenues and shall include the total amount of loans,
- 36 advances, indebtedness, or bonds outstanding at the
- 37 close of the most recently ended fiscal year, which

38 qualify for payment from the special fund created in
39 section 403.19, including interest negotiated on such
40 loans, advances, indebtedness, or bonds. For purposes
41 of this subsection, "indebtedness" includes written
42 agreements whereby the county agrees to suspend,
43 abate, exempt, rebate, refund, or reimburse property
44 taxes, provide a grant for property taxes paid, or
45 make a direct payment of taxes, with moneys in the
46 special fund. The amount of loans, advances,
47 indebtedness, or bonds shall be listed in the
48 aggregate for each county reporting. The county
49 finance committee, in consultation with the department
50 of management and the legislative services agency,

Page 2

1 shall determine reporting criteria and shall prepare a
2 form for reports filed with the department pursuant to
3 this section. The department shall make the
4 information available by electronic means.
5 Sec. ____ Section 384.16, subsection 1, unnumbered
6 paragraph 2, Code Supplement 2007, is amended to read
7 as follows:
8 A budget must show comparisons between the
9 estimated expenditures in each program in the
10 following year, the latest estimated expenditures in
11 each program in the current year, and the actual
12 expenditures in each program from the annual report as
13 provided in section 384.22, or as corrected by a
14 subsequent audit report. In addition, the budget
15 shall show the amounts proposed to be expended
16 pursuant to collective bargaining agreements
17 negotiated pursuant to chapter 20 and a comparison of
18 such amounts so proposed to be expended with the
19 amounts expended for like purposes for the two
20 preceding years. Wherever practicable, as provided in
21 rules of the committee, a budget must show comparisons
22 between the levels of service provided by each program
23 as estimated for the following year, and actual levels
24 of service provided by each program during the two
25 preceding years. For each city that has established
26 an urban renewal area, the budget shall include
27 estimated and actual tax increment financing revenues
28 and all estimated and actual expenditures of the
29 revenues, proceeds from debt and all estimated and
30 actual expenditures of the debt proceeds, and
31 identification of any entity receiving a direct
32 payment of taxes funded by tax increment financing
33 revenues and shall include the total amount of loans,
34 advances, indebtedness, or bonds outstanding at the
35 close of the most recently ended fiscal year, which
36 qualify for payment from the special fund created in

37 section 403.19, including interest negotiated on such
 38 loans, advances, indebtedness, or bonds. For purposes
 39 of this subsection, “indebtedness” includes written
 40 agreements whereby the city agrees to suspend, abate,
 41 exempt, rebate, refund, or reimburse property taxes,
 42 provide a grant for property taxes paid, or make a
 43 direct payment of taxes, with moneys in the special
 44 fund. The amount of loans, advances, indebtedness, or
 45 bonds shall be listed in the aggregate for each city
 46 reporting. The city finance committee, in
 47 consultation with the department of management and the
 48 legislative services agency, shall determine reporting
 49 criteria and shall prepare a form for reports filed
 50 with the department pursuant to this section. The

Page 3

1 department shall make the information available by
 2 electronic means.”
 3 2. Page 18, by inserting after line 17 the
 4 following:
 5 “Sec. __. Section 445.5, subsection 1, paragraph
 6 i, Code 2007, is amended to read as follows:
 7 i. The total amount of taxes levied by each taxing
 8 authority in the previous fiscal year and the current
 9 fiscal year and the difference between the two
 10 amounts, expressed as a percentage increase or
 11 decrease and a description of those items in a
 12 collective bargaining agreement negotiated pursuant to
 13 chapter 20 that significantly accounted for the
 14 increase or decrease.”
 15 3. By renumbering as necessary.

BRAD ZAUN

S-5212

1 Amend Senate File 2400 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 “DIVISION I
 5 ADMINISTRATION AND REGULATION APPROPRIATIONS”
 6 2. Page 14, by striking lines 10 through 17.
 7 3. Page 18, line 11, by inserting after the word
 8 “this” the following: “division of this”.
 9 4. Page 18, line 17, by inserting after the word
 10 “this” the following: “division of this”.
 11 5. Page 18, by inserting after line 20 the
 12 following:
 13 “DIVISION II
 14 STATE BUDGET DATABASE WEB SITE
 15 Sec. __. NEW SECTION. 23.1 INTENT — FINDINGS.

16 The general assembly finds that taxpayers should be
17 able to easily access the details on how the state is
18 spending their tax dollars and the performance results
19 are achieved for those expenditures. Therefore, it is
20 the intent of the general assembly to direct the
21 legislative services agency to create and maintain a
22 searchable budget database web site detailing where
23 tax dollars are expended, for what purpose tax dollars
24 are expended, and what results are achieved for all
25 taxpayer investments in state government.

26 Sec. ____ NEW SECTION. 23.2 SHORT TITLE.

27 This chapter shall be known as and may be cited as
28 the "Taxpayer Transparency Act".

29 Sec. ____ NEW SECTION. 23.3 DEFINITIONS.

30 As used in this chapter:

31 1. "Agency" means a state department, office,
32 board, commission, bureau, division, institution, or
33 public institution of higher education. "Agency"
34 includes individual state agencies and programs, as
35 well as those programs and activities that are
36 administered by or involve more than one agency.
37 "Agency" includes all elective offices in the
38 executive branch of government and the general
39 assembly.

40 2. "Director" means the director of the
41 legislative services agency.

42 3. "Entity" or "recipients" means any of the
43 following:

- 44 a. A corporation.
- 45 b. An association.
- 46 c. An employee union.
- 47 d. A limited liability company.
- 48 e. A limited liability partnership.
- 49 f. Any other legal business entity, including
50 nonprofit entities.

Page 2

- 1 g. "Grant recipient".
- 2 h. Contractors.
- 3 i. A county, city, school district, or other local
4 government entity.

5 "Entity" or "recipients" does not include an
6 individual recipient of state assistance.

7 4. "Funding action or expenditure" includes
8 details on the type of spending that is provided
9 including but not limited to grants, contracts, and
10 appropriations. "Funding action or expenditure"
11 includes tax exemptions or credits. Where possible, a
12 hyperlink to the actual grants or contracts shall be
13 provided.

14 5. "Funding source" means the state account or

15 fund the expenditure is appropriated from.

16 6. "State audit or report" shall include any audit
17 or report issued by the auditor of state, department
18 of management, legislative services agency,
19 legislative committee, or executive body relating to
20 the entity or recipient of funds, the budget program
21 or activity, or agency.

22 Sec. ____ NEW SECTION. 23.4 SEARCHABLE BUDGET
23 DATABASE WEB SITE CREATED.

24 1. By January 1, 2010, the director shall develop
25 and make publicly available a single, searchable
26 budget database web site including the data required
27 in this section for the most recent state budget.

28 2. The searchable budget database web site
29 developed pursuant to this section shall allow the
30 public at no cost to search and aggregate information
31 for all of the following:

32 a. Name and principal location or residence of the
33 entity or recipient of funds.

34 b. Amount of funds expended.

35 c. Funding or expending agency.

36 d. Funding source of the revenue expended.

37 e. Budget program or activity of the expenditure.

38 f. Descriptive purpose for the funding action or
39 expenditure.

40 g. Expected performance outcome for the funding
41 action or expenditure.

42 h. Past performance outcomes achieved for the
43 funding action or expenditure.

44 i. State audit or report relating to the entity or
45 recipient of funds or the budget program or activity
46 or agency.

47 j. Any other relevant information specified by the
48 director.

49 Sec. ____ NEW SECTION. 23.5 WEB SITE UPDATES.

50 Effective July 1, 2010, the searchable budget

Page 3

1 database web site shall be updated for each fiscal
2 year not later than thirty days following the close of
3 the fiscal year. In addition, the director may update
4 the searchable budget database web site as new data
5 becomes available. All state agencies shall provide
6 to the director all data that is required to be
7 included in the searchable budget database web site
8 not later than thirty days after the data becomes
9 available to the agency. The director shall provide
10 guidance to agency heads or the governing body of an
11 agency to ensure compliance with this section.

12 By January 1, 2011, the director shall add data for
13 the previous budgets to the searchable budget database

14 web site. Data for previous fiscal years may be added
15 as available and time permits. The director shall
16 ensure that all data added to the searchable budget
17 database web site remains accessible to the public for
18 a minimum of ten years.

19 Sec. ____ NEW SECTION. 23.6 NONCOMPLIANCE.

20 The director shall not be considered in compliance
21 with this chapter if the data required for the
22 searchable budget database web site is not available
23 in a searchable and aggregate manner or the public is
24 redirected to other government web sites unless each
25 of those sites has information from all agencies and
26 each category of information required can be searched
27 electronically by field in a single search.”

28 6. By renumbering as necessary.

JERRY BEHN

S-5213

1 Amend Senate File 2400 as follows:

2 1. Page 17, by inserting after line 14 the
3 following:

4 “Sec. ____ Section 68B.32A, Code Supplement 2007,
5 is amended by adding the following new subsection:

6 NEW SUBSECTION. 15. At the board’s discretion,
7 develop and operate a searchable internet site
8 database that provides access to information on
9 statements or reports filed with the board. For
10 purposes of this subsection, “searchable internet site
11 database” means an internet site database that allows
12 the public to search and aggregate information and is
13 in a downloadable format.”

14 2. By renumbering as necessary.

JEFF DANIELSON

S-5214

1 Amend House File 2645, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 14, by striking the words “but
4 not limited to”.

5 2. Page 3, by striking line 11.

6 3. Page 3, by striking lines 22 through 23 and
7 inserting the following:

8 “w. Other matters mutually agreed upon.”

9 4. By renumbering as necessary.

MARK ZIEMAN

S-5215

1 Amend Senate Concurrent Resolution 104 as follows:
 2 1. Page 3, line 12, by inserting after the word
 3 "Denver" the following: ", Colorado".
 4 2. Page 3, line 13, by striking the word
 5 "Legislatures." and inserting the following:
 6 "Legislatures; and
 7 BE IT FURTHER RESOLVED, That a copy of this
 8 resolution be delivered to the Lexington, Kentucky,
 9 office of the Council of State Governments; and
 10 BE IT FURTHER RESOLVED, That a copy of this
 11 resolution be delivered to the Harrodsburg, Kentucky,
 12 office of the State Agriculture and Rural Leaders
 13 Association."

DAVID JOHNSON

S-5216

HOUSE AMENDMENT TO
 SENATE FILE 2157

1 Amend Senate File 2157, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 1 and 2 and
 4 inserting the following:
 5 "Section 1. Section 88A.3, Code 2007, is amended
 6 to read as follows:
 7 88A.3 RULES.
 8 The commissioner shall adopt ~~and issue~~ rules for
 9 the safe installation, repair, maintenance, use,
 10 operation, and inspection of amusement devices,
 11 amusement rides, concession booths, and related
 12 electrical equipment at carnivals and fairs to the
 13 extent necessary for the protection of the public.
 14 The rules shall be based ~~upon~~ on generally accepted
 15 engineering standards and shall be concerned with, but
 16 not necessarily limited to, engineering force
 17 stresses, safety devices, and preventive maintenance.
 18 ~~Whenever such~~ If standards are available in suitable
 19 form ~~they, the standards~~ may be incorporated by
 20 reference. The rules shall provide for the reporting
 21 of accidents and injuries incurred from the operation
 22 of amusement devices or rides, concession booths, or
 23 related electrical equipment.
 24 The commissioner may modify or repeal any rule
 25 adopted under the provisions of this chapter.
 26 Sec. 2. Section 88A.4, Code 2007, is amended to
 27 read as follows:
 28 88A.4 PERMIT AND INSPECTION FEES — ~~NONLIABILITY~~

29 AND SPECIAL INSPECTORS.

30 Annual inspection fees under this chapter shall be
31 as follows:

32 1. Permit fees.

33 a. One through ten rides, or devices or
34 concessions, ~~twenty~~ thirty dollars.

35 b. Eleven or more rides, or devices or
36 concessions, ~~thirty~~ forty dollars.

37 2. Mechanical and electrical inspection fees for
38 amusement rides and devices.

39 a. For rides which are designed for seventy-five
40 pounds or less per passenger unit, ~~sixty~~ seventy-five
41 dollars for each inspection.

42 b. For rides which are designed for seventy-five
43 pounds or more and for which the manufacturer's
44 recommended assembly time is less than forty work
45 hours, ~~ninety~~ one hundred ten dollars for each
46 inspection.

47 c. For rides for which the manufacturer's
48 recommended assembly time is forty work hours or more,
49 ~~one hundred twenty~~ two hundred fifty dollars for each
50 inspection.

Page 2

1 3. Electrical inspection of concession booths, and
2 amusement devices fees, ~~thirty five~~ forty dollars
3 each.

4 ~~4. Special inspectors authorization fee,
5 twenty five dollars each. The special inspectors
6 authorization shall allow a person to perform
7 inspections only on rides, devices, and concession
8 booths of an operator who makes the request for the
9 special inspectors authorization. The failure of a
10 special inspector to inform the commissioner of
11 violations shall not subject the commissioner to
12 liability for any damages incurred.~~

13 Sec. 3. EFFECTIVE DATE. The portion of the
14 section of this Act amending section 88A.4,
15 subsections 1 through 3, takes effect January 1,
16 2009."

17 2. Title page, line 1, by striking the words
18 "inspections conducted by" and inserting the
19 following: "inspection fees and".

20 3. Title page, line 3, by inserting after the
21 word "development" the following: "and providing an
22 effective date".

S-5217

1 Amend Senate File 2383, as passed by the Senate, as
2 follows:

- 3 1. Page 1, by striking lines 12 through 17 and
 4 inserting the following:
 5 “() The offspring of a domestic cat and a
 6 nondomestic cat that is a member of the family felidae
 7 of the order carnivora, if the offspring is all of the
 8 following:
 9 (a) Removed from the parentage of the nondomestic
 10 cat by a minimum of four generations.
 11 (b) Equal to or less than twenty-five pounds in
 12 weight at one year of age.
 13 (c) Registered with the cat fanciers association,
 14 American cat fanciers association, or international
 15 cat association.
 16 (d) Permanently tattooed or installed with an
 17 electronic device that identifies the offspring as
 18 provided in rules adopted by the department.”
 19 2. By renumbering as necessary.

JOE M. SENG
 DENNIS H. BLACK
 NANCY J. BOETTGER
 MARK ZIEMAN
 WILLIAM DOTZLER
 THOMAS RIELLY

S-5218

- 1 Amend Senate File 2342 as follows:
 2 1. Page 1, by striking lines 3 through 19 and
 3 inserting the following:
 4 “626.16 RECEIPT AND RETURN.
 5 1. Every officer who receives an execution shall
 6 provide a receipt, if required, stating the hour when
 7 the same was received, and shall make sufficient
 8 return of the execution, together with the money
 9 collected, on or before the one hundred twentieth day
 10 from the date of its issuance.
 11 2. Notwithstanding the one-hundred-twenty-day
 12 period in subsection 1, a creditor may request the
 13 clerk of court to allow for the return of the
 14 execution, together with the money collected, for a
 15 period of up to three-hundred-sixty days from the date
 16 of its issuance. In such a case, if a second creditor
 17 subsequently executes a judgment against the same
 18 judgment debtor, the clerk of court shall require a
 19 return of the execution of the first creditor's
 20 judgment, together with the money collected, on the
 21 one hundred twentieth day from the date of its
 22 issuance or thirty days from the issuance of the
 23 second creditor's execution, whichever occurs later.
 24 Upon return of the first creditor's execution, the
 25 second creditor's execution shall begin and the return

26 of the second creditor's execution, together with the
 27 money collected, shall occur on or before the one
 28 hundred twentieth day of the date of its issuance.
 29 3. The sheriff shall deposit any moneys collected
 30 with the clerk of court and the clerk shall disburse
 31 the amounts, after subtracting applicable fees, within
 32 one hundred twenty days of collection.”
 33 2. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-5219

1 Amend Senate File 2372 as follows:
 2 1. Page 2, by inserting after line 21 the
 3 following:
 4 “c. The gift certificate is sold or issued by a
 5 small business. For purposes of this subsection, a
 6 “small business” means a business employing fifty or
 7 fewer employees.”

BRAD ZAUN
 JERRY BEHN

S-5220

1 Amend Senate File 2372 as follows:
 2 1. Page 2, by inserting after line 21 the
 3 following:
 4 “c. The gift certificate is in the form of a
 5 prepaid telephone calling card to be utilized to make
 6 a wireline or wireless telephone call, or to provide
 7 or add value to a prepaid wireline or wireless
 8 telephone account, either sold by the issuer or
 9 distributed pursuant to an awards, loyalty, or
 10 promotional program.”

STEVE KETTERING
 JERRY BEHN

S-5221

1 Amend Senate File 2372 as follows:
 2 1. Page 1, by striking line 1 and inserting the
 3 following:
 4 “Section 1. NEW SECTION. 555D.1 LEGISLATIVE
 5 INTENT — DEFINITION.
 6 0A. It is the intent of the general assembly to
 7 provide for and facilitate consumer protection,
 8 convenience, and customer service in connection with
 9 the issuance and redemption of gift certificates, and

10 in connection therewith preserve the status of
 11 unclaimed gift certificates as redeemable by a holder
 12 or owner at a future unspecified date.”

13 2. Page 2, by inserting after line 28 the
 14 following:

15 “Sec. ____ NEW SECTION. 555D.4 GIFT CERTIFICATES
 16 — UNCLAIMED PROPERTY PROHIBITION.

17 A gift certificate which has remained unclaimed by
 18 the owner of the gift certificate for more than three
 19 years after issuance shall not be presumed abandoned,
 20 but shall remain on file indefinitely with the seller
 21 or issuer of the gift certificate and redeemable for
 22 full value if presented by the owner or holder at a
 23 future date.”

24 3. By striking page 2, line 29, through page 3,
 25 line 12.

26 4. Page 3, by inserting before line 13 the
 27 following:

28 “Sec. ____ Section 556.1, subsection 12, paragraph
 29 b, Code Supplement 2007, is amended to read as
 30 follows:

31 b. Credit balance, customer overpayment, ~~gift~~
 32 ~~certificate~~, security deposit, refund, credit
 33 memorandum, unpaid wage, unused airline ticket, unused
 34 ticket, mineral proceeds, and unidentified remittance
 35 and electronic fund transfer.”

36 5. Title page, line 3, by inserting after the
 37 word “dates,” the following: “prohibiting disposition
 38 as unclaimed property,”.

39 6. By renumbering, redesignating, and correcting
 40 internal references as necessary.

STEVE KETTERING
 JERRY BEHN

S-5222

1 Amend Senate File 2372 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 “Section 1. NEW SECTION. 555D.1 GIFT
 5 CERTIFICATES — DEFINITION.

6 For purposes of this chapter, “gift certificate”
 7 means the same as defined in section 556.9, subsection
 8 2.

9 Sec. 2. NEW SECTION. 555D.2 GIFT CERTIFICATES —
 10 FULL DISCLOSURE.

11 A gift certificate shall contain on the face of the
 12 certificate or electronic gift card full disclosure of
 13 all of the following:

14 1. An expiration date after which the certificate
 15 or card cannot be redeemed.

16 2. Any fee or other charge which may be assessed,
 17 charged, or deducted from or with respect to the gift
 18 certificate.

19 Sec. 3. NEW SECTION. 555D.3 PENALTY.

20 A violation of this chapter is an unlawful practice
 21 under section 714.16.”

22 2. Title page, by striking lines 1 through 3 and
 23 inserting the following: “An Act relating to the
 24 issuance of gift certificates by requiring full
 25 disclosure of expiration dates and fees, and making
 26 penalties applicable.”

STEVE KETTERING
 JERRY BEHN

S-5223

1 Amend House File 2310, as passed by the House, as
 2 follows:

3 1. Page 1, line 13, by inserting after the word
 4 “care.” the following: “The study shall also identify
 5 potential changes in Iowa law that could encourage a
 6 child’s parent, guardian, custodian, or other person
 7 responsible for the child’s care to secure voluntary
 8 treatment for substance misuse, abuse, or dependency.”

COMMITTEE ON HUMAN RESOURCES
 AMANDA RAGAN, Chair

S-5224

1 Amend the amendment, S-5208, to Senate File 2332 as
 2 follows:

3 1. Page 6, by inserting after line 20 the
 4 following:
 5 “Sec. . NEW SECTION. 732.7 STRIKE — NOTICE
 6 REQUIREMENT.

7 1. A labor union, association, or organization, or
 8 the officers, representatives, agents, or members
 9 thereof who plan a strike shall not take such action
 10 until the end of a thirty-day period which begins
 11 after the labor union, association, or organization
 12 representatives serve written notice of such action to
 13 the affected employer.

14 2. The thirty-day notice requirement in subsection
 15 1 does not apply if the strike is the result of unsafe
 16 working conditions or violations of the federal
 17 National Labor Relations Act.

18 3. To the extent that a provision of this section
 19 conflicts with federal law, this section shall be
 20 construed to avoid the conflict.”

- 21 _____. Title page, line 2, by inserting after the
 22 word "layoffs," the following: "requiring labor
 23 unions to provide notice of strikes,."
 24 2. By renumbering as necessary.

PAUL MCKINLEY

S-5225

- 1 Amend Senate File 2332 as follows:
 2 1. Page 3, by inserting before line 24 the
 3 following:
 4 "____. LARGE-EMPLOYER EXEMPTION. The notice
 5 requirements of section 86C.3 do not apply to an
 6 employer who employs one thousand or more employees
 7 and plans a temporary plant closing or mass layoff.
 8 If the plant closing or mass layoff becomes permanent,
 9 the notice requirements of section 86C.3 apply."
 10 2. By renumbering as necessary.

WILLIAM DOTZLER
 PAT WARD

S-5226

- 1 Amend the amendment, S-5208, to Senate File 2332 as
 2 follows:
 3 1. Page 3, by inserting before line 15 the
 4 following:
 5 "____. LARGE-EMPLOYER EXEMPTION. The notice
 6 requirements of section 86C.3 do not apply to an
 7 employer who employs one thousand or more employees
 8 and plans a temporary plant closing or mass layoff.
 9 If the plant closing or mass layoff becomes permanent,
 10 the notice requirements of section 86C.3 apply."
 11 2. By renumbering as necessary.

WILLIAM DOTZLER
 PAT WARD

S-5227

- 1 Amend the amendment, S-5208, to Senate File 2332 as
 2 follows:
 3 1. Page 6, by inserting after line 20 the
 4 following:
 5 "Sec. _____. NEW SECTION. 86C.6 EMPLOYER
 6 ASSISTANCE.
 7 The department shall provide financial, production,
 8 and marketing specialists to work with an employer
 9 within thirty days after an employer gives notice of a

10 plant closing or mass layoff that will result in at
11 least fifty percent of the employer's workforce being
12 terminated or laid off in order to assist the employer
13 to develop a plan to stabilize the company."
14 2. By renumbering as necessary.

BRAD ZAUN
PAT WARD

S-5228

1 Amend House File 2628, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 19 and 20 and
4 inserting the following: "a person. Nothing in this
5 section precludes the lawful possession or use of a
6 bow and arrow for hunting or other lawful purposes."

COMMITTEE ON JUDICIARY
KEITH A. KREIMAN, Chair

S-5229

1 Amend Senate File 2131 as follows:
2 1. Page 1, by striking lines 2 and 3, and
3 inserting the following:
4 "1. "Commission" means the bovine, caprine,
5 equine, ovine, porcine, chickens, ducks, turkeys, and
6 farm deer industry promotional commission established
7 as provided in section 175C.2."
8 2. Page 1, by striking lines 6 and 7, and
9 inserting the following:
10 "3. "Fund" means the bovine, caprine, equine,
11 ovine, porcine, chickens, ducks, turkeys, and farm
12 deer industry promotional fund as provided in section
13 175C.6."
14 3. Page 1, line 9, by striking the word "EQUINE"
15 and inserting the following: "BOVINE, CAPRINE,
16 EQUINE, OVINE, PORCINE, CHICKENS, DUCKS, TURKEYS, AND
17 FARM DEER".
18 4. Page 1, line 11, by striking the words "An
19 equine" and inserting the following: "A bovine,
20 caprine, equine, ovine, porcine, chickens, ducks,
21 turkeys, and farm deer".
22 5. Page 1, by striking lines 25 through 28, and
23 inserting the following:
24 () Seven persons appointed by the president of
25 the Iowa association of community college presidents.
26 The persons shall be actively engaged in the care and
27 management of animals classified as caprine, equine,
28 ovine, porcine, chickens, ducks, turkeys, and farm

29 deer, as part of a curriculum at a community college.”
 30 6. By striking page 1, line 30, through page 2,
 31 line 18, and inserting the following: “governor. The
 32 voting members must be presently and actively engaged
 33 in providing for the care and management of animals
 34 classified as bovine, caprine, equine, ovine, porcine,
 35 chickens, ducks, turkeys, and farm deer. The members
 36 shall be actively engaged in areas of expertise
 37 involving animals classified as bovine, caprine,
 38 equine, ovine, porcine, chickens, ducks, turkeys, and
 39 farm deer.”
 40 7. Page 2, by striking lines 19 through 21 and
 41 inserting the following:
 42 “___ The governor shall appoint all the voting
 43 members based on a list of nominations submitted by
 44 organizations or individuals who represent areas of
 45 expertise involving animals classified as bovine,
 46 caprine, equine, ovine, porcine, chickens, ducks,
 47 turkeys, and farm deer.”
 48 8. Page 3, by striking line 25, and inserting the
 49 following: “to promoting the collective interests of
 50 the state’s bovine, caprine, equine, ovine, porcine,

Page 2

1 chickens, ducks, turkeys, and farm deer”.
 2 9. By striking page 3, line 30 through page 4,
 3 line 1, and inserting the following:
 4 “___ Market and promote the bovine, caprine,
 5 equine, ovine, porcine, chickens, ducks, turkeys, and
 6 farm deer industry.
 7 ___ Maintain an accurate and current database
 8 regarding the bovine, caprine, equine, ovine, porcine,
 9 chickens, ducks, turkeys, and farm deer industry and
 10 bovine, caprine, equine, ovine, porcine, chickens,
 11 ducks, turkeys, and farm deer communities.
 12 ___ Collect and disseminate accurate information
 13 regarding bovine, caprine, equine, ovine, porcine,
 14 chickens, ducks, turkeys, and farm deer to the bovine,
 15 caprine, equine, ovine, porcine, chickens, ducks,
 16 turkeys, and farm deer industry and bovine, caprine,
 17 ovine, porcine, chickens, ducks, turkeys, and farm
 18 deer communities.
 19 ___ Initiate or support bovine, caprine, equine,
 20 ovine, porcine, chickens, ducks, turkeys, and farm
 21 deer educational programs.
 22 ___ Initiate or support bovine, caprine, equine,
 23 ovine, porcine, chickens, ducks, turkeys, and farm
 24 deer research.”
 25 10. Page 4, line 12, by striking the word
 26 “EQUINE” and inserting the following: “BOVINE,
 27 CAPRINE, EQUINE, OVINE, PORCINE, CHICKENS, DUCKS,

28 TURKEYS, AND FARM DEER”.

29 11. Page 4, line 14, by striking the word
30 “equine” and inserting the following: “bovine,
31 caprine, equine, ovine, porcine, chickens, ducks,
32 turkeys, and farm deer”.

33 12. Page 4, line 28, by striking the word
34 “EQUINE” and inserting the following: “BOVINE,
35 CAPRINE, EQUINE, OVINE, PORCINE, CHICKENS, DUCKS,
36 TURKEYS, AND FARM DEER”.

37 13. Page 4, line 34, by striking the word
38 “equine” and inserting the following: “bovine,
39 caprine, equine, porcine, chickens, ducks, and farm
40 deer”.

41 14. Title page, by striking lines 1 and 2 and
42 inserting the following: “An Act relating to the
43 promotion of bovine, caprine, equine, ovine, porcine,
44 chickens, ducks, turkeys, and farm deer, by
45 establishing a bovine, caprine, equine, ovine,
46 porcine, chickens, ducks, turkeys, and farm deer
47 industry promotional commission and bovine, caprine,
48 equine, ovine, porcine, chickens, ducks, turkeys, and
49 farm deer industry”.

50 15. By renumbering as necessary.

JOHN PUTNEY

S-5230

1 Amend the amendment, S-5208, to Senate File 2332 as
2 follows:

3 1. Page 6, line 12, by striking the word “Any”.

4 2. Page 6, by striking lines 13 through 15.

5 3. Page 6, by inserting after line 20 the
6 following:

7 “4. All civil penalties collected under this
8 section shall be paid into the unemployment
9 compensation fund.”

PAT WARD

S-5231

1 Amend the amendment, S-5208, to Senate File 2332 as
2 follows:

3 1. Page 3, by inserting after line 14 the
4 following:

5 “___ NEW BUSINESS EXEMPTION. The notice
6 requirements of section 86C.3 do not apply to an
7 employer who employs fifty or fewer employees and who
8 has been operating for less than twelve calendar
9 months as of the date of the plant closing or mass

10 layoff.”

11 2. By renumbering as necessary.

BRAD ZAUN

S-5232

1 Amend House File 2145, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 3 the
4 following:

5 “Sec. . NEW SECTION. 514C.24 COVERAGE FOR
6 PROSTHETIC DEVICES.

7 1. Notwithstanding the uniformity of treatment
8 requirements of section 514C.6, a policy or contract
9 providing for third-party payment or prepayment of
10 health or medical expenses shall provide coverage
11 benefits for prosthetic devices when prescribed by a
12 physician licensed under chapter 148, 150, or 150A.
13 Such coverage benefits for prosthetic devices shall
14 provide coverage for prosthetic devices that, at a
15 minimum, equals the coverage and payment for
16 prosthetic devices provided under federal laws for
17 health insurance for the aged and disabled pursuant to
18 42 U.S.C. § 1395k, 1395l, and 1395m, and 42 C.F.R. §
19 414.202, 414.210, 414.228, and 410.100, as applicable.

20 2. a. This section applies to the following
21 classes of third-party payment provider contracts or
22 policies delivered, issued for delivery, continued, or
23 renewed in this state on or after July 1, 2008:

24 (1) Individual or group accident and sickness
25 insurance providing coverage on an expense-incurred
26 basis.

27 (2) An individual or group hospital or medical
28 service contract issued pursuant to chapter 509, 514,
29 or 514A.

30 (3) An individual or group health maintenance
31 organization contract regulated under chapter 514B.

32 (4) A plan established pursuant to chapter 509A
33 for public employees.

34 (5) An organized delivery system licensed by the
35 director of public health.

36 b. This section shall not apply to accident only,
37 specified disease, short-term hospital or medical,
38 hospital confinement indemnity, credit, dental,
39 vision, Medicare supplement, long-term care, basic
40 hospital and medical-surgical expense coverage as
41 defined by the commissioner, disability income
42 insurance coverage, coverage issued as a supplement to
43 liability insurance, workers’ compensation or similar
44 insurance, or automobile medical payment insurance.”

45 2. Title page, line 1, by striking the words “to

46 require” and inserting the following: “relating to
 47 health insurance mandates by requiring”.
 48 3. Title page, line 3, by inserting after the
 49 word “virus” the following: “, and requiring health
 50 insurance coverage for certain prosthetic devices.”

Page 2

1 4. By renumbering as necessary.

RICH OLIVE

S-5233

1 Amend Senate File 2307 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Sec. ___. PREKINDERGARTEN THROUGH GRADE TWELVE
 5 RESEARCH AND DEVELOPMENT — PROPOSALS.
 6 The department of education shall solicit each
 7 regents university and four-year private college and
 8 university in the state to provide each an opportunity
 9 to submit a plan for prekindergarten through grade
 10 twelve research and development. Each plan shall
 11 include a financing budget and a strategy for
 12 implementation.
 13 The interested universities and colleges shall
 14 submit their proposals to the department and to the
 15 general assembly by January 15, 2009.”
 16 2. Title page, by striking lines 1 through 3 and
 17 inserting the following: “An Act providing for
 18 colleges and universities to provide plans for
 19 prekindergarten through grade twelve research and
 20 development.”

PAUL MCKINLEY

S-5234

1 Amend Senate File 2360 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. Section 455B.310, subsection 2, Code
 5 2007, is amended to read as follows:
 6 2. The tonnage fee is four dollars and twenty-five
 7 cents per ton of solid waste, except as provided in
 8 section 455J.5, subsection 1, paragraph “b”.
 9 Sec. 2. Section 455D.3, Code 2007, is amended by
 10 adding the following new subsection:
 11 NEW SUBSECTION. 5. ENVIRONMENTAL MANAGEMENT
 12 SYSTEMS. A planning area designated as an

13 environmental management system pursuant to section
 14 455J.7 is exempt from the waste stream reduction goals
 15 of this section.

16 Sec. 3. Section 455E.11, subsection 2, paragraph
 17 a, subparagraph (1), Code 2007, is amended to read as
 18 follows:

19 (1) After the one dollar and fifty-five cents is
 20 allocated pursuant to subparagraph (2), the remaining
 21 moneys from the tonnage fee shall be used for funding
 22 alternatives to landfills and shall be allocated as
 23 follows:

24 (a) Fifty thousand dollars to the department to
 25 implement the special waste authorization program.

26 (b) One hundred sixty-five thousand dollars to the
 27 department to be used for the by-products and waste
 28 search service at the university of northern Iowa.

29 ~~(c) Up to thirty percent of the fees remitted~~
 30 ~~shall be used for grants to environmental management~~
 31 ~~systems as provided in section 455J.7.~~

32 ~~(c) (d)~~ (d) The ~~balance of the~~ remaining funds shall
 33 be used by the department to develop and implement
 34 demonstration projects for landfill alternatives to
 35 solid waste disposal including recycling programs.
 36 ~~These funds may also be used to assist planning areas~~
 37 ~~which have not been designated as environmental~~
 38 ~~management systems in meeting the designation~~
 39 ~~requirements of section 455J.3.~~

40 Sec. 4. NEW SECTION. 455J.1 ENVIRONMENTAL
 41 MANAGEMENT SYSTEMS — LEGISLATIVE FINDINGS — PURPOSE.

42 1. The purpose of this chapter is to encourage
 43 responsible environmental management and solid waste
 44 disposal and to enhance efforts to promote
 45 environmental stewardship.

46 2. The general assembly finds and declares all of
 47 the following:

48 a. The policy of responsible environmental
 49 management can be furthered by rewarding solid waste
 50 disposal projects that operate in an innovative,

Page 2

1 cost-effective, technologically advanced, and
 2 environmentally sensitive manner.

3 b. Responsible environmental management can also
 4 be furthered by changing the focus of solid waste
 5 disposal projects from disposal management to
 6 environmental resource management.

7 c. The concept of environmental stewardship
 8 embraces every aspect of the environmental footprint
 9 created by the management and disposal of solid waste.

10 d. Environmental management systems mitigate the
 11 climate change impacts of solid waste disposal by

12 reducing the amount of greenhouse gases released into
13 the atmosphere. In addition, environmental management
14 systems improve water quality by limiting and treating
15 the impacts of leachate disposal and by providing
16 positive examples of sustainable water resource
17 management.

18 e. The goal of managing resources in a sustainable
19 manner is to increase the benefits to communities and
20 society for the present and for the future.

21 Sec. 5. NEW SECTION. 455J.2 DEFINITIONS.

22 For purposes of this chapter:

23 1. "Commission" means the environmental protection
24 commission.

25 2. "Council" means the solid waste alternatives
26 program advisory council established by the director.

27 3. "Department" means the department of natural
28 resources.

29 4. "Director" means the director of the department
30 of natural resources.

31 5. "Environmental management system" or "system"
32 means a solid waste planning area which has been
33 designated as an environmental management system
34 pursuant to section 455J.7. "Environmental management
35 system" includes a planning area designated as an
36 environmental management system that is providing
37 multiple environmental services in addition to solid
38 waste disposal and that is planning for the continuous
39 improvement of solid waste management by appropriately
40 and aggressively mitigating the environmental impacts
41 of solid waste disposal.

42 Sec. 6. NEW SECTION. 455J.3 ENVIRONMENTAL
43 MANAGEMENT SYSTEM DESIGNATION REQUIREMENTS.

44 To qualify for designation as an environmental
45 management system pursuant to section 455J.7 a solid
46 waste planning area shall actively pursue all of the
47 following:

48 1. YARD WASTE MANAGEMENT. Provide for the
49 operation of a yard waste management program or
50 contract with another party to do so.

Page 3

1 2. HAZARDOUS HOUSEHOLD WASTE COLLECTION. Provide
2 for the proper management and disposal of hazardous
3 household waste by operating a regional collection
4 center or participating in a regional collection
5 center network. The regional collection center shall
6 provide for the collection and disposal of hazardous
7 household wastes, including but not limited to paint,
8 pesticides, batteries, automotive products, sharps,
9 needles and syringes, and pool chemicals. The
10 regional collection center shall encourage the reuse

11 of any materials for which reuse is possible and may
12 educate households on the use of safer alternatives
13 through efforts designed to increase public
14 participation and to increase the participation of
15 local government entities not currently in a network.
16 Regional collection centers may also provide for the
17 assessment of current educational programs by
18 examining changes in consumer behavior.

19 3. WATER QUALITY IMPROVEMENT. Provide for a water
20 quality improvement program within the system's
21 planning area. Such a program may include offering
22 educational programs, sponsoring awareness
23 initiatives, providing for cleanup activities such as
24 the cleanup of illegal dumping areas, and otherwise
25 promoting responsible environmental behavior.

26 4. GREENHOUSE GAS REDUCTION. Implement a
27 greenhouse gas reduction program designed to prevent
28 the release of greenhouse gases into the atmosphere.
29 Such a program may include but is not limited to the
30 following activities:

31 a. Generating electricity or producing other fuels
32 through the collection of landfill gas, such as a
33 methane gas recovery or minimization system.

34 b. Collecting and managing food and other organic
35 waste from households and from industrial and
36 commercial establishments, or attempting to recover
37 energy from the reuse of biomass.

38 c. Implementing programs that encourage the
39 efficient use of energy and promote the use of
40 renewable fuels.

41 d. Discouraging the uncontrolled burning of solid
42 waste and yard waste.

43 e. Setting recycling goals to measure energy
44 savings and quantify the level of success of
45 greenhouse gas mitigation efforts.

46 f. Collection and recycling services targeted at
47 waste generated by industrial and commercial
48 facilities such as cardboard, paper, construction, and
49 demolition waste.

50 5. RECYCLING SERVICES.

Page 4

1 a. Offer recycling services for paper, glass,
2 metal, and plastics within the communities served. In
3 addition to offering recycling of paper, metal, glass,
4 and plastics, a solid waste planning area may also
5 offer recycling services for electronic waste, white
6 goods, and tires.

7 b. Recycling services may also be targeted at
8 waste generated by industrial and commercial
9 facilities such as cardboard, paper, construction, and

10 demolition waste.

11 c. Recycling services offered in an effort to meet
12 the goals of this subsection may be provided through
13 drop-off sites or through curbside recycling programs
14 operated in conjunction with solid waste collection.
15 6. ENVIRONMENTAL EDUCATION. Plan and implement
16 programs educating the public on environmental
17 stewardship. These programs may include components
18 designed to prevent illegal dumping, reduce greenhouse
19 gas emissions, improve water quality, reduce waste
20 generation, increase recycling and reuse, or any other
21 environmental objective that furthers the purpose and
22 goals of this chapter.

23 Sec. 7. NEW SECTION. 455J.4 ANNUAL COMPLIANCE
24 REPORTS.

25 1. On September 1, 2009, and each year thereafter,
26 each environmental management system shall submit to
27 the department an annual report. The report shall
28 document the system's compliance with the requirements
29 of section 455J.3.

30 2. The department shall adopt by rule methods and
31 criteria for determining whether a system is in
32 compliance with the provisions of this chapter. In
33 adopting methods and criteria, the department shall
34 consult with stakeholders in order to develop
35 reasonable and appropriate criteria. In determining
36 whether a system is in compliance with the provisions
37 of this chapter, the department shall evaluate whether
38 a system is making continuing progress in regard to
39 the requirements of section 455J.3.

40 Sec. 8. NEW SECTION. 455J.5 INCENTIVES.

41 1. A solid waste planning area designated as an
42 environmental management system pursuant to section
43 455J.7 shall qualify for all of the following:

44 a. An exemption from solid waste reduction goals
45 imposed on sanitary landfills pursuant to section
46 455D.3.

47 b. A reduced tonnage fee of three dollars and
48 sixty-five cents per ton, to be imposed as provided in
49 section 455B.310, notwithstanding section 455B.310,
50 subsection 2, of which two dollars and ten cents shall

Page 5

1 be remitted to the department.

2 c. Financial assistance as recommended by the
3 council and approved by the commission pursuant to
4 section 455J.7.

5 2. Notwithstanding any other provision of law to
6 the contrary, in addition to the incentives in
7 subsection 1, an environmental management system is
8 only required to file its updated comprehensive plan

9 once every five years.

10 Sec. 9. NEW SECTION. 455J.6 SOLID WASTE
11 ALTERNATIVES PROGRAM ADVISORY COUNCIL.
12 1. A solid waste alternatives program advisory
13 council is established within the department. The
14 council consists of the following voting members
15 serving staggered three-year terms who shall be
16 appointed by the director:

17 a. One member representing the Iowa recycling
18 association.

19 b. One member representing the Iowa waste
20 exchange.

21 c. One member representing the department of
22 economic development's recycle Iowa program.

23 d. One member representing the Iowa society of
24 solid waste administrators.

25 e. Three members representing solid waste planning
26 areas of various sizes.

27 f. One member representing the Iowa chapter of the
28 national solid wastes management association.

29 g. One member representing the department.

30 2. In appointing members to the council, the
31 director shall include representatives from both
32 public and private solid waste entities.

33 3. Members shall not be entitled to compensation,
34 but shall be entitled to reimbursement for expenses
35 pursuant to section 7E.6.

36 4. A majority of voting members shall not include
37 any member who has a conflict of interest. A
38 statement by a member that the member has a conflict
39 of interest is conclusive for this purpose. A vacancy
40 in the membership does not impair the duties of the
41 council.

42 Sec. 10. NEW SECTION. 455J.7 DESIGNATION OF
43 ENVIRONMENTAL MANAGEMENT SYSTEMS.
44 1. CONSIDERATION OF PLANS. The council shall
45 consider solid waste management plans submitted by
46 solid waste planning areas and make recommendations
47 for designation as an environmental management system
48 to the commission. All system designations
49 recommended by the council are subject to approval by
50 the commission. Any solid waste planning area may

Page 6

1 submit a plan to the council and seek designation as a
2 system.

3 a. By October 1, 2008, the council shall recommend
4 the designation of up to six initial qualifying solid
5 waste planning areas as environmental management
6 systems to serve as pilot projects. By October 1,
7 2009, and by the same date each year thereafter, the

8 council may recommend the designation of any
9 additional planning areas as systems, provided those
10 areas meet the requirements of section 455J.3.

11 b. In recommending the designation of a planning
12 area as a system, the council shall make a
13 determination as to whether the area meets the
14 requirements of section 455J.3. The council shall not
15 recommend the designation of a planning area as a
16 system unless the planning area meets the requirements
17 of section 455J.3.

18 c. The commission shall consider the plans
19 submitted to the council and shall review the
20 council's recommendations on those plans. The
21 commission shall approve or reject each plan and shall
22 make publicly available its reasons for doing so.

23 2. SYSTEM REVIEW.

24 a. By October 1, 2009, and by the same date each
25 year thereafter, the council shall review the annual
26 reports of all designated systems and determine
27 whether those systems remain in compliance with
28 section 455J.3. If the council determines that a
29 planning area is no longer in compliance, the council
30 may recommend to the commission the revocation of the
31 planning area's system designation.

32 b. The council may review and monitor the progress
33 of those planning areas that have not been designated
34 as a system and shall coordinate with other statewide
35 boards, task forces, and other entities in order to
36 achieve the goals and objectives of this chapter.

37 3. ALLOCATION OF FUNDS.

38 a. The council shall recommend to the commission a
39 reasonable allocation of the moneys provided in
40 section 455E.11, subsection 2, paragraph "a",
41 subparagraph (1), subparagraph subdivision (c), to
42 eligible systems. In making its recommendation as to
43 the allocation of moneys, the council shall adopt and
44 use a set of reasonable criteria. The criteria shall
45 conform to the goals and purposes of this chapter as
46 described in section 455J.1 and shall be approved by
47 the commission.

48 b. Notwithstanding any other provision of law to
49 the contrary, the commission shall make a final
50 allocation of the funds described in section 455E.11,

Page 7

1 subsection 2, paragraph "a", subparagraph (1),
2 subparagraph subdivision (c), to systems meeting the
3 requirements of this chapter.

4 c. Moneys allocated pursuant to this subsection
5 shall be used by systems to further compliance with
6 any of the requirements of section 455J.3.

7 Sec. 11. COMPREHENSIVE RECYCLING PLANNING TASK
8 FORCE.

9 1. ESTABLISHMENT AND PURPOSE. A comprehensive
10 recycling planning task force is established. The
11 task force shall be initially convened by July 1,
12 2008, and shall be regularly convened as often as
13 necessary. The task force shall be convened for the
14 following purposes:

15 a. Studying and making recommendations for the
16 planning and implementation of comprehensive statewide
17 recycling programs, including an evaluation of the
18 current beverage container control law commonly
19 referred to as the bottle bill.

20 b. Making recommendations for reducing the amount
21 of recyclable materials contained in the waste stream
22 and for reducing litter.

23 2. MEMBERSHIP.

24 a. The task force shall consist of the following
25 voting members:

26 (1) One member selected by the Iowa recycling
27 association.

28 (2) One member selected by the Iowa society of
29 solid waste operations.

30 (3) Three members selected by the Iowa society of
31 solid waste operations representing solid waste
32 planning areas of various sizes and from various
33 locations across the state.

34 (4) One member selected by the Iowa league of
35 cities.

36 (5) One member selected by the solid waste
37 association of north America representing private
38 solid waste disposal entities.

39 (6) The director of the department of natural
40 resources, or the director's designee.

41 (7) One member selected by the Iowa environmental
42 council.

43 (8) One member selected by the league of women
44 voters of Iowa.

45 (9) One member selected by the Iowa wholesale beer
46 distributors association.

47 (10) One member selected by the Iowa beverage
48 association representing juice and soft drink
49 distributors.

50 (11) One member selected by the Iowa bottle bill

Page 8

1 coalition representing independent redemption centers.

2 (12) One member selected by the Iowa association
3 of counties.

4 (13) One member selected by the Iowa farm bureau
5 federation.

- 6 (14) One member selected by the association of
7 business and industry.
- 8 (15) One member selected by the home builders
9 association of Iowa.
- 10 (16) The director of the alcoholic beverages
11 division of the department of commerce, or the
12 director's designee.
- 13 (17) One member selected by keep Iowa beautiful.
- 14 (18) One member selected by the Iowa grocery
15 industry association.
- 16 (19) One member selected by the Iowa dairy foods
17 association.
- 18 (20) One member selected by the petroleum
19 marketers and convenience stores of Iowa.
- 20 (21) One member selected by the Iowa retail
21 federation.
- 22 (22) One member selected by the Iowa wine growers
23 association.
- 24 (23) The director of the department of
25 transportation, or the director's designee.
- 26 b. Nonvoting members of the task force shall
27 include all of the following:
- 28 (1) Two members of the senate. One senator shall
29 be appointed by the majority leader of the senate and
30 one senator shall be appointed by the minority leader
31 of the senate.
- 32 (2) Two members of the house of representatives.
33 One member shall be appointed by the speaker of the
34 house of representatives and one member shall be
35 appointed by the minority leader of the house of
36 representatives.
- 37 c. The voting members shall be appointed in
38 compliance with the requirements of sections 69.16,
39 69.16A, and 69.19, and shall serve for the duration of
40 the task force.
- 41 d. The members of the task force are entitled to
42 receive reimbursement for actual expenses incurred
43 while engaged in the performance of official duties.
- 44 e. The task force shall elect a chairperson and
45 the recommendations of the task force shall be
46 approved by a majority of the voting members. A
47 majority of the task force constitutes a quorum and an
48 affirmative vote of the majority of members is
49 necessary to approve the recommendations of the task
50 force. A vacancy in the membership does not impair

Page 9

- 1 the right of a quorum to exercise all rights and
2 perform all duties of the task force.
- 3 3. DUTIES. The task force shall do all of the
4 following:

- 5 a. Evaluate in a comprehensive manner the nature,
6 extent, and effectiveness of recycling programs
7 throughout the state.
- 8 b. Make recommendations for creating and enhancing
9 comprehensive sustainable recycling programs. Such
10 recommendations may include methods of collecting and
11 paying for the recycling of residential, industrial,
12 and commercial waste, mechanisms for increasing the
13 recycling of construction and demolition waste, and
14 incentives for increasing the recycling of yard waste,
15 food or other organic waste, hazardous household
16 waste, and electronic waste.
- 17 c. Assess the viability of a statewide curbside
18 recycling program and make recommendations regarding
19 the manner in which such a program might be
20 implemented. If the assessment determines that such a
21 program is viable, the task force shall provide an
22 evaluation of available funding sources for a
23 statewide curbside recycling program and include a
24 detailed budget proposal for funding, implementing,
25 and conducting such a program. The evaluation of
26 funding sources and the proposed budget shall ensure
27 adequate funding of recycling efforts throughout this
28 state until a transition from the current beverage
29 container control system to a statewide curbside
30 recycling program can be fully completed and
31 implemented.
- 32 d. Make recommendations for facilitating the
33 elimination of illegal dumping and littering
34 throughout the state, including an evaluation of
35 enhanced fines to increase deterrence. If
36 appropriate, the recommendations may include an
37 examination or incorporation of recommendations made
38 by other task forces or government agencies.
- 39 e. Make recommendations for the establishment and
40 funding of regional recycling centers.
- 41 f. Develop a plan to assist existing redemption
42 and recycling businesses in adapting to any industry
43 changes resulting from recommendations of the task
44 force.
- 45 g. Make recommendations for marketing programs
46 that increase education and awareness of recycling,
47 littering, and illegal dumping issues and that enhance
48 the understanding of and commitment to effective
49 environmental stewardship.
- 50 h. Assess the effectiveness and sustainability of

Page 10

- 1 the beverage container control law in Code chapter
2 455C, commonly referred to as the bottle bill, and
3 consider possible alternatives.

4 4. REPORT. The task force shall submit a written
5 report containing its findings and recommendations to
6 the governor and the general assembly by January 1,
7 2009.

8 5. DISSOLUTION. The task force shall complete its
9 duties no later than January 1, 2009, but may complete
10 its duties and dissolve itself prior to that date.”

11 2. Title page, by striking lines 1 through 4 and
12 inserting the following: “An Act relating to solid
13 waste disposal and environmental management by
14 providing for the designation of environmental
15 management systems, providing incentives, and creating
16 a solid waste alternatives program advisory council
17 and comprehensive recycling planning task force, and
18 modifying fees and allocations of funds.”

FRANK B. WOOD

S-5235

1 Amend House File 2526, as passed by the House, as
2 follows:

3 1. Page 1, line 3, by striking the word
4 “prohibited” and inserting the following:
5 “restricted”.

6 2. Page 2, line 32, by striking the word “not”.

7 3. By striking page 2, line 35, through page 3,
8 line 4, and inserting the following: “accordance with
9 section 297.22. However, the electors shall be
10 limited to twelve calendar months after an action by
11 the board to exercise such power for a purpose
12 directly contrary to the board’s action.”

COMMITTEE ON EDUCATION
BRIAN SCHOENJAHN, Chair

S-5236

1 Amend House File 2197, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:
5 “Section 1. NEW SECTION. 261.7 TEXTBOOK NOTICE
6 — LEGISLATIVE INTENT.

7 1. In order to promote consumer choice and lower
8 the costs of higher education, the general assembly
9 intends that every public and private institution for
10 higher education in this state post the list of
11 required and suggested textbooks for all courses and
12 the corresponding international standard book numbers
13 for such textbooks at least fourteen days before the

- 14 start of each semester or term, to the extent
 15 possible, at the locations where textbooks are sold on
 16 campus and on the web site for the respective
 17 institution for higher education.
 18 2. The college student aid commission is directed
 19 to convey this legislative intent to every registered
 20 institution for higher education in the state at least
 21 once a year.”
 22 2. Title page, line 1, by striking the word
 23 “requiring” and inserting the following:
 24 “encouraging”.
 25 3. Title page, lines 1 and 2, by striking the
 26 words “and community colleges”.

COMMITTEE ON EDUCATION
 BRIAN SCHOENJAHN, Chair

S-5237

- 1 Amend House File 2555, as passed by the House, as
 2 follows:
 3 1. Page 4, by inserting after line 3, the
 4 following:
 5 “___ The commissioner, with the advice of the
 6 governor, shall appoint a consumer advocate who shall
 7 be knowledgeable in the area of insurance and who
 8 shall conduct the duties of the bureau as set forth in
 9 this subsection.”
 10 2. Page 4, line 12, by inserting after the word
 11 “functions” the following: “related to consumer
 12 advocacy”.
 13 3. By renumbering as necessary.

RICH OLIVE

S-5238

- 1 Amend House File 2555, as passed by the House, as
 2 follows:
 3 1. Page 18, by striking lines 18 through 25.
 4 2. Title page, by striking line 10 and inserting
 5 the following: “the Iowa”.
 6 3. By renumbering as necessary.

RICH OLIVE

S-5239

- 1 Amend House File 2612, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by inserting after line 35 the

4 following:

5 "DIVISION ____
6 WATER SAFETY

7 Sec. ____ Section 462A.12, Code Supplement 2007,
8 is amended by adding the following new subsection:

9 NEW SUBSECTION. 15. A person shall not operate a

10 vessel on the waters of this state under the
11 jurisdiction of the commission unless every person on
12 board the vessel who is under thirteen years of age is
13 wearing a type I, II, III, or V personal flotation
14 device, including "float coats" that meet this
15 definition, that is approved by the United States
16 coast guard, while the vessel is under way. This
17 subsection does not apply when the person under
18 thirteen years of age is in an enclosed cabin or below
19 deck, or is a passenger on a commercial vessel with a
20 passenger capacity of twenty-five persons or more.

21 Sec. ____ Section 462A.14, subsection 1, paragraph
22 b, Code Supplement 2007, is amended to read as
23 follows:

24 b. While having an alcohol concentration of ~~10~~
25 08 or more.

26 Sec. ____ WARNING CITATIONS — TWELVE-MONTH
27 PERIOD. During the twelve-month period beginning on
28 the effective date of section 462A.12, subsection 15,
29 as enacted in this division of this Act, peace
30 officers shall issue only warning citations for a
31 violation of such subsection.

32 Sec. ____ EFFECTIVE DATE. Section 462A.12,
33 subsection 15, as enacted in this division of this
34 Act, and the section of this division providing for
35 the issuance of warning citations for violations of
36 such subsection, being deemed of immediate importance,
37 take effect upon enactment."

38 2. Title page, line 3, by inserting after the
39 word "lands" the following: ", waters,".

40 3. Title page, line 5, by inserting after the
41 word "applicable" the following: "and providing an
42 effective date".

43 4. By renumbering as necessary.

COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT
DENNIS H. BLACK, Chair

S-5240

1 Amend House File 2266, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 34 the
4 following:

5 "Sec. ____ Section 321.279, subsection 1, Code

6 2007, is amended to read as follows:

7 1. The driver of a motor vehicle commits a serious
 8 misdemeanor if the driver willfully fails to bring the
 9 motor vehicle to a stop or otherwise eludes or
 10 attempts to elude a marked official law enforcement
 11 vehicle driven by a uniformed peace officer after
 12 being given a visual and audible signal to stop. The
 13 signal given by the peace officer shall be by flashing
 14 red light, or by flashing red and blue lights, and
 15 siren. For purposes of this section, "peace officer"
 16 means those officers designated under section 801.4,
 17 subsection 11, paragraphs "a", "b", "c", "f", "g", and
 18 "h".

19 2. Title page, by striking lines 1 and 2 and
 20 inserting the following: "An Act relating to the
 21 criminal offenses of eluding or attempting to elude a
 22 law enforcement vehicle and the possession of an
 23 incendiary or explosive device or material, and the
 24 regulation of explosives,".

KEITH A. KREIMAN

S-5241

1 Amend House File 2103, as passed by the House, as
 2 follows:

3 1. Page 1, by striking lines 3 through 14 and
 4 inserting the following:
 5 "3. a. A member of the senate to be appointed by
 6 the president of the senate, after consultation with
 7 the majority leader and the minority leader of the
 8 senate, to serve as an ex officio nonvoting member ~~for~~
 9 ~~a term of four years beginning on July 1 of the year~~
 10 ~~of appointment.~~

11 ~~4. b. A member of the house of representatives to~~
 12 ~~be appointed by the speaker of the house to serve as~~
 13 ~~an ex officio nonvoting member for a term of four~~
 14 ~~years beginning on July 1 of the year of appointment."~~

DAVID JOHNSON

S-5242

1 Amend House File 2651, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 9, by inserting after line 8 the
 4 following:
 5 "Sec. . Section 321J.13, subsection 6,
 6 paragraph c, Code 2007, is amended to read as follows:
 7 c. Such a holding by the court in the criminal
 8 action is binding on the department, and the

9 department shall rescind the revocation. If the
 10 person has been disqualified from operating a
 11 commercial motor vehicle in connection with the same
 12 circumstances that resulted in the administrative
 13 revocation being challenged, the department shall
 14 rescind the disqualification, except for a
 15 disqualification under section 321.208, subsection 1,
 16 paragraph "a."

17 2. Page 14, line 9, by inserting after the word
 18 "construction." the following: "If costs for
 19 construction of improvements according to a city's
 20 standards exceed the costs for such construction
 21 according to county standards, the petitioner shall
 22 pay the difference in the costs."

23 3. Page 16, line 21, by striking the word
 24 "district," and inserting the following: "district".

25 4. Page 16, line 24, by inserting after the word
 26 "highway," the following: "other than roads
 27 identified under section 357I.2, subsection 3,".

28 5. Page 19, by striking lines 26 through 32.

29 6. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION
 THOMAS RIELLY, Chair

S-5243

1 Amend House File 2283, as amended, passed, and
 2 reprinted by the House, as follows:

- 3 1. Page 3, line 6, by striking the words "that
 4 purpose" and inserting the following: "Vietnam
 5 Conflict veterans' bonuses".

JOHN P. KIBBIE

S-5244

HOUSE AMENDMENT TO SENATE FILE 2089

1 Amend Senate File 2089, as passed by the Senate, as
 2 follows:

- 3 1. Page 1, line 5, by inserting after the word
 4 "application" the following: "on a sheet of paper no
 5 smaller than three by five inches in size".

6 2. Page 1, by inserting before line 16, the
 7 following:

8 "Sec. ____ Section 53.2, subsection 4, Code
 9 Supplement 2007, is amended to read as follows:

- 10 4. Each application shall contain the name and
 11 signature of the registered voter, the registered

12 voter's date of birth, the address at which the voter
 13 is registered to vote, and the name or date of the
 14 election for which the absentee ballot is requested,
 15 and such other information as may be necessary to
 16 determine the correct absentee ballot for the
 17 registered voter. If insufficient information has
 18 been provided, either on the prescribed form or on an
 19 application created by the applicant, the commissioner
 20 shall, by the best means available, obtain the
 21 additional necessary information."

22 3. Page 1, by inserting before line 16 the
 23 following:

24 "Sec. ____ Section 53.3, Code 2007, is amended to
 25 read as follows:

26 53.3 RECEIPT REQUIRED REQUIREMENTS FOR CERTAIN
 27 ABSENTEE BALLOT APPLICATIONS — PRESCRIBED FORM —
 28 RECEIPT.

29 1. When an application for an absentee ballot is
 30 solicited by, or collected for return to the
 31 commissioner by, a person acting as an actual or
 32 implied agent for a political party, candidate, or
 33 committee, as defined by chapter 68A, the person shall
 34 provide the applicant with the form prescribed by the
 35 state commissioner.

36 2. a. When an application for an absentee ballot
 37 is solicited by, and returned to the commissioner by,
 38 a person acting as an actual or implied agent for a
 39 political party, candidate, or committee, as defined
 40 by chapter 68A, the person shall issue to the
 41 applicant a receipt for the completed application.

42 b. The receipt shall contain the following
 43 information:

- 44 ~~1.~~ (1) The name of the applicant.
 45 ~~2.~~ (2) The date and time the completed application
 46 was received from the applicant.
 47 ~~3.~~ (3) The name and date of the election for which
 48 the application is being completed.
 49 ~~4.~~ (4) The name of the political party, candidate,
 50 or committee for whom the person is soliciting and

Page 2

- 1 returning the application for the absentee ballot.
 2 ~~5.~~ (5) The name of the person acting as an actual
 3 or implied agent for the political party, candidate,
 4 or committee.
 5 ~~6.~~ (6) A statement that the application will be
 6 delivered to the appropriate commissioner within
 7 seventy-two hours of the date and time the completed
 8 application was received from the applicant or no
 9 later than five p.m. on the Friday before the
 10 election, whichever is earlier.

- 11 ~~7. (7)~~ A statement that an absentee ballot will be
12 mailed to the applicant within twenty-four hours after
13 the ballot for the election is available.
14 c. The commissioner shall make receipt forms
15 required by this section available for photocopying at
16 the expense of the political party, candidate, or
17 committee.”
18 4. By renumbering as necessary.

S-5245HOUSE AMENDMENT TO
SENATE FILE 473

- 1 Amend Senate File 473, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by inserting after line 12 the
4 following:
5 “Sec. ___. Section 144B.1, Code 2007, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 1A. “Designee” means a person
8 named in a declaration under chapter 144C that is
9 contained in or attached to a durable power of
10 attorney for health care.
11 Sec. ___. Section 144B.5, Code 2007, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 5. A durable power of attorney
14 for health care may include a declaration under
15 chapter 144C that names a designee and alternate
16 designees who may be different persons than the
17 attorney in fact or alternate attorneys in fact who
18 are designated in the durable power of attorney for
19 health care.”
20 2. Page 3, line 15, by striking the word
21 “Directives”.
22 3. Page 3, line 32, by inserting after the word
23 “instrument,” the following: “contained in or
24 attached to a durable power of attorney for health
25 care under chapter 144B, that is”.
26 4. Page 3, line 33, by inserting after the word
27 “chapter,” the following: “and”.
28 5. Page 3, line 34, by striking the words “and
29 may direct” and inserting the following: “who shall
30 have the sole responsibility and discretion for making
31 decisions concerning”.
32 6. Page 4, lines 3 and 4, by striking the words
33 “to implement the declarant’s wishes contained in the
34 declaration” and inserting the following: “who shall
35 have the sole responsibility and discretion for making
36 decisions concerning the final disposition of the
37 declarant’s remains and the ceremonies planned after
38 the declarant’s death”.

39 7. Page 4, lines 21 and 22, by striking the words
40 “, as applied to implementation of a declarant’s
41 directives in a declaration,”.
42 8. By striking page 4, line 32, through page 5,
43 line 7, and inserting the following:
44 “19. a. “Third party” means a person who is
45 requested to dispose of remains by an adult with the
46 right to dispose of a decedent’s remains under section
47 144C.5 or assist with arrangements for ceremonies
48 planned after the declarant’s death.”
49 9. Page 5, lines 12 and 13, by striking the words
50 “FINAL DISPOSITION OF REMAINS” and inserting the

Page 2

1 following: “DESIGNEE”.
2 10. Page 5, by striking lines 14 through 19 and
3 inserting the following:
4 “___ . A declaration shall name a designee who
5 shall have the sole responsibility and discretion for
6 making decisions concerning the final disposition of
7 the declarant’s remains and the ceremonies planned
8 after the declarant’s death. A declaration may name
9 one or more alternate designees and may include
10 contact information for the designees and alternate
11 designees.
12 ___ . A declaration shall not include directives
13 for final disposition of the declarant’s remains and
14 shall not include arrangements for ceremonies planned
15 after the declarant’s death.”
16 11. Page 5, by striking lines 20 and 21 and
17 inserting the following:
18 “___ . A designee, an alternate designee, and a
19 third party shall act in good faith and in a manner
20 that is”.
21 12. Page 6, line 13, by striking the words
22 “directives contained in the declaration” and
23 inserting the following: “decisions made by the
24 designee”.
25 13. Page 8, lines 18 and 19, by striking the
26 words “FINAL DISPOSITION OF REMAINS” and inserting the
27 following: “DESIGNEE”.
28 14. Page 8, lines 22 and 23, by striking the
29 words “to implement my wishes relating to” and
30 inserting the following: “. My designee shall have
31 the sole responsibility for making decisions
32 concerning”.
33 15. Page 8, by striking lines 25 through 27 and
34 inserting the following: “This declaration hereby
35 revokes all prior declarations. This”.
36 16. Page 8, lines 29 and 30, by striking the
37 words “consistently with my directives as stated in

38 this declaration.”.

39 17. By striking page 8, line 31, through page 9,
40 line 2, and inserting the following: “under the
41 circumstances.”

42 18. Page 9, line 15, by striking the word
43 “contained”.

44 19. Page 9, line 15, by inserting after the word
45 “completed,” the following: “is contained in or
46 attached to a durable power of attorney for health
47 care under chapter 144B.”.

48 20. By striking page 9, line 27, through page 10,
49 line 9, and inserting the following:

50 “3. A declaration may include the location of an

Page 3

1 agreement for prearranged funeral services or funeral
2 merchandise as defined in and executed under chapter
3 523A, cemetery lots owned by or reserved for the
4 declarant, and special instructions regarding organ
5 donation consistent with chapter 142C.”

6 21. Page 10, lines 11 and 12, by striking the
7 words “or any directive contained in a declaration”.

8 22. Page 11, line 15, by inserting after the word
9 “by” the following: “the designee, an alternate
10 designee, and”.

11 23. Page 11, line 16, by striking the words “a
12 directive of the declarant” and inserting the
13 following: “the declaration”.

14 24. Page 11, by striking lines 24 through 31 and
15 inserting the following:

16 “2. The most recent declaration executed by a
17 declarant shall control.”

18 25. Page 11, by striking lines 32 through 34.

19 26. Page 13, by inserting after line 6, the
20 following:

21 “Sec. ___. Section 331.805, subsection 3,
22 paragraph b, Code 2007, is amended to read as follows:

23 b. If the ~~next of kin, guardian, or other person~~
24 authorized to ~~act on behalf~~ control the remains of a
25 deceased person under section 144C.5 has requested
26 that the body of the deceased person be cremated, a
27 permit for cremation must be obtained from a medical
28 examiner. Cremation permits by the medical examiner
29 must be made on the most current forms prepared at the
30 direction of and approved by the state medical
31 examiner, with copies forwarded to the state medical
32 examiner’s office. Costs for the cremation permit
33 issued by a medical examiner shall not exceed
34 seventy-five dollars. The costs ~~shall be borne by the~~
35 ~~family, next of kin, guardian of the decedent, or~~
36 ~~other person~~ of the permit and other reasonable

37 cremation expenses may be paid from the decedent's
 38 estate pursuant to section 633.425, subsection 3."
 39 27. Page 13, by striking lines 11 through 14 and
 40 inserting the following:
 41 "1. ~~Any available member of the following classes~~
 42 ~~of persons, in the priority listed, A person~~
 43 authorized to control the deceased person's remains
 44 under section 144C.5 shall have the right to control
 45 the interment, relocation, or disinterment of a
 46 decedent's remains within or from a cemetery;"
 47 28. Page 15, line 3, by striking the figures "2-
 48 1." and inserting the following: "2."
 49 29. Page 15, line 30, by striking the figure "2"
 50 and inserting the following: "3."

Page 4

1 30. Page 16, line 5, by striking the figure "3."
 2 and inserting the following: "4."
 3 31. Page 17, line 3, by striking the figure "4."
 4 and inserting the following: "5."
 5 32. Page 17, line 12, by striking the figure "5."
 6 and inserting the following: "6."
 7 33. Page 17, line 27, by striking the figure "6."
 8 and inserting the following: "7."
 9 34. Title page, line 2, by striking the word
 10 "directing" and inserting the following: "designating
 11 a person to have sole responsibility and discretion
 12 concerning".
 13 35. Title page, line 2, by striking the word
 14 "person's" and inserting the following: "adult's".
 15 36. By renumbering as necessary.

S-5246

HOUSE AMENDMENT TO SENATE FILE 2214

1 Amend Senate File 2214, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 2, by inserting after the word
 4 "CUSTODY" the following: "OR PHYSICAL CARE".
 5 2. Page 1, line 4, by inserting after the word
 6 "custody" the following: "or physical care".
 7 3. Page 1, line 5, by inserting after the word
 8 "filed" the following: "prior to or".
 9 4. Page 1, line 7, by inserting after the word
 10 "order" the following: "or decree".
 11 5. Page 1, line 8, by striking the words "custody
 12 order" and inserting the following: "custody or
 13 physical care order or decree".
 14 6. Page 1, line 11, by striking the words

- 15 “custody order” and inserting the following: “custody
 16 or physical care order or decree”.
 17 7. Title page, line 1, by striking the words
 18 “custody order” and inserting the following: “custody
 19 or physical care order or decree”.

S-5247

HOUSE AMENDMENT TO
 SENATE FILE 2108

- 1 Amend Senate File 2108, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 7, by inserting after the word
 4 “individuals” the following: “and corporations”.
 5 2. Page 1, line 8, by inserting after the word
 6 “parks,” the following: “trails, fish and wildlife
 7 habitat, natural areas,”.
 8 3. Page 1, line 9, by inserting after the word
 9 “uses” the following: “and benefits”.

S-5248

HOUSE AMENDMENT TO
 SENATE FILE 505

- 1 Amend Senate File 505, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 35, by inserting after the word
 4 “omissions” the following: “arising out of the use of
 5 an automated external defibrillator, whether”.
 6 2. Page 2, line 8, by inserting after the word
 7 “located” the following: “if the person or entity
 8 maintains the automated external defibrillator in a
 9 condition for immediate and effective use at all
 10 times, subject to standards developed by the
 11 department of public health by rule”.
 12 3. Page 2, by striking lines 15 through 20.
 13 4. By renumbering as necessary.

S-5249

HOUSE AMENDMENT TO
 SENATE FILE 2289

- 1 Amend Senate File 2289, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 17, by striking the word “~~who~~”
 4 and inserting the following: “who”.
 5 2. Page 1, by striking line 19 and inserting the
 6 following: “educational assistance is less than”

7 thirty-one years of age, and who is the child of a
8 person who”.

9 3. Page 2, line 10, by striking the words
10 “twenty-six and” and inserting the following:
11 “twenty-six”.

12 4. Page 2, line 15, by inserting after the word
13 “lifetime” the following: “and shall, to remain
14 eligible for assistance, meet the academic progress
15 standards of the postsecondary educational
16 institution”.

S-5250

1 Amend House File 2555, as passed by the House, as
2 follows:

3 1. By striking page 3, line 33, through page 4,
4 line 26, and inserting the following:
5 “NEW SUBSECTION. 5A. a. The commissioner shall
6 establish a bureau, to be known as the “consumer
7 advocate bureau”, which shall be responsible for
8 ensuring fair treatment of consumers by persons in the
9 business of insurance and for preventing unfair or
10 deceptive trade practices in the insurance
11 marketplace.

12 b. The commissioner, with the advice of the
13 governor, shall appoint a consumer advocate who shall
14 be knowledgeable in the area of insurance and
15 particularly in the area of consumer protection.

16 c. The consumer advocate bureau shall receive and
17 may investigate consumer complaints and inquiries from
18 the public, and shall conduct investigations to
19 determine whether any person has violated any
20 provision of the insurance code, including chapters
21 507B and 522B, and any provisions related to the
22 establishment of insurance rates.

23 d. When necessary or appropriate to protect the
24 public interest or consumers, the consumer advocate
25 may request that the commissioner conduct
26 administrative hearings as provided in section 505.29.

27 e. The consumer advocate bureau shall perform
28 other functions as may be assigned to it by the
29 commissioner related to consumer advocacy.

30 f. The consumer advocate bureau shall work in
31 conjunction with other areas of the insurance division
32 on matters of mutual interest. The insurance division
33 shall cooperate with the consumer advocate in
34 fulfilling the duties of the consumer advocate bureau.
35 The consumer advocate may also seek assistance from
36 other federal or state agencies or private entities
37 for the purpose of assisting consumers.

38 g. The commissioner, in cooperation with the
39 consumer advocate, shall prepare and deliver a report

40 to the general assembly by January 15 of each year
41 that contains findings and recommendations regarding
42 the activities of the consumer advocate bureau
43 including but not limited to all of the following:
44 (1) An overview of the functions of the bureau.
45 (2) The structure of the bureau including the
46 number and type of staff positions.
47 (3) Statistics showing the number of complaints
48 handled by the bureau, the nature of the complaints
49 including the line of business involved and their
50 disposition, and the disposition of similar issues in

Page 2

1 other states.
2 (4) Actions commenced by the consumer advocate.
3 (5) Studies performed by the consumer advocate.
4 (6) Educational and outreach efforts of the
5 consumer advocate bureau.
6 (7) Recommendations from the commissioner and the
7 consumer advocate about additional consumer protection
8 functions that would be appropriate and useful for the
9 bureau or the insurance division to fulfill based on
10 observations and analysis of trends in complaints and
11 information derived from national or other sources.
12 (8) Recommendations from the commissioner and the
13 consumer advocate about any needs for additional
14 funding, staffing, legislation, or administrative
15 rules.”
16 2. Page 18, by striking lines 18 through 25.
17 3. Title page, by striking line 10 and inserting
18 the following: “the Iowa”.
19 4. By renumbering as necessary.

STEVE WARNSTADT
RICH OLIVE

S-5251

1 Amend House File 2310, as passed by the House, as
2 follows:
3 1. Page 2, line 1, by inserting after the word
4 “care.” the following: “The protocol shall provide
5 for information reporting by family planning agencies
6 and other providers of services to children and
7 families.”

PAUL McKINLEY

S-5252

- 1 Amend House File 2164, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 282.18, subsection 3, Code
6 2007, is amended by striking the subsection."
7 2. Title page, line 1, by striking the word
8 "diversity".

BRAD ZAUN

S-5253

- 1 Amend House File 2164, as passed by the House, as
2 follows:
3 1. Page 1, line 14, by striking the words "or
4 unless" and inserting the following: "~~or unless~~".
5 2. Page 1, line 17, by inserting after the word
6 "district" the following: "or the pupil's parent or
7 guardian demonstrates to the superintendent that the
8 specific educational needs of the pupil can be better
9 served by the receiving district".

DAVID L. HARTSUCH

S-5254

- 1 Amend House File 2164, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 282.18, subsection 2,
6 unnumbered paragraph 2, Code 2007, is amended to read
7 as follows:
8 The board of the receiving district shall enroll
9 the pupil in a school in the receiving district for
10 the following school year unless the receiving
11 district does not have classroom space for the pupil
12 or the receiving district's superintendent denies the
13 request because of the adverse effect the transfer
14 will have on the implementation of the district of
15 enrollment's voluntary diversity or court-ordered
16 desegregation plan pursuant to subsection 3. The
17 board of directors of a receiving district may adopt a
18 policy granting the superintendent of the school
19 district authority to approve open enrollment
20 applications. If the request is granted, the board
21 shall transmit a copy of the form to the parent or
22 guardian and the school district of residence within

23 five days after board action, but not later than June
24 1 of the preceding school year. The parent or
25 guardian may withdraw the request at any time prior to
26 the start of the school year. A denial of a request
27 by the board of a receiving district is not subject to
28 appeal.”

29 2. Page 1, line 12, by striking the word “,
30 unless” and inserting the following: “unless and if
31 the superintendent of the receiving district also
32 denies the request for transfer. However, the request
33 shall not be denied by the district of residence or
34 the receiving district if” .

35 3. Page 1, line 14, by striking the word “unless”
36 and inserting the following: “unless if” .

37 4. By renumbering as necessary.

PAUL MCKINLEY

S-5255

1 Amend House File 2556, as passed by the House, as
2 follows:

3 1. Page 8, by inserting after line 24 the
4 following:

5 “Sec. ____ Section 533D.9, subsection 2, Code
6 2007, is amended by adding the following new
7 paragraph:

8 NEW PARAGRAPH. e. That the licensee cannot
9 initiate either civil court proceedings or arbitration
10 to collect an unpaid check unless the licensee has
11 provided the maker of the check the opportunity to
12 repay the obligation, without any additional charges
13 other than the fee and penalty as provided in this
14 section, in biweekly payments of not more than ten
15 percent of the face of the check until the debt is
16 paid in full. Additionally, that during this
17 repayment period the licensee may not transfer or sell
18 the debt owing on the unpaid check and may not report
19 on the account or borrower to any credit reporting
20 agency, and that the maker’s failure to make any
21 biweekly payment shall place the loan in default and
22 that the licensee may, after proper notice, exercise
23 rights against the borrower for collection of the
24 unpaid balance.

25 Sec. ____ Section 533D.10, subsection 1, Code
26 2007, is amended by adding the following new
27 paragraph:

28 NEW PARAGRAPH. g. Initiate either civil court
29 proceedings or civil or private arbitration
30 proceedings to collect an unpaid check unless the
31 licensee has provided the maker of the check the
32 opportunity to repay the obligation without any

33 additional charges, other than the fee and penalty
 34 provided for in section 533D.9, in biweekly payments
 35 of not more than ten percent of the face of the check
 36 until the debt is paid in full. During this repayment
 37 period, the licensee may not transfer or sell the debt
 38 owing on the unpaid check and may not report on the
 39 account or borrower to any credit reporting agency. A
 40 borrower's failure to make payments as required shall
 41 place the loan in default and the licensee may, after
 42 proper notice, exercise rights against the borrower
 43 for collection of the unpaid balance."
 44 2. By renumbering as necessary.

JOE BOLKCOM

S-5256

1 Amend House File 2651, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 9, line 15, by inserting after the word
 4 "facility" the following: "listed in section
 5 904.102".
 6 2. Page 9, by striking lines 22 through 25 and
 7 inserting the following:
 8 "2. However, any person under age eighteen who is
 9 required to attend the courses for violation of
 10 section 321J.2 or 321J.17 must attend a course offered
 11 by a substance abuse treatment program licensed under
 12 chapter 125."
 13 3. Page 9, line 32, by striking the words
 14 "colleges and" and inserting the following:
 15 "colleges, and".
 16 4. Page 9, line 33, by inserting after the figure
 17 "125" the following: ", the department of public
 18 health, and the department of corrections".
 19 5. By renumbering as necessary.

JEFF DANIELSON

S-5257

1 Amend House File 2390, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 25, by striking the words and
 4 figures "subsections 1 and 2, are" and inserting the
 5 following: "subsection 1, is".
 6 2. By striking page 1, line 35, through page 2,
 7 line 10.

DENNIS H. BLACK

S-5258

- 1 Amend House File 2651, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 9, line 15, by inserting after the word
4 “facility” the following: “listed in section
5 904.102”.
- 6 2. Page 9, by striking lines 22 through 25 and
7 inserting the following: “2. However, any person
8 under age eighteen who is required to attend the
9 courses for violation of section 321J.2 or 321J.17
10 must attend a course offered by a substance abuse
11 treatment program licensed under chapter 125.”
- 12 3. Page 9, line 32, by striking the words
13 “colleges and” and inserting the following:
14 “colleges, ~~and~~”.
- 15 4. Page 9, line 33, by inserting after the figure
16 “125” the following: “, the department of public
17 health, and the department of corrections”.
- 18 5. By renumbering as necessary.

JEFF DANIELSON

S-5259

- 1 Amend House File 2651, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 6, line 13, by striking the word and
4 figure: “subsection 1.”.
- 5 2. Page 6, by inserting after line 14 the
6 following:
7 “321E.8A SELF-PROPELLED IMPLEMENT OF HUSBANDRY —
8 ANNUAL PERMIT.”
- 9 3. Page 6, line 22, by striking the words “in a
10 county” and inserting the following: “in a county”.
- 11 4. Page 6, line 23, by striking the words “for
12 travel within the county” and inserting the following:
13 “for travel within the county”.
- 14 5. Page 6, line 24, by striking the word “Prior”
15 and inserting the following: “Prior”.
- 16 6. Page 6, by striking lines 25 through 35 and
17 inserting the following: “to issuing a permit, the
18 department shall collect a fee of six hundred dollars
19 for each county in which the vehicle will be operated
20 during the period of the permit beginning July 1 and
21 ending June 30, provided that a permit shall not be
22 issued for a vehicle for operation in more than ten
23 counties and the total amount of fees collected for a
24 vehicle for the period of the permit shall not exceed
25 three thousand five hundred dollars. Moneys collected
26 by the department on behalf of the counties in which

27 ~~the vehicle will be operated shall be allotted equally~~
 28 ~~to those counties and deposited in the secondary road~~
 29 ~~funds of those counties. A vehicle for which a”.~~
 30 7. Page 7, by striking lines 11 and 12 and
 31 inserting the following: “1, 2007, may be renewed for
 32 that vehicle annually ~~upon payment of the appropriate~~
 33 ~~county fees.~~
 34 2. A vehicle described in subsection 1 shall not
 35 be operated on a highway without a permit issued under
 36 this section. ~~The owner of a vehicle that is operated~~
 37 ~~in violation of section 321E.7, subsection 4, or this~~
 38 ~~section is subject to a civil penalty of ten thousand~~
 39 ~~dollars, in addition to any other penalties that may~~
 40 ~~apply.”~~
 41 8. By renumbering as necessary.

DAVID JOHNSON

S-5260

1 Amend the House amendment, S-5244, to Senate File
 2 2089, as passed by the Senate, as follows:
 3 1. Page 1, by inserting after line 2, the
 4 following:
 5 “___ Page 1, by inserting before line 1 the
 6 following:
 7 “Sec. ___. Section 49.77, subsection 4, paragraph
 8 b, Code Supplement 2007, is amended to read as
 9 follows:
 10 b. If the voter informs the precinct election
 11 official that the voter resides in the precinct and is
 12 not registered to vote, the voter may register to vote
 13 pursuant to section 48A.7A and cast a ballot. ~~If such~~
 14 ~~a voter is unable to establish identity and residency~~
 15 ~~in the manner provided in section 48A.7A, subsection~~
 16 ~~1, paragraph “b” or “c”, the voter shall be allowed to~~
 17 ~~cast a provisional ballot in the manner prescribed by~~
 18 ~~section 49.81.”~~
 19 2. By renumbering as necessary.

JAMES F. HAHN

S-5261

1 Amend House File 2628, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 19 and 20 and
 4 inserting the following: “a person.”

KEITH A. KREIMAN

S-5262

1 Amend House File 2651, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 “Section 1. NEW SECTION. 306.47 UTILITY
6 FACILITIES RELOCATION POLICY.

7 It is the policy of the general assembly that a
8 proactive, cooperative coordination between the
9 department, local governments, private and public
10 utility companies, and other affected parties is the
11 most effective way to minimize costs, eliminate the
12 need for utilities to relocate facilities, limit
13 disruption of utility services related to federal,
14 state, or local highway construction projects, and
15 limit the potential need for relocation of utility
16 facilities.

17 All potentially affected parties shall be included
18 in development meetings at the design phase of a
19 highway construction project to review plans,
20 understand goals and objectives of the proposed
21 project, and discuss options that would limit the
22 impact of the construction on utility facilities and
23 thereby minimize or even eliminate costs associated
24 with utility facility relocation. All jurisdictions
25 and other interested parties shall cooperate to
26 discuss strategies and policies to utilize the Iowa
27 one call system in the development of a highway
28 construction project.”

29 2. Title page, line 5, by inserting after the
30 word “concerning” the following: “utility facility
31 relocation due to highway construction.”.

32 3. By renumbering as necessary.

JEFF DANIELSON

S-5263

1 Amend House File 2164, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 “Section 1. Section 282.18, subsection 2,
6 unnumbered paragraph 2, Code 2007, is amended to read
7 as follows:

8 The board of the receiving district shall enroll
9 the pupil in a school in the receiving district for
10 the following school year unless the receiving
11 district does not have classroom space for the pupil.
12 However, the board of the receiving district shall not

13 adjust or redraw existing school boundaries to
 14 accommodate requests for open enrollment. The board
 15 of directors of a receiving district may adopt a
 16 policy granting the superintendent of the school
 17 district authority to approve open enrollment
 18 applications. If the request is granted, the board
 19 shall transmit a copy of the form to the parent or
 20 guardian and the school district of residence within
 21 five days after board action, but not later than June
 22 1 of the preceding school year. The parent or
 23 guardian may withdraw the request at any time prior to
 24 the start of the school year. A denial of a request
 25 by the board of a receiving district is not subject to
 26 appeal.”
 27 2. Title page, line 2, by inserting after the
 28 word “plans” the following: “and school boundary
 29 changes”.
 30 3. By renumbering as necessary.

JEFF DANIELSON

S-5264

1 Amend House File 2411, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 8 through 10 and
 4 inserting the following: “January 1, 2003, for a
 5 duration of at least five continuous years, may be
 6 granted a class B”.
 7 2. Page 1, by striking lines 26 through 28 and
 8 inserting the following: “electrician since ~~1990~~
 9 January 1, 2003, for a duration of at least five
 10 continuous years, may”.

STEVE KETTERING

S-5265

1 Amend House File 2556, as passed by the House, as
 2 follows:
 3 1. Page 10, by striking lines 14 through 17 and
 4 inserting the following:
 5 “a. “Lender” means a person who makes or
 6 originates a loan; a person who is identified as a
 7 lender on the loan documents; or a person who
 8 arranges, negotiates, or brokers a loan; and who also
 9 provides any goods or services as an incident to or”.

STEVE WARNSTADT
 STEVE KETTERING

S-5266

- 1 Amend House File 2384, as passed by the House, as
2 follows:
- 3 1. Page 2, by inserting after line 4 the
4 following:
5 “Sec. ____ Section 533.301, subsection 25, Code
6 Supplement 2007, is amended to read as follows:
7 25. Engage in any activity ~~authorized by the~~
8 ~~superintendent~~ which would be permitted if the state
9 credit union were federally chartered ~~and which is~~
10 ~~consistent with state law, unless prohibited by the~~
11 superintendent.”
- 12 2. Title page, by striking lines 1 and 2 and
13 inserting the following: “An Act relating to the
14 operation of credit unions, providing for
15 modifications regarding the deposit of public funds
16 with corporate credit unions and regarding specified
17 powers of state credit unions.”
- 18 3. By renumbering as necessary.

JEFF DANIELSON

S-5267

- 1 Amend the amendment, S-5242, to House File 2651, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 1, by striking lines 3 through 16 and
5 inserting the following:
6 “____. By striking page 3, line 11, through page
7 4, line 1.”
- 8 2. Page 1, by inserting after line 28 the
9 following:
10 “____. Title page, lines 10 and 11, by striking
11 the words “disqualification from operating a
12 commercial motor vehicle.”.”
- 13 3. By renumbering as necessary.

THOMAS RIELLY

S-5268

- 1 Amend the amendment, S-5172, to House File 2539, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 1, by striking lines 36 through 40.
5 2. Page 1, line 43, by inserting after the figure
6 “514E.5A,” the following: “develop a comprehensive
7 plan to cover all children without health care
8 coverage that utilizes and modifies existing public

9 programs including the medical assistance program, the
10 hawk-i program, and the hawk-i expansion program,
11 and”.

12 3. Page 2, by inserting after line 40 the
13 following:

14 “Sec. ____ Section 249A.3, Code Supplement 2007,
15 is amended by adding the following new subsection:
16 NEW SUBSECTION. 14. The department shall provide
17 continuous eligibility for twelve months under the
18 medical assistance program for a child who was
19 eligible for enrollment at the time of the most recent
20 enrollment.”

21 4. Page 3, line 27, by striking the words
22 “exclusive of any income disregards”.

23 5. Page 3, line 34, by striking the figure “(1)”.

24 6. By striking page 3, line 47, through page 4,
25 line 21, and inserting the following: “outreach and
26 marketing. Other state agencies including but not
27 limited to the department of revenue, the department
28 of economic development, and the department of
29 education shall cooperate with the department in
30 providing marketing and outreach to potentially
31 eligible children and their families.”

32 7. Page 4, by striking lines 25 through 34 and
33 inserting the following:

34 “NEW PARAGRAPH. 1. Develop options and
35 recommendations to allow children eligible for the
36 hawk-i or hawk-i expansion program to participate in
37 qualified employer-sponsored health plans through a
38 premium assistance program. The options and
39 recommendations shall ensure reasonable alignment
40 between the benefits and costs of the hawk-i and
41 hawk-i expansion programs and the employer-sponsored
42 health plans consistent with federal law. The options
43 and recommendations shall be completed by January 1,
44 2009, and submitted to the governor and the general
45 assembly for consideration as part of the hawk-i and
46 hawk-i expansion programs.”

47 8. Page 4, by striking lines 39 through 41 and
48 inserting the following: “and supporting
49 documentation. The administrative contractor shall
50 not enroll a child who has group health coverage or

Page 2

1 ~~any child who has dropped coverage”.~~

2 9. Page 4, line 44, by striking the word “board.”
3 and inserting the following: “board.”

4 10. Page 4, by inserting before line 45 the
5 following:

6 “Sec. ____ Section 514I.8, subsection 1, Code
7 2007, is amended to read as follows:

8 1. Effective July 1, 1998, and notwithstanding any
9 medical assistance program eligibility criteria to the
10 contrary, medical assistance shall be provided to, or
11 on behalf of, an eligible child under the age of
12 nineteen whose family income does not exceed one
13 hundred thirty-three percent of the federal poverty
14 level, as defined by the most recently revised poverty
15 income guidelines published by the United States
16 department of health and human services.
17 Additionally, effective July 1, 2000, and
18 notwithstanding any medical assistance program
19 eligibility criteria to the contrary, medical
20 assistance shall be provided to, or on behalf of, an
21 eligible infant whose family income does not exceed
22 two hundred percent of the federal poverty level, as
23 defined by the most recently revised poverty income
24 guidelines published by the United States department
25 of health and human services. Effective July 1, 2009,
26 and notwithstanding any medical assistance program
27 eligibility criteria to the contrary, medical
28 assistance shall be provided to, or on behalf of, an
29 eligible infant whose family income is at or below
30 three hundred percent of the federal poverty level, as
31 defined by the most recently revised poverty income
32 guidelines published by the United States department
33 of health and human services.”

34 11. Page 5, line 26, by striking the words
35 “exclusive of any income disregards”.

36 12. Page 6, by inserting after line 7 the
37 following:

38 “Sec. ____ . MAXIMIZATION OF ENROLLMENT AND
39 RETENTION — MEDICAL ASSISTANCE AND HAWK-I PROGRAMS.

40 1. The department of human services, in
41 collaboration with the department of education, the
42 department of public health, the division of insurance
43 of the department of commerce, the hawk-i board, the
44 covering kids and families coalition, and the covering
45 kids now task force, shall develop a plan to maximize
46 enrollment and retention of eligible children in the
47 hawk-i and medical assistance programs. In developing
48 the plan, the collaborative shall review, at a
49 minimum, all of the following strategies:

50 a. Streamlined enrollment in the hawk-i and

Page 3

1 medical assistance programs. The collaborative shall
2 identify information and documentation that may be
3 shared across departments and programs to simplify the
4 determination of eligibility or eligibility factors,
5 and any interagency agreements necessary to share
6 information consistent with state and federal

7 confidentiality and other applicable requirements.
 8 b. Conditional eligibility for the hawk-i and
 9 medical assistance programs.
 10 c. Retroactive eligibility for the hawk-i program.
 11 d. Expedited renewal for the hawk-i and medical
 12 assistance programs.
 13 2. Following completion of the review the
 14 department of human services shall compile the plan
 15 which shall address all of the following relative to
 16 implementation of the strategies specified in
 17 subsection 1:
 18 a. Federal limitations and quantifying of the risk
 19 of federal disallowance.
 20 b. Any necessary amendment of state law or rule.
 21 c. Budgetary implications and cost-benefit
 22 analyses.
 23 d. Any medical assistance state plan amendments,
 24 waivers, or other federal approval necessary.
 25 e. An implementation time frame.
 26 3. The department of human services shall submit
 27 the plan to the governor and the general assembly no
 28 later than December 1, 2008.”
 29 13. Page 7, line 45, by inserting after the word
 30 “provisions” the following: “for the development of a
 31 comprehensive plan to provide health care coverage to
 32 all children without such coverage, that utilizes and
 33 modifies existing public programs, including the
 34 medical assistance program, hawk-i, IowaCare, and
 35 hawk-i expansion, and provides”.
 36 14. Page 7, line 48, by inserting after the words
 37 “for the” the following: “comprehensive plan and for
 38 the”.
 39 15. Page 8, by inserting after line 49 the
 40 following:
 41 “1. The association, in consultation with the
 42 advisory council, shall develop a comprehensive plan
 43 to provide health care coverage to all children
 44 without such coverage, that utilizes and modifies
 45 existing public programs including the medical
 46 assistance program, hawk-i program, and hawk-i
 47 expansion program, and establishes the Iowa choice
 48 health care coverage program to provide access to
 49 private unsubsidized, affordable, qualified health
 50 care coverage to children who are not otherwise

Page 4

1 eligible for health care coverage through public
 2 programs.”
 3 16. By striking page 8, line 50, through page 9,
 4 line 4, and inserting the following:
 5 “___. As part of the comprehensive plan developed

6 by the association and the advisory council, the Iowa
7 choice health care coverage program shall provide
8 access to private unsubsidized, affordable, qualified
9 health care coverage to all Iowa children”.

10 17. Page 9, line 9, by inserting after the word
11 “level” the following: “and who are not otherwise
12 eligible for coverage under chapter 249A, 249J, or
13 514I”.

14 18. Page 9, by striking lines 18 through 35.

15 19. Page 9, line 36, by striking the word “The”
16 and inserting the following: “As part of the
17 comprehensive plan developed, the”.

18 20. Page 10, line 22, by striking the word “The”
19 and inserting the following: “As part of the
20 comprehensive plan developed, the”.

21 21. Page 10, line 38, by striking the word “The”
22 and inserting the following: “As part of the
23 comprehensive plan, the”.

24 22. Page 11, line 10, by striking the word “The”
25 and inserting the following: “As part of the
26 comprehensive plan, the”.

27 23. Page 11, line 39, by striking the words “in
28 administering” and inserting the following: “in
29 developing the comprehensive plan, and in
30 administering the comprehensive plan and”.

31 24. Page 12, by inserting after line 2 the
32 following:

33 “___ . The association shall submit the
34 comprehensive plan required by this section to the
35 governor and the general assembly by December 15,
36 2008. The appropriations to cover children under the
37 medical assistance, hawk-i, and hawk-i expansion
38 programs as provided in this Act and to provide
39 related outreach for fiscal year 2009–2010 and fiscal
40 year 2010–2011 are contingent upon enactment of a
41 comprehensive plan during the 2009 legislative session
42 that provides health care coverage for all children in
43 the state. Enactment of a comprehensive plan shall
44 include a determination of what the prospects are of
45 federal action which may impact the comprehensive plan
46 and the fiscal impact of the comprehensive plan on the
47 state budget.”

48 25. Page 12, by striking lines 3 through 6 and
49 inserting the following:

50 “___ . Beginning on January 15, 2010, and on

Page 5

1 January 15 of each year thereafter, the association
2 shall submit an annual report to the governor and the
3 general assembly regarding implementation of the
4 comprehensive plan required by this section, including

5 all activities of the Iowa choice health care coverage
6 program including”.

7 26. Page 12, line 16, by inserting after the
8 words “of the” the following: “comprehensive plan and
9 the Iowa choice health care coverage”.

10 27. Page 12, line 18, by inserting after the word
11 “individuals” the following: “, particularly children
12 less than nineteen years of age,”.

13 28. Page 12, by striking lines 33 through 39 and
14 inserting the following:

15 “1. An advisory council is created for the purpose
16 of assisting the association with developing a
17 comprehensive plan to cover all children without
18 health care coverage that utilizes and modifies
19 existing public programs and provides access to
20 unsubsidized, affordable, qualified private health
21 care coverage through the Iowa choice health care
22 coverage program as provided in section 514E.5. The
23 advisory council shall make recommendations concerning
24 the design and implementation of the comprehensive
25 plan and the Iowa choice health care coverage program
26 including a plan of operation which includes but is
27 not limited to a definition of” .

28 29. By striking page 12, line 46, through page
29 13, line 12, and inserting the following:

30 “2. The advisory council consists of the following
31 persons who are voting members unless otherwise
32 provided:

33 a. The two most recent former governors, or if one
34 or both of them are unable or unwilling to serve, a
35 person or persons appointed by the governor.

36 b. Six members appointed by the governor, subject
37 to confirmation by the senate:

38 (1) A representative of the federation of Iowa
39 insurers.

40 (2) A health economist.

41 (3) Two consumers, one of whom shall be a
42 representative of a children’s advocacy organization.

43 (4) A representative of organized labor.

44 (5) A representative of an organization of
45 employers.

46 c. The following members shall be ex officio,
47 nonvoting members of the council:

48 (1) The commissioner of insurance, or a designee.

49 (2) The director of human services, or a designee.

50 (3) The director of public health, or a designee.”

Page 6

1 30. Page 13, line 13, by striking the word “e.”
2 and inserting the following: “(4)”.

3 31. Page 13, by striking lines 18 and 19 and

4 inserting the following: “the minority leader of the
5 senate.”

6 32. Page 13, by striking line 48 and inserting
7 the following: “association to be used for the
8 purposes of designing and implementing a comprehensive
9 plan and the Iowa”.

10 33. Page 13, line 49, by inserting after the word
11 “program” the following: “as provided in section
12 514E.5”.

13 34. By striking page 14, line 18, through page
14 16, line 8, and inserting the following:

15 “HEALTH INSURANCE OVERSIGHT
16 Sec. ____ Section 505.8, Code Supplement 2007, is
17 amended by adding the following new subsection:
18 NEW SUBSECTION. 15. Beginning no later than
19 November 1, 2008, and continuing thereafter, the
20 commissioner shall, from time to time, convene
21 representatives of health insurers and health care
22 providers licensed under chapter 148, 150, or 150A, to
23 discuss and make recommendations about issues relating
24 to cost containment, quality, and access of health
25 care for Iowans, with a focus on major factors and
26 trends in health care. The commissioner may identify
27 procedures or practices related to health insurance
28 that merit regulatory intervention or direction by the
29 commissioner and shall take action as deemed
30 appropriate within the commissioner’s authority. The
31 commissioner may make recommendations to the general
32 assembly and the governor regarding legislation to
33 improve the efficient and effective delivery of health
34 care services and to strengthen the private health
35 insurance market in this state.

36 Sec. ____ HEALTH INSURANCE OVERSIGHT —
37 APPROPRIATION. There is appropriated from the general
38 fund of the state to the insurance division of the
39 department of commerce for the fiscal year beginning
40 July 1, 2008, and ending June 30, 2009, the following
41 amount, or so much thereof as is necessary, for the
42 purpose designated:

43 For identification and regulation of procedures and
44 practices related to health care as provided in
45 section 505.8, subsection 15.”

46 35. Page 17, by inserting after line 13 the
47 following:

48 “(8) A licensed practicing physician.

49 (9) A licensed health care provider who is not a
50 licensed practicing physician.”

Page 7

1 36. Page 17, by inserting after line 13 the
2 following:

- 3 "b. In addition, the director of public health and
- 4 the director of human services shall be ex officio,
- 5 nonvoting members of the commission."
- 6 37. Page 18, line 16, by striking the word
- 7 "January" and inserting the following: "July".
- 8 38. Page 19, line 1, by striking the word
- 9 "January" and inserting the following: "July".
- 10 39. Page 19, line 7, by striking the word
- 11 "January" and inserting the following: "July".
- 12 40. Page 20, line 32, by inserting after the word
- 13 "system" the following: ", and for not more than the
- 14 following full-time equivalent positions".
- 15 41. Page 20, by inserting after line 33 the
- 16 following:
- 17 "..... FTEs 2.00"
- 18 42. Page 23, by inserting after line 30 the
- 19 following:
- 20 "The department shall procure a sole source
- 21 contract to implement the patient autonomy in health
- 22 care decisions pilot project and associated activities
- 23 under this section."
- 24 43. Page 24, line 34, by inserting after the word
- 25 "division" the following: "and for not more than the
- 26 following full-time equivalent positions".
- 27 44. Page 24, by inserting after line 35 the
- 28 following:
- 29 "..... FTEs 4.00"
- 30 45. Page 25, by striking lines 2 and 3, and
- 31 inserting the following:
- 32 "____. Page 29, line 25, by inserting after the
- 33 figure "249J.16." the following: "The council shall
- 34 also coordinate its efforts with the efforts of the
- 35 department of public health regarding health care
- 36 quality, cost containment, and consumer information
- 37 under section 135.163".
- 38 46. Page 25, by inserting before line 4, the
- 39 following:
- 40 "____. Page 31, by inserting after line 8, the
- 41 following:"
- 42 47. Page 25, line 8, by striking the words
- 43 "OFFICE OF".
- 44 48. Page 25, line 10, by striking the words
- 45 "OFFICE OF".
- 46 49. Page 25, by striking lines 13 through 17 and
- 47 inserting the following:
- 48 "1. The department shall, at a minimum, do all of
- 49 the following, to improve health care quality, cost
- 50 containment and consumer information:"

Page 8

- 1 50. Page 25, line 18, by striking the words “and
- 2 implement”.
- 3 51. Page 25, by striking line 26 and inserting
- 4 the following: “organization, the Iowa Medicaid
- 5 enterprise, and the medical assistance quality
- 6 improvement council established pursuant to section
- 7 249A.36.”
- 8 52. Page 26, line 18, by striking the words
- 9 “OFFICE OF”.
- 10 53. Page 26, line 25, by striking the words
- 11 “office of”.
- 12 54. Page 26, line 27, by inserting after the word
- 13 “division” the following: “and for not more than the
- 14 following full-time equivalent positions”.
- 15 55. Page 26, by inserting after line 28 the
- 16 following:
- 17 “..... FTEs 3.00”
- 18 56. Page 26, line 30, by striking the words
- 19 “BUREAU OF HEALTH” and inserting the following:
- 20 “HEALTH AND LONG-TERM”.
- 21 57. Page 26, line 31, by striking the words
- 22 “BUREAU OF HEALTH” and inserting the following:
- 23 “HEALTH AND LONG-TERM”.
- 24 58. Page 26, by striking line 33 and inserting
- 25 the following:
- 26 “The department shall”.
- 27 59. Page 26, line 37, by inserting after the word
- 28 “state.” the following: “The health care delivery
- 29 infrastructure and the health care workforce shall
- 30 address the broad spectrum of health care needs of
- 31 Iowans throughout their lifespan including long-term
- 32 care needs.”
- 33 60. Page 26, line 38, by striking the word
- 34 “bureau” and inserting the following: “department”.
- 35 61. Page 27, lines 11 and 12, by striking the
- 36 words “bureau of health care access” and inserting the
- 37 following: “department”.
- 38 62. Page 27, line 19, by striking the word
- 39 “bureau” and inserting the following: “department”.
- 40 63. Page 28, by inserting after line 15 the
- 41 following:
- 42 “(8) Recognizing long-term care as an integral
- 43 component of the health care delivery infrastructure
- 44 and as an essential service provided by the health
- 45 care workforce.”
- 46 64. Page 29, line 5, by inserting after the word
- 47 “and” the following: “health care workforce”.
- 48 65. Page 29, line 6, by striking the word
- 49 “bureau” and inserting the following: “department”.
- 50 66. Page 30, line 5, by striking the word

Page 9

1 "bureau" and inserting the following: "department".
2 67. Page 31, line 3, by striking the words
3 "bureau, the department," and inserting the following:
4 "department".

5 68. Page 31, line 4, by inserting after the word
6 "Iowa." the following: "The health care workforce
7 resources plan shall recognize long-term care as an
8 essential service provided by the health care
9 workforce."

10 69. Page 31, line 5, by striking the word
11 "bureau" and inserting the following: "department".

12 70. Page 31, line 11, by striking the words
13 "BUREAU OF".

14 71. Page 31, line 17, by striking the words
15 "bureau of".

16 72. Page 31, line 18, by inserting after the word
17 "division" the following: ", and for not more than
18 the following full-time equivalent positions".

19 73. Page 31, by inserting after line 19 the
20 following:

21 "..... FTEs 3.00"

22 74. Page 31, by striking lines 20 through 23 and
23 inserting the following:

24 "____. Page 33, by inserting after line 22 the
25 following:"

26 75. Page 31, by striking line 27 and inserting
27 the following: "for the fiscal year beginning July 1,
28 2008, and".

29 76. Page 31, by striking line 31 and inserting
30 the following: ", and for not more than the following
31 full-time equivalent positions:"

32 77. Page 31, by inserting after line 32 the
33 following:

34 "..... FTEs 3.00

35 Sec. ____ NEW SECTION. 135.40A. HEALTH CARE
36 COLLABORATIVE REQUIREMENTS.

37 1. In order to receive state funding, the voting
38 membership of the board of directors of the healthcare
39 collaborative as defined in section 135.40 shall
40 include at least a majority of consumer
41 representatives.

42 2. The health care collaborative shall model its
43 quality health care measures, indicators, events,
44 practices, and products to assess health care quality
45 on those of the national quality forum. The
46 healthcare collaborative shall submit a report to the
47 governor and the general assembly, annually by January
48 15, regarding the development and implementation of
49 these health care measures, indicators, events,
50 practices, and products and the resultant assessments

Page 10

1 of health care quality. For the purposes of this
2 subsection, “national quality forum” means the
3 membership organization, which is exempt from federal
4 income taxation under section 501(c)(3) of the
5 Internal Revenue Code, created to develop and
6 implement a national strategy for health care quality
7 measurement and reporting as a result of the report
8 issued in 1998 by the president’s advisory commission
9 on consumer protection and quality in the health care
10 industry and which was incorporated in May 1999.”

11 78. Page 32, by inserting after line 8, the
12 following:

13 “__. Page 34, line 17, by inserting after the
14 word “validation” the following: “and shall be
15 modeled on those of the national quality forum as
16 defined in section 135.40A”.

17 79. Page 32, by inserting after line 22 the
18 following:

19 “DIVISION ____
20 LONG-TERM CARE WORKFORCE
21 Sec. ____ DIRECT CARE WORKER ADVISORY COUNCIL —
22 DUTIES — REPORT.

23 1. As used in this section, unless the context
24 otherwise requires:

25 a. “Assistance with instrumental activities of
26 daily living” means assistance with activities beyond
27 basic needs that assist a consumer in functioning
28 independently within the community. Such services may
29 include but are not limited to food preparation and
30 nutrition, home management, financial management, and
31 infection control, but require no physical contact
32 between the direct care worker and the consumer.

33 b. “Assistance with personal care activities of
34 daily living” means care provided to support a
35 consumer in meeting the consumer’s basic needs while
36 acknowledging personal choices and encouraging
37 independence, and generally involves physical contact
38 between a direct care worker and a consumer. Such
39 services include but are not limited to assistance
40 with eating and feeding, bathing, skin care, grooming,
41 and mobility assistance.

42 c. “Department” means the department of public
43 health.

44 d. “Direct care” means environmental or chore
45 services, health monitoring and maintenance,
46 assistance with instrumental activities of daily
47 living, assistance with personal care activities of
48 daily living, personal care support, or specialty
49 skill services.

50 e. “Direct care worker” means an individual who

Page 11

1 directly provides or assists a consumer in the care of
2 the consumer by providing direct care in a variety of
3 settings which may or may not require oversight of the
4 direct care worker, depending upon the setting.

5 “Direct care worker” does not include a nurse, case
6 manager, or social worker.

7 f. “Director” means the director of public health.

8 g. “Environmental or chore services” means
9 services provided both inside and outside of a
10 consumer’s home that are designed to assist a consumer
11 in living independently in the community and which
12 require no physical contact between the direct care
13 worker and the consumer, and which require no special
14 education or training beyond task-specific
15 orientation. Such services may include but are not
16 limited to heavy household cleaning, lawn care, and
17 home maintenance.

18 h. “Health monitoring and maintenance” means
19 medically oriented care that assists a consumer in
20 maintaining the consumer’s health on a daily basis and
21 which generally requires physical contact between a
22 direct care worker and a consumer. Such services may
23 include but are not limited to checking of vital
24 signs, collecting specimens or samples, and assisting
25 with range of motion exercises.

26 i. “Personal care support” means support provided
27 to a consumer as the consumer performs personal and
28 instrumental activities of daily living which require
29 no physical contact between the direct care worker and
30 the consumer. Such support includes testing and
31 training, observation, recording, documenting,
32 coaching, and supervising.

33 j. “Specialty skill services” means services that
34 require the care of a direct care worker with
35 additional education and training, and generally
36 requires physical contact between a direct care worker
37 and a consumer. Such services include dementia or
38 Alzheimer’s care, psychiatric care, monitoring and
39 administration of medications, collecting specimens or
40 samples, giving shots, hospice and palliative care,
41 protective services, restorative and strengthening
42 exercises, and mentoring.

43 2. A direct care worker advisory council shall be
44 appointed by the director and shall include
45 representatives of direct care workers, consumers of
46 direct care services, educators of direct care
47 workers, other health professionals, employers of
48 direct care workers, and appropriate state agencies.

49 3. Membership, terms of office, quorum, and
50 expenses shall be determined by the director pursuant

Page 12

1 to chapter 135.
2 4. The direct care worker advisory council shall
3 advise the director regarding regulation and
4 certification of direct care workers and shall develop
5 recommendations regarding all of the following:
6 a. Direct care worker classifications based on
7 functions and services provided by direct care
8 workers. The classifications shall include those
9 based on environmental and chore services, assistance
10 with instrumental activities of daily living, personal
11 care support, assistance with personal care activities
12 of daily living, health monitoring and maintenance,
13 and specialty skill services.
14 b. Functions for each direct care worker
15 classification based upon categories of core
16 competencies.
17 c. An education and training orientation to be
18 provided by employers which addresses the components
19 of confidentiality; ethics and legal requirements;
20 consumer and worker rights; person-directed and
21 consumer-centered care; cultural competency; growth,
22 development, and disability-specific competency;
23 observation, referral, and reporting; communication
24 and interpersonal skills; problem solving; safety and
25 emergency procedures; infection control and
26 occupational safety and health administration
27 guidelines; and professional education and training.
28 d. Education and training requirements for each of
29 the direct care worker classifications.
30 e. The standard curriculum required in training of
31 direct care workers for each of the direct care worker
32 classifications, based on training required for the
33 duties specified and related core competencies. The
34 curriculum shall be standard notwithstanding the
35 entity offering the curriculum, and shall meet or
36 exceed federal or state requirements. The curriculum
37 shall include a requirement that any direct care
38 worker who will be assisting with prescribed
39 medications complete a medication aide course.
40 f. Education and training equivalency standards
41 for individuals who have completed higher education in
42 a health care profession based on core competencies
43 for each direct care worker classification and in
44 correlation with specific institutional curricula in
45 health care professions. The standards shall provide
46 that those meeting the equivalency standards may take
47 any prescribed examination for the appropriate direct
48 care worker classification.
49 g. Guidelines that allow individuals who are
50 members of the direct care workforce prior to the date

Page 13

1 of required certification to be incorporated into the
2 new regulatory system based on education, training,
3 current certifications, or demonstration of core
4 competencies.

5 h. Continuing education requirements and standards
6 to ensure that direct care workers remain competent
7 and adapt to the changing needs of the direct care
8 workforce, employers, and consumers. The requirements
9 and standards shall meet or exceed federal or state
10 continuing education requirements for the applicable
11 direct care worker classification existing prior to
12 the date of required certification.

13 i. Standards to ensure that direct care worker
14 educators and trainers retain a level of competency
15 and adapt to the changing needs of the direct care
16 workforce, employers, and consumers. The standards
17 shall meet or exceed federal or state continuing
18 education requirements existing prior to the date of
19 required certification.

20 j. Certification requirements for each
21 classification of direct care worker.

22 k. Protections for the title "certified direct
23 care worker".

24 l. (1) Standardized requirements across care
25 settings for supervision, if applicable, for each
26 classification of direct care worker based on the
27 functions being performed.

28 (2) The roles and responsibilities of direct care
29 worker supervisory positions which shall meet or
30 exceed federal and state requirements existing prior
31 to the date of required certification.

32 m. Required responsibility for maintenance of
33 credentialing and continuing education and training by
34 individual direct care workers rather than employers.

35 n. Provision of information to income maintenance
36 workers and case managers under the purview of the
37 department of human services about the education and
38 training requirements for direct care workers to
39 provide the care and services to meet a consumer's
40 needs under the home and community-based services
41 waiver options under the medical assistance program.

42 5. The direct care worker advisory council shall
43 report its recommendations to the director by November
44 30, 2008, including recommendations for any changes in
45 law or rules necessary to implement certification of
46 direct care workers beginning July 1, 2009.

47 Sec. ____ DIRECT CARE WORKER COMPENSATION ADVISORY
48 COMMITTEE — REVIEWS.

49 1. a. The general assembly recognizes that direct
50 care workers play a vital role and make a valuable

Page 14

1 contribution in providing care to Iowans with a
2 variety of needs in both institutional and home and
3 community-based settings. Recruiting and retaining
4 qualified, highly competent direct care workers is a
5 challenge across all employment settings. High rates
6 of employee vacancies and staff turnover threaten the
7 ability of providers to achieve the core mission of
8 providing safe and high quality support to Iowans.
9 However, the general assembly also recognizes that the
10 high turnover rate and its resulting negative impact
11 on the quality of care provided, is perpetuated and
12 exacerbated by the inadequate wages and other
13 compensation paid to direct care workers.

14 b. It is the intent of the general assembly to
15 reduce the turnover rate of and improve the quality of
16 health care delivered by direct care workers by
17 substantially increasing the wages and other
18 compensation paid to direct care workers in this
19 state.

20 c. It is the intent of the general assembly that
21 the initial review of and recommendations for
22 improving wages and other compensation paid to direct
23 care workers focus on nonlicensed direct care workers
24 in the nursing facility setting. However, following
25 the initial review of wages and other compensation
26 paid to direct care workers in the nursing facility
27 setting, the department of human services shall
28 convene subsequent advisory committees with
29 appropriate representatives of public and private
30 organizations and consumers to review the wages and
31 other compensation paid to and turnover rates of the
32 entire spectrum of direct care workers in the various
33 settings in which they are employed as a means of
34 demonstrating the general assembly's commitment to
35 ensuring a stable and quality direct care workforce in
36 this state.

37 2. The department of human services shall convene
38 an initial direct care worker compensation advisory
39 committee to develop recommendations for consideration
40 by the general assembly during the 2009 legislative
41 session regarding wages and other compensation paid to
42 direct care workers in nursing facilities. The
43 committee shall consist of the following members,
44 selected by their respective organizations:

45 a. The director of human services, or the
46 director's designee.

47 b. The director of public health, or the
48 director's designee.

49 c. The director of the department of elder
50 affairs, or the director's designee.

Page 15

- 1 d. The director of the department of inspections
- 2 and appeals, or the director's designee.
- 3 e. A representative of the Iowa caregivers
- 4 association.
- 5 f. A representative of the Iowa health care
- 6 association.
- 7 g. A representative of the Iowa association of
- 8 homes and services for the aging.
- 9 h. A representative of the AARP Iowa chapter.
- 10 3. The advisory committee shall also include two
- 11 members of the senate and two members of the house of
- 12 representatives, with not more than one member from
- 13 each chamber being from the same political party. The
- 14 legislative members shall serve in an ex officio,
- 15 nonvoting capacity. The two senators shall be
- 16 appointed respectively by the majority leader of the
- 17 senate and the minority leader of the senate, and the
- 18 two representatives shall be appointed respectively by
- 19 the speaker of the house of representatives and the
- 20 minority leader of the house of representatives.
- 21 4. Public members of the committee shall receive
- 22 actual expenses incurred while serving in their
- 23 official capacity and may also be eligible to receive
- 24 compensation as provided in section 7E.6. Legislative
- 25 members of the committee are eligible for per diem and
- 26 reimbursement of actual expenses as provided in
- 27 section 2.10.
- 28 5. The department of human services shall provide
- 29 administrative support to the committee and the
- 30 director of human services, or the director's designee
- 31 shall serve as chairperson of the committee.
- 32 6. The department shall convene the committee no
- 33 later than May 15, 2008. Prior to the initial
- 34 meeting, the department of human services shall
- 35 provide all members of the committee with a detailed
- 36 analysis of trends in wages and other compensation
- 37 paid to direct care workers.
- 38 7. The committee shall consider options related
- 39 but not limited to all of the following:
- 40 a. Revision of the modified price-based case-mix
- 41 reimbursement system for nursing facilities under the
- 42 medical assistance program.
- 43 b. The shortening of the time delay between a
- 44 nursing facility's submittal of cost reports and
- 45 receipt of the reimbursement based upon these cost
- 46 reports.
- 47 c. The targeting of appropriations to provide
- 48 increases in direct care worker compensation.
- 49 d. Creation of a nursing facility provider tax.
- 50 8. Following its deliberations, the committee

Page 16

1 shall submit a report of its findings and
2 recommendations regarding improvement in direct care
3 worker wages and compensation in the nursing facility
4 setting to the governor and the general assembly no
5 later than December 12, 2008.

6 9. For the purposes of the initial review, “direct
7 care worker” means nonlicensed nursing facility staff
8 who provide hands-on care including but not limited to
9 certified nurse aides and medication aides.

10 Sec. ____ DIRECT CARE WORKER IN NURSING FACILITIES
11 — TURNOVER REPORT.

12 The department of human services shall modify the
13 nursing facility cost reports utilized for the medical
14 assistance program to capture data by the distinct
15 categories of nonlicensed direct care workers and
16 other employee categories for the purposes of
17 documenting the turnover rates of direct care workers
18 and other employees of nursing facilities. The
19 department shall submit a report on an annual basis to
20 the governor and the general assembly which provides
21 an analysis of direct care worker and other nursing
22 facility employee turnover by individual nursing
23 facility, a comparison of the turnover rate in each
24 individual nursing facility with the state average,
25 and an analysis of any improvement or decline in
26 meeting any accountability goals or other measures
27 related to turnover rates. The annual reports shall
28 also include any data available regarding turnover
29 rate trends, and other information the department
30 deems appropriate. The initial report shall be
31 submitted no later than December 1, 2008, and
32 subsequent reports shall be submitted no later than
33 December 1, annually, thereafter.

34 Sec. ____ EMPLOYER-SPONSORED HEALTH CARE COVERAGE
35 DEMONSTRATION PROJECT — DIRECT CARE WORKERS.

36 1. The department of human services shall
37 implement a three-year demonstration project to
38 provide a health care coverage premium assistance
39 program for nonlicensed direct care workers beginning
40 July 1, 2009. The department of human services shall
41 convene an advisory council consisting of
42 representatives of the Iowa caregivers association,
43 the Iowa child and family policy center, the Iowa
44 association of homes and services for the aging, the
45 Iowa health care association, the AARP Iowa chapter,
46 the senior living coordinating unit, and other public
47 and private entities with interest in the
48 demonstration project to assist in designing the
49 project. The department shall also review the
50 experiences of other states and the medical assistance

Page 17

1 premium assistance program in designing the
2 demonstration project. The department, in
3 consultation with the advisory council, shall
4 establish criteria to determine which nonlicensed
5 direct care workers shall be eligible to participate
6 in the demonstration project. The project shall allow
7 up to five hundred direct care workers and their
8 dependents to access health care coverage sponsored by
9 the direct care worker's employer subject to all of
10 the following:

11 a. A participating employer provides health care
12 coverage that meets certain parameters of coverage and
13 cost specified by the department and the health care
14 coverage is available to the employee and the
15 employee's dependents.

16 b. A participating employer contributes payment
17 for at least sixty percent of the total premium cost.

18 c. The family income of the direct care worker is
19 less than four hundred percent of the federal poverty
20 level as defined by the most recently revised poverty
21 income guidelines published by the United States
22 department of health and human services.

23 d. The employee meets any requirement for minimum
24 number of hours of work necessary to be eligible for
25 the employer's health care coverage.

26 e. The premium cost to the employee does not
27 exceed seventy-five dollars per month for individual
28 employee coverage or one hundred ten dollars per month
29 for family coverage, and the employee contributes to
30 the cost of the premium on a sliding fee schedule
31 specified by the department.

32 f. The state may offer additional coverage for
33 health care services not provided or paid for by the
34 employer-sponsored plan that are in addition to the
35 requirements specified by the department. To the
36 extent possible, the demonstration project shall also
37 incorporate a medical home, wellness and prevention
38 services, and chronic care management.

39 2. Six months prior to the completion of the
40 three-year demonstration project, the department of
41 human services, in cooperation with the Iowa
42 caregivers association, the AARP Iowa chapter,
43 representatives of the senior living coordinating
44 unit, the Iowa child and family policy center, and
45 representatives of the participating employers, shall
46 review the project and make recommendations for
47 continuation, termination, modification, or expansion
48 of the project. The review shall also determine the
49 impact that premium and cost-sharing assistance has on
50 employee health care coverage take-up rates, on the

Page 18

- 1 recruitment and retention of employees, on the ability
 2 of the state to achieve cost savings by utilizing
 3 employer contributions to offset the costs of health
 4 care coverage, and on the lives of the direct care
 5 workers and their dependents who participate in the
 6 project. The department shall submit a written
 7 summary of the review to the general assembly at least
 8 ninety days prior to the scheduled completion of the
 9 project.
- 10 Sec. ____ EFFECTIVE DATE. This division of this
 11 Act, being deemed of immediate importance, takes
 12 effect upon enactment.”
- 13 80. Page 32, by striking lines 27 and 28 and
 14 inserting the following:
 15 “____. Title page, by striking line 8 and
 16 inserting the following: “transparency, health care”.
- 17 81. Page 32, line 30, by inserting after the word
 18 “access,” the following: “, the long-term care
 19 workforce.”.
- 20 82. Page 32, line 30, by inserting after the word
 21 “appropriations,” the following: “and providing
 22 effective date and applicability provisions”.
- 23 83. By renumbering, relettering, or redesignating
 24 and correcting internal references as necessary.

JACK HATCH

S-5269

HOUSE AMENDMENT TO
 SENATE FILE 2349

- 1 Amend Senate File 2349, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 26 and 27, by striking the words
 4 “provide a report to” and inserting the following:
 5 “notify”.
- 6 2. Page 1, line 28, by striking the word
 7 “purchase” and inserting the following: “deposit”.
- 8 3. Page 4, line 8, by striking the words “receive
 9 a report” and inserting the following: “be notified”.
- 10 4. Page 4, line 9, by striking the word
 11 “purchase” and inserting the following: “deposit”.
- 12 5. Page 4, line 9, by striking the word
 13 “directly” and inserting the following: “directly, if
 14 acting as a trustee of trust funds under this
 15 chapter”.
- 16 6. Page 4, line 13, by striking the word “report”
 17 and inserting the following: “notification”.

S-5270HOUSE AMENDMENT TO
SENATE FILE 2354

- 1 Amend Senate File 2354, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 12, by inserting after the word
 4 "service" the following: "beginning on or after
 5 September 11, 2001,".

S-5271HOUSE AMENDMENT TO
SENATE FILE 2361

- 1 Amend Senate File 2361, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by inserting after line 1, the
 4 following:
 5 "() The designated biobased product does not
 6 meet the functional requirements and evaluation
 7 criteria identified in bid documents. Functional
 8 requirements to be considered may include but are not
 9 limited to the designated biobased product's
 10 conformance with ASTM (American society for testing
 11 and materials) international standards.
 12 () The purchase of the designated biobased
 13 product conflicts with section 8A.311, subsection 1,
 14 paragraph "a".
 15 2. Page 2, by inserting after line 26 the
 16 following:
 17 "_. When evaluating a bid for the purchase of
 18 designated biobased products, the department may take
 19 into consideration warranty provisions and life cycle
 20 cost estimates."
 21 3. By renumbering as necessary.

S-5272HOUSE AMENDMENT TO
SENATE FILE 2308

- 1 Amend Senate File 2308, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. NEW SECTION. 714.16D DISCLOSURE OF
 6 PERSONAL INFORMATION BY A PUBLIC OFFICIAL — CRIMINAL
 7 PENALTY.
 8 1. For the purposes of this section:

- 9 a. "Compensation" means any money, thing of value,
10 or financial benefit conferred to a public official by
11 a person other than the government body that employs
12 the public official.
- 13 b. "Personal information" means the same as
14 provided in section 715C.1, subsection 11.
- 15 c. "Public official" means an official or employee
16 of the state or a local government, or an elected
17 official of the state or a local government.
- 18 2. Unless otherwise authorized by state or federal
19 law, a public official in possession or control of an
20 individual's personal information who intentionally
21 discloses or releases the personal information for
22 compensation is guilty of a class "D" felony."
- 23 2. Page 1, line 5, by inserting after the word
24 "maintained" the following: "in computerized form".
- 25 3. Page 1, by striking lines 13 through 21 and
26 inserting the following: "integrity of the personal
27 information."
- 28 4. Page 2, lines 27 and 28, by striking the words
29 "voice print or recording,".
- 30 5. Page 3, by striking line 1 and inserting the
31 following: "than five digits of a social security
32 number or the last four digits of other".
- 33 6. Page 3, line 6, by striking the words "owns,
34 maintains, or otherwise possesses" and inserting the
35 following: "owns or licenses computerized".
- 36 7. Page 3, line 9, by striking the word "who" and
37 inserting the following: "that".
- 38 8. Page 4, line 3, by inserting after the word
39 "notice" the following: "to the last available
40 address the person has in the person's records".
- 41 9. Page 5, line 2, by inserting before the word
42 "harm" the following: "financial".
- 43 10. Title page, line 1, by inserting after the
44 word "to" the following: "identity determination and
45 protection and".
- 46 11. Title page, line 3, by inserting after the
47 word "information," the following: "prohibiting
48 public officials from intentionally disclosing
49 personal information for compensation,".
- 50 12. By renumbering, relettering, or redesignating

Page 2

- 1 and correcting internal references as necessary.

S-5273HOUSE AMENDMENT TO
SENATE FILE 2161

- 1 Amend Senate File 2161, as passed by the Senate, as
2 follows:
- 3 1. Page 1, line 3, by inserting after the word
4 “members.” the following: “At least one voting member
5 at all times shall be a member of a minority group.”
- 6 2. Page 4, by inserting after line 3 the
7 following:
- 8 “___ . The council shall conduct a study of issues
9 relating to the following:
- 10 a. Low-income seniors and low-income persons with
11 any form of disability, including but not limited to
12 physical disability, developmental disability, mental
13 illness, co-occurring mental illness and substance
14 abuse disorders, or AIDS and AIDS-related conditions.
15 For purposes of this section, “AIDS” and “AIDS-related
16 conditions” mean the same as defined in section
17 141A.1.
- 18 b. Low-income and moderate-income persons unable
19 to afford transportation or housing near work, and
20 adequate affordable housing able to support economic
21 growth and development of a community, including new
22 construction, community redevelopment, and urban
23 renewal.
- 24 c. Low-income persons residing in existing
25 affordable housing that is in danger of becoming
26 unaffordable or lost, and persons determined to be or
27 at risk of becoming homeless.
- 28 d. Affordable rental housing, access to available
29 financing for housing, first-time home buyers, and
30 relationships between landlords and tenants.”
- 31 3. By renumbering as necessary.

S-5274HOUSE AMENDMENT TO
SENATE FILE 2281

- 1 Amend Senate File 2281, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by inserting after the word
4 “or” the following: “as a plaintiff, defendant, or
5 witness”.

S-5275

- 1 Amend House File 2620, as passed by the House, as
2 follows:
- 3 1. Page 44, by inserting after line 27, the
4 following:
- 5 “Sec. ____ Section 49.77, subsection 4, paragraph
6 b, Code Supplement 2007, is amended to read as
7 follows:
- 8 b. If the voter informs the precinct election
9 official that the voter resides in the precinct and is
10 not registered to vote, the voter may register to vote
11 pursuant to section 48A.7A and cast a ballot. ~~If such~~
12 ~~a voter is unable to establish identity and residency~~
13 ~~in the manner provided in section 48A.7A, subsection~~
14 ~~1, paragraph “b” or “c”, the voter shall be allowed to~~
15 ~~cast a provisional~~ ballot in the manner prescribed by
16 section 49.81.”
- 17 2. By renumbering as necessary.

JAMES F. HAHN

S-5276

- 1 Amend Senate File 2410 as follows:
- 2 1. Page 5, line 8, by inserting after the figure
3 “2008” the following: “or 2009”.

MICHAEL CONNOLLY

S-5277

- 1 Amend House File 2651, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 4 the
4 following:
- 5 “Sec. ____ NEW SECTION. 314.29 DICK DRAKE WAY.
6 The highway currently known as the industrial
7 connector in Muscatine shall be renamed “Dick Drake
8 Way” in honor of Richard Drake, who served for
9 thirty-six years as a member of the general assembly
10 of the state of Iowa.”
- 11 2. By renumbering as necessary.

ROBERT E. DVORSKY
JEFF DANIELSON**S-5278**

- 1 Amend Senate File 2408 as follows:
- 2 1. Page 6, by inserting after line 18 the

3 following:

4 "DIVISION ____
5 SALES AND USE TAX

6 Sec. ____ Section 423.3, subsection 14, Code
7 Supplement 2007, is amended to read as follows:

8 14. The sales price from the sales of horses;
9 ~~commonly known as draft horses, when purchased for use~~
10 ~~and so used as draft horses."~~

DAVID JOHNSON

S-5279

1 Amend Senate File 2408 as follows:

2 1. Page 5, by inserting after line 30 the
3 following:

4 "Sec. ____ Section 422.7, subsection 31, Code
5 Supplement 2007, is amended to read as follows:
6 31. ~~For a person who is disabled, or is fifty five~~
7 ~~years of age or older, or is the surviving spouse of~~
8 ~~an individual or a survivor having an insurable~~
9 ~~interest in an individual who would have qualified for~~
10 ~~the exemption under this subsection for the tax year,~~
11 ~~subtract Subtract,~~ to the extent included, the total
12 amount of a governmental or other pension or
13 retirement pay, including, but not limited to, defined
14 benefit or defined contribution plans, annuities,
15 individual retirement accounts, plans maintained or
16 contributed to by an employer, or maintained or
17 contributed to by a self-employed person as an
18 employer, and deferred compensation plans or any
19 earnings attributable to the deferred compensation
20 plans, ~~up to a maximum of six thousand dollars for a~~
21 ~~person, other than a husband or wife, who files a~~
22 ~~separate state income tax return and up to a maximum~~
23 ~~of twelve thousand dollars for a husband and wife who~~
24 ~~file a joint state income tax return. However, a~~
25 ~~surviving spouse who is not disabled or fifty five~~
26 ~~years of age or older can only exclude the amount of~~
27 ~~pension or retirement pay received as a result of the~~
28 ~~death of the other spouse. A husband and wife filing~~
29 ~~separate state income tax returns or separately on a~~
30 ~~combined state return are allowed a combined maximum~~
31 ~~exclusion under this subsection of up to twelve~~
32 ~~thousand dollars. The twelve thousand dollar~~
33 ~~exclusion shall be allocated to the husband or wife in~~
34 ~~the proportion that each spouse's respective pension~~
35 ~~and retirement pay received bears to total combined~~
36 ~~pension and retirement pay received."~~

37 2. Page 5, by inserting after line 35 the
38 following:

39 "Sec. ____ RETROACTIVE APPLICABILITY DATE. The

40 section of this division of this Act amending section
41 422.7, subsection 31, applies retroactively to January
42 1, 2008, for tax years beginning on or after that
43 date.”

BRAD ZAUN

S-5280

1 Amend House File 2651, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 4 the
4 following:
5 “Sec. __. NEW SECTION. 314.29 DICK DRAKE WAY.
6 The highway currently known as the industrial
7 connector in Muscatine shall be renamed “Dick Drake
8 Way” in honor of Richard Drake, who served for
9 thirty-six years as a member of the general assembly
10 of the state of Iowa.”
11 2. By renumbering as necessary.

ROBERT E. DVORSKY
JEFF DANIELSON
JAMES F. HAHN

S-5281

1 Amend Senate File 2407 as follows:
2 1. By striking page 1, line 1, through page 2,
3 line 5.
4 2. Page 2, by striking line 9 and inserting the
5 following: “fiscal year beginning July 1, 2007, and
6 ending June 30, 2008.”
7 3. Page 2, by inserting after line 14 the
8 following:
9 “Notwithstanding section 8.33, any moneys from the
10 appropriation made in this section remaining
11 unencumbered or unobligated at the end of the fiscal
12 year beginning July 1, 2007, shall not revert but
13 shall be available for expenditure for the purposes
14 for which appropriated for the following fiscal year.”
15 4. Page 2, by striking lines 15 through 18.
16 5. Page 2, by inserting before line 19 the
17 following:
18 “Sec. __. EFFECTIVE DATE. The section of this
19 Act making an appropriation to the department of
20 workforce development, being deemed of immediate
21 importance, takes effect upon enactment.”

22 6. Title page, by striking lines 1 and 2 and
23 inserting the following: “An Act relating to making a
24 supplemental appropriation and including an effective
25 date.”

PAT WARD

S-5282

1 Amend the amendment, S-5262, to House File 2651, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 17, by striking the word
5 “included” and inserting the following: “invited to
6 participate”.
7 2. Page 1, line 28, by inserting after the word
8 “project.” the following: “Failure of the affected
9 parties to respond or participate during the design
10 phase shall not in any way affect the ability of the
11 federal, state, or local agency to proceed with design
12 and construction.”
13 3. By renumbering as necessary.

JEFF DANIELSON

S-5283

1 Amend House File 2558, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 “Sec. ____ NEW SECTION. 15.118 CONFIDENTIALITY
6 OF INFORMATION IN FINANCIAL ASSISTANCE APPLICATIONS.
7 1. The board and the department shall give due
8 regard to the confidentiality of certain information
9 disclosed by applicants for financial assistance
10 during the application process, the contract
11 administration process, and the period following
12 closeout of a contract in the manner described in this
13 section.
14 2. All information contained in an application for
15 financial assistance submitted to the department shall
16 remain confidential while the department is reviewing
17 the application, processing requests for
18 confidentiality, negotiating with the applicant, and
19 preparing the application for consideration by the
20 director or the board. After the department has
21 considered a request for confidentiality, any
22 information not deemed confidential shall be made
23 publicly available. Any information deemed
24 confidential by the department shall also be kept

25 confidential during and following administration of a
26 contract executed pursuant to a successful
27 application.

28 3. The department shall consider the written
29 request of an applicant or award recipient to keep
30 confidential certain details of an application, a
31 contract, or the materials submitted in support of an
32 application or a contract. If the request includes a
33 sufficient explanation as to why the public disclosure
34 of such details would give an unfair advantage to
35 competitors, the department shall keep certain details
36 confidential. If the department elects to keep
37 certain details confidential, the department shall
38 release only the nonconfidential details in response
39 to a request for records pursuant to chapter 22. If
40 confidential details are withheld from a request for
41 records pursuant to chapter 22, the department shall
42 release an explanation of why the information was
43 deemed confidential and a summary of the nature of the
44 information withheld and the reasons for withholding
45 it. In considering requests for confidential
46 treatment, the department shall narrowly construe the
47 provisions of this section in order to appropriately
48 balance an applicant's need for confidentiality
49 against the public's right to information about the
50 department's activities.

Page 2

1 4. If a request for confidentiality is denied by
2 the department, an applicant may withdraw the
3 application and any supporting materials, and the
4 department shall not retain any copies of the
5 application or supporting materials. Upon notice that
6 an application has been withdrawn, the department
7 shall not release a copy in response to a request for
8 records pursuant to chapter 22.

9 5. The department shall adopt by rule a process
10 for considering requests to keep information
11 confidential pursuant to this section. The department
12 may adopt emergency rules pursuant to chapter 17A to
13 implement this section. The rules shall include
14 criteria for guiding the department's decisions about
15 the confidential treatment of applicant information.
16 The criteria may include but are not limited to the
17 following:

- 18 a. The nature and extent of competition in the
19 applicant's industry sector.
- 20 b. The likelihood of adverse financial impact to
21 the applicant if the information were to be released.
- 22 c. The risk that the applicant will locate in
23 another state if the request is denied.

- 24 d. Any other factor the board reasonably considers
 25 relevant.”
 26 2. By renumbering as necessary.

RICH OLIVE

S-5284

HOUSE AMENDMENT TO
 SENATE FILE 2212

- 1 Amend Senate File 2212, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 4, by inserting before the word
 4 “terminated” the following: “involuntarily”.
 5 2. Page 1, line 17, by inserting before the word
 6 “terminated” the following: “involuntarily”.

S-5285

HOUSE AMENDMENT TO
 SENATE FILE 2124

- 1 Amend Senate File 2124, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 “DIVISION I
 6 VETERANS TRUST FUND EXPENDITURES”
 7 2. Page 1, by inserting after line 16 the
 8 following:
 9 “NEW PARAGRAPH. k. Expenses related to
 10 establishing whether a minor child is a dependent of a
 11 deceased veteran.
 12 NEW PARAGRAPH. 1. Matching funds to veterans
 13 organizations to provide for accredited veteran
 14 service officers. However, moneys expended for this
 15 purpose in a fiscal year shall not exceed the lesser
 16 of one hundred fifty thousand dollars or twenty
 17 percent of the moneys appropriated to the commission
 18 from interest and earnings on the fund in that fiscal
 19 year.”
 20 3. Page 1, by inserting after line 26 the
 21 following:
 22 “DIVISION II
 23 INCOME TAX CHECKOFFS
 24 Sec. ____ NEW SECTION. 235A.2 CHILD ABUSE
 25 PREVENTION PROGRAM FUND.
 26 1. A child abuse prevention program fund is
 27 created in the state treasury under the control of the
 28 department of human services. The fund is composed of

29 moneys appropriated or available to and obtained or
30 accepted by the treasurer of state for deposit in the
31 fund. The fund shall include moneys transferred to
32 the fund as provided in section 422.12K. All interest
33 earned on moneys in the fund shall be credited to and
34 remain in the fund. Section 8.33 does not apply to
35 moneys in the fund.

36 2. Moneys in the fund that are authorized by the
37 department for expenditure are appropriated, and shall
38 be used, for the purposes described in section 235A.1
39 of preventing child abuse and neglect.

40 Sec. ____ NEW SECTION. 422.12K INCOME TAX
41 CHECKOFF FOR CHILD ABUSE PREVENTION PROGRAM FUND.

42 1. A person who files an individual or a joint
43 income tax return with the department of revenue under
44 section 422.13 may designate one dollar or more to be
45 paid to the child abuse prevention program fund
46 created in section 235A.2. If the refund due on the
47 return or the payment remitted with the return is
48 insufficient to pay the additional amount designated
49 by the taxpayer to the child abuse prevention program
50 fund, the amount designated shall be reduced to the

Page 2

1 remaining amount remitted with the return. The
2 designation of a contribution to the child abuse
3 prevention program fund under this section is
4 irrevocable.

5 2. The director of revenue shall draft the income
6 tax form to allow the designation of contributions to
7 the child abuse prevention program fund on the tax
8 return. The department of revenue, on or before
9 January 31, shall transfer the total amount designated
10 on the tax return forms due in the preceding calendar
11 year to the child abuse prevention program fund.
12 However, before a checkoff pursuant to this section
13 shall be permitted, all liabilities on the books of
14 the department of revenue and accounts identified as
15 owing under section 421.17 and the political
16 contribution allowed under section 68A.601 shall be
17 satisfied.

18 3. The department of human services may authorize
19 payment of moneys from the child abuse prevention
20 program fund, in accordance with section 235A.2.

21 4. The department of revenue shall adopt rules to
22 administer this section.

23 5. This section is subject to repeal under section
24 422.12E.

25 Sec. ____ NEW SECTION. 422.12L JOINT INCOME TAX
26 REFUND CHECKOFF FOR VETERANS TRUST FUND AND VOLUNTEER
27 FIRE FIGHTER PREPAREDNESS FUND.

28 1. A person who files an individual or a joint
 29 income tax return with the department of revenue under
 30 section 422.13 may designate one dollar or more to be
 31 paid jointly to the veterans trust fund created in
 32 section 35A.13 and to the volunteer fire fighter
 33 preparedness fund created in section 100B.13. If the
 34 refund due on the return or the payment remitted with
 35 the return is insufficient to pay the additional
 36 amount designated by the taxpayer, the amount
 37 designated shall be reduced to the remaining amount of
 38 refund or the remaining amount remitted with the
 39 return. The designation of a contribution under this
 40 section is irrevocable.

41 2. The director of revenue shall draft the income
 42 tax form to allow the designation of contributions to
 43 the veterans trust fund and to the volunteer fire
 44 fighter preparedness fund as one checkoff on the tax
 45 return. The department of revenue, on or before
 46 January 31, shall transfer one-half of the total
 47 amount designated on the tax return forms due in the
 48 preceding calendar year to the veterans trust fund and
 49 the remaining one-half to the volunteer fire fighter
 50 preparedness fund. However, before a checkoff

Page 3

1 pursuant to this section shall be permitted, all
 2 liabilities on the books of the department of
 3 administrative services and accounts identified as
 4 owing under section 8A.504 and the political
 5 contribution allowed under section 68A.601 shall be
 6 satisfied.

7 3. The department of revenue shall adopt rules to
 8 administer this section.

9 4. This section is subject to repeal under section
 10 422.12E.

11 Sec. ____. IMPLEMENTATION. The checkoffs created
 12 in this division of this Act are eligible for
 13 placement on the individual income tax return form
 14 commencing with the tax year beginning January 1,
 15 2008, provided the conditions for placement on the
 16 return form set out in section 422.12E are met.

17 Sec. ____. RETROACTIVE APPLICABILITY. This
 18 division of this Act applies retroactively to the tax
 19 year commencing January 1, 2008, and applies to tax
 20 years beginning on or after that date.”

21 4. Page 1, by inserting after line 26 the
 22 following:
 23 “Sec. ____. EFFECTIVE DATE. This Act, being deemed
 24 of immediate importance, takes effect upon enactment.”

25 5. Title page, line 1, by inserting after the
 26 words “relating to” the following: “income tax

27 checkoffs and”.

28 6. Title page, line 2, by inserting after the
29 word “authority” the following: “and including a
30 retroactive applicability date provision”.

31 7. Title page, line 2, by inserting after the
32 word “authority” the following: “and providing an
33 effective date”.

34 8. By renumbering, relettering, or redesignating
35 and correcting internal references as necessary.

S-5286

1 Amend House File 2556, as passed by the House, as
2 follows:

3 1. Page 8, by inserting after line 24 the
4 following:

5 “Sec. ___. Section 533D.9, subsection 1, Code
6 2007, is amended to read as follows:

7 1. A licensee shall not charge a fee in excess of
8 ~~fifteen~~ twelve dollars and fifty cents on the first
9 one hundred dollars on the face amount of a check or
10 more than ~~ten~~ seven dollars and fifty cents on
11 subsequent one hundred dollar increments on the face
12 amount of the check for services provided by the
13 licensee, or pro rata for any portion of one hundred
14 dollars face value.”

15 2. By renumbering as necessary.

JOE BOLKCOM

S-5287

1 Amend the amendment, S-5172, to House File 2539, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 14, line 18, through page 16,
5 line 8, and inserting the following:

6 “HEALTH INSURANCE OVERSIGHT

7 Sec. ___. Section 505.8, Code Supplement 2007, is
8 amended by adding the following new subsection:

9 NEW SUBSECTION. 5A. The commissioner shall have
10 regulatory authority over health benefit plans and
11 adopt rules under chapter 17A as necessary, to promote
12 the uniformity, cost efficiency, transparency, and
13 fairness of such plans for physicians licensed under
14 chapters 148, 150, and 150A, and hospitals licensed
15 under chapter 135B, for the purpose of maximizing
16 administrative efficiencies and minimizing
17 administrative costs of health care providers and
18 health insurers.

19 Sec. ___. HEALTH INSURANCE OVERSIGHT —

20 APPROPRIATION. There is appropriated from the general
 21 fund of the state to the insurance division of the
 22 department of commerce for the fiscal year beginning
 23 July 1, 2008, and ending June 30, 2009, the following
 24 amount, or so much thereof as is necessary, for the
 25 purpose designated:
 26 For identification and regulation of procedures and
 27 practices related to health care as provided in
 28 section 505.8, subsection 5A.”
 29 2. By renumbering as necessary.

JACK HATCH

S-5288

1 Amend the amendment, S-5172, to House File 2539, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 31, line 31, by inserting after the
 5 figure “2009” the following: “, and for not more than
 6 the following full-time equivalent positions”.
 7 2. Page 31, by inserting after line 32 the
 8 following:
 9 “..... FTEs 3.00”
 10 3. Page 31, by inserting before line 33, the
 11 following:
 12 “Sec. ____ NEW SECTION. 135.40A HEALTHCARE
 13 COLLABORATIVE REQUIREMENTS.
 14 1. In order for the healthcare collaborative to
 15 receive state funding, the voting membership of the
 16 board of directors of the healthcare collaborative, as
 17 defined in section 135.40, shall include at least a
 18 majority of consumer representatives.
 19 2. The healthcare collaborative shall model its
 20 health care indicators including but not limited to
 21 quality indicators and measures, patient safety
 22 indicators and measures, pediatric care indicators,
 23 patient satisfaction measures, and health care
 24 acquired infection measures on nationally recognized
 25 indicators and measures developed by such entity as
 26 the agency for healthcare research and quality of the
 27 United States department of health and human services
 28 and the center for Medicare and Medicaid services of
 29 the United States department of health and human
 30 services, or similar national entities. In addition,
 31 infection validity measures shall be developed in
 32 conjunction with the state epidemiologist and shall
 33 address legal protections for health care providers
 34 who report infection rates based on the measures
 35 developed.”
 36 4. Page 32, by inserting after line 8 the
 37 following:

38 “ ____ . Page 34, line 17, by inserting after the
39 word “validation” the following: “and shall be
40 modeled on national indicators as specified in section
41 135.40A”.”
42 5. By renumbering as necessary.

JACK HATCH

S-5289

1 Amend House File 2620, as passed by the House, as
2 follows:
3 1. Page 14, by striking lines 2 through 4 and
4 inserting the following: “election held to fill a
5 vacancy in the same county, on the first Tuesday in
6 March or the first Tuesday in May of each year, or on
7 a Tuesday in one other month during the year as
8 determined by the board of supervisors.”
9 2. Page 14, by striking lines 7 through 9 and
10 inserting the following: “election held to fill a
11 vacancy in the same city, on the first Tuesday in
12 March or the first Tuesday in May of each year, or on
13 a Tuesday in one other month during the year as
14 determined by the city council.”
15 3. Page 14, line 12, by striking the words “the
16 last Tuesday in June, or”.
17 4. Page 14, line 13, by inserting after the word
18 “September” the following: “, or a Tuesday in one
19 other month during the year as determined by the
20 school district board of directors”.
21 5. Page 14, by striking line 16 and inserting the
22 following: “a Tuesday in one other month during the
23 year as determined by the school district board of
24 directors.”

HERMAN C. QUIRMBACH
FRANK B. WOOD
TOM HANCOCK
WILLIAM HECKROTH
DARYL BEALL
ROGER STEWART
BRIAN SCHOENJAHN
DAVE MULDER
JERRY BEHN
E. THURMAN GASKILL
JOHN PUTNEY
JAMES SEYMOUR
DAVID L. HARTSUCH
ROBERT M. HOGG
TOM RIELLY
STEVE WARNSTADT

S-5290

- 1 Amend the amendment, S-5172, to House File 2539, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 31, line 45, through page 32,
- 5 line 6.
- 6 2. By renumbering as necessary.

JAMES A. SEYMOUR

S-5291

- 1 Amend the amendment, S-5172, to House File 2539, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 23, by inserting after line 30, the
- 5 following:
- 6 “___ . Page 9, line 29, by striking the word
- 7 “dependent”.
- 8 ___ . Page 9, line 31, by striking the word
- 9 “dependent”.
- 10 2. Page 23, line 34, by striking the word
- 11 “DEPENDENT”.
- 12 3. Page 23, line 39, by striking the word
- 13 “dependent”.
- 14 4. Page 23, line 42, by striking the word
- 15 “dependent”.
- 16 5. Page 23, by inserting after line 46 the
- 17 following:
- 18 “___ . Page 11, line 5, by striking the word
- 19 “dependent”.
- 20 ___ . Page 11, line 7, by striking the word
- 21 “dependent”.
- 22 6. Page 32, by inserting after line 26 the
- 23 following:
- 24 “___ . Title page, line 4, by striking the word
- 25 “dependent”.
- 26 7. By renumbering as necessary.

JAMES A. SEYMOUR

S-5292

- 1 Amend the amendment, S-5172, to House File 2539, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 22, line 35, through page 23,
- 5 line 19.
- 6 2. By renumbering as necessary.

DAVID L. HARTSUCH

S-5293

1 Amend the amendment, S-5172, to House File 2539, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 6, by striking lines 19 through 21 and
 5 inserting the following:

6 “FY 2008–2009.....	\$ 6,295,200
7 FY 2009–2010.....	\$ 16,295,200
8 FY 2010–2011.....	\$ 26,295,200”

9 2. Page 14, by striking lines 5 through 16.

10 3. By striking page 14, line 18, through page 16,
 11 line 9, and inserting the following:

12 “HEALTH INSURANCE OVERSIGHT
 13 Sec. ____ Section 505.8, Code Supplement 2007, is
 14 amended by adding the following new subsection:
 15 NEW SUBSECTION. 15. Beginning no later than
 16 November 1, 2008, and continuing thereafter, the
 17 commissioner shall, from time to time, convene
 18 representatives of health insurers and health care
 19 providers licensed under chapter 148, 150, or 150A, to
 20 discuss and make recommendations about issues relating
 21 to cost containment, quality, and access of health
 22 care for Iowans, with a focus on major factors and
 23 trends in health care. The commissioner may identify
 24 procedures or practices related to health insurance
 25 that merit regulatory intervention or direction by the
 26 commissioner and shall take action as deemed
 27 appropriate within the commissioner’s authority. The
 28 commissioner may make recommendations to the general
 29 assembly and the governor regarding legislation to
 30 improve the efficient and effective delivery of health
 31 care services and to strengthen the private health
 32 insurance market in this state.””

33 4. Page 20, by striking lines 24 through 33.

34 5. Page 20, by striking lines 40 through 48.

35 6. Page 21, by striking lines 28 through 38.

36 7. Page 23, by striking lines 20 through 30.

37 8. Page 24, by striking lines 25 through 35.

38 9. Page 24, by striking line 43, through page 25,
 39 line 1.

40 10. Page 26, by striking lines 18 through 28.

41 11. Page 31, by striking lines 11 through 19.

42 12. By striking page 31, lines 20 through 41.

43 13. By renumbering as necessary.

DAVID JOHNSON

S-5294

1 Amend the amendment, S-5172, to House File 2539, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 1, line 3, through page 32,
5 line 32, and inserting the following:

6 “___ . By striking page 1, line 3, through page 2,
7 line 4, and inserting the following:

8 “Section 1. DECLARATION OF INTENT.

9 1. It is the intent of the general assembly to
10 progress toward achievement of the goal that all
11 Iowans have health care coverage with the following
12 priorities:

13 a. The goal that all children in the state have
14 health care coverage which meets certain standards of
15 quality and affordability with the following
16 priorities:

17 (1) Covering all children who are declared
18 eligible for the medical assistance program or the
19 hawk-i program pursuant to chapter 514I no later than
20 January 1, 2011.

21 (2) If federal reauthorization of the state
22 children’s health insurance program provides
23 sufficient federal allocations to the state and
24 authorization to cover such children as an option
25 under the state children’s health insurance program,
26 requiring the department of human services to expand
27 coverage under the state children’s health insurance
28 program to cover children with family incomes at or
29 below three hundred percent of the federal poverty
30 level, with appropriate cost sharing established for
31 families with incomes above two hundred percent of the
32 federal poverty level.

33 b. The goal that the Iowa comprehensive health
34 insurance association, in consultation with the
35 advisory council established in section 514E.5A,
36 develop a comprehensive plan to cover all children
37 without health care coverage that utilizes and
38 modifies existing public programs including the
39 medical assistance program and the hawk-i program and
40 provide access to unsubsidized, affordable, qualified
41 health care coverage for children, adults, and
42 families with family incomes as specified under the
43 Iowa choice health care coverage program who are not
44 otherwise eligible for health care coverage through
45 public programs.

46 c. The goal of decreasing health care costs and
47 health care coverage costs by:

48 (1) Instituting health insurance reforms that
49 assure the availability of private health insurance
50 coverage for Iowans by addressing issues involving

Page 2

1 guaranteed availability and issuance to applicants,
2 preexisting condition exclusions, portability, and
3 allowable or required pooling and rating
4 classifications.

5 (2) Requiring children who have health care
6 coverage through a public program administered by the
7 state, with the exception of any public program that
8 provides health care coverage through private
9 insurers, and children who are insured through plans
10 created by the Iowa choice health care coverage
11 program to have a medical home.

12 (3) Establishing a statewide health information
13 technology system.

14 (4) Implementing cost containment strategies and
15 initiatives such as chronic care management, long-term
16 living planning and patient autonomy in health care
17 decision making, and transparency in health care costs
18 and quality information.”

19 ____ Page 2, by inserting before line 5 the
20 following:

21 “DIVISION ____

22 HAWK-I AND MEDICAID PROVISIONS

23 Sec. ____ Section 249A.3, Code Supplement 2007, is
24 amended by adding the following new subsection:

25 NEW SUBSECTION. 14. The department shall provide
26 continuous eligibility for twelve months under the
27 medical assistance program for a child who was
28 eligible for enrollment at the time of the most recent
29 enrollment.

30 Sec. ____ Section 514I.1, Code 2007, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 5. It is the intent of the
33 general assembly that if federal reauthorization of
34 the state children’s health insurance program provides
35 sufficient federal allocations to the state and
36 authorization to cover such children as an option
37 under the state children’s health insurance program,
38 the department shall expand coverage under the state
39 children’s health insurance program to cover children
40 with family incomes at or below three hundred percent
41 of the federal poverty level.

42 Sec. ____ Section 514I.5, subsection 7, paragraph
43 d, Code Supplement 2007, is amended to read as
44 follows:

45 d. Develop, with the assistance of the
46 department, an outreach plan, and provide for periodic
47 assessment of the effectiveness of the outreach plan.
48 The plan shall provide outreach to families of
49 children likely to be eligible for assistance under
50 the program, to inform them of the availability of and

Page 3

1 to assist the families in enrolling children in the
2 program. The outreach efforts may include, but are
3 not limited to, solicitation of cooperation from
4 programs, agencies, and other persons who are likely
5 to have contact with eligible children, including but
6 not limited to those associated with the educational
7 system, and the development of community plans for
8 outreach and marketing. Other state agencies
9 including but not limited to the department of
10 revenue, the department of economic development, and
11 the department of education shall cooperate with the
12 department in providing marketing and outreach to
13 potentially eligible children and their families.

14 Sec. ____ Section 514I.5, subsection 7, Code
15 Supplement 2007, is amended by adding the following
16 new paragraph:

17 NEW PARAGRAPH. 1. Develop options and
18 recommendations to allow children eligible for the
19 hawk-i program to participate in qualified
20 employer-sponsored health plans through a premium
21 assistance program. The options and recommendations
22 shall ensure reasonable alignment between the benefits
23 and costs of the hawk-i program and the
24 employer-sponsored health plans consistent with
25 federal law. The options and recommendations shall be
26 completed by January 1, 2009, and submitted to the
27 governor and the general assembly for consideration as
28 part of the hawk-i program.

29 Sec. ____ Section 514I.7, subsection 2, paragraph
30 a, Code 2007, is amended to read as follows:

31 a. Determine individual eligibility for program
32 enrollment based upon review of completed applications
33 and supporting documentation. The administrative
34 contractor shall not enroll a child who has group
35 health coverage ~~or any child who has dropped coverage~~
36 ~~in the previous six months, unless the coverage was~~
37 ~~involuntarily lost or unless the reason for dropping~~
38 ~~coverage is allowed by rule of the board.~~

39 Sec. ____ MAXIMIZATION OF ENROLLMENT AND RETENTION
40 — MEDICAL ASSISTANCE AND HAWK-I PROGRAMS.

41 1. The department of human services, in
42 collaboration with the department of education, the
43 department of public health, the division of insurance
44 of the department of commerce, the hawk-i board, the
45 covering kids and families coalition, and the covering
46 kids now task force, shall develop a plan to maximize
47 enrollment and retention of eligible children in the
48 hawk-i and medical assistance programs. In developing
49 the plan, the collaborative shall review, at a
50 minimum, all of the following strategies:

1 a. Streamlined enrollment in the hawk-i and
 2 medical assistance programs. The collaborative shall
 3 identify information and documentation that may be
 4 shared across departments and programs to simplify the
 5 determination of eligibility or eligibility factors,
 6 and any interagency agreements necessary to share
 7 information consistent with state and federal
 8 confidentiality and other applicable requirements.

9 b. Conditional eligibility for the hawk-i and
 10 medical assistance programs.

11 c. Retroactive eligibility for the hawk-i program.

12 d. Expedited renewal for the hawk-i and medical
 13 assistance programs.

14 2. Following completion of the review the
 15 department of human services shall compile the plan
 16 which shall address all of the following relative to
 17 implementation of the strategies specified in
 18 subsection 1:

19 a. Federal limitations and quantifying of the risk
 20 of federal disallowance.

21 b. Any necessary amendment of state law or rule.

22 c. Budgetary implications and cost-benefit
 23 analyses.

24 d. Any medical assistance state plan amendments,
 25 waivers, or other federal approval necessary.

26 e. An implementation time frame.

27 3. The department of human services shall submit
 28 the plan to the governor and the general assembly no
 29 later than December 1, 2008.

30 Sec. ____ MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I
 31 EXPANSION PROGRAMS — COVERING CHILDREN —

32 APPROPRIATION. There is appropriated from the general
 33 fund of the state to the department of human services
 34 for the designated fiscal years, the following
 35 amounts, or so much thereof as is necessary, for the
 36 purpose designated:

37 To cover children as provided in this Act under the
 38 medical assistance, hawk-i, and hawk-i expansion
 39 programs and outreach under the current structure of
 40 the programs:

41 FY 2008–2009	\$	4,800,000
42 FY 2009–2010	\$	14,800,000
43 FY 2010–2011	\$	24,800,000

44 DIVISION ____
 45 IOWA CHOICE HEALTH CARE COVERAGE PROGRAM

46 Sec. ____ Section 514E.1, Code 2007, is amended by
 47 adding the following new subsections:

48 NEW SUBSECTION. 0A. “Advisory council” means the
 49 advisory council created in section 514E.5A.

50 NEW SUBSECTION. 6A. “Eligible individual” means

Page 5

1 an individual who satisfies the eligibility
2 requirements for participation in the Iowa choice
3 health care coverage program as provided by the
4 association by rule.

5 NEW SUBSECTION. 14A. "Iowa choice health care
6 coverage program" means the Iowa choice health care
7 coverage program established in this chapter.

8 NEW SUBSECTION. 14B. "Iowa choice health care
9 policy" means an individual or group policy issued by
10 the association that provides the coverage set forth
11 in the benefit plans adopted by the association's
12 board of directors and approved by the commissioner
13 for the Iowa choice health care coverage program.

14 NEW SUBSECTION. 14C. "Iowa choice health
15 insurance" means the health insurance product
16 established by the Iowa choice health care coverage
17 program that is offered by a private health insurance
18 carrier.

19 NEW SUBSECTION. 14D. "Iowa choice health
20 insurance carrier" means any entity licensed by the
21 division of insurance of the department of commerce to
22 provide health insurance in Iowa or an organized
23 delivery system licensed by the director of public
24 health that has contracted with the association to
25 provide health insurance coverage to eligible
26 individuals under the Iowa choice health care coverage
27 program.

28 NEW SUBSECTION. 21. "Qualified health care
29 coverage" means creditable coverage which meets
30 minimum standards of quality and affordability as
31 determined by the association by rule.

32 Sec. ____ Section 514E.2, subsections 1 and 3,
33 Code 2007, are amended to read as follows:

34 1. The Iowa comprehensive health insurance
35 association is established as a nonprofit corporation.
36 The association shall assure that benefit plans as
37 authorized in section 514E.1, subsection 2, for an
38 association policy, are made available to each
39 eligible Iowa resident and each federally eligible
40 individual applying to the association for coverage.
41 The association shall also be responsible for
42 administering the Iowa individual health benefit
43 reinsurance association pursuant to all of the terms
44 and conditions contained in chapter 513C. The
45 association shall also assure that benefit plans as
46 authorized in section 514E.1, subsection 14C, for an
47 Iowa choice health care policy are made available to
48 each eligible individual applying to the association
49 for coverage.

50 a. All carriers and all organized delivery systems

Page 6

1 licensed by the director of public health providing
2 health insurance or health care services in Iowa,
3 whether on an individual or group basis, and all other
4 insurers designated by the association's board of
5 directors and approved by the commissioner shall be
6 members of the association.

7 b. The association shall operate under a plan of
8 operation established and approved under subsection 3
9 and shall exercise its powers through a board of
10 directors established under this section.

11 3. The association shall submit to the
12 commissioner a plan of operation for the association
13 and any amendments necessary or suitable to assure the
14 fair, reasonable, and equitable administration of the
15 association. The plan of operation shall include
16 provisions for the issuance of Iowa choice health care
17 policies and shall include provisions for the
18 development of a comprehensive plan to provide health
19 care coverage to all children without such coverage,
20 that utilizes and modifies existing public programs,
21 including the medical assistance program and the
22 hawk-i program and provides for the implementation of
23 the Iowa choice health care coverage program
24 established in section 514E.5. In developing the plan
25 of operation for the comprehensive plan and for the
26 Iowa choice health care coverage program, the
27 association shall give deference to the
28 recommendations made by the advisory council as
29 provided in section 514E.5A, subsection 1. The
30 association shall approve or disapprove but shall not
31 modify recommendations made by the advisory council.
32 Recommendations that are approved shall be included in
33 the plan of operation submitted to the commissioner.
34 Recommendations that are disapproved shall be
35 submitted to the commissioner with reasons for the
36 disapproval. The plan of operation becomes effective
37 upon approval in writing by the commissioner prior to
38 the date on which the coverage under this chapter must
39 be made available. After notice and hearing, the
40 commissioner shall approve the plan of operation if
41 the plan is determined to be suitable to assure the
42 fair, reasonable, and equitable administration of the
43 association, and provides for the sharing of
44 association losses, if any, on an equitable and
45 proportionate basis among the member carriers. If the
46 association fails to submit a suitable plan of
47 operation within one hundred eighty days after the
48 appointment of the board of directors, or if at any
49 later time the association fails to submit suitable
50 amendments to the plan, the commissioner shall adopt,

Page 7

1 pursuant to chapter 17A, rules necessary to implement
2 this section. The rules shall continue in force until
3 modified by the commissioner or superseded by a plan
4 submitted by the association and approved by the
5 commissioner. In addition to other requirements, the
6 plan of operation shall provide for all of the
7 following:

- 8 a. The handling and accounting of assets and
9 moneys of the association.
- 10 b. The amount and method of reimbursing members of
11 the board.
- 12 c. Regular times and places for meeting of the
13 board of directors.
- 14 d. Records to be kept of all financial
15 transactions, and the annual fiscal reporting to the
16 commissioner.
- 17 e. Procedures for selecting the board of directors
18 and submitting the selections to the commissioner for
19 approval.
- 20 f. The periodic advertising of the general
21 availability of health insurance coverage from the
22 association.
- 23 g. Additional provisions necessary or proper for
24 the execution of the powers and duties of the
25 association.

26 Sec. __. NEW SECTION. 514E.5 IOWA CHOICE HEALTH
27 CARE COVERAGE PROGRAM.

28 1. The association, in consultation with the
29 advisory council, shall develop a comprehensive plan
30 to provide health care coverage to all children
31 without such coverage, that utilizes and modifies
32 existing public programs including the medical
33 assistance program and hawk-i program, and establishes
34 the Iowa choice health care coverage program to
35 provide access to private unsubsidized, affordable,
36 qualified health care coverage to children who are not
37 otherwise eligible for health care coverage through
38 public programs.

39 2. As part of the comprehensive plan developed by
40 the association and the advisory council, the Iowa
41 choice health care coverage program shall provide
42 access to private unsubsidized, affordable, qualified
43 health care coverage to all Iowa children less than
44 nineteen years of age with a family income that is
45 more than two hundred percent of the federal poverty
46 level and to adults and families with a family income
47 that is less than four hundred percent of the federal
48 poverty level and who are not otherwise eligible for
49 coverage under chapter 249A, 249J, or 514I. However,
50 a child, adult, or family shall not be eligible for

Page 8

1 health care coverage under the Iowa choice health care
2 coverage program if the child, adult, or family is
3 enrolled in group health coverage or has dropped
4 coverage in the previous six months, unless the
5 coverage was involuntarily lost or unless the reason
6 for dropping coverage is allowed by rule of the
7 association, in consultation with the advisory
8 council.

9 3. As part of the comprehensive plan developed,
10 the association, in consultation with the advisory
11 council, shall define what constitutes qualified
12 health care coverage for children less than nineteen
13 years of age. An Iowa choice health care policy for
14 such children shall provide qualified health care
15 coverage. For the purposes of this definition and for
16 designing Iowa choice health care policies for
17 children, requirements for coverage and benefits shall
18 include but are not limited to all of the following:

- 19 a. Inpatient hospital services including medical,
20 surgical, intensive care unit, mental health, and
21 substance abuse services.
- 22 b. Nursing care services including skilled nursing
23 facility services.
- 24 c. Outpatient hospital services including
25 emergency room, surgery, lab, and x-ray services and
26 other services.
- 27 d. Physician services, including surgical and
28 medical, office visits, newborn care, well-baby and
29 well-child care, immunizations, urgent care,
30 specialist care, allergy testing and treatment, mental
31 health visits, and substance abuse visits.
- 32 e. Ambulance services.
- 33 f. Physical therapy.
- 34 g. Speech therapy.
- 35 h. Durable medical equipment.
- 36 i. Home health care.
- 37 j. Hospice services.
- 38 k. Prescription drugs.
- 39 l. Dental services including preventive services.
- 40 m. Medically necessary hearing services.
- 41 n. Vision services including corrective lenses.
- 42 o. No underwriting requirements and no preexisting
43 condition exclusions.
- 44 p. Chiropractic services.

45 4. As part of the comprehensive plan developed,
46 the association, in consultation with the advisory
47 council, shall develop Iowa choice health care policy
48 options that are available for purchase for children
49 less than nineteen years of age with a family income
50 that is more than two hundred percent of the federal

Page 9

1 poverty level. The program shall require a copayment
2 in an amount determined by the association for all
3 services received under such a policy except that the
4 contribution requirement for all cost-sharing expenses
5 of the policy shall be an amount that is no more than
6 two percent of family income per each child covered,
7 up to a maximum of six and one-half percent of family
8 income per family. Policies developed pursuant to
9 this subsection shall be available for purchase no
10 later than January 1, 2010.

11 5. As part of the comprehensive plan, the
12 association, in consultation with the advisory
13 council, shall define what constitutes qualified
14 health care coverage for adults and families who are
15 not eligible for a public program and have a family
16 income that is less than four hundred percent of the
17 federal poverty level. Iowa choice health care
18 policies for adults and families shall provide
19 qualified health care coverage. The association, in
20 consultation with the advisory council, shall develop
21 Iowa choice health care policy options that are
22 available for purchase by adults and families who are
23 not eligible for a public program and have a family
24 income that is less than four hundred percent of the
25 federal poverty level. The Iowa choice health care
26 policy options that are offered for purchase by such
27 adults and families shall provide a selection of
28 health benefit plans and standardized benefits with
29 the objective of providing health care coverage for
30 which all cost-sharing expenses do not exceed six and
31 one-half percent of family income. Policies developed
32 pursuant to this subsection shall be available for
33 purchase no later than January 1, 2010.

34 6. As part of the comprehensive plan, the Iowa
35 choice health care coverage program shall provide for
36 health benefits coverage through private health
37 insurance carriers that apply to the association and
38 meet the qualifications described in this section and
39 any additional qualifications established by rules of
40 the association. The Iowa choice health care coverage
41 program shall provide for the sale of Iowa choice
42 health care policies by licensed insurance producers
43 that apply to the association and meet the
44 qualifications established by rules of the
45 association. The association shall collaborate with
46 potential Iowa choice health insurance carriers to do
47 the following, including but not limited to:
48 a. Assure the availability of private qualified
49 health care coverage to all eligible individuals by
50 designing solutions to issues relating to guaranteed

Page 10

1 issuance of insurance, preexisting condition
2 exclusions, portability, and allowable pooling and
3 rating classifications.
4 b. Formulate principles that ensure fair and
5 appropriate practices relating to issues involving
6 individual Iowa choice health care policies such as
7 rescission and preexisting condition clauses, and that
8 provide for a binding third-party review process to
9 resolve disputes related to such issues.
10 c. Design affordable, portable Iowa choice health
11 care policies that specifically meet the needs of
12 eligible individuals.
13 7. The association, in developing the
14 comprehensive plan, and in administering the
15 comprehensive plan and the Iowa choice health care
16 coverage program, may do any of the following:
17 a. Seek and receive any grant funding from the
18 federal government, departments, or agencies of this
19 state, and private foundations.
20 b. Contract with professional service firms as may
21 be necessary, and fix their compensation.
22 c. Employ persons necessary to carry out the
23 duties of the program.
24 d. Design a premium schedule to be published by
25 the association by December 1 of each year, which
26 includes the development of rating factors that are
27 consistent with market conditions.
28 8. The association shall submit the comprehensive
29 plan required by this section to the governor and the
30 general assembly by December 15, 2008. The
31 appropriations to cover children under the medical
32 assistance and hawk-i programs as provided in this Act
33 and to provide related outreach for fiscal year
34 2009–2010 and fiscal year 2010–2011 are contingent
35 upon enactment of a comprehensive plan during the 2009
36 legislative session that provides health care coverage
37 for all children in the state. Enactment of a
38 comprehensive plan shall include a determination of
39 what the prospects are of federal action which may
40 impact the comprehensive plan and the fiscal impact of
41 the comprehensive plan on the state budget.
42 9. Beginning on January 15, 2010, and on January
43 15 of each year thereafter, the association shall
44 submit an annual report to the governor and the
45 general assembly regarding implementation of the
46 comprehensive plan required by this section, including
47 all activities of the Iowa choice health care coverage
48 program including but not limited to membership in the
49 program, the administrative expenses of the program,
50 the extent of coverage, the effect on premiums, the

Page 11

1 number of covered lives, the number of Iowa choice
2 health care policies issued or renewed, and Iowa
3 choice health care coverage program premiums earned
4 and claims incurred by Iowa choice health insurance
5 carriers offering Iowa choice health care policies.
6 The association shall also report specifically on the
7 impact of the comprehensive plan and the Iowa choice
8 health care coverage program on the small group and
9 individual health insurance markets and any reduction
10 in the number of uninsured individuals, particularly
11 children less than nineteen years of age, in the
12 state.

13 10. The association may grant not more than two
14 six-month extensions of the deadlines established in
15 this section as deemed necessary by the association to
16 promote orderly administration of the program and to
17 facilitate public outreach and information concerning
18 the program.

19 11. Any state obligation to provide services
20 pursuant to this section is limited to the extent of
21 the funds appropriated or provided for implementation
22 of this section.

23 12. Section 514E.7 is not applicable to Iowa
24 choice health care policies issued pursuant to this
25 section.

26 Sec. __. NEW SECTION. 514E.5A ADVISORY COUNCIL.

27 1. An advisory council is created for the purpose
28 of assisting the association with developing a
29 comprehensive plan to cover all children without
30 health care coverage that utilizes and modifies
31 existing public programs and provides access to
32 unsubsidized, affordable, qualified private health
33 care coverage through the Iowa choice health care
34 coverage program as provided in section 514E.5. The
35 advisory council shall make recommendations concerning
36 the design and implementation of the comprehensive
37 plan and the Iowa choice health care coverage program
38 including a plan of operation which includes but is
39 not limited to a definition of what constitutes
40 qualified health care coverage, suggestions for the
41 design of Iowa choice health insurance options,
42 implementation of the health care coverage reporting
43 requirement, and plans for implementing the Iowa
44 choice health care coverage program.

45 2. The advisory council consists of the following
46 persons who are voting members unless otherwise
47 provided:

48 a. The two most recent former governors, or if one
49 or both of them are unable or unwilling to serve, a
50 person or persons appointed by the governor.

Page 12

- 1 b. Six members appointed by the governor, subject
2 to confirmation by the senate:
- 3 (1) A representative of the federation of Iowa
4 insurers.
- 5 (2) A health economist.
- 6 (3) Two consumers, one of whom shall be a
7 representative of a children's advocacy organization.
- 8 (4) A representative of organized labor.
- 9 (5) A representative of an organization of
10 employers.
- 11 c. The following members shall be ex officio,
12 nonvoting members of the council:
- 13 (1) The commissioner of insurance, or a designee.
- 14 (2) The director of human services, or a designee.
- 15 (3) The director of public health, or a designee.
- 16 (4) Four members of the general assembly, one
17 appointed by the speaker of the house of
18 representatives, one appointed by the minority leader
19 of the house of representatives, one appointed by the
20 majority leader of the senate, and one appointed by
21 the minority leader of the senate.
- 22 3. The members of the council appointed by the
23 governor shall be appointed for terms of six years
24 beginning and ending as provided in section 69.19.
25 Such a member of the board is eligible for
26 reappointment. The governor shall fill a vacancy for
27 the remainder of the unexpired term.
- 28 4. The members of the council shall annually elect
29 one voting member as chairperson and one as vice
30 chairperson. Meetings of the council shall be held at
31 the call of the chairperson or at the request of a
32 majority of the council's members.
- 33 5. The members of the council shall not receive
34 compensation for the performance of their duties as
35 members but each member shall be paid necessary
36 expenses while engaged in the performance of duties of
37 the council.
- 38 6. The members of the council are subject to and
39 are officials within the meaning of chapter 68B.
- 40 Sec. ____ **NEW SECTION. 514E.6 IOWA CHOICE HEALTH**
41 **CARE COVERAGE PROGRAM FUND — APPROPRIATION.**
- 42 The Iowa choice health care coverage program fund
43 is created in the state treasury as a separate fund
44 under the control of the association for deposit of
45 any funds for initial operating expenses of the Iowa
46 choice health care coverage program, payments made by
47 employers and individuals, and any funds received from
48 any public or private source. All moneys credited to
49 the fund are appropriated and available to the
50 association to be used for the purposes of designing

1 and implementing a comprehensive plan and the Iowa
 2 choice health care coverage program as provided in
 3 section 514E.5. Notwithstanding section 8.33, any
 4 balance in the fund on June 30 of each fiscal year
 5 shall not revert to the general fund of the state, but
 6 shall be available for the purposes set forth for the
 7 program in this chapter in subsequent years.

8 Sec. ____ IOWA CHOICE HEALTH CARE COVERAGE PROGRAM

9 — APPROPRIATION. There is appropriated from the
 10 general fund of the state to the insurance division of
 11 the department of commerce for the fiscal year
 12 beginning July 1, 2008, and ending June 30, 2009, the
 13 following amount, or so much thereof as is necessary,
 14 for the purpose designated:

15 For deposit in the Iowa choice health care coverage
 16 program fund existing in section 514E.6, for the
 17 activities of the Iowa choice health care coverage
 18 program:

19 \$ 50,000

20 DIVISION ____

21 HEALTH INSURANCE OVERSIGHT

22 Sec. ____ Section 505.8, Code Supplement 2007, is
 23 amended by adding the following new subsection:

24 NEW SUBSECTION. 15. Beginning no later than
 25 November 1, 2008, and continuing thereafter, the
 26 commissioner shall, from time to time, convene
 27 representatives of health insurers and health care
 28 providers licensed under chapter 148, 150, or 150A, to
 29 discuss and make recommendations about issues relating
 30 to cost containment, quality, and access of health
 31 care for Iowans, with a focus on major factors and
 32 trends in health care. The commissioner may identify
 33 procedures or practices related to health insurance
 34 that merit regulatory intervention or direction by the
 35 commissioner and shall take action as deemed
 36 appropriate within the commissioner’s authority. The
 37 commissioner may make recommendations to the general
 38 assembly and the governor regarding legislation to
 39 improve the efficient and effective delivery of health
 40 care services and to strengthen the private health
 41 insurance market in this state.

42 Sec. ____ HEALTH INSURANCE OVERSIGHT —
 43 APPROPRIATION. There is appropriated from the general

44 fund of the state to the insurance division of the
 45 department of commerce for the fiscal year beginning
 46 July 1, 2008, and ending June 30, 2009, the following
 47 amount, or so much thereof as is necessary, for the
 48 purpose designated:

49 For identification and regulation of procedures and
 50 practices related to health care as provided in

1 section 505.8, subsection 15:
2 \$ 80,000”
3 _____. Page 8, by striking lines 22 through 29 and
4 inserting the following:
5 “Sec. _____. Section 8D.13, Code 2007, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 20. Access shall be offered to
8 the Iowa hospital association only for the purposes of
9 collection, maintenance, and dissemination of health
10 and financial data for hospitals and for hospital
11 education services. The Iowa hospital association
12 shall be responsible for all costs associated with
13 becoming part of the network, as determined by the
14 commission.”
15 _____. Page 8, by inserting after line 34 the
16 following:
17 “Sec. _____. IOWA HEALTH INFORMATION TECHNOLOGY
18 SYSTEM — APPROPRIATION. There is appropriated from
19 the general fund of the state to the department of
20 public health for the fiscal year beginning July 1,
21 2008, and ending June 30, 2009, the following amount,
22 or so much thereof as is necessary, for the purpose
23 designated:
24 For administration of the Iowa health information
25 technology system, and for not more than the following
26 full-time equivalent positions:
27 \$ 118,800
28 FTEs 2.00”
29 _____. Page 9, by striking line 1 and inserting the
30 following:
31 “LONG-TERM LIVING PLANNING AND
32 PATIENT AUTONOMY IN HEALTH CARE”
33 _____. Page 9, by inserting after line 14 the
34 following:
35 “Sec. _____. END-OF-LIFE CARE DECISION MAKING —
36 APPROPRIATION. There is appropriated from the general
37 fund of the state to the department of elder affairs
38 for the fiscal year beginning July 1, 2008, and ending
39 June 30, 2009, the following amount, or so much
40 thereof as is necessary, for the purpose designated:
41 For activities associated with the end-of-life care
42 decision-making requirements of this division:
43 \$ 10,000
44 Sec. _____. LONG-TERM LIVING PLANNING TOOLS —
45 PUBLIC EDUCATION CAMPAIGN. The legal services
46 development and substitute decision maker programs of
47 the department of elder affairs, in collaboration with
48 other appropriate agencies and interested parties,
49 shall research existing long-term living planning
50 tools that are designed to increase quality of life

1 and contain health care costs and recommend a public
2 education campaign strategy on long-term living to the
3 general assembly by January 1, 2009.

4 Sec. ____ LONG-TERM CARE OPTIONS PUBLIC EDUCATION

5 CAMPAIGN. The department of elder affairs, in
6 collaboration with the insurance division of the
7 department of commerce, shall implement a long-term
8 care options public education campaign. The campaign
9 may utilize such tools as the "Own Your Future
10 Planning Kit" administered by the centers for Medicare
11 and Medicaid services, the administration on aging,
12 and the office of the assistant secretary for planning
13 and evaluation of the United States department of
14 health and human services, and other tools developed
15 through the aging and disability resource center
16 program of the administration on aging and the centers
17 for Medicare and Medicaid services designed to promote
18 health and independence as Iowans age, assist older
19 Iowans in making informed choices about the
20 availability of long-term care options, including
21 alternatives to facility-based care, and to streamline
22 access to long-term care.

23 Sec. ____ LONG-TERM CARE OPTIONS PUBLIC EDUCATION

24 CAMPAIGN — APPROPRIATION. There is appropriated from
25 the general fund of the state to the department of
26 elder affairs for the fiscal year beginning July 1,
27 2008, and ending June 30, 2009, the following amount,
28 or so much thereof as is necessary, for the purpose
29 designated:

30 For activities associated with the long-term care
31 options public education campaign requirements of this
32 division:

33 \$ 75,000

34 Sec. ____ HOME AND COMMUNITY-BASED SERVICES PUBLIC

35 EDUCATION CAMPAIGN. The department of elder affairs
36 shall work with other public and private agencies to
37 identify resources that may be used to continue the
38 work of the aging and disability resource center
39 established by the department through the aging and
40 disability resource center grant program efforts of
41 the administration on aging and the centers for
42 Medicare and Medicaid services of the United States
43 department of health and human services, beyond the
44 federal grant period ending September 30, 2008.

45 Sec. ____ PATIENT AUTONOMY IN HEALTH CARE
46 DECISIONS PILOT PROJECT.

47 1. The department of public health shall establish
48 a two-year community coalition for patient treatment
49 wishes across the health care continuum pilot project,
50 beginning July 1, 2008, and ending June 30, 2010, in a

Page 16

1 county with a population of between fifty thousand and
2 one hundred thousand. The pilot project shall utilize
3 the process based upon the national physicians orders
4 for life sustaining treatment program initiative,
5 including use of a standardized physician order for
6 scope of treatment form. The pilot project may
7 include applicability to chronically ill, frail, and
8 elderly or terminally ill individuals in hospitals
9 licensed pursuant to chapter 135B, nursing facilities
10 or residential care facilities licensed pursuant to
11 chapter 135C, or hospice programs as defined in
12 section 135J.1.

13 2. The department of public health shall convene
14 an advisory council, consisting of representatives of
15 entities with interest in the pilot project, including
16 but not limited to the Iowa hospital association, the
17 Iowa medical society, organizations representing
18 health care facilities, representatives of health care
19 providers, and the Iowa trial lawyers association, to
20 develop recommendations for expanding the pilot
21 project statewide. The advisory council shall hold
22 meetings throughout the state to obtain input
23 regarding the pilot project and its statewide
24 application. Based on information collected regarding
25 the pilot project and information obtained through its
26 meetings, the advisory council shall report its
27 findings and recommendations, including
28 recommendations for legislation, to the governor and
29 the general assembly by January 1, 2010.

30 3. The pilot project shall not alter the rights of
31 individuals who do not execute a physician order for
32 scope of treatment.

33 a. If an individual is a qualified patient as
34 defined in section 144A.2, the individual's
35 declaration executed under chapter 144A shall control
36 health care decision making for the individual in
37 accordance with chapter 144A. A physician order for
38 scope of treatment shall not supersede a declaration
39 executed pursuant to chapter 144A. If an individual
40 has not executed a declaration pursuant to chapter
41 144A, health care decision making relating to
42 life-sustaining procedures for the individual shall be
43 governed by section 144A.7.

44 b. If an individual has executed a durable power
45 of attorney for health care pursuant to chapter 144B,
46 the individual's durable power of attorney for health
47 care shall control health care decision making for the
48 individual in accordance with chapter 144B. A
49 physician order for scope of treatment shall not
50 supersede a durable power of attorney for health care

1 executed pursuant to chapter 144B.
 2 c. In the absence of actual notice of the
 3 revocation of a physician order for scope of
 4 treatment, a physician, health care provider, or any
 5 other person who complies with a physician order for
 6 scope of treatment shall not be subject to liability,
 7 civil or criminal, for actions taken under this
 8 section which are in accordance with reasonable
 9 medical standards. Any physician, health care
 10 provider, or other person against whom criminal or
 11 civil liability is asserted because of conduct in
 12 compliance with this section may interpose the
 13 restriction on liability in this paragraph as an
 14 absolute defense.

15 Sec. ____ PATIENT AUTONOMY IN HEALTH CARE
 16 DECISIONS PILOT PROJECT — APPROPRIATION. There is
 17 appropriated from the general fund of the state to the
 18 department of public health for the fiscal year
 19 beginning July 1, 2008, and ending June 30, 2009, the
 20 following amount, or so much thereof as is necessary,
 21 for the purpose designated:

22 For activities associated with the patient autonomy
 23 in health care decisions pilot project requirements of
 24 this division:

25 \$ 40,000

26 The department shall procure a sole source
 27 contract to implement the patient autonomy in health
 28 care decisions pilot project and associated activities
 29 under this section.”

30 ____ Page 9, by inserting after line 34 the
 31 following:

32 “Sec. ____ NEW SECTION. 509A.13B CONTINUATION OF
 33 DEPENDENT COVERAGE.

34 If a governing body, a county board of supervisors,
 35 or a city council has procured accident or health care
 36 coverage for its employees under this chapter such
 37 coverage shall permit continuation of existing
 38 coverage for an unmarried dependent child of an
 39 insured or enrollee who so elects, at least through
 40 the age of twenty-five years old or so long as the
 41 dependent child maintains full-time status as a
 42 student in an accredited institution of postsecondary
 43 education, whichever occurs last, at a premium
 44 established in accordance with the rating practices of
 45 the coverage.”

46 ____ Page 12, by inserting after line 31 the
 47 following:

48 “____. A chiropractor licensed pursuant to chapter
 49 151.”

50 ____ Page 16, by striking lines 23 through 29 and

Page 18

1 inserting the following: “of a statewide medical home
2 system.”

3 _____. Page 17, line 17, by inserting after the word
4 “service.” the following: “The plan shall provide
5 that in sharing information, the priority shall be the
6 protection of the privacy of individuals and the
7 security and confidentiality of the individual’s
8 information. Any sharing of information required by
9 the medical home system shall comply and be consistent
10 with all existing state and federal laws and
11 regulations relating to the confidentiality of health
12 care information and shall be subject to written
13 consent of the patient.”

14 _____. Page 20, line 26, by inserting after the
15 words “recipients of” the following: “full benefits
16 under”.

17 _____. Page 20, lines 33 and 34, by striking the
18 words “adult recipients of medical assistance” and
19 inserting the following: “adults who are recipients
20 of full benefits under the medical assistance
21 program”.

22 _____. Page 21, line 25, by striking the figure “12”
23 and inserting the following: “11”.

24 _____. Page 22, by inserting after line 1 the
25 following:

26 “Sec. _____. MEDICAL HOME SYSTEM — APPROPRIATION.

27 There is appropriated from the general fund of the
28 state to the department of public health for the
29 fiscal year beginning July 1, 2008, and ending June
30 30, 2009, the following amount, or so much thereof as
31 is necessary, for the purpose designated:

32 For activities associated with the medical home
33 system requirements of this division and for not more
34 than the following full-time equivalent positions:

35	\$	137,800
36	FTEs	4.00”

37 _____. Page 28, by striking lines 2 through 6.

38 _____. Page 28, by inserting after line 29 the
39 following:

40 “Sec. _____. Section 136.3, Code 2007, is amended by
41 adding the following new subsection:

42 NEW SUBSECTION. 12. Perform those duties
43 authorized pursuant to section 135.161.

44 Sec. _____. PREVENTION AND CHRONIC CARE MANAGEMENT
45 — APPROPRIATION. There is appropriated from the

46 general fund of the state to the department of public
47 health for the fiscal year beginning July 1, 2008, and
48 ending June 30, 2009, the following amount, or so much
49 thereof as is necessary, for the purpose designated:

50 For activities associated with the prevention and

Page 19

1 chronic care management requirements of this division:	
2	\$ 150,500”

3 ____ Page 29, line 25, by inserting after the
 4 figure “249J.16.” the following: “The council shall
 5 also coordinate its efforts with the efforts of the
 6 department of public health regarding health care
 7 quality, cost containment, and consumer information
 8 under section 135.163.”

9 ____ Page 31, by inserting after line 8, the
 10 following:

11 “DIVISION ____
 12 HEALTH CARE QUALITY, COST CONTAINMENT, AND
 13 CONSUMER INFORMATION

14 DIVISION XXIV
 15 HEALTH CARE QUALITY, COST CONTAINMENT,
 16 AND CONSUMER INFORMATION

17 Sec. ____ NEW SECTION. 135.163 HEALTH CARE
 18 QUALITY, COST CONTAINMENT, AND CONSUMER INFORMATION.

19 1. The department shall, at a minimum, do all of
 20 the following, to improve health care quality, cost
 21 containment and consumer information:

22 a. Develop cost-containment measures that help to
 23 contain costs while improving quality in the health
 24 care system.

25 b. Provide for coordination of public and private
 26 cost-containment, quality, and safety efforts in this
 27 state, including but not limited to efforts of the
 28 Iowa healthcare collaborative, the Iowa health buyers’
 29 alliance, the state’s Medicare quality improvement
 30 organization, the Iowa Medicaid enterprise, and the
 31 medical assistance quality improvement council
 32 established pursuant to section 249A.36.

33 c. Carry out other health care price, quality, and
 34 safety-related research as directed by the governor
 35 and the general assembly.

36 d. Develop strategies to contain health care costs
 37 which may include:

38 (1) Promoting adoption of health information
 39 technology through provider incentives.

40 (2) Considering a four-tier prescription drug
 41 copayment system within a prescription drug benefit
 42 that includes a zero copayment tier for select
 43 medications to improve patient compliance.

44 (3) Providing a standard medication therapy
 45 management program as a prescription drug benefit to
 46 optimize high-risk patients’ medication outcomes.

47 (4) Investigating whether pooled purchasing for
 48 prescription drug benefits, such as a common statewide
 49 preferred drug list, would decrease costs.

50 e. Develop strategies to increase the public’s

- 1 role and responsibility in personal health care
- 2 choices and decisions which may include:
- 3 (1) Creating a public awareness campaign to
- 4 educate consumers on smart health care choices.
- 5 (2) Promoting public reporting of quality
- 6 performance measures.
- 7 f. Develop implementation strategies which may
- 8 include piloting the various quality,
- 9 cost-containment, and public involvement strategies
- 10 utilizing publicly funded health care coverage groups
- 11 such as the medical assistance program, state of Iowa
- 12 employee group health plans, and regents institutions
- 13 health care plans, consistent with collective
- 14 bargaining agreements in effect.
- 15 g. Develop a method for health care providers to
- 16 provide a patient, upon request, with a reasonable
- 17 estimate of charges for the services.
- 18 h. Identify the process and time frames for
- 19 implementation of any initiatives, identify any
- 20 barriers to implementation of initiatives, and
- 21 recommend any changes in law or rules necessary to
- 22 eliminate the barriers and to implement the
- 23 initiatives.

24 Sec. ____ HEALTH CARE QUALITY, COST CONTAINMENT,
 25 AND CONSUMER INFORMATION — APPROPRIATION. There is
 26 appropriated from the general fund of the state to the
 27 department of public health for the fiscal year
 28 beginning July 1, 2008, and ending June 30, 2009, the
 29 following amount, or so much thereof as is necessary,
 30 for the purpose designated:

31 For activities associated with the health care
 32 quality, cost containment, and consumer information
 33 requirements of this division and for not more than
 34 the following full-time equivalent positions:

35	\$	135,900
36	FTEs	3.00

37 DIVISION XXV
 38 HEALTH AND LONG-TERM CARE ACCESS
 39 Sec. ____ NEW SECTION. 135.164 HEALTH AND
 40 LONG-TERM CARE ACCESS.

41 The department shall coordinate public and private
 42 efforts to develop and maintain an appropriate health
 43 care delivery infrastructure and a stable,
 44 well-qualified, diverse, and sustainable health care
 45 workforce in this state. The health care delivery
 46 infrastructure and the health care workforce shall
 47 address the broad spectrum of health care needs of
 48 Iowans throughout their lifespan including long-term
 49 care needs. The department shall collaborate with the
 50 university of Iowa college of public health in

Page 21

- 1 fulfilling the requirements of this division. The
2 department shall, at a minimum, do all of the
3 following:
- 4 1. Develop a strategic plan for health care
5 delivery infrastructure and health care workforce
6 resources in this state.
 - 7 2. Provide for the continuous collection of data
8 to provide a basis for health care strategic planning
9 and health care policymaking.
 - 10 3. Make recommendations regarding the health care
11 delivery infrastructure and the health care workforce
12 that assist in monitoring current needs, predicting
13 future trends, and informing policymaking.
 - 14 4. Advise and provide support to the health
15 facilities council established in section 135.62.
- 16 Sec. __. NEW SECTION. 135.165 STRATEGIC PLAN.
- 17 1. The strategic plan for health care delivery
18 infrastructure and health care workforce resources
19 shall describe the existing health care system,
20 describe and provide a rationale for the desired
21 health care system, provide an action plan for
22 implementation, and provide methods to evaluate the
23 system. The plan shall incorporate expenditure
24 control methods and integrate criteria for
25 evidence-based health care. The department shall do
26 all of the following in developing the strategic plan
27 for health care delivery infrastructure and health
28 care workforce resources:
 - 29 a. Conduct strategic health planning activities
30 related to preparation of the strategic plan.
 - 31 b. Develop a computerized system for accessing,
32 analyzing, and disseminating data relevant to
33 strategic health planning. The department may enter
34 into data sharing agreements and contractual
35 arrangements necessary to obtain or disseminate
36 relevant data.
 - 37 c. Conduct research and analysis or arrange for
38 research and analysis projects to be conducted by
39 public or private organizations to further the
40 development of the strategic plan.
 - 41 d. Establish a technical advisory committee to
42 assist in the development of the strategic plan. The
43 members of the committee may include but are not
44 limited to health economists, health planners,
45 representatives of health care purchasers,
46 representatives of state and local agencies that
47 regulate entities involved in health care,
48 representatives of health care providers and health
49 care facilities, and consumers.
 - 50 2. The strategic plan shall include statewide

Page 22

1 health planning policies and goals related to the
2 availability of health care facilities and services,
3 the quality of care, and the cost of care. The
4 policies and goals shall be based on the following
5 principles:

- 6 a. That a strategic health planning process,
7 responsive to changing health and social needs and
8 conditions, is essential to the health, safety, and
9 welfare of Iowans. The process shall be reviewed and
10 updated as necessary to ensure that the strategic plan
11 addresses all of the following:
 - 12 (1) Promoting and maintaining the health of all
13 Iowans.
 - 14 (2) Providing accessible health care services
15 through the maintenance of an adequate supply of
16 health facilities and an adequate workforce.
 - 17 (3) Controlling excessive increases in costs.
 - 18 (4) Applying specific quality criteria and
19 population health indicators.
 - 20 (5) Recognizing prevention and wellness as
21 priorities in health care programs to improve quality
22 and reduce costs.
 - 23 (6) Addressing periodic priority issues including
24 disaster planning, public health threats, and public
25 safety dilemmas.
 - 26 (7) Coordinating health care delivery and resource
27 development efforts among state agencies including
28 those tasked with facility, services, and professional
29 provider licensure; state and federal reimbursement;
30 health service utilization data systems; and others.
 - 31 (8) Recognizing long-term care as an integral
32 component of the health care delivery infrastructure
33 and as an essential service provided by the health
34 care workforce.
- 35 b. That both consumers and providers throughout
36 the state must be involved in the health planning
37 process, outcomes of which shall be clearly
38 articulated and available for public review and use.
- 39 c. That the supply of a health care service has a
40 substantial impact on utilization of the service,
41 independent of the effectiveness, medical necessity,
42 or appropriateness of the particular health care
43 service for a particular individual.
- 44 d. That given that health care resources are not
45 unlimited, the impact of any new health care service
46 or facility on overall health expenditures in this
47 state must be considered.
- 48 e. That excess capacity of health care services
49 and facilities places an increased economic burden on
50 the public.

Page 23

- 1 f. That the likelihood that a requested new health
2 care facility, service, or equipment will improve
3 health care quality and outcomes must be considered.
- 4 g. That development and ongoing maintenance of
5 current and accurate health care information and
6 statistics related to cost and quality of health care
7 and projections of the need for health care facilities
8 and services are necessary to developing an effective
9 health care planning strategy.
- 10 h. That the certificate of need program as a
11 component of the health care planning regulatory
12 process must balance considerations of access to
13 quality care at a reasonable cost for all Iowans,
14 optimal use of existing health care resources,
15 fostering of expenditure control, and elimination of
16 unnecessary duplication of health care facilities and
17 services, while supporting improved health care
18 outcomes.
- 19 i. That strategic health care planning must be
20 concerned with the stability of the health care
21 system, encompassing health care financing, quality,
22 and the availability of information and services for
23 all residents.
- 24 3. The health care delivery infrastructure and
25 health care workforce resources strategic plan
26 developed by the department shall include all of the
27 following:
- 28 a. A health care system assessment and objectives
29 component that does all of the following:
- 30 (1) Describes state and regional population
31 demographics, health status indicators, and trends in
32 health status and health care needs.
- 33 (2) Identifies key policy objectives for the state
34 health care system related to access to care, health
35 care outcomes, quality, and cost-effectiveness.
- 36 b. A health care facilities and services plan that
37 assesses the demand for health care facilities and
38 services to inform state health care planning efforts
39 and direct certificate of need determinations, for
40 those facilities and services subject to certificate
41 of need. The plan shall include all of the following:
- 42 (1) An inventory of each geographic region's
43 existing health care facilities and services.
- 44 (2) Projections of the need for each category of
45 health care facility and service, including those
46 subject to certificate of need.
- 47 (3) Policies to guide the addition of new or
48 expanded health care facilities and services to
49 promote the use of quality, evidence-based,
50 cost-effective health care delivery options, including

Page 24

1 any recommendations for criteria, standards, and
2 methods relevant to the certificate of need review
3 process.

4 (4) An assessment of the availability of health
5 care providers, public health resources,
6 transportation infrastructure, and other
7 considerations necessary to support the needed health
8 care facilities and services in each region.

9 c. A health care data resources plan that
10 identifies data elements necessary to properly conduct
11 planning activities and to review certificate of need
12 applications, including data related to inpatient and
13 outpatient utilization and outcomes information, and
14 financial and utilization information related to
15 charity care, quality, and cost. The plan shall
16 provide all of the following:

17 (1) An inventory of existing data resources, both
18 public and private, that store and disclose
19 information relevant to the health care planning
20 process, including information necessary to conduct
21 certificate of need activities. The plan shall
22 identify any deficiencies in the inventory of existing
23 data resources and the data necessary to conduct
24 comprehensive health care planning activities. The
25 plan may recommend that the department be authorized
26 to access existing data sources and conduct
27 appropriate analyses of such data or that other
28 agencies expand their data collection activities as
29 statutory authority permits. The plan may identify
30 any computing infrastructure deficiencies that impede
31 the proper storage, transmission, and analysis of
32 health care planning data.

33 (2) Recommendations for increasing the
34 availability of data related to health care planning
35 to provide greater community involvement in the health
36 care planning process and consistency in data used for
37 certificate of need applications and determinations.
38 The plan shall also integrate the requirements for
39 annual reports by hospitals and health care facilities
40 pursuant to section 135.75, the provisions relating to
41 analyses and studies by the department pursuant to
42 section 135.76, the data compilation provisions of
43 section 135.78, and the provisions for contracts for
44 assistance with analyses, studies, and data pursuant
45 to section 135.83.

46 d. An assessment of emerging trends in health care
47 delivery and technology as they relate to access to
48 health care facilities and services, quality of care,
49 and costs of care. The assessment shall recommend any
50 changes to the scope of health care facilities and

1 services covered by the certificate of need program
 2 that may be warranted by these emerging trends. In
 3 addition, the assessment may recommend any changes to
 4 criteria used by the department to review certificate
 5 of need applications, as necessary.

6 e. A rural health care resources plan to assess
 7 the availability of health resources in rural areas of
 8 the state, assess the unmet needs of these
 9 communities, and evaluate how federal and state
 10 reimbursement policies can be modified, if necessary,
 11 to more efficiently and effectively meet the health
 12 care needs of rural communities. The plan shall
 13 consider the unique health care needs of rural
 14 communities, the adequacy of the rural health care
 15 workforce, and transportation needs for accessing
 16 appropriate care.

17 f. A health care workforce resources plan to
 18 assure a competent, diverse, and sustainable health
 19 care workforce in Iowa and to improve access to health
 20 care in underserved areas and among underserved
 21 populations. The plan shall include the establishment
 22 of an advisory council to inform and advise the
 23 department and policymakers regarding issues relevant
 24 to the health care workforce in Iowa. The health care
 25 workforce resources plan shall recognize long-term
 26 care as an essential service provided by the health
 27 care workforce.

28 4. The department shall submit the initial
 29 statewide health care delivery infrastructure and
 30 resources strategic plan to the governor and the
 31 general assembly by January 1, 2010, and shall submit
 32 an updated strategic plan to the governor and the
 33 general assembly every two years thereafter.

34 Sec. __. HEALTH CARE ACCESS — APPROPRIATION.

35 There is appropriated from the general fund of the
 36 state to the department of public health for the
 37 fiscal year beginning July 1, 2008, and ending June
 38 30, 2009, the following amount, or so much thereof as
 39 is necessary, for the purpose designated:

40 For activities associated with the health care
 41 access requirements of this division, and for not more
 42 than the following full-time equivalent positions:

43	\$	135,900
44	FTEs	3.00"

45 __. Page 33, by inserting after line 22 the
 46 following:

47 “Sec. __. IOWA HEALTHY COMMUNITIES INITIATIVE —
 48 APPROPRIATION. There is appropriated from the general
 49 fund of the state to the department of public health
 50 for the fiscal year beginning July 1, 2008, and ending

1 June 30, 2009, the following amount, or so much
2 thereof as is necessary, for the purpose designated:
3 For Iowa healthy communities initiative grants, and
4 for not more than the following full-time equivalent
5 positions:

6	\$	450,000
7	FTEs	3.00

8 Sec. ____ NEW SECTION. 135.40A HEALTHCARE
9 COLLABORATIVE REQUIREMENTS.

10 1. In order to receive state funding, the voting
11 membership of the board of directors of the healthcare
12 collaborative as defined in section 135.40 shall
13 include at least a majority of consumer
14 representatives.

15 2. The health care collaborative shall model its
16 quality health care measures, indicators, events,
17 practices, and products to assess health care quality
18 on those of the national quality forum. The
19 healthcare collaborative shall submit a report to the
20 governor and the general assembly, annually by January
21 15, regarding the development and implementation of
22 these health care measures, indicators, events,
23 practices, and products and the resultant assessments
24 of health care quality. For the purposes of this
25 subsection, "national quality forum" means the
26 membership organization, which is exempt from federal
27 income taxation under section 501(c)(3) of the
28 Internal Revenue Code, created to develop and
29 implement a national strategy for health care quality
30 measurement and reporting as a result of the report
31 issued in 1998 by the president's advisory commission
32 on consumer protection and quality in the health care
33 industry and which was incorporated in May 1999.

34 Sec. ____ GOVERNOR'S COUNCIL ON PHYSICAL FITNESS
35 AND NUTRITION — APPROPRIATION. There is appropriated
36 from the general fund of the state to the department
37 of public health for the fiscal period beginning July
38 1, 2008, and ending June 30, 2009, the following
39 amount, or so much thereof as is necessary, for the
40 purpose designated:

41 For the governor's council on physical fitness: 42	\$	112,100"
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43 ____ Page 34, line 7, by striking the word and
44 figure "DIVISION V" and inserting the following:
45 "DIVISION XXVI".

46 ____ Page 34, by inserting after line 8 the
47 following:

48 "Sec. ____ Section 135.62, subsection 2,
49 unnumbered paragraph 1, Code 2007, is amended to read
50 as follows:

Page 27

1 There is established a state health facilities
 2 council consisting of ~~five~~ seven persons appointed by
 3 the governor, one of whom shall be a health economist,
 4 one of whom shall be an actuary, and at least one of
 5 whom shall be a health care consumer. The council
 6 shall be within the department for administrative and
 7 budgetary purposes.”

8 _____. Page 34, line 9, by striking the figure
 9 “135.45” and inserting the following: “135.166”.

10 _____. Page 34, line 17, by inserting after the
 11 word “validation” the following: “and shall be
 12 modeled on those of the national quality forum as
 13 defined in section 135.40A”.

14 _____. Page 34, by inserting after line 23 the
 15 following:

16 “DIVISION ____

17 LONG-TERM CARE WORKFORCE

18 Sec. _____. DIRECT CARE WORKER ADVISORY COUNCIL —
 19 DUTIES — REPORT.

20 1. As used in this section, unless the context
 21 otherwise requires:

22 a. “Assistance with instrumental activities of
 23 daily living” means assistance with activities beyond
 24 basic needs that assist a consumer in functioning
 25 independently within the community. Such services may
 26 include but are not limited to food preparation and
 27 nutrition, home management, financial management, and
 28 infection control, but require no physical contact
 29 between the direct care worker and the consumer.

30 b. “Assistance with personal care activities of
 31 daily living” means care provided to support a
 32 consumer in meeting the consumer’s basic needs while
 33 acknowledging personal choices and encouraging
 34 independence, and generally involves physical contact
 35 between a direct care worker and a consumer. Such
 36 services include but are not limited to assistance
 37 with eating and feeding, bathing, skin care, grooming,
 38 and mobility assistance.

39 c. “Department” means the department of public
 40 health.

41 d. “Direct care” means environmental or chore
 42 services, health monitoring and maintenance,
 43 assistance with instrumental activities of daily
 44 living, assistance with personal care activities of
 45 daily living, personal care support, or specialty
 46 skill services.

47 e. “Direct care worker” means an individual who
 48 directly provides or assists a consumer in the care of
 49 the consumer by providing direct care in a variety of
 50 settings which may or may not require oversight of the

Page 28

- 1 direct care worker, depending upon the setting.
2 “Direct care worker” does not include a nurse, case
3 manager, or social worker.
- 4 f. “Director” means the director of public health.
- 5 g. “Environmental or chore services” means
6 services provided both inside and outside of a
7 consumer’s home that are designed to assist a consumer
8 in living independently in the community and which
9 require no physical contact between the direct care
10 worker and the consumer, and which require no special
11 education or training beyond task-specific
12 orientation. Such services may include but are not
13 limited to heavy household cleaning, lawn care, and
14 home maintenance.
- 15 h. “Health monitoring and maintenance” means
16 medically oriented care that assists a consumer in
17 maintaining the consumer’s health on a daily basis and
18 which generally requires physical contact between a
19 direct care worker and a consumer. Such services may
20 include but are not limited to checking of vital
21 signs, collecting specimens or samples, and assisting
22 with range of motion exercises.
- 23 i. “Personal care support” means support provided
24 to a consumer as the consumer performs personal and
25 instrumental activities of daily living which require
26 no physical contact between the direct care worker and
27 the consumer. Such support includes testing and
28 training, observation, recording, documenting,
29 coaching, and supervising.
- 30 j. “Specialty skill services” means services that
31 require the care of a direct care worker with
32 additional education and training, and generally
33 requires physical contact between a direct care worker
34 and a consumer. Such services include dementia or
35 Alzheimer’s care, psychiatric care, monitoring and
36 administration of medications, collecting specimens or
37 samples, giving shots, hospice and palliative care,
38 protective services, restorative and strengthening
39 exercises, and mentoring.
- 40 2. A direct care worker advisory council shall be
41 appointed by the director and shall include
42 representatives of direct care workers, consumers of
43 direct care services, educators of direct care
44 workers, other health professionals, employers of
45 direct care workers, and appropriate state agencies.
- 46 3. Membership, terms of office, quorum, and
47 expenses shall be determined by the director pursuant
48 to chapter 135.
- 49 4. The direct care worker advisory council shall
50 advise the director regarding regulation and

Page 29

1 certification of direct care workers and shall develop
2 recommendations regarding all of the following:
3 a. Direct care worker classifications based on
4 functions and services provided by direct care
5 workers. The classifications shall include those
6 based on environmental and chore services, assistance
7 with instrumental activities of daily living, personal
8 care support, assistance with personal care activities
9 of daily living, health monitoring and maintenance,
10 and specialty skill services.
11 b. Functions for each direct care worker
12 classification based upon categories of core
13 competencies.
14 c. An education and training orientation to be
15 provided by employers which addresses the components
16 of confidentiality; ethics and legal requirements;
17 consumer and worker rights; person-directed and
18 consumer-centered care; cultural competency; growth,
19 development, and disability-specific competency;
20 observation, referral, and reporting; communication
21 and interpersonal skills; problem solving; safety and
22 emergency procedures; infection control and
23 occupational safety and health administration
24 guidelines; and professional education and training.
25 d. Education and training requirements for each of
26 the direct care worker classifications.
27 e. The standard curriculum required in training of
28 direct care workers for each of the direct care worker
29 classifications, based on training required for the
30 duties specified and related core competencies. The
31 curriculum shall be standard notwithstanding the
32 entity offering the curriculum, and shall meet or
33 exceed federal or state requirements. The curriculum
34 shall include a requirement that any direct care
35 worker who will be assisting with prescribed
36 medications complete a medication aide course.
37 f. Education and training equivalency standards
38 for individuals who have completed higher education in
39 a health care profession based on core competencies
40 for each direct care worker classification and in
41 correlation with specific institutional curricula in
42 health care professions. The standards shall provide
43 that those meeting the equivalency standards may take
44 any prescribed examination for the appropriate direct
45 care worker classification.
46 g. Guidelines that allow individuals who are
47 members of the direct care workforce prior to the date
48 of required certification to be incorporated into the
49 new regulatory system based on education, training,
50 current certifications, or demonstration of core

Page 30

1 competencies.

2 h. Continuing education requirements and standards
3 to ensure that direct care workers remain competent
4 and adapt to the changing needs of the direct care
5 workforce, employers, and consumers. The requirements
6 and standards shall meet or exceed federal or state
7 continuing education requirements for the applicable
8 direct care worker classification existing prior to
9 the date of required certification.

10 i. Standards to ensure that direct care worker
11 educators and trainers retain a level of competency
12 and adapt to the changing needs of the direct care
13 workforce, employers, and consumers. The standards
14 shall meet or exceed federal or state continuing
15 education requirements existing prior to the date of
16 required certification.

17 j. Certification requirements for each
18 classification of direct care worker.

19 k. Protections for the title “certified direct
20 care worker”.

21 l. (1) Standardized requirements across care
22 settings for supervision, if applicable, for each
23 classification of direct care worker based on the
24 functions being performed.

25 (2) The roles and responsibilities of direct care
26 worker supervisory positions which shall meet or
27 exceed federal and state requirements existing prior
28 to the date of required certification.

29 m. Required responsibility for maintenance of
30 credentialing and continuing education and training by
31 individual direct care workers rather than employers.

32 n. Provision of information to income maintenance
33 workers and case managers under the purview of the
34 department of human services about the education and
35 training requirements for direct care workers to
36 provide the care and services to meet a consumer’s
37 needs under the home and community-based services
38 waiver options under the medical assistance program.

39 5. The direct care worker advisory council shall
40 report its recommendations to the director by November
41 30, 2008, including recommendations for any changes in
42 law or rules necessary to implement certification of
43 direct care workers beginning July 1, 2009.

44 Sec. ____ DIRECT CARE WORKER COMPENSATION ADVISORY
45 COMMITTEE — REVIEWS.

46 1. a. The general assembly recognizes that direct
47 care workers play a vital role and make a valuable
48 contribution in providing care to lowans with a
49 variety of needs in both institutional and home and
50 community-based settings. Recruiting and retaining

Page 31

1 qualified, highly competent direct care workers is a
2 challenge across all employment settings. High rates
3 of employee vacancies and staff turnover threaten the
4 ability of providers to achieve the core mission of
5 providing safe and high quality support to Iowans.
6 However, the general assembly also recognizes that the
7 high turnover rate and its resulting negative impact
8 on the quality of care provided, is perpetuated and
9 exacerbated by the inadequate wages and other
10 compensation paid to direct care workers.

11 b. It is the intent of the general assembly to
12 reduce the turnover rate of and improve the quality of
13 health care delivered by direct care workers by
14 substantially increasing the wages and other
15 compensation paid to direct care workers in this
16 state.

17 c. It is the intent of the general assembly that
18 the initial review of and recommendations for
19 improving wages and other compensation paid to direct
20 care workers focus on nonlicensed direct care workers
21 in the nursing facility setting. However, following
22 the initial review of wages and other compensation
23 paid to direct care workers in the nursing facility
24 setting, the department of human services shall
25 convene subsequent advisory committees with
26 appropriate representatives of public and private
27 organizations and consumers to review the wages and
28 other compensation paid to and turnover rates of the
29 entire spectrum of direct care workers in the various
30 settings in which they are employed as a means of
31 demonstrating the general assembly's commitment to
32 ensuring a stable and quality direct care workforce in
33 this state.

34 2. The department of human services shall convene
35 an initial direct care worker compensation advisory
36 committee to develop recommendations for consideration
37 by the general assembly during the 2009 legislative
38 session regarding wages and other compensation paid to
39 direct care workers in nursing facilities. The
40 committee shall consist of the following members,
41 selected by their respective organizations:

42 a. The director of human services, or the
43 director's designee.

44 b. The director of public health, or the
45 director's designee.

46 c. The director of the department of elder
47 affairs, or the director's designee.

48 d. The director of the department of inspections
49 and appeals, or the director's designee.

50 e. A representative of the Iowa caregivers

Page 32

1 association.
2 f. A representative of the Iowa health care
3 association.
4 g. A representative of the Iowa association of
5 homes and services for the aging.
6 h. A representative of the AARP Iowa chapter.
7 3. The advisory committee shall also include two
8 members of the senate and two members of the house of
9 representatives, with not more than one member from
10 each chamber being from the same political party. The
11 legislative members shall serve in an ex officio,
12 nonvoting capacity. The two senators shall be
13 appointed respectively by the majority leader of the
14 senate and the minority leader of the senate, and the
15 two representatives shall be appointed respectively by
16 the speaker of the house of representatives and the
17 minority leader of the house of representatives.
18 4. Public members of the committee shall receive
19 actual expenses incurred while serving in their
20 official capacity and may also be eligible to receive
21 compensation as provided in section 7E.6. Legislative
22 members of the committee are eligible for per diem and
23 reimbursement of actual expenses as provided in
24 section 2.10.
25 5. The department of human services shall provide
26 administrative support to the committee and the
27 director of human services, or the director's designee
28 shall serve as chairperson of the committee.
29 6. The department shall convene the committee no
30 later than May 15, 2008. Prior to the initial
31 meeting, the department of human services shall
32 provide all members of the committee with a detailed
33 analysis of trends in wages and other compensation
34 paid to direct care workers.
35 7. The committee shall consider options related
36 but not limited to all of the following:
37 a. Revision of the modified price-based case-mix
38 reimbursement system for nursing facilities under the
39 medical assistance program.
40 b. The shortening of the time delay between a
41 nursing facility's submittal of cost reports and
42 receipt of the reimbursement based upon these cost
43 reports.
44 c. The targeting of appropriations to provide
45 increases in direct care worker compensation.
46 d. Creation of a nursing facility provider tax.
47 8. Following its deliberations, the committee
48 shall submit a report of its findings and
49 recommendations regarding improvement in direct care
50 worker wages and compensation in the nursing facility

Page 33

1 setting to the governor and the general assembly no
2 later than December 12, 2008.

3 9. For the purposes of the initial review, “direct
4 care worker” means nonlicensed nursing facility staff
5 who provide hands-on care including but not limited to
6 certified nurse aides and medication aides.

7 Sec. ____ DIRECT CARE WORKER IN NURSING FACILITIES

8 — TURNOVER REPORT. The department of human services

9 shall modify the nursing facility cost reports
10 utilized for the medical assistance program to capture

11 data by the distinct categories of nonlicensed direct
12 care workers and other employee categories for the

13 purposes of documenting the turnover rates of direct

14 care workers and other employees of nursing

15 facilities. The department shall submit a report on

16 an annual basis to the governor and the general

17 assembly which provides an analysis of direct care

18 worker and other nursing facility employee turnover by

19 individual nursing facility, a comparison of the

20 turnover rate in each individual nursing facility with

21 the state average, and an analysis of any improvement

22 or decline in meeting any accountability goals or

23 other measures related to turnover rates. The annual

24 reports shall also include any data available

25 regarding turnover rate trends, and other information

26 the department deems appropriate. The initial report

27 shall be submitted no later than December 1, 2008, and

28 subsequent reports shall be submitted no later than

29 December 1, annually, thereafter.

30 Sec. ____ EMPLOYER-SPONSORED HEALTH CARE COVERAGE

31 DEMONSTRATION PROJECT — DIRECT CARE WORKERS.

32 1. The department of human services shall

33 implement a three-year demonstration project to

34 provide a health care coverage premium assistance

35 program for nonlicensed direct care workers beginning

36 July 1, 2009. The department of human services shall

37 convene an advisory council consisting of

38 representatives of the Iowa caregivers association,

39 the Iowa child and family policy center, the Iowa

40 association of homes and services for the aging, the

41 Iowa health care association, the AARP Iowa chapter,

42 the senior living coordinating unit, and other public

43 and private entities with interest in the

44 demonstration project to assist in designing the

45 project. The department shall also review the

46 experiences of other states and the medical assistance

47 premium assistance program in designing the

48 demonstration project. The department, in

49 consultation with the advisory council, shall

50 establish criteria to determine which nonlicensed

Page 34

1 direct care workers shall be eligible to participate
2 in the demonstration project. The project shall allow
3 up to five hundred direct care workers and their
4 dependents to access health care coverage sponsored by
5 the direct care worker's employer subject to all of
6 the following:

7 a. A participating employer provides health care
8 coverage that meets certain parameters of coverage and
9 cost specified by the department and the health care
10 coverage is available to the employee and the
11 employee's dependents.

12 b. A participating employer contributes payment
13 for at least sixty percent of the total premium cost.

14 c. The family income of the direct care worker is
15 less than four hundred percent of the federal poverty
16 level as defined by the most recently revised poverty
17 income guidelines published by the United States
18 department of health and human services.

19 d. The employee meets any requirement for minimum
20 number of hours of work necessary to be eligible for
21 the employer's health care coverage.

22 e. The premium cost to the employee does not
23 exceed seventy-five dollars per month for individual
24 employee coverage or one hundred ten dollars per month
25 for family coverage, and the employee contributes to
26 the cost of the premium on a sliding fee schedule
27 specified by the department.

28 f. The state may offer additional coverage for
29 health care services not provided or paid for by the
30 employer-sponsored plan that are in addition to the
31 requirements specified by the department. To the
32 extent possible, the demonstration project shall also
33 incorporate a medical home, wellness and prevention
34 services, and chronic care management.

35 2. Six months prior to the completion of the
36 three-year demonstration project, the department of
37 human services, in cooperation with the Iowa
38 caregivers association, the AARP Iowa chapter,
39 representatives of the senior living coordinating
40 unit, the Iowa child and family policy center, and
41 representatives of the participating employers, shall
42 review the project and make recommendations for
43 continuation, termination, modification, or expansion
44 of the project. The review shall also determine the
45 impact that premium and cost-sharing assistance has on
46 employee health care coverage take-up rates, on the
47 recruitment and retention of employees, on the ability
48 of the state to achieve cost savings by utilizing
49 employer contributions to offset the costs of health
50 care coverage, and on the lives of the direct care

Page 35

1 workers and their dependents who participate in the
 2 project. The department shall submit a written
 3 summary of the review to the general assembly at least
 4 ninety days prior to the scheduled completion of the
 5 project.
 6 Sec. ____ EFFECTIVE DATE. This division of this
 7 Act, being deemed of immediate importance, takes
 8 effect upon enactment.”
 9 ____ Title page, line 3, by striking the words
 10 “end-of-life care decision making” and inserting the
 11 following: “long-term living planning and patient
 12 autonomy in health care”.
 13 ____ Title page, by striking line 8 and inserting
 14 the following: “transparency, health care quality,
 15 cost containment and consumer information, health care
 16 access, the long-term care workforce, making
 17 appropriations, and providing effective date and
 18 applicability provisions”.
 19 ____ By renumbering, relettering, or
 20 redesignating and correcting internal references as
 21 necessary.”

DAVID JOHNSON

S-5295

1 Amend the amendment, S-5172, to House File 2539, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 4, by inserting before line 45, the
 5 following:
 6 “Sec. ____ Section 514I.8, subsection 2, Code
 7 2007, is amended by adding the following new
 8 paragraph:
 9 NEW PARAGRAPH. h. Does not currently have access
 10 to employer-sponsored or other private health care
 11 coverage.”
 12 2. By renumbering as necessary.

BRAD ZAUN

S-5296

1 Amend House File 2539 as follows:
 2 1. Page 34, by inserting after line 23 the
 3 following:
 4 “DIVISION ____
 5 HEALTH CARE PROVIDERS — NONECONOMIC DAMAGES
 6 Sec. ____ NEW SECTION. 668B.1 TITLE.
 7 This chapter may be cited as the “Noneconomic

8 Damage Awards Against Health Care Providers Act”.
 9 Sec. ____ NEW SECTION. 668B.2 DEFINITIONS.
 10 As used in this chapter, unless the context
 11 otherwise requires:
 12 1. “Health care provider” means a physician as
 13 defined in section 135.1, an advanced registered nurse
 14 practitioner licensed pursuant to chapter 152, a
 15 hospital as defined in section 135B.1, and a health
 16 care facility as defined in section 135C.1.
 17 2. “Health care services” means services that
 18 involve diagnosis, treatment, medical evaluation,
 19 advice, or such acts as may be permissible under the
 20 health care licensing statutes of this state.
 21 3. “Noneconomic damages” means damages arising
 22 from pain, suffering, inconvenience, physical
 23 impairment, mental anguish, emotional pain and
 24 suffering, loss of chance, loss of consortium, and any
 25 other nonpecuniary damages.
 26 Sec. ____ NEW SECTION. 668B.3 DAMAGE AWARDS.
 27 In any action for damages for injury or death
 28 against any health care provider, whether based in
 29 tort, contract, or otherwise, arising out of an act or
 30 omission in connection with the provision of health
 31 care services, the injured plaintiff shall be entitled
 32 to recover noneconomic damages, but such damages shall
 33 not exceed two hundred fifty thousand dollars, except
 34 upon a finding of actual malice on the part of the
 35 defendant.”
 36 2. Title page, line 8, by inserting after the
 37 word “transparency,” the following: “noneconomic
 38 damages against health care providers,”.
 39 3. By renumbering as necessary.

BRAD ZAUN
 PAUL McKINLEY

S-5297

HOUSE AMENDMENT TO
 SENATE FILE 2251

1 Amend Senate File 2251, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 4, by inserting after the word
 4 “association” the following: “and as approved by the
 5 department of education”.
 6 2. Page 1, by striking lines 7 through 15 and
 7 inserting the following:
 8 “2. School districts may encourage a student to
 9 receive an eye examination by a licensed
 10 ophthalmologist or optometrist prior to the student
 11 receiving special education services pursuant to
 12 chapter 256B. The eye examination is not a

13 requirement for a student to receive special education
 14 services. A parent or guardian shall be responsible
 15 for ensuring that a student receives an eye
 16 examination pursuant to this section.”
 17 3. By renumbering, relettering, or redesignating
 18 and correcting internal references as necessary.

S-5298

HOUSE AMENDMENT TO
 SENATE FILE 2325

1 Amend Senate File 2325, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, line 18, by striking the figure “2009”
 4 and inserting the following: “2008”.

S-5299

1 Amend the amendment, S-5172, to House File 2539, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, by inserting after line 24 the
 5 following:
 6 ““DIVISION ____
 7 HEALTH INSURANCE TAX CREDIT
 8 Sec. ____ NEW SECTION. 422.11V HEALTH INSURANCE
 9 TAX CREDIT.
 10 The taxes imposed under this division less the
 11 credits allowed under section 422.12 shall be reduced
 12 by a health insurance tax credit. The amount of the
 13 credit is equal to the amount, not to exceed two
 14 thousand five hundred dollars, of the premium costs
 15 paid during the tax year on health insurance purchased
 16 under chapter 514E that offers coverage to a taxpayer
 17 who is self-employed or to such a taxpayer’s spouse or
 18 dependent. Any credit in excess of the tax liability
 19 is nonrefundable. A self-employed taxpayer who claims
 20 a credit under this section shall not claim a
 21 deduction for premium costs for the tax year for the
 22 amount of credit taken under this section.
 23 Sec. ____ APPLICABILITY DATES. The section of
 24 this division of this Act that enacts section 422.11V
 25 applies retroactively to January 1, 2008, for tax
 26 years beginning on or after that date.”
 27 2. Page 32, by inserting after line 22 the
 28 following:
 29 “____. Title page, line 2, by inserting after the
 30 word “adults,” the following: “a health insurance tax
 31 credit for self-employed taxpayers.””
 32 3. By renumbering as necessary.

S-5300

- 1 Amend Senate File 2405 as follows:
2 1. Page 7, line 14, by striking the word “for”
3 and inserting the following: “or attributes relating
4 to”.

ROBERT M. HOGG

S-5301

- 1 Amend House File 2612, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 20, by inserting before the word
4 “RIDING” the following: “OPERATION OF ALL-TERRAIN
5 VEHICLES AND”.
6 2. Page 1, by inserting after line 24 the
7 following:
8 “Sec. ____ Section 321I.14, subsection 3, Code
9 Supplement 2007, is amended to read as follows:
10 3. a. A person shall not operate an all-terrain
11 vehicle with more persons on the vehicle than it was
12 designed to carry.
13 b. Paragraph “a” does not apply to a person who
14 operates an all-terrain vehicle as part of a farm
15 operation as defined in section 352.2.”
16 3. By renumbering as necessary.

JERRY BEHN
DENNIS H. BLACK**S-5302**

- 1 Amend House File 2620 as follows:
2 1. By striking page 1, line 1, through page 12,
3 line 26.
4 2. Title page, by striking line 3 and inserting
5 the following: “an applicability date provision.”
6 3. By renumbering as necessary.

ROBERT M. HOGG

S-5303

- 1 Amend the House amendment, S-5272, to Senate File
2 2308, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 3 through 22.
5 2. Page 1, by striking lines 43 through 49.
6 3. By renumbering as necessary.

STEVE WARNSTADT

S-5304

- 1 Amend Senate File 2411 as follows:
2 1. Page 42, by striking lines 3 through 5 and
3 inserting the following:
4 “Sec. ____ EFFECTIVE DATE. Except for the
5 sections of this Act establishing transition
6 provisions for the Iowa public information board and
7 making an appropriation for the initial expenses of
8 the Iowa public information board, this Act takes
9 effect July 1, 2009.”
10 2. Title page, line 2, by inserting after the
11 word “date” the following: “and making an
12 appropriation”.
13 3. By renumbering as necessary.

MICHAEL CONNOLLY

S-5305

- 1 Amend Senate File 2408 as follows:
2 1. Page 6, by inserting after line 18 the
3 following:
4 “DIVISION ____
5 SALES AND USE TAX
6 Sec. ____ Section 423.3, Code Supplement 2007, is
7 amended by adding the following new subsection:
8 NEW SUBSECTION. 93. The sales price from the sale
9 of tangible personal property at flea markets where
10 the vendor does not have a permanent place of business
11 and where numerous such vendors are located.”

JAMES F. HAHN

S-5306

- 1 Amend Senate File 2408 as follows:
2 1. By striking page 2, line 33, through page 4,
3 line 31.

WILLIAM DOTZLER

S-5307

- 1 Amend Senate File 2405 as follows:
2 1. Page 1, line 4, by striking the word
3 “subsection” and inserting the following:
4 “subsections”.
5 2. Page 1, by inserting after line 27 the
6 following:
7 “13B. Provide customer financing for companies

8 engaged in the manufacturing of equipment utilized in
9 connection with wind energy or the construction or
10 operation of a wind energy production facility,
11 including structuring such financing as a membership
12 investment whereby the state bank as equity investor
13 may take a majority financial position, but not a
14 management position, in such companies, subject to the
15 same restrictions as provided in subsection 13A,
16 paragraphs "a" through "e."

PAUL MCKINLEY

S-5308

1 Amend Senate File 2408 as follows:
2 1. Page 5, by inserting after line 28 the
3 following:
4 "Sec. ____ 2007 Iowa Acts, chapter 186, section
5 29, is amended to read as follows:
6 SEC. 29. REFUND OF PROPERTY TAXES.
7 Notwithstanding the deadline for filing a claim for
8 property tax exemption for property described in
9 section 427.1, subsection 8 or 9, and notwithstanding
10 any other provision to the contrary, the board of
11 supervisors of a county having a population based upon
12 the latest federal decennial census of more than
13 eighty-eight thousand but not more than ninety-five
14 thousand shall refund the property taxes paid, with
15 all interest, penalties, fees, and costs which were
16 due and payable in the fiscal year beginning July 1,
17 2002, and in the fiscal year beginning July 1, ~~2005~~
18 2006, on the land and buildings of an institution that
19 purchased property and that did not receive a property
20 tax exemption for the property due to the inability or
21 failure to file for the exemption. To receive the
22 refund provided for in this section, the institution
23 shall apply to the county board of supervisors by
24 October 1, ~~2007~~ 2008, and provide appropriate
25 information establishing that the land and buildings
26 for which the refund is sought were used by the
27 institution for its appropriate objectives during the
28 fiscal year beginning July 1, 2002, and during the
29 fiscal year beginning July 1, ~~2005~~ 2006. The refund
30 allowed under this section only applies to property
31 taxes, with all interest, penalties, fees, and costs,
32 due and payable in the fiscal year beginning July 1,
33 2002, and in the fiscal year beginning July 1, ~~2005~~
34 2006.
35 Sec. ____ 2007 Iowa Acts, chapter 186, section 30,
36 is amended to read as follows:
37 SEC. 30. IMMEDIATE EFFECTIVE DATE. ~~The section~~
38 Section 29 of this division of this Act, ~~amending~~

39 ~~section 427.3~~, being deemed of immediate importance,
 40 takes effect upon enactment and applies retroactively
 41 to property taxes due and payable in the fiscal year
 42 beginning July 1, 2002, and in the fiscal year
 43 beginning July 1, ~~2005~~ 2006.
 44 Sec. ____ EFFECTIVE DATE. The sections of this
 45 division of this Act amending 2007 Iowa Acts, chapter
 46 186, sections 29 and 30, being deemed of immediate
 47 importance, take effect upon enactment.”
 48 2. Title page, line 3, by inserting after the
 49 word “income,” the following: “property,”.
 50 3. By renumbering as necessary.

MICHAEL CONNOLLY

S-5309

1 Amend Senate File 2408 as follows:
 2 1. Page 6, by inserting after line 18 the
 3 following:
 4 “Sec. ____ NEW SECTION. 450.98 TAX REPEALED.
 5 This chapter shall not apply, effective July 1,
 6 2008, to property of estates of decedents dying on or
 7 after July 1, 2008. The inheritance tax shall not be
 8 imposed under this chapter in the event the decedent
 9 dies on or after July 1, 2008, and to this extent this
 10 chapter is repealed.
 11 Sec. ____ NEW SECTION. 450B.8 TAX REPEALED.
 12 This chapter shall not apply, effective July 1,
 13 2008, to property of estates of decedents dying on or
 14 after July 1, 2008. The inheritance tax shall not be
 15 imposed under this chapter in the event the decedent
 16 dies on or after July 1, 2008, and to this extent this
 17 chapter is repealed.
 18 Sec. ____ CODE EDITOR DIRECTIVE. The Code editor
 19 is directed to remove chapters 450 and 450B from the
 20 Code and correct appropriate references to chapters
 21 450 and 450B and appropriate references to the
 22 inheritance tax and qualified use inheritance tax
 23 effective July 1, 2018.”

MARY A. LUNDBY

S-5310

1 Amend the amendment, S-5283, to House File 2558, as
 2 passed by the House, as follows:
 3 1. Page 1, line 20, by inserting after the word
 4 “board.” the following: “The department may release
 5 certain information in an application for financial
 6 assistance to a third party for technical review. If

7 the department releases such information to a third
8 party, the department shall ensure that the third
9 party protects such information from public
10 disclosure.”

WILLIAM DOTZLER

S-5311

1 Amend Senate File 2408 as follows:
2 1. Page 6, by inserting after line 18 the
3 following:
4 “Sec. ____ NEW SECTION. 450.98 TAX REPEALED.
5 This chapter shall not apply, effective July 1,
6 2008, to property of estates of decedents dying on or
7 after July 1, 2008. The inheritance tax shall not be
8 imposed under this chapter in the event the decedent
9 dies on or after July 1, 2008, and to this extent this
10 chapter is repealed.
11 Sec. ____ NEW SECTION. 450B.8 TAX REPEALED.
12 This chapter shall not apply, effective July 1,
13 2008, to property of estates of decedents dying on or
14 after July 1, 2008. The inheritance tax shall not be
15 imposed under this chapter in the event the decedent
16 dies on or after July 1, 2008, and to this extent this
17 chapter is repealed.
18 Sec. ____ CODE EDITOR DIRECTIVE. The Code editor
19 is directed to remove chapters 450 and 450B from the
20 Code and correct appropriate references to chapters
21 450 and 450B and appropriate references to the
22 inheritance tax and qualified use inheritance tax
23 effective July 1, 2018.”

MARY A. LUNDBY
MATT McCOY

S-5312

1 Amend the amendment, S-5283, to House File 2558, as
2 passed by the House, as follows:
3 1. Page 2, by inserting after line 25 the
4 following:
5 “____. Upon receiving and processing a request for
6 confidentiality of a financial assistance application,
7 the department shall submit a redacted and an
8 unredacted copy of the application to a committee
9 consisting of four members of the general assembly,
10 one member each designated by the majority leader of
11 the senate, the minority leader of the senate, the
12 speaker of the house of representatives, and the
13 minority leader of the house of representatives. The

14 committee receiving the copies of the applications for
 15 financial assistance shall keep all redacted
 16 information confidential.””
 17 2. By renumbering as necessary.

PAUL MCKINLEY

S-5313

1 Amend Senate File 2411 as follows:
 2 1. Page 2, line 25, by striking the word
 3 “paragraph” and inserting the following:
 4 “paragraphs”.
 5 2. Page 2, by inserting after line 32 the
 6 following:
 7 “NEW PARAGRAPH. j. Either house of the general
 8 assembly, a standing committee of either house of the
 9 general assembly, or a joint conference committee.
 10 “Government body” includes a political party caucus of
 11 members of a house of the general assembly.”
 12 3. Page 5, line 17, by striking the word
 13 “paragraph” and inserting the following:
 14 “paragraphs”.
 15 4. Page 5, by inserting after line 29 the
 16 following:
 17 “NEW PARAGRAPH. m. To discuss campaign or
 18 political strategy.”
 19 5. Page 29, by striking lines 7 through 10 and
 20 inserting the following:
 21 “The board shall not have jurisdiction over the
 22 judicial branch or any officer or employee of the
 23 judicial branch or over the governor or the office of
 24 the governor.”
 25 6. By renumbering as necessary.

JEFF ANGELO

S-5314

1 Amend Senate File 2411 as follows:
 2 1. Page 2, line 25, by striking the word
 3 “paragraph” and inserting the following:
 4 “paragraphs”.
 5 2. Page 2, by inserting after line 32 the
 6 following:
 7 “NEW PARAGRAPH. j. Either house of the general
 8 assembly.”

JEFF ANGELO

S-5315

- 1 Amend Senate File 2411 as follows:
 2 1. Page 8, line 2, by inserting after the word
 3 “state,” the following: “either house of the general
 4 assembly.”

JEFF ANGELO

S-5316

- 1 Amend the amendment, S-5283, to House File 2558, as
 2 passed by the House, as follows:
 3 1. Page 2, line 24, by striking the word “board”
 4 and inserting the following: “department”.

RICH OLIVE

S-5317

- 1 Amend House File 2601, as passed by the House, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 “Section 1. Section 28L.1, Code 2007, is amended
 6 to read as follows:
 7 28L.1 STATE INTERAGENCY MISSOURI RIVER AUTHORITY
 8 CREATED — DUTIES.
 9 1. A state interagency Missouri river authority is
 10 created. The members of the authority shall include
 11 the governor or the governor’s designee, the secretary
 12 of agriculture or the secretary’s designee, the
 13 chairperson of the utilities board or the
 14 chairperson’s designee, and the directors of the
 15 department of natural resources, the state department
 16 of transportation, and the department of economic
 17 development or the directors’ designees. The governor
 18 shall serve as chairperson. The director of the
 19 department of natural resources or the director’s
 20 designee shall serve as the coordinator of the
 21 authority’s activities and shall serve as chairperson
 22 in the absence of the governor.
 23 2. The authority shall be responsible for
 24 representing the interests of this state with regard
 25 to its membership in the Missouri river ~~basin~~
 26 association of states and tribes and to promote the
 27 management of the Missouri river in a manner that ~~does~~
 28 ~~not negatively impact landowners~~ positively impacts
 29 this state’s many interests along, in, and on the
 30 river or negatively impact the state’s economy. The
 31 Missouri river ~~basin~~ association of states and tribes

32 is an interstate association of government
 33 representatives formed to seek consensus solutions to
 34 issues impacting the Missouri river basin.
 35 3. The director of the department of natural
 36 resources or the director's designee shall coordinate
 37 regular meetings of the state interagency Missouri
 38 river authority to determine the state's position
 39 before any meeting of the Missouri river association
 40 of states and tribes or before a substantive proposal
 41 or action is voted upon at such meeting. The members
 42 of the state interagency Missouri river authority
 43 shall attempt to achieve consensus on the state's
 44 position regarding any substantive proposal or action
 45 being considered by the Missouri river association of
 46 states and tribes. Regardless of whether a consensus
 47 can be achieved, a vote of the members shall be taken.
 48 The state interagency Missouri river authority shall
 49 not vote to approve or disapprove a substantive
 50 proposal or action being considered by the Missouri

Page 2

1 river ~~basin~~ association of states and tribes without
 2 the ~~agreement approval~~ approval of the directors of all four
 3 state departments and the chairperson of the utilities
 4 board who are a majority of the members of the
 5 authority. If a substantive proposal or action
 6 considered by the association is not approved or
 7 disapproved by all four directors and the chairperson
 8 of the utilities board, the state shall abstain from
 9 voting on the proposal or action. The director of the
 10 department of natural resources or the director's
 11 designee shall cast the votes for the state
 12 interagency Missouri river authority that are
 13 reflective of the position of the authority.
 14 4. The state interagency Missouri river authority
 15 shall ~~meet regularly with~~ seek input from stakeholder
 16 groups in this state ~~to receive their recommendations~~
 17 ~~before substantive proposals or actions are voted upon~~
 18 ~~or to receive policy positions to submit to the~~
 19 Missouri river basin association with regard to issues
 20 impacting the Missouri river basin."

JOHN P. KIBBIE
 HUBERT HOUSER

S-5318

HOUSE AMENDMENT TO
 SENATE FILE 2348

1 Amend Senate File 2348, as passed by the Senate, as
 2 follows:

- 3 1. Page 1, by striking lines 6 and 7 and
4 inserting the following: “with the care that a person
5 in a like position would reasonably believe
6 appropriate under similar circumstances. A person who
7 so”.
- 8 2. Page 3, by inserting after line 15 the
9 following:
10 “Sec. . NEW SECTION. 499.41A GREATER VOTING
11 REQUIREMENTS.
12 An amendment to the articles of incorporation of an
13 association that adds, changes, or deletes a greater
14 voting or quorum requirement by the members than
15 required by this chapter must be adopted by the voting
16 or quorum requirements then in effect or proposed to
17 be adopted, whichever is greater.”
- 18 3. By renumbering as necessary.

S-5319HOUSE AMENDMENT TO
SENATE FILE 2350

- 1 Amend Senate File 2350, as passed by the Senate, as
2 follows:
- 3 1. Page 4, by inserting after line 17 the
4 following:
5 “Sec. . Section 463C.12, subsection 8, Code
6 2007, is amended to read as follows:
7 8. Tax-exempt bonds issued by the authority in
8 connection with the program, which are exempt from
9 taxation for federal tax purposes, are also exempt
10 from taxation by the state of Iowa and the interest on
11 these bonds is exempt from state income taxes and
12 state inheritance ~~and estate~~ taxes.”
- 13 2. Page 5, by inserting after line 32 the
14 following:
15 “Sec. . Section 633.3, subsection 4, Code 2007,
16 is amended to read as follows:
17 4. Charges — includes costs of administration,
18 funeral expenses, cost of monument, and federal ~~and~~
19 ~~state~~ estate taxes.”
- 20 3. Page 8, by inserting after line 1 the
21 following:
22 “Sec. . Section 633.436, unnumbered paragraph
23 1, Code 2007, is amended to read as follows:
24 Except as provided in sections 633.211 and 633.212,
25 shares of the distributees shall abate, for the
26 payment of debts and charges, federal ~~and state~~ estate
27 taxes, legacies, the shares of children born or
28 adopted after the making of a will, or the share of
29 the surviving spouse who elects to take against the
30 will, without any preference or priority as between

31 real and personal property, in the following order:
 32 Sec. _____. Section 633.449, Code 2007, is amended
 33 to read as follows:
 34 633.449 PAYMENT OF FEDERAL ESTATE TAXES.
 35 All federal ~~and state~~ estate taxes (~~as,~~
 36 distinguished from state inheritance ~~taxes~~) taxes,
 37 owing by the estate of a decedent shall be paid from
 38 the property of the estate, unless the will of the
 39 decedent, or other trust instrument, provides
 40 expressly to the contrary.”
 41 4. Page 8, by inserting after line 27 the
 42 following:
 43 “3. Notwithstanding subsections 1 and 2, the
 44 interest of a beneficiary of a valid spendthrift trust
 45 may be reached to satisfy an enforceable claim against
 46 the beneficiary or the beneficiary’s estate for either
 47 of the following:
 48 a. Services or supplies for necessities provided
 49 to or for the beneficiary.
 50 b. Tax claims by the United States to the extent

Page 2

1 authorized by federal law or an applicable provision
 2 of the Code.”
 3 5. Page 9, line 23, by inserting before the word
 4 “Whether” the following: “1.”
 5 6. Page 9, line 27, by striking the figure “1.”
 6 and inserting the following: “a.”
 7 7. Page 9, line 29, by striking the figure “2.”
 8 and inserting the following: “b.”
 9 8. Page 9, by inserting after line 29 the
 10 following:
 11 “2. This section shall not apply to a creditor of
 12 a beneficiary or to a creditor of a deceased
 13 beneficiary enforcing an interest in a trust, if any,
 14 given to a beneficiary by the trust instrument.”
 15 9. Page 9, line 32, by inserting before the word
 16 “If” the following: “1.”
 17 10. Page 10, by inserting after line 2 the
 18 following:
 19 “2. Notwithstanding subsection 1, court may order
 20 payment to a creditor of a beneficiary or to a
 21 creditor of a deceased beneficiary if the beneficiary
 22 has or had an interest in the trust.”
 23 11. Page 11, by inserting after line 25 the
 24 following:
 25 “Sec. _____. Section 633A.3112, subsection 1, Code
 26 2007, is amended to read as follows:
 27 1. “Charges” includes costs of administration,
 28 funeral expenses, costs of monuments, and federal ~~and~~
 29 ~~state~~ estate taxes.

30 Sec. ____ Section 633A.4703, unnumbered paragraph
31 1, Code Supplement 2007, is amended to read as
32 follows:

33 Except as otherwise provided by the governing
34 instrument, where necessary to abate shares of the
35 beneficiaries of a trust for the payment of debts and
36 charges, federal ~~and state~~ estate taxes, bequests, the
37 share of the surviving spouse who takes an elective
38 share, and the shares of children born or adopted
39 after the execution of the trust, abatement shall
40 occur in the following order:"

41 12. By renumbering as necessary.

S-5320

1 Amend the amendment, S-5317, to House File 2601, as
2 passed by the House, as follows:

3 1. Page 1, by striking lines 27 through 30 and
4 inserting the following: "management of the Missouri
5 river in a manner that does not negatively impact
6 landowners along the river or negatively impact the
7 state's economy, and in a manner that positively
8 impacts this state's many interests along, in, and on
9 the river. The".

10 2. By renumbering as necessary.

JOHN P. KIBBIE

S-5321

1 Amend Senate File 2415 as follows:

2 1. Page 2, by inserting after line 29 the
3 following:

4 "d. A plan for the dissolution of the district and
5 a plan for the allocation of any assets acquired by
6 the district in the event of dissolution."

7 2. Page 3, by inserting after line 31 the
8 following:

9 "3. The fourth annual report prepared by the
10 commission under subsection 2 shall also be submitted
11 to the governor and the general assembly. It is the
12 intent of the general assembly to use that report to
13 determine whether to continue the pilot project,
14 revise it, terminate it, or implement the pilot
15 project provisions or a similar approach statewide."

16 3. Page 7, line 4, by inserting after the words
17 "by the district." the following: "Such township
18 shall not be responsible for providing fire protection
19 service and emergency medical service as provided in
20 section 359.42 for the portion of the township within
21 the district, and shall have no liability for the

22 method, manner, or means by which the district
 23 provides the fire protection service and emergency
 24 medical service.”

WILLIAM DOTZLER

S-5322

HOUSE AMENDMENT TO
 SENATE FILE 2392

1 Amend Senate File 2392, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 5, line 35, by striking the words “a
 4 plan” and inserting the following: “an act”.
- 5 2. Page 9, by striking lines 30 through 34.
- 6 3. Page 11, line 31, by striking the words “AND
 7 BOND”.
- 8 4. Page 14, by striking lines 1 through 32.
- 9 5. Page 15, line 2, by striking the figure
 10 “508E.14” and inserting the following: “508E.15”.
- 11 6. Page 16, line 14, by inserting after the word
 12 “contract” the following: “form”.
- 13 7. Page 17, line 22, by striking the figures and
 14 words: “508E.13, and 508.14” and inserting the
 15 following: “508E.14, and 508E.15”.
- 16 8. Page 18, line 28, by striking the figure
 17 “508E.14” and inserting the following: “508E.15”.
- 18 9. Page 28, line 29, by striking the word “sixty”
 19 and inserting the following: “thirty”.
- 20 10. Page 28, line 31, by striking the word
 21 “thirty” and inserting the following: “fifteen”.
- 22 11. Page 30, by striking lines 10 through 12, and
 23 inserting the following: “contracts shall be made
 24 only by a duly licensed viatical settlement provider
 25 or by the authorized”.
- 26 12. Page 30, by striking lines 26 through 28.
- 27 13. Page 35, by striking lines 26 and 27, and
 28 inserting the following:
 29 “A viatical settlement broker, or viatical”.
- 30 14. Page 35, line 29, by striking the words
 31 “plan, transaction,” and inserting the following:
 32 “transaction”.
- 33 15. Page 36, line 10, by striking the words
 34 “broker, and” and inserting the following: “broker,
 35 and, if the policy was issued less than two years from
 36 the date of application for a viatical settlement
 37 contract,”.
- 38 16. Page 37, line 12, by striking the figure
 39 “508E.16” and inserting the following: “508E.17”.
- 40 17. Page 38, line 2, by striking the word “sixty”
 41 and inserting the following: “thirty”.

42 18. Page 38, line 4, by striking the word
43 "thirty" and inserting the following: "fifteen".
44 19. By striking page 40, line 12, through page
45 42, line 30, and inserting the following:
46 "Sec. ____ NEW SECTION. 508E.11 PROHIBITED
47 PRACTICES.
48 1. Except as provided in section 508E.12, it is a
49 violation of this chapter for any person to enter into
50 a viatical settlement contract at any time prior to

Page 2

1 the application or issuance of a policy which is the
2 subject of a viatical settlement contract or within a
3 five-year period commencing with the date of issuance
4 of the insurance policy or certificate.
5 2. An insurer shall not, as a condition of
6 responding to a request for verification of coverage
7 or effecting the transfer of a policy pursuant to a
8 viatical settlement contract, require that the viator,
9 insured, viatical settlement provider, or viatical
10 settlement broker sign any form, disclosure, consent,
11 or waiver form that has not been expressly approved by
12 the commissioner for use in connection with viatical
13 settlement contracts in this state.
14 3. Upon receipt of a properly completed request
15 for change of ownership or beneficiary of a policy,
16 the insurer shall respond in writing within twenty
17 days, with written acknowledgment confirming that the
18 change has been effected or specifying the reasons why
19 the requested change cannot be processed. The insurer
20 shall not unreasonably delay effecting a change of
21 ownership or beneficiary and shall not otherwise seek
22 to interfere with any viatical settlement contract
23 lawfully entered into in this state.
24 Sec. 2. NEW SECTION. 508E.12 PERMITTED
25 PRACTICES.
26 1. Notwithstanding section 508E.11, at any time
27 subsequent to the issuance of the policy, a person may
28 enter into a viatical settlement contract if the
29 viator certifies to the viatical settlement provider
30 that one or more of the following conditions have been
31 met within the five-year period:
32 a. The policy was issued upon the viator's
33 exercise of conversion rights arising out of a group
34 or individual policy, provided the total of the time
35 covered under the conversion policy plus the time
36 covered under the prior policy is at least sixty
37 months. The time covered under a group policy shall
38 be calculated without regard to any change in
39 insurance carriers, provided the coverage has been
40 continuous and under the same group sponsorship.

41 b. The viator submits an affidavit to the viatical
42 settlement provider that one or more of the following
43 conditions exists:
44 (1) The viator or insured is terminally or
45 chronically ill.
46 (2) The viator's spouse or child dies.
47 (3) The viator divorces the viator's spouse.
48 (4) The viator retires from full-time employment.
49 (5) The viator becomes physically or mentally
50 disabled and a physician determines that the

Page 3

1 disability prevents the viator from maintaining
2 full-time employment.
3 (6) The viator has filed for bankruptcy or sought
4 reorganization in a court of competent jurisdiction,
5 or a court of competent jurisdiction has appointed a
6 receiver, trustee, or liquidator to all or a
7 substantial part of the viator's assets.
8 (7) Other circumstances as established as eligible
9 exemptions by the commissioner by rule, including but
10 not limited to substantial adverse financial
11 circumstances or other factors substantially affecting
12 the viator.
13 2. Notwithstanding section 508E.11, a person may
14 enter into a viatical settlement contract if at all
15 times prior to the date that is two years after policy
16 issuance, all of the following conditions are met with
17 respect to the policy:
18 a. Policy premiums have been funded exclusively
19 with any of the following:
20 (1) Unencumbered assets, including an interest in
21 the life insurance policy being financed only to the
22 extent of its net cash surrender value, provided by a
23 person described in section 508E.2, subsection 15,
24 paragraph "d".
25 (2) Fully recourse liability incurred by the
26 insured or a person described in section 508E.2,
27 subsection 15, paragraph "d".
28 b. There is no agreement or understanding with any
29 other person to guarantee any such liability or to
30 purchase, or stand ready to purchase, the policy,
31 including through an assumption or forgiveness of the
32 loan.
33 c. Neither the insured nor the policy has been
34 evaluated for settlement.
35 3. Copies of the affidavits described in this
36 section and documents required by section 508E.10,
37 subsection 1, shall be submitted to the insurer when
38 the viatical settlement provider or viatical
39 settlement broker submits a request to the insurer for

40 verification of coverage. The copies shall be
41 accompanied by a letter of attestation from the
42 viatical settlement provider that the copies are true
43 and correct copies of the documents received by the
44 viatical settlement provider.
45 4. If the viatical settlement provider submits to
46 the insurer a copy of the owner's or insured's or
47 insurer's affidavit described in this section when the
48 provider submits a request to the insurer to effect
49 the transfer of the policy or certificate to the
50 viatical settlement provider, the copy shall be deemed

Page 4

1 to conclusively establish that the viatical settlement
2 contract satisfies the requirement of this section and
3 the insurer shall timely respond to the request.”
4 20. Page 42, line 31, by striking the figure
5 “508E.12” and inserting the following: “508E.13”.
6 21. Page 43, line 4, by inserting after the word
7 “broker” the following: “unless such relationship is
8 disclosed to the viator”.
9 22. Page 43, line 14, by inserting after the word
10 “contract” the following: “unless such relationship
11 is disclosed to the viator”.
12 23. Page 44, line 2, by inserting before the word
13 “purpose” the following: “sole”.
14 24. Page 44, line 3, by striking the word “an”
15 and inserting the following: “a primary”.
16 25. Page 44, by striking lines 4 through 18 and
17 inserting the following:
18 “6. A person providing premium financing shall not
19 receive any proceeds, fees, or other consideration
20 from the policy or owner of the policy that are in
21 addition to the amounts required to pay principal,
22 interest, and any costs or expenses incurred by the
23 lender or borrower in connection with the premium
24 finance agreement, except for the event of a default,
25 unless either the default on such loan or transfer of
26 the policy occurs pursuant to an agreement or
27 understanding with any other person for the purpose of
28 evading regulation under this chapter. Any payments,
29 charges, fees, or other amounts received by a person
30 providing premium financing in violation of this
31 subsection shall be”.
32 26. Page 45, line 2, by striking the figure “6.”
33 and inserting the following: “9.”
34 27. Page 45, line 9, by striking the figure
35 “508E.13” and inserting the following: “508E.14”.
36 28. Page 50, line 26, by striking the figure
37 “508E.14” and inserting the following: “508E.15”.
38 29. Page 55, line 13, by striking the figure

39 “508E.15” and inserting the following: “508E.16”.
 40 30. Page 56, line 12, by striking the figure
 41 “508E.16” and inserting the following: “508E.17”.
 42 31. Page 56, line 18, by striking the figure
 43 “508E.17” and inserting the following: “508E.18”.
 44 32. Page 57, line 3, by striking the figure
 45 “508E.18” and inserting the following: “508E.19”.
 46 33. By renumbering, relettering, or redesignating
 47 and correcting internal references as necessary.

S-5323

1 Amend Senate File 2416 as follows:
 2 1. Page 8, line 24, by striking the word
 3 “working” and inserting the following: “employment”.
 4 2. Title page, line 4, by striking the words
 5 “appropriation and an”.

JOE BOLKCOM

S-5324

1 Amend Senate File 2416 as follows:
 2 1. Page 1, line 13, by striking the figure “1”
 3 and inserting the following: “(1)”.
 4 2. Page 1, line 16, by striking the figure “2”
 5 and inserting the following: “(2)”.
 6 3. Page 1, line 21, by striking the figure “3”
 7 and inserting the following: “(3)”.
 8 4. Page 1, line 26, by striking the figure “1”
 9 and inserting the following: “(1)”.
 10 5. Page 1, line 28, by striking the figure “2”
 11 and inserting the following: “(2)”.
 12 6. Page 1, line 30, by striking the figure “3”
 13 and inserting the following: “(3)”.
 14 7. Page 1, line 32, by striking the figure “4”
 15 and inserting the following: “(4)”.
 16 8. Page 1, line 35, by striking the figure “5”
 17 and inserting the following: “(5)”.
 18 9. Page 8, line 24, by striking the word
 19 “working” and inserting the following: “employment”.
 20 10. Title page, line 4, by striking the words
 21 “appropriation and an”.

JOE BOLKCOM

S-5325

1 Amend House File 2650, as passed by the House, as
 2 follows:
 3 1. Page 6, by inserting after line 32, the

- 4 following:
5 “() Obtain insurers’ claims data upon which
6 insurers’ base, in whole or in part, their actuarial
7 cost projections of health care benefits, to assist
8 the commission in making an analysis of the financial
9 impact of a proposed mandated health care benefit.”
10 2. By renumbering as necessary.

JACK HATCH

S-5326

- 1 Amend House File 2650, as passed by the House, as
2 follows:
3 1. Page 6, by striking lines 10 and 11, and
4 inserting the following: “appointed for three-year
5 terms. Notwithstanding section 69.16, the commission
6 is not required to be balanced for political
7 affiliation. However,”.

JACK HATCH

S-5327

- 1 Amend House File 2650, as passed by the House, as
2 follows:
3 1. Page 5, line 13, by inserting after the word
4 “period.” the following: “If the commission
5 recommends against the mandate of a specific proposed
6 health care benefit, that health care benefit shall
7 not be mandated in a collective bargaining or any
8 other public sector bargaining agreement concerning a
9 public employee health plan unless the commission
10 amends its report or issues a new report that
11 recommends the mandate of that health care benefit.”

JACK HATCH

S-5328

- 1 Amend House File 2650, as passed by the House, as
2 follows:
3 1. Page 2, line 6, by inserting after the word
4 “bill” the following: “or amendment”.
5 2. Page 2, line 7, by inserting after the word
6 “bill” the following: “or amendment”.
7 3. Page 2, line 10, by inserting after the word
8 “bill” the following: “or amendment”.
9 4. Page 2, line 11, by inserting after the word
10 “bill” the following: “or in a notice attached to the
11 amendment”.
12 5. Page 2, line 21, by inserting after the word

13 “senate.” the following: “An amendment containing a
 14 notice that the amendment contains a requirement for a
 15 mandated health care benefit shall not be filed until
 16 the speaker of the house of representatives or the
 17 president of the senate has referred the amendment to
 18 the commissioner for review and evaluation by the
 19 state health insurance mandate commission created in
 20 this section and a report has been received from the
 21 commission by the speaker of the house of
 22 representatives and the president of the senate.”
 23 6. Page 2, line 22, by inserting after the word
 24 “bill” the following: “or amendment”.
 25 7. Page 2, line 24, by inserting after the word
 26 “bill” the following: “or amendment”.
 27 8. Page 2, line 31, by inserting after the word
 28 “bill” the following: “or amendment”.
 29 9. Page 4, line 34, by inserting after the word
 30 “senate” the following: “or the amendment may be
 31 filed.”.
 32 10. Page 5, line 1, by inserting after the word
 33 “house” the following: “or as any other amendment
 34 that has been filed”.
 35 11. Page 5, line 10, by inserting after the word
 36 “bill” the following: “or amendment”.
 37 12. Page 5, line 18, by inserting after the word
 38 “bill” the following: “or amendment”.
 39 13. Page 5, line 19, by inserting after the word
 40 “bill” the following: “or amendment”.
 41 14. Page 6, line 27, by inserting after the word
 42 “bills” the following: “or amendments”.
 43 15. Page 7, line 23, by inserting after the word
 44 “senate” the following: “or an amendment that has
 45 been filed to a bill that is on the calendar or
 46 assigned to a standing committee of either the house
 47 of representatives or the senate”.

JACK HATCH

S-5329

HOUSE AMENDMENT TO
 SENATE FILE 2134

1 Amend Senate File 2134, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 “Section 1. Section 35A.5, subsection 9, Code
 6 Supplement 2007, is amended to read as follows:
 7 9. After consultation with the commission, provide
 8 certification training to executive directors and
 9 administrators of county commissions of veteran

10 affairs pursuant to section 35B.6. Training provided
 11 under this subsection shall include accreditation by
 12 the national association of county veteran service
 13 officers. Training provided by the department shall
 14 be certified by the national association of county
 15 veteran service officers and, in addition, shall
 16 ensure that each executive director and administrator
 17 is proficient in the use of electronic mail, general
 18 computer use, and use of the internet to access
 19 information regarding facilities, benefits, and
 20 services available to veterans and their families.

21 The department may adopt rules in accordance with
 22 chapter 17A to provide for training of county veteran
 23 affairs executive directors and administrators.

24 Sec. 2. **NEW SECTION.** 35A.16 COUNTY COMMISSIONS
 25 OF VETERAN AFFAIRS FUND — APPROPRIATION.

26 1. a. A county commissions of veteran affairs
 27 fund is created within the state treasury under the
 28 control of the department. The fund shall consist of
 29 appropriations made to the fund and any other moneys
 30 available to and obtained or accepted by the
 31 department from the federal government or private
 32 sources for deposit in the fund.

33 b. There is appropriated from the general fund of
 34 the state to the department, for the fiscal year
 35 beginning July 1, 2009, and for each subsequent fiscal
 36 year, the sum of one million dollars to be credited to
 37 the county commissions of veteran affairs fund.

38 2. Notwithstanding section 12C.7, interest or
 39 earnings on moneys in the county commissions of
 40 veteran affairs fund shall be credited to the county
 41 commissions of veteran affairs fund. Notwithstanding
 42 section 8.33, moneys remaining in the county
 43 commissions of veteran affairs fund at the end of a
 44 fiscal year shall not revert to the general fund of
 45 the state.

46 3. If sufficient moneys are available, the
 47 department shall annually allocate ten thousand
 48 dollars to each county commission of veteran affairs,
 49 or to each county sharing the services of an executive
 50 director or administrator pursuant to chapter 28E, to

Page 2

1 be used for the employment of an executive director or
 2 administrator pursuant to section 35B.6.

3 4. A county commission of veteran affairs training
 4 program account shall be established within the county
 5 commissions of veteran affairs fund. Any moneys
 6 remaining in the fund after the allocations under
 7 subsection 3 shall be credited to the account and used
 8 by the department to fund the county commission of

9 veteran affairs training program under section 35A.17.
10 Sec. 3. **NEW SECTION.** 35A.17 COUNTY COMMISSION OF
11 VETERAN AFFAIRS TRAINING PROGRAM.
12 1. A county commission of veteran affairs training
13 program is created under the control of the department
14 for the purpose of providing training, certification,
15 and accreditation opportunities for county commissions
16 of veteran affairs executive directors,
17 administrators, and employees.
18 2. The department may receive and accept
19 donations, grants, gifts, and contributions from any
20 public or private source for the purpose of providing
21 training opportunities under this section. All funds
22 received by the department shall be deposited in the
23 county commission of veteran affairs training program
24 account established in section 35A.16, subsection 4.
25 3. a. The department shall use funds deposited in
26 the county commission of veteran affairs training
27 program account to organize statewide or regional
28 training conferences and provide training,
29 certification, and accreditation opportunities for
30 county commissions of veteran affairs executive
31 directors, administrators, and employees, consistent
32 with the requirements of section 35A.5, subsection 9.
33 b. During the fiscal year beginning July 1, 2009,
34 the department shall use account funds to arrange for
35 an accreditation course by the national association of
36 county veteran service officers to take place within
37 the state.
38 c. The department may use account funds to hire an
39 agency, organization, or other entity to provide
40 training or educational programming, reimburse county
41 executive directors, administrators, and employees for
42 transportation costs related to a conference or
43 program, or both.
44 4. The department shall adopt rules, pursuant to
45 chapter 17A, deemed necessary for the administration
46 of the county commission of veteran affairs training
47 program.
48 Sec. 4. Section 35B.6, subsection 1, Code 2007, is
49 amended to read as follows:
50 1. a. The members of the commission shall qualify

Page 3

1 by taking the usual oath of office, and give bond in
2 the sum of five hundred dollars each, conditioned for
3 the faithful discharge of their duties with sureties
4 to be approved by the county auditor. The commission
5 shall organize by the selection of one of their
6 members as chairperson, and one as secretary. The
7 commission, subject to the approval of the board of

8 supervisors, shall ~~have power to~~ employ an executive
 9 director or administrator and shall have the power to
 10 employ other necessary employees when needed,
 11 including administrative or clerical assistants ~~when~~
 12 ~~needed, the.~~ The compensation of such employees ~~to~~
 13 shall be fixed by the board of supervisors, but no
 14 member of the commission shall be so employed. The
 15 executive director must possess the same
 16 qualifications as provided in section 35B.3 for
 17 commission members. However, this qualification
 18 requirement shall not apply to a person employed as an
 19 executive director prior to July 1, 1989.

20 b. The commission may employ an administrator in
 21 lieu of an executive director. Administrators shall
 22 not be required to meet all the qualifications
 23 provided in section 35B.3 for commissioners. An
 24 administrator may hold another position within the
 25 county or other government entity while serving as an
 26 administrator only if such position does not adversely
 27 affect the administrator's duties under this chapter.

28 ~~b. c.~~ Upon the employment of an executive
 29 director or administrator, the executive director or
 30 administrator shall complete a course of ~~initial~~
 31 certification training provided by the department of
 32 veterans affairs pursuant to section 35A.5. If an
 33 executive director or administrator fails to obtain
 34 certification within one year of being employed, the
 35 executive director or administrator shall be removed
 36 from office. If an executive director is not
 37 ~~appointed, a~~ commissioner or a clerical assistant
 38 ~~shall other commission employee may also~~ complete the
 39 course of certification training. The department
 40 shall issue the executive director, administrator,
 41 commissioner, or ~~clerical assistant~~ employee a
 42 certificate of training after completion of the
 43 ~~initial~~ certification training course. To maintain
 44 ~~annual~~ certification, the executive director,
 45 administrator, commissioner, or ~~clerical assistant~~
 46 employee shall attend one department training course
 47 ~~each year~~ satisfy the continuing education
 48 requirements established by the national association
 49 of county veteran service officers. Failure of an
 50 executive director or administrator to maintain

Page 4

1 certification ~~may~~ shall be cause for removal from
 2 office. The expenses of training the executive
 3 director or administrator shall be paid from the
 4 appropriation authorized in section 35B.14.
 5 d. The duties of the executive director,
 6 administrator, and employees shall include all of the

7 following:

8 (1) Inform members of the armed forces, veterans,
 9 and their dependents of all federal, state, and local
 10 laws enacted for their benefit.

11 (2) Assist all residents of the state who served
 12 in the armed forces of the United States and their
 13 relatives, beneficiaries, and dependents in receiving
 14 from the United States and this state any and all
 15 compensation, pensions, hospitalization, insurance,
 16 education, employment pay and gratuities, loan
 17 guarantees, or any other aid or benefit to which they
 18 may be entitled under any law.

19 e. The department of veterans affairs or county
 20 veteran affairs offices shall not charge for any
 21 service provided to any individual.

22 Sec. 5. Section 35B.6, subsection 2, Code 2007, is
 23 amended to read as follows:

24 2. Two or more boards of supervisors may agree,
 25 pursuant to chapter 28E, to share the services of an
 26 executive director or administrator. The agreement
 27 shall provide for the establishment of a commission of
 28 veteran affairs office in each of the counties
 29 participating in the agreement.

30 Sec. 6. Section 35B.6, subsection 4, Code 2007, is
 31 amended by striking the subsection and inserting in
 32 lieu thereof the following:

33 4. a. Each county commission of veteran affairs
 34 shall maintain an office in a building owned,
 35 operated, or leased by the county.

36 b. An executive director or administrator employed
 37 pursuant to subsection 1 shall provide veterans
 38 services for the following minimum number of hours
 39 each week:

40 (1) For a county with a population of thirty
 41 thousand or less, no fewer than twenty hours per week.

42 (2) For a county with a population of more than
 43 thirty thousand and less than sixty thousand, no fewer
 44 than thirty hours per week.

45 (3) For a county with a population of sixty
 46 thousand or more, no fewer than forty hours per week.

47 c. Counties sharing the services of an executive
 48 director or administrator shall consider the aggregate
 49 population of such counties when determining the
 50 number of hours of service required under paragraph

Page 5

1 “b”. The number of hours shall be allocated between
 2 the counties in the proportion that the population of
 3 each county bears to the aggregate population.

4 d. The hours that the office established under
 5 paragraph “a”, is open shall be posted in a prominent

6 position outside the office.

7 Sec. 7. Section 35B.14, Code 2007, is amended to
8 read as follows:

9 35B.14 COUNTY APPROPRIATION.

10 1. The board of supervisors of each county ~~may~~
11 shall appropriate moneys for training an executive
12 director or administrator as provided for in section
13 35B.6, and may appropriate moneys for the food,
14 clothing, shelter, utilities, medical benefits, and
15 funeral expenses of indigent veterans, as defined in
16 section 35.1, and their indigent spouses, surviving
17 spouses, and minor children not over eighteen years of
18 age, having a legal residence in the county.

19 2. The appropriation shall be expended by the
20 joint action and control of the board of supervisors
21 and the county commission of veteran affairs.

22 Sec. 8. Section 321.34, subsection 24, Code
23 Supplement 2007, is amended to read as follows:

24 24. GOLD STAR PLATES. An owner referred to in
25 subsection 12 who is the surviving spouse, parent,
26 child, or sibling of a deceased member of the United
27 States armed forces who died while serving on active
28 duty during a time of military conflict or who died as
29 a result of such service may order special
30 registration plates bearing a gold star emblem upon
31 written application to the department accompanied by
32 satisfactory supporting documentation as determined by
33 the department. The gold star emblem shall be
34 designed by the department in cooperation with the
35 commission of veterans affairs. The special plate
36 fees collected by the director under subsection 12,
37 paragraph "a", from the issuance and annual validation
38 of letter-number designated and personalized gold star
39 plates shall be paid monthly to the treasurer of state
40 and credited to the road use tax fund.

41 Notwithstanding section 423.43, and prior to the
42 crediting of revenues to the road use tax fund under
43 section 423.43, subsection 1, paragraph "b", the
44 treasurer of state shall transfer monthly from those
45 revenues to the veterans license fee fund created in
46 section 35A.11 the amount of the special fees
47 collected in the previous month for gold star plates.

48 Sec. 9. STATE MANDATE FUNDING SPECIFIED. In
49 accordance with section 25B.2, subsection 3, the state
50 cost of requiring compliance with any state mandate

Page 6

1 included in this Act shall be moneys appropriated in
2 this Act and shall be deemed to meet all the state
3 funding-related requirements of section 25B.2,
4 subsection 3, and no specific state funding shall be

5 necessary for the full implementation of this Act by
6 and enforcement of this Act against all affected
7 political subdivisions.
8 Sec. 10. EFFECTIVE DATE. This Act takes effect on
9 July 1, 2009, except for section 8 of this Act,
10 amending section 321.34, which shall take effect on
11 July 1, 2008.”
12 2. Title page, by striking lines 1 through 3 and
13 inserting the following:
14 “An Act relating to veterans affairs by modifying
15 training requirements, requiring executive directors
16 and administrators to provide minimum hours of service
17 in each county, specifying executive director,
18 administrator, and employee duties, creating a county
19 commission of veteran affairs training program,
20 creating a county commissions of veteran affairs fund,
21 providing an appropriation, concerning eligibility
22 criteria for special gold star motor vehicle
23 registration plates and providing an effective date.”

S-5330

HOUSE AMENDMENT TO
SENATE FILE 2400

1 Amend Senate File 2400, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 6, line 18, by inserting after the word
4 “development” the following: “, or, if 2008 Iowa
5 Acts, Senate File 2136, is enacted, from the housing
6 trust fund of the Iowa finance authority,”.

7 2. Page 8, by striking line 8 and inserting the
8 following:

9 “.....	\$	1,760,000
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10 It is the intent of the general assembly that the
11 governor’s office of drug control policy maximize
12 efforts with federal agencies concerning drug
13 enforcement programs to avoid duplication of
14 services.”

15 3. Page 8, line 9, by inserting after the word
16 “funding” the following: “in excess of \$880,209”.

17 4. Page 8, line 13, by inserting after the word
18 “received” the following: “in excess of \$880,209”.

19 5. Page 14, by inserting after line 17 the
20 following:
21 “The department of management budget for the fiscal
22 year beginning July 1, 2009, as proposed by the
23 department and the governor, shall include funding for
24 director and assistant director positions at the Tim
25 Shields center for governing excellence in Iowa under
26 section 8.69.”

27 6. Page 17, by inserting after line 14 the

28 following:

29 “Sec. ____ Section 68A.402, subsection 1, Code
30 Supplement 2007, is amended to read as follows:
31 1. FILING METHODS. Each committee shall file with
32 the board reports disclosing information required
33 under this section on forms prescribed by rule.
34 Reports shall be filed on or before the required due
35 dates by using any of the following methods: mail
36 bearing a United States postal service postmark,
37 hand-delivery, facsimile transmission, electronic mail
38 attachment, or electronic filing as prescribed by
39 rule. Any report that is required to be filed five
40 days or less prior to an election must be physically
41 received by the board to be considered timely filed.
42 For purposes of this section, “physically received”
43 means the report is either electronically filed using
44 the board’s electronic filing system or is received by
45 the board prior to 4:30 p.m. on the report due date.”
46 7. Page 18, by inserting after line 29 the
47 following:
48 “3. The section of this Act amending section
49 68A.402, being deemed of immediate importance, takes
50 effect upon enactment.”

Page 2

- 1 8. By renumbering, relettering, or redesignating
- 2 and correcting internal references as necessary.

S-5331

HOUSE AMENDMENT TO SENATE FILE 2337

1 Amend Senate File 2337, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 “Section 1. Section 87.4, Code 2007, is amended to
6 read as follows:
7 87.4 GROUP AND SELF-INSURED PLANS — TAX EXEMPTION
8 — PLAN APPROVAL.
9 For the purpose of complying with this chapter,
10 groups of employers by themselves or in an association
11 with any or all of their workers, may form insurance
12 associations as hereafter provided, subject to such
13 reasonable conditions and restrictions as may be fixed
14 by the insurance commissioner; and membership in such
15 mutual insurance organization as approved, together
16 with evidence of the payment of premiums due, shall be
17 evidence of compliance with this chapter.
18 A self-insurance association formed under this
19 section and an association comprised of cities or

20 counties, or both, or the association of county fairs
 21 or a fair as defined in section 174.1, or community
 22 colleges as defined in section 260C.2 or school
 23 corporations, or both, or other political
 24 subdivisions, which have entered into an agreement
 25 under chapter 28E for the purpose of establishing a
 26 self-insured program for the payment of workers'
 27 compensation benefits are exempt from taxation under
 28 section 432.1.

29 A plan shall be submitted to the commissioner of
 30 insurance for review and approval prior to its
 31 implementation. The commissioner shall adopt rules
 32 for the review and approval of a self-insured group
 33 plan provided under this section. The rules shall
 34 include, but are not limited to, the following:

35 1. Procedures for submitting a plan for approval
 36 including the establishment of a fee schedule to cover
 37 the costs of conducting the review.

38 2. Establishment of minimum financial standards to
 39 ensure the ability of the plan to adequately cover the
 40 reasonably anticipated expenses.

41 A self-insured program for the payment of workers'
 42 compensation benefits established by an association
 43 comprised of cities or counties, or both, or the
 44 association of county fairs or a fair as defined in
 45 section 174.1, or community colleges, as defined in
 46 section 260C.2, or other political subdivisions, which
 47 have entered into an agreement under chapter 28E, is
 48 not insurance, and is not subject to regulation under
 49 chapters 505 through 523C. Membership in such an
 50 association together with payment of premiums due

Page 2

1 relieves the member from obtaining insurance as
 2 required in section 87.1. Such an association is not
 3 required to submit its plan or program to the
 4 commissioner of insurance for review and approval
 5 prior to its implementation and is not subject to
 6 rules or rates adopted by the commissioner relating to
 7 workers' compensation group self-insurance programs.
 8 Such a program is deemed to be in compliance with this
 9 chapter.

10 The workers' compensation premium written on a
 11 municipality which is a member of an insurance pool
 12 which provides workers' compensation insurance
 13 coverage to a statewide group of municipalities, as
 14 defined in section 670.1, shall not be considered in
 15 the determination of any assessments levied pursuant
 16 to an agreement established under section 515A.15."

17 2. Page 1, by striking lines 2 through 5 and
 18 inserting the following:

19 “The association of Iowa fairs, or a fair, shall
20 have the power to join a local government risk pool as
21 provided in section 670.7.
22 Sec. 2. Section 670.7, Code 2007, is amended to
23 read as follows:
24 670.7 INSURANCE.
25 1. The governing body of a municipality may
26 purchase a policy of liability insurance insuring
27 against all or any part of liability which might be
28 incurred by the municipality or its officers,
29 employees, and agents under section 670.2 and section
30 670.8 and may similarly purchase insurance covering
31 torts specified in section 670.4. The governing body
32 of a municipality may adopt a self-insurance program,
33 including but not limited to the investigation and
34 defense of claims, the establishment of a reserve fund
35 for claims, the payment of claims, and the
36 administration and management of the self-insurance
37 program, to cover all or any part of the liability.
38 The governing body of a municipality may join and pay
39 funds into a local government risk pool to protect
40 itself against any or all liability. The governing
41 body of a municipality may enter into insurance
42 agreements obligating the municipality to make
43 payments beyond its current budget year to provide or
44 procure the policies of insurance, self-insurance
45 program, or local government risk pool. The premium
46 costs of the insurance, the costs of a self-insurance
47 program, the costs of a local government risk pool,
48 and the amounts payable under the insurance agreements
49 may be paid out of the general fund or any available
50 funds or may be levied in excess of any tax limitation

Page 3

1 imposed by statute. However, for school districts,
2 the costs shall be included in the district management
3 levy as provided in section 296.7 if the district has
4 certified a district management levy. If the district
5 has not certified a district management levy, the cost
6 shall be paid from the general fund. Any independent
7 or autonomous board or commission in the municipality
8 having authority to disburse funds for a particular
9 municipal function without approval of the governing
10 body may similarly enter into insurance agreements,
11 procure liability insurance, adopt a self-insurance
12 program, or join a local government risk pool within
13 the field of its operation.
14 2. The procurement of this insurance constitutes a
15 waiver of the defense of governmental immunity as to
16 those exceptions listed in section 670.4 to the extent
17 stated in the policy but shall have no further effect

18 on the liability of the municipality beyond the scope
 19 of this chapter, but if a municipality adopts a
 20 self-insurance program or joins and pays funds into a
 21 local government risk pool the action does not
 22 constitute a waiver of the defense of governmental
 23 immunity as to the exceptions listed in section 670.4.
 24 3. The existence of any insurance which covers in
 25 whole or in part any judgment or award which may be
 26 rendered in favor of the plaintiff, or lack of any
 27 such insurance, shall not be material in the trial of
 28 any action brought against the governing body of a
 29 municipality, or its officers, employees, or agents
 30 and any reference to such insurance, or lack of
 31 insurance, is grounds for a mistrial. A
 32 self-insurance program or local government risk pool
 33 is not insurance and is not subject to regulation
 34 under chapters 505 through 523C.
 35 4. The association of county fairs as defined in
 36 section 174.1, or a fair, shall be deemed to be a
 37 municipality as defined in this chapter only for the
 38 purpose of joining a local government risk pool as
 39 provided in this section.”
 40 3. Title page, line 1, by inserting after the
 41 word “insurance” the following: “and to
 42 self-insurance”.
 43 4. By renumbering, relettering, or redesignating
 44 and correcting internal references as necessary.

S-5332

1 Amend Senate File 2411 as follows:
 2 1. Page 2, by inserting after line 23 the
 3 following:
 4 “Sec. ____ Section 20.17, subsection 3, Code 2007,
 5 is amended to read as follows:
 6 3. Negotiating sessions, strategy meetings of
 7 public employers or employee organizations, mediation
 8 and the deliberative process of arbitrators shall be
 9 ~~exempt from~~ subject to the provisions of chapter 21.
 10 ~~However, the~~ The employee organization shall present
 11 its initial bargaining position to the public employer
 12 at the first bargaining session. The public employer
 13 shall present its initial bargaining position to the
 14 employee organization at the second bargaining
 15 session, which shall be held no later than two weeks
 16 following the first bargaining session. Both sessions
 17 shall be open to the public and subject to the
 18 provisions of chapter 21. Hearings conducted by
 19 arbitrators shall be open to the public.”
 20 2. By renumbering as necessary.

S-5333

1 Amend House File 2660, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 15, line 21, by striking the words and
4 figure “17 percent of” and inserting the following:
5 “the state’s normal contribution rate multiplied by”.
6 2. Page 16, line 30, by striking the words and
7 figure “17 percent of” and inserting the following:
8 “the state’s normal contribution rate multiplied by”.
9 3. Page 17, line 9, by striking the words and
10 figure “17 percent of” and inserting the following:
11 “the state’s normal contribution rate multiplied by”.
12 4. Page 17, line 18, by striking the words and
13 figure “17 percent of” and inserting the following:
14 “the state’s normal contribution rate multiplied by”.

MICHAEL W. CONNOLLY

S-5334

1 Amend House File 2612, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 18 the
4 following:
5 “Sec. ____ Section 455A.20, subsection 1,
6 paragraph e, Code 2007, is amended to read as follows:
7 e. (1) A representative of each of the following
8 entities:
9 (a) A historic preservation commission or similar
10 entity established by a county or city in the county.
11 (b) A private organization that provides
12 recognition and protection for the historic buildings,
13 structures, sites, and districts in a county or a city
14 in the county.
15 (c) A historic museum or organization that
16 maintains a collection of documents relating to the
17 history of a county or a city in the county.
18 (2) A representative shall be appointed by the
19 county’s board of supervisors. If the board appoints
20 a person representing an entity established by a city
21 in the county, the board shall consult with the city
22 authority that established the entity.
23 ~~e. f.~~ f. If a question arises as to whether a
24 recognized county organization exists under paragraph
25 “c” or “d”, the question shall be decided by a
26 majority vote of the members selected under paragraphs
27 “a” and “b”, excluding the representative of the
28 county conservation board. Sections 69.16 and 69.16A
29 do not apply to appointments made pursuant to this
30 subsection.”

- 31 2. By striking page 10, line 22, through page 11,
 32 line 1.
 33 3. By renumbering as necessary.

DICK L. DEARDEN
 DENNIS H. BLACK

S-5335

- 1 Amend Senate File 2416 as follows:
 2 1. Page 1, line 13, by striking the figure "1"
 3 and inserting the following: "(1)".
 4 2. Page 1, line 16, by striking the figure "2"
 5 and inserting the following: "(2)".
 6 3. Page 1, line 21, by striking the figure "3"
 7 and inserting the following: "(3)".
 8 4. Page 1, by inserting after line 22 the
 9 following:
 10 " _____. For the purposes of this chapter, persons
 11 licensed under chapter 543B are not employees."
 12 5. Page 1, line 26, by striking the figure "1"
 13 and inserting the following: "(1)".
 14 6. Page 1, line 28, by striking the figure "2"
 15 and inserting the following: "(2)".
 16 7. Page 1, line 30, by striking the figure "3"
 17 and inserting the following: "(3)".
 18 8. Page 1, line 32, by striking the figure "4"
 19 and inserting the following: "(4)".
 20 9. Page 1, line 35, by striking the figure "5"
 21 and inserting the following: "(5)".
 22 10. Page 8, line 24, by striking the word
 23 "working" and inserting the following: "employment".
 24 11. Page 14, by inserting after line 20 the
 25 following:
 26 "Sec. _____. NEW SECTION. 91G.12 AGRICULTURAL
 27 ACTIVITIES.
 28 A person shall not be classified as an employee or
 29 a contractor under this chapter when the person
 30 participates in agricultural activities on
 31 agricultural land. Agricultural activities include
 32 the raising, harvesting, handling, drying, processing,
 33 or storage of crops used for feed, food, fuel, seed,
 34 or fiber; the production, care, feeding, or keeping of
 35 livestock; fencing; drainage; the handling or
 36 transportation of crops or livestock; the storage,
 37 treatment, land application, or disposal of livestock
 38 manure; the application of fertilizers, soil
 39 conditioners, pesticides, and herbicides on crops;
 40 environmental protection or preservation activities;
 41 and any accessory or related activities."
 42 12. Title page, line 4, by striking the words

43 “appropriation and an”.
44 13. By renumbering as necessary.

JOE BOLKCOM

S-5336

1 Amend Senate File 2416 as follows:
2 1. Page 11, by striking lines 24 and 25, and
3 inserting the following: “subject to a civil penalty
4 not to exceed six hundred dollars for a first
5 violation as determined by”.
6 2. Page 11, line 27, by striking the words “one
7 thousand eight hundred seventy-five” and inserting the
8 following: “nine hundred”.
9 3. Page 11, line 30, by striking the word “three”
10 and inserting the following: “one”.
11 4. Page 11, line 31, by striking the words “one
12 hundred twenty-five” and inserting the following:
13 “five hundred”.
14 5. Page 11, line 32, by striking the word “six”
15 and inserting the following: “two”.
16 6. Page 12, by striking lines 2 through 5, and
17 inserting the following: “commits a second or
18 subsequent violation within two years of a first
19 violation commits a simple misdemeanor.”

BRAD ZAUN

S-5337

1 Amend Senate File 2416 as follows:
2 1. Page 14, line 3, by striking the word “five”
3 and inserting the following: “three”.

PAUL MCKINLEY

S-5338

1 Amend Senate File 2416 as follows:
2 1. Page 7, by striking lines 24 and 25 and
3 inserting the following: “contractors and
4 subcontractors.”

BRAD ZAUN

S-5339

1 Amend Senate File 2416 as follows:
2 1. Page 7, lines 30 and 31, by striking the words

3 “or a person with an interest in compliance with this
4 chapter”.

PAT WARD

S-5340

- 1 Amend Senate File 2416 as follows:
2 1. Page 4, line 9, by striking the word “a.”
3 2. Page 4, by striking lines 17 through 26.

PAT WARD

S-5341

- 1 Amend Senate File 2416 as follows:
2 1. Page 9, by inserting after line 29 the
3 following:
4 “ . A person acting in an official capacity
5 related to services provided by the commissioner for
6 the purposes of workplace safety training and
7 education, pursuant to section 88.16, shall not file
8 or investigate a complaint pursuant to this chapter if
9 the information leading to the complaint was received
10 due to services provided pursuant to section 88.16.”
11 2. By renumbering as necessary.

PAT WARD

S-5342

- 1 Amend Senate File 2416 as follows:
2 1. Page 4, by striking lines 14 through 16 and
3 inserting the following: “person has violated the
4 provisions of the chapter. However, such entry by the
5 commissioner shall only be in response to a written
6 complaint.”
7 2. Page 4, line 34, by inserting after the word
8 “the” the following: “written”.
9 3. Page 5, line 11, by inserting after the word
10 “any” the following: “written”.
11 4. Page 5, line 34, by inserting after the word
12 “a” the following: “written”.
13 5. Page 6, line 2, by inserting after the words
14 “of the” the following: “written”.
15 6. Page 9, line 20, by inserting after the word
16 “a” the following: “written”.
17 7. Page 9, line 23, by inserting after the word
18 “a” the following: “written”.
19 8. Page 12, line 32, by inserting after the word
20 “good-faith” the following: “written”.

PAUL MCKINLEY

S-5343

- 1 Amend Senate File 2416 as follows:
- 2 1. Page 12, by striking lines 17 through 27.
- 3 2. By renumbering as necessary.

BRAD ZAUN

S-5344

- 1 Amend Senate File 2416 as follows:
- 2 1. Page 5, by striking lines 28 through 34 and
- 3 inserting the following: “regarding the employee or
- 4 person. Any employee may file a complaint with the”.

PAUL MCKINLEY

S-5345

- 1 Amend Senate File 2411 as follows:
- 2 1. Page 17, by inserting after line 15 the
- 3 following:
- 4 “c. This subsection shall not apply to head
- 5 athletic director applicants or coaching applicants
- 6 under the control of the state board of regents.”

LARRY MCKIBBEN

S-5346

- 1 Amend Senate File 2413 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 “Section 1. Section 257.13, subsection 2, Code
- 5 2007, is amended to read as follows:
- 6 2. The board of directors of a school district
- 7 that wishes to receive an on-time funding budget
- 8 adjustment shall adopt a resolution to receive the
- 9 adjustment and notify the school budget review
- 10 committee ~~by November 1,~~ annually as determined by the
- 11 department of education. The school budget review
- 12 committee shall establish a modified allowable growth
- 13 in an amount determined pursuant to subsection 1.”
- 14 2. Page 1, line 11, by inserting after the figure
- 15 “6.5,” the following: “the school district requested
- 16 on March 10, 2008, modified allowable growth for the
- 17 conversion to the generally accepted accounting
- 18 principles basis of budgeting and the school district
- 19 has been notified by the department of education that
- 20 it is likely to have a negative unspent authorized
- 21 budget on June 30, 2008, or June 30, 2009.”.

- 22 3. Page 1, by striking lines 16 and 17 and
 23 inserting the following: “unspent balance. The
 24 request must include a verification from the school
 25 district’s independent auditor of the amount by which
 26 the change to generally accepted accounting principles
 27 basis of budgeting contributed to the district’s
 28 negative unspent authorized budget.”
- 29 4. Page 1, by striking lines 19 through 21 and
 30 inserting the following: “request described in
 31 paragraph “a” on or before August 15, 2008.”
- 32 5. Page 2, by striking lines 9 through 11 and
 33 inserting the following: “before August 15, 2008.”
- 34 6. Page 2, by striking lines 32 through 34 and
 35 inserting the following: “before August 15, 2008.”
- 36 7. Page 3, by striking lines 6 and 7.
- 37 8. Title page, by striking line 1 and inserting
 38 the following: “An Act relating to requests and
 39 applications submitted by school districts to the”.
- 40 9. Title page, by striking line 3 and inserting
 41 the following: “finances.”
- 42 10. By renumbering as necessary.

THOMAS G. COURTNEY

S-5347

- 1 Amend Senate File 2416 as follows:
 2 1. Page 6, by inserting after line 33 the
 3 following:
 4 “DIVISION ____
 5 PUBLIC CONTRACTS AND EMPLOYMENT
 6 Sec. ____ Section 8A.413, Code 2007, is amended by
 7 adding the following new subsection:
 8 NEW SUBSECTION. 23. For determining the work
 9 eligibility status of employees by requiring
 10 utilization of a status verification system as defined
 11 in section 73A.22.
 12 Sec. ____ NEW SECTION. 73A.22 STATE ASSISTANCE
 13 RESTRICTIONS — PERSONS EMPLOYING UNAUTHORIZED ALIENS.
 14 1. a. For purposes of this section,
 15 “developmental assistance” means any form of public
 16 assistance, including tax expenditures, made for the
 17 purpose of stimulating the economic development of a
 18 corporation, industry, geographic jurisdiction, or any
 19 other sector of the state’s economy, including but not
 20 limited to industrial development bonds, training
 21 grants, loans, loan guarantees, enterprise zones,
 22 empowerment zones, tax increment financing, fee
 23 waivers, land price subsidies, infrastructure
 24 constructed or improved for the benefit of a single
 25 business or defined group of businesses at the time it
 26 is built or improved, matching funds, tax abatements,

27 tax credits and tax discounts of every kind, including
28 corporate, franchise, personal income, sales and use,
29 raw materials, real property, job creation, individual
30 investment, excise, utility, inventory, accelerated
31 depreciation, and research and development tax credits
32 and discounts.

33 b. For purposes of this section, "status
34 verification system" means an electronic system
35 operated by the federal government utilized to verify
36 or ascertain the citizenship or immigration status of
37 any individual and includes any of the following:

38 (1) The electronic verification of work
39 authorization program under the federal Illegal
40 Immigration Reform and Immigration Responsibility Act
41 of 1996, and operated by the United States department
42 of homeland security.

43 (2) Any federal program designated by the United
44 States department of homeland security or any other
45 federal agency authorized to verify the work
46 eligibility status of newly hired employees, pursuant
47 to the federal Immigration Reform and Control Act of
48 1986.

49 (3) Any independent, third-party system with an
50 equal or higher degree of reliability as the programs,

Page 2

1 systems, or processes described in this paragraph "b".

2 (4) The social security number verification
3 service, or such similar online verification process
4 implemented by the United States social security
5 administration.

6 2. A state department, institution, or agency, or
7 any board member, commissioner, director, manager, or
8 other person connected with any such department,
9 institution, or agency, shall not award a contract or
10 provide developmental assistance to an employer if the
11 employer or corporate officer of the employer has
12 failed to ascertain the status of its employees
13 through a status verification system.

14 3. Any contract or developmental assistance
15 awarded shall provide that if, during the effective
16 period of the contract or developmental assistance,
17 the vendor, contractor, subcontractor, or
18 developmental assistance recipient fails to utilize a
19 status verification system, the contract or
20 developmental assistance shall be terminated.

21 4. A state department, institution, or agency may
22 enforce its rights under this section by instituting a
23 civil action in district court in this state. In
24 addition, a state department, institution, or agency
25 shall not award a contract or provide developmental

26 assistance to any person who violates this section for
 27 a period of five years after the date of the
 28 violation.

29 DIVISION ____

30 STATE PUBLIC ASSISTANCE

31 Sec. ____ NEW SECTION. 73A.23 STATE ASSISTANCE
 32 RESTRICTIONS — UNAUTHORIZED ADULT ALIENS —
 33 PENALTIES.

34 1. For purposes of this section, unless the
 35 context otherwise requires:

36 a. “State aid” means any form of financial
 37 benefit, aid, or assistance provided to a person by a
 38 state department, institution, or agency.

39 b. “Unauthorized adult alien” means a person who
 40 is eighteen years of age or older and who is not a
 41 citizen or legal resident of, and who has not been
 42 lawfully admitted to the United States for permanent
 43 residence or who is not authorized to work in the
 44 United States.

45 2. A state department, institution, or agency
 46 shall not provide any state aid to an unauthorized
 47 adult alien.

48 To ascertain whether a person is eligible for state
 49 aid pursuant to the requirements of this section, the
 50 state department, institution, or agency shall verify,

Page 3

1 if possible, a person’s eligibility for benefits
 2 through the federal systematic alien verification for
 3 entitlements program operated by the United States
 4 department of homeland security or an equivalent
 5 program designated by the United States department of
 6 homeland security.

7 3. A person who makes a false statement or
 8 representation as to whether the person is an
 9 unauthorized adult alien knowing it to be false or
 10 knowingly fails to disclose this fact, to obtain or
 11 increase any state aid in violation of this section,
 12 is guilty of a fraudulent practice as defined in
 13 sections 714.8 to 714.14. The total amount of state
 14 aid involved in the completion of or in the attempt to
 15 complete a fraudulent practice shall be used in
 16 determining the value involved under section 714.14.

17 DIVISION ____

18 POSTSECONDARY INSTITUTIONS

19 Sec. ____ Section 260C.14, Code 2007, is amended
 20 by adding the following new subsection:

21 NEW SUBSECTION. 22. Require an individual who
 22 submits an application for admission to the community
 23 college to provide proof of United States citizenship
 24 or proof that the individual is lawfully present in

25 the United States. An individual who cannot provide
 26 such proof shall not be admitted by the community
 27 college as a student. The department of education
 28 shall annually calculate the education funding per
 29 student for community colleges. State assistance to a
 30 community college for a fiscal year shall be reduced
 31 by the education funding per student amount calculated
 32 for community colleges multiplied by the number of
 33 students enrolled in the community college in the
 34 prior fiscal year who failed to provide proof as
 35 required under this subsection. This section shall
 36 not apply to students who are taking courses offered
 37 by the community college under the provisions of
 38 section 257.11 or under the provisions of chapter
 39 261C.

40 Sec. ____ Section 262.9, Code Supplement 2007, is
 41 amended by adding the following new subsection:
 42 NEW SUBSECTION. 32. Direct each of the
 43 institutions of higher education under the board's
 44 control to require an individual who submits an
 45 application for admission to the institution to
 46 provide proof of United States citizenship or proof
 47 that the individual is lawfully present in the United
 48 States. An individual who cannot provide such proof
 49 shall not be admitted by the institution as a student.
 50 The department of education shall annually calculate

Page 4

1 the education funding per student for regents
 2 universities. State assistance to an institution for
 3 a fiscal year shall be reduced by the education
 4 funding per student amount calculated for regents
 5 universities multiplied by the number of students
 6 enrolled in the institution in the prior fiscal year
 7 who failed to provide proof as required under this
 8 subsection. This section shall not apply to students
 9 who are taking courses offered by the institution
 10 under the provisions of chapter 261C.

11 Sec. ____ APPLICABILITY. Notwithstanding section
 12 260C.14, subsection 22, as enacted by this Act, and
 13 section 262.9, subsection 32, as enacted by this Act,
 14 state assistance to an institution shall not be
 15 reduced as provided in those subsections on the basis
 16 of students who were enrolled in a community college
 17 or regents university on or before January 1, 2009.

18 DIVISION ____

19 IDENTIFICATION CARDS

20 Sec. ____ Section 321.177, Code 2007, is amended
 21 by adding the following new subsection:
 22 NEW SUBSECTION. 10. To any person who is an
 23 unauthorized alien as defined in section 710B.1.

24 Sec. ____ Section 321.190, subsection 1, Code
 25 2007, is amended by adding the following new
 26 paragraph:
 27 NEW PARAGRAPH. e. The department shall not issue
 28 a card to a person who is an unauthorized alien as
 29 defined in section 710B.1.

30 DIVISION ____

31 LOCAL GOVERNMENT

32 Sec. ____ Section 331.304A, Code 2007, is amended
 33 by adding the following new subsection:
 34 NEW SUBSECTION. 3. A county shall not adopt or
 35 enforce county legislation prohibiting a peace
 36 officer, county official, or county employee from
 37 communicating or cooperating with federal officials
 38 with regard to the immigration status of any person
 39 within the state. County officials who vote to
 40 approve such county legislation may be personally
 41 liable under section 670.12 for damages resulting from
 42 enforcement of the county legislation.

43 Sec. ____ Section 364.3, Code 2007, is amended by
 44 adding the following new subsection:

45 NEW SUBSECTION. 10. A city shall not adopt or
 46 enforce an ordinance prohibiting a peace officer, city
 47 official, or city employee from communicating or
 48 cooperating with federal officials with regard to the
 49 immigration status of any person within the state.
 50 City officials who vote to approve such an ordinance

Page 5

1 may be personally liable under section 670.12 for
 2 damages resulting from enforcement of the county
 3 legislation.

4 Sec. ____ Section 670.12, Code 2007, is amended to
 5 read as follows:

6 670.12 OFFICERS AND EMPLOYEES — PERSONAL
 7 LIABILITY.

8 All officers and employees of municipalities are
 9 not personally liable for claims which are exempted
 10 under section 670.4, except claims for punitive
 11 damages, claims for damages pursuant to section
 12 331.304A, subsection 3, or section 364.3, subsection
 13 10, and actions permitted under section 85.20. An
 14 officer or employee of a municipality is not liable
 15 for punitive damages as a result of acts in the
 16 performance of a duty, unless actual malice or
 17 willful, wanton and reckless misconduct is proven.

18 DIVISION ____

19 PRISONERS

20 Sec. ____ Section 356.2, Code 2007, is amended to
 21 read as follows:

22 356.2 DUTY.

23 1. The sheriff shall have charge and custody of
 24 the prisoners in the jail or other prisons of the
 25 sheriff's county, and shall receive those lawfully
 26 committed, and keep them until discharged by law.
 27 2. Upon confinement of a prisoner in the jail, the
 28 sheriff shall make a reasonable effort to determine
 29 whether the person is an unauthorized alien as defined
 30 in section 710B.1. If the sheriff has reason to
 31 believe that the prisoner is an unauthorized alien or
 32 is unable to determine whether the prisoner is an
 33 unauthorized alien, the sheriff shall notify United
 34 States immigration and customs enforcement of the
 35 United States department of homeland security.
 36 Sec. ____ NEW SECTION. 904.501A ASCERTAINMENT OF
 37 STATUS.
 38 The superintendent of each institution shall,
 39 within ten days after the commitment or entrance of a
 40 person to the institution, make a reasonable effort to
 41 determine whether the person is an unauthorized alien
 42 as defined in section 710B.1. If the superintendent
 43 has reason to believe that the person is an
 44 unauthorized alien or is unable to determine whether
 45 the person is an unauthorized alien, the
 46 superintendent shall notify United States immigration
 47 and customs enforcement of the United States
 48 department of homeland security.
 49 DIVISION ____
 50 TRANSPORTATION OF UNAUTHORIZED ALIENS

Page 6

1 Sec. ____ NEW SECTION. 710B.1 TRANSPORTATION AND
 2 CONCEALMENT OF UNAUTHORIZED ALIENS.
 3 1. It shall be unlawful for any person to
 4 transport, move, conceal, harbor, or shelter, or
 5 attempt to transport, an unauthorized alien in this
 6 state knowing or in reckless disregard of the fact
 7 that the person is an unauthorized alien.
 8 2. For purposes of this section, an "unauthorized
 9 alien" means a person who is not a citizen or legal
 10 resident and who has not been lawfully admitted to the
 11 United States pursuant to federal law.
 12 3. A person who violates this section commits a
 13 class "D" felony.
 14 DIVISION ____
 15 MEMORANDUM OF UNDERSTANDING TO ENFORCE IMMIGRATION LAW
 16 Sec. ____ MEMORANDUM OF UNDERSTANDING —
 17 ENFORCEMENT OF FEDERAL IMMIGRATION LAW.
 18 1. The attorney general is authorized and directed
 19 to negotiate the terms of a memorandum of
 20 understanding between the state of Iowa and the United
 21 States department of justice or the United States

22 department of homeland security concerning the
 23 enforcement of federal immigration and custom laws,
 24 detention removals, and investigations in the state of
 25 Iowa.

26 2. The memorandum of understanding negotiated
 27 pursuant to subsection 1 shall be signed on behalf of
 28 this state by the attorney general and the governor or
 29 as otherwise required by the appropriate federal
 30 agency but shall not be implemented until money is
 31 appropriated for such purpose.

32 3. A local government, whether acting through its
 33 governing body or by an initiative, referendum, or any
 34 other process, shall not enact any ordinance,
 35 resolution, or policy that limits or prohibits a law
 36 enforcement officer, local officer, or local
 37 government employee from communicating or cooperating
 38 with federal officials with regard to the immigration
 39 status of any person within this state.

40 4. Notwithstanding any other provision of law, a
 41 government entity or official within the state of Iowa
 42 shall not prohibit, or in any way restrict, any
 43 government entity or official from sending to, or
 44 receiving from, the United States department of
 45 homeland security, information regarding the
 46 citizenship or immigration status, lawful or unlawful,
 47 of any individual.

48 5. Notwithstanding any other provision of law, no
 49 person or agency may prohibit, or in any way restrict,
 50 a public employee from doing any of the following with

Page 7

1 respect to information regarding the immigration
 2 status, lawful or unlawful, of any individual:

3 a. Sending such information to, or requesting or
 4 receiving such information from, the United States
 5 department of homeland security.

6 b. Maintaining such information.

7 c. Exchanging such information with any other
 8 federal, state, or local government entity.

9 6. Any natural or legal person lawfully domiciled
 10 in this state may file for a writ of mandamus to
 11 compel any noncooperating local or state governmental
 12 agency to comply with this section.

13 DIVISION ____
 14 IMPLEMENTATION

15 Sec. ____ IMPLEMENTATION OF ACT. Section 25B.2,
 16 subsection 3, shall not apply to this Act."

17 2. By striking page 6, line 34, through page 16,
 18 line 30.

19 3. Title page, line 1, by inserting after the
 20 word "to" the following: "unauthorized aliens and".

- 21 4. Title page, lines 1 and 2, by striking the
22 words “and employment classification”.
- 23 5. Title page, line 3, by inserting after the
24 word “employers” the following: “, providing
25 penalties and an applicability date.”.
- 26 6. By renumbering as necessary.

JEFF ANGELO

S-5348

- 1 Amend Senate File 2416 as follows:
- 2 1. Page 14, by inserting after line 4 the
3 following:
4 “___ . If a contractor is not found to have
5 violated a provision of this chapter or a rule adopted
6 pursuant to this chapter through a proceeding under
7 subsection 1 and, therefore, the contractor is not
8 found to have damaged the individual who filed suit
9 against the contractor, the court may order the
10 individual to pay the contractor’s court costs,
11 interest at the statutory rate from the date of
12 filing, and attorney fees.”
- 13 2. By renumbering as necessary.

PAUL MCKINLEY

S-5349

- 1 Amend Senate File 2411 as follows:
- 2 1. Page 13, by striking lines 28 through 30 and
3 inserting the following:
4 “(4) The educational institutions attended by the
5 individual, including any diplomas and degrees earned,
6 and the names of the individual’s previous employers,
7 positions previously held, and dates of previous
8 employment.”
- 9 2. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-5350

- 1 Amend Senate File 2411 as follows:
- 2 1. Page 22, line 28, by inserting after the word
3 “board.” the following: “The budget for the board
4 shall not exceed five hundred thousand dollars
5 annually.”

JERRY BEHN

S-5351

1 Amend House File 2660, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 17, line 21, by striking the figure
4 “49,688,777” and inserting the following:
5 “50,168,777”.

6 2. Page 17, by inserting after line 22 the
7 following:

8 “As a condition of receiving the appropriation in
9 this subsection, the department of public safety shall
10 increase expenditures for overtime paid to peace
11 officer members of the state patrol by \$350,000 and
12 increase expenditures for fuel used by the motor
13 vehicles of such members by \$130,000.”

LARRY NOBLE

S-5352

1 Amend House File 2662, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 9, by inserting after line 18, the
4 following:

5 “Sec. ___. UNASSIGNED REVENUE FUND — FUNDING
6 RESTORATION. There is appropriated from the
7 unassigned revenue fund administered by the Iowa
8 comprehensive underground storage tank fund board to
9 the department of natural resources for the fiscal
10 year beginning July 1, 2008, and ending June 30, 2009,
11 the following amounts, or so much thereof as is
12 necessary, to be used for the purposes designated:

13	1. To be credited to and used for snowmobile		
14	programs as provided for the special snowmobile fund		
15	created under section 321G.7, in order to restore		
16	funding transferred pursuant to 2002 Iowa Acts, Second		
17	Extraordinary Session, chapter 1001, section 10:		
18	\$	950,000
19	2. To be credited to and used for all-terrain		
20	vehicle programs as provided for the special		
21	all-terrain vehicle fund created under section 321I.8,		
22	in order to restore funding transferred pursuant to		
23	2002 Iowa Acts, Second Extraordinary Session, chapter		
24	1001, section 11:		
25	\$	775,000”

26 2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
ROBERT E. DVORSKY, Chair

S-5353

1 Amend Senate File 2420 as follows:

2 1. Page 89, by inserting after line 14 the
3 following:

4 "PART 5

5 CONTINGENT CONFORMING AMENDMENTS

6 Sec. ____. Section 423.5, subsection 3, Code 2007,
7 as amended by this division of this Act, is amended to
8 read as follows:

9 3. ~~The An excise tax at the rate of five percent~~
10 ~~is imposed on the~~ use of leased vehicles, if the lease
11 transaction does not require titling or registration
12 of the vehicle, on the amount subject to tax as
13 calculated pursuant to section 423.26, subsection 2.

14 Sec. ____. Section 423.43, subsection 1, as enacted
15 by this division of this Act, is amended to read as
16 follows:

17 1. a. Except as provided in subsection 2, all
18 revenue arising under the operation of the use tax
19 under subchapter III shall be deposited into the
20 general fund of the state.

21 b. ~~Subsequent to the deposit into the general fund~~
22 ~~of the state and after the transfer of such revenues~~
23 ~~collected under chapter 423B, the department shall~~
24 ~~transfer one-sixth of such remaining revenues to the~~
25 ~~secure an advanced vision for education fund created~~
26 ~~in section 423F.2. This paragraph is repealed~~
27 ~~December 31, 2029.~~

28 Sec. ____. The sections of 2008 Iowa Acts, House
29 File 2663, amending section 312.1, subsection 4,
30 section 327I.26, section 423.5, subsection 3, section
31 455G.3, subsection 1, section 455G.6, subsection 4,
32 and section 455G.8, subsection 2, Code 2007, are
33 repealed.

34 Sec. ____. The sections of 2008 Iowa Acts, House
35 File 2663, amending section 312.2, subsection 14,
36 section 321.34, subsections 7, 10, 10A, 11, 11A, 11B,
37 13, 16, 17, 18, 19, 20, 20A, 20B, 21, 22, 23, and 24,
38 section 423.43, and section 423.57, Code Supplement
39 2007, are repealed.

40 Sec. ____. The sections of 2008 Iowa Acts, House
41 File 2663, amending 2007 Iowa Acts, chapter 179,
42 section 6, and providing for such amendment's
43 effective date, are repealed.

44 Sec. ____. CONTINGENT EFFECTIVE DATE. This part 5
45 of this division of this Act takes effect only upon
46 the enactment of 2008 Iowa Acts, House File 2663.

47 PART 6

48 EFFECT ON PRIOR LAW”

49 2. By renumbering as necessary.

TOM RIELLY

S-5354

1 Amend House File 2660, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 15, line 21, by striking the words and
4 figure “17 percent of” and inserting the following:
5 “the state’s normal contribution rate, as defined in
6 section 97A.8, multiplied by”.

7 2. Page 16, line 30, by striking the words and
8 figure “17 percent of” and inserting the following:
9 “the state’s normal contribution rate, as defined in
10 section 97A.8, multiplied by”.

11 3. Page 17, line 9, by striking the words and
12 figure “17 percent of” and inserting the following:
13 “the state’s normal contribution rate, as defined in
14 section 97A.8, multiplied by”.

15 4. Page 17, line 18, by striking the words and
16 figure “17 percent of” and inserting the following:
17 “the state’s normal contribution rate, as defined in
18 section 97A.8, multiplied by”.

MICHAEL CONNOLLY

S-5355

1 Amend Senate File 2420 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 “Section 1. Section 8.57, subsection 6, paragraph
5 e, Code Supplement 2007, is amended to read as
6 follows:

7 e. Notwithstanding provisions to the contrary in
8 sections 99D.17 and 99F.11, for the fiscal year
9 beginning July 1, 2000, and for each fiscal year
10 thereafter, not more than a total of sixty million
11 dollars shall be deposited in the general fund of the
12 state in any fiscal year pursuant to sections 99D.17
13 and 99F.11. The next fifteen million dollars of the
14 moneys directed to be deposited in the general fund of
15 the state in a fiscal year pursuant to sections 99D.17
16 and 99F.11 shall be deposited in the vision Iowa fund
17 created in section 12.72 for the fiscal year beginning
18 July 1, 2000, and for each fiscal year through the
19 fiscal year beginning July 1, 2019. The next five
20 million dollars of the moneys directed to be deposited
21 in the general fund of the state in a fiscal year

22 pursuant to sections 99D.17 and 99F.11 shall be
23 deposited in the school infrastructure fund created in
24 section 12.82 for the fiscal year beginning July 1,
25 2000, and for each fiscal year thereafter until the
26 principal and interest on all bonds issued by the
27 treasurer of state pursuant to section 12.81 are paid,
28 as determined by the treasurer of state. The next
29 thirty million dollars of the moneys directed to be
30 deposited in the general fund of the state in a fiscal
31 year pursuant to sections 99D.17 and 99F.11 shall be
32 deposited in the TIME-21 fund created in section
33 312A.2 for the fiscal year beginning July 1, 2009.
34 The next sixty million dollars of the moneys directed
35 to be deposited in the general fund of the state in a
36 fiscal year pursuant to sections 99D.17 and 99F.11
37 shall be deposited in the TIME-21 fund created in
38 section 312A.2 for the fiscal year beginning July 1,
39 2010. The next ninety million dollars of the moneys
40 directed to be deposited in the general fund of the
41 state in a fiscal year pursuant to sections 99D.17 and
42 99F.11 shall be deposited in the TIME-21 fund created
43 in section 312A.2 for the fiscal year beginning July
44 1, 2011, and for each succeeding fiscal year through
45 the fiscal year beginning July 1, 2027. The total
46 moneys in excess of the moneys deposited in the
47 general fund of the state, the vision Iowa fund, ~~and~~
48 the school infrastructure fund, ~~and the TIME-21 fund~~
49 in a fiscal year shall be deposited in the rebuild
50 Iowa infrastructure fund and shall be used as provided

Page 2

1 in this section, notwithstanding section 8.60.
2 If the total amount of moneys directed to be
3 deposited in the general fund of the state under
4 sections 99D.17 and 99F.11 in a fiscal year is less
5 than the total amount of moneys directed to be
6 deposited in the vision Iowa fund, ~~and~~ the school
7 infrastructure fund, ~~and the TIME-21 fund~~ in the
8 fiscal year pursuant to this paragraph “e”, the
9 difference shall be paid from lottery revenues in the
10 manner provided in section 99G.39, subsection 3.
11 Sec. 2. Section 99G.39, subsection 3, paragraph a,
12 Code 2007, is amended to read as follows:
13 a. Notwithstanding subsection 1, if gaming
14 revenues under sections 99D.17 and 99F.11 are
15 insufficient in a fiscal year to meet the total amount
16 of such revenues directed to be deposited in the
17 vision Iowa fund, ~~and~~ the school infrastructure fund,
18 ~~and the TIME-21 fund~~ during the fiscal year pursuant
19 to section 8.57, subsection 6, paragraph “e”, the
20 difference shall be paid from lottery revenues prior

21 to deposit of the lottery revenues in the general
 22 fund. If lottery revenues are insufficient during the
 23 fiscal year to pay the difference, the remaining
 24 difference shall be paid from lottery revenues in
 25 subsequent fiscal years as such revenues become
 26 available.

27 Sec. 3. Section 312A.2, Code Supplement 2007, is
 28 amended to read as follows:

29 312A.2 TRANSPORTATION INVESTMENT MOVES THE ECONOMY
 30 IN THE TWENTY-FIRST CENTURY (TIME-21) FUND.

31 1. A transportation investment moves the economy
 32 in the twenty-first century fund is created in the
 33 state treasury under the control of the department.
 34 The fund shall be known and referred to as the TIME-21
 35 fund. The fund shall consist of any moneys
 36 appropriated by the general assembly and any revenues
 37 credited by law to the TIME-21 fund. Moneys in the
 38 fund are not subject to section 8.33. Notwithstanding
 39 section 12C.7, subsection 2, interest or earnings on
 40 moneys deposited in the fund shall be credited to the
 41 fund.

42 2. Notwithstanding any other provision of law to
 43 the contrary, there is appropriated from the general
 44 fund of the state to the TIME-21 fund the following
 45 amounts for the following fiscal years:

46 a. For the fiscal year beginning July 1, 2009, an
 47 amount equal to one-fourth of one percent of the
 48 adjusted revenue estimate, as defined in section 8.54,
 49 for the fiscal year.

50 b. For the fiscal year beginning July 1, 2010,

Page 3

1 one-half of one percent of the adjusted revenue
 2 estimate, as defined in section 8.54, for the fiscal
 3 year.

4 c. For the fiscal year beginning July 1, 2011,
 5 three-fourths of one percent of the adjusted revenue
 6 estimate, as defined in section 8.54, for the fiscal
 7 year.

8 d. For the fiscal year beginning July 1, 2012, and
 9 each succeeding fiscal year through the fiscal year
 10 beginning July 1, 2027, one percent of the adjusted
 11 revenue estimate, as defined in section 8.54, for the
 12 fiscal year.”

13 2. Title page, by striking lines 1 through 12 and
 14 inserting the following: “An Act relating to state
 15 revenues to be deposited in the TIME-21 fund and
 16 providing appropriations.”

17 3. By renumbering as necessary.

S-5356

1 Amend Senate File 2420 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 312A.2, Code Supplement 2007,
5 is amended to read as follows:

6 312A.2 TRANSPORTATION INVESTMENT MOVES THE ECONOMY
7 IN THE TWENTY-FIRST CENTURY (TIME-21) FUND.

8 1. A transportation investment moves the economy
9 in the twenty-first century fund is created in the
10 state treasury under the control of the department.
11 The fund shall be known and referred to as the TIME-21
12 fund. The fund shall consist of any moneys
13 appropriated by the general assembly and any revenues
14 credited by law to the TIME-21 fund. Moneys in the
15 fund are not subject to section 8.33. Notwithstanding
16 section 12C.7, subsection 2, interest or earnings on
17 moneys deposited in the fund shall be credited to the
18 fund.

19 2. Notwithstanding any other provision of law to
20 the contrary, there is appropriated from the general
21 fund of the state to the TIME-21 fund the following
22 amounts for the following fiscal years:

23 a. For the fiscal year beginning July 1, 2009, an
24 amount equal to one-fourth of one percent of the
25 adjusted revenue estimate, as defined in section 8.54,
26 for the fiscal year.

27 b. For the fiscal year beginning July 1, 2010,
28 one-half of one percent of the adjusted revenue
29 estimate, as defined in section 8.54, for the fiscal
30 year.

31 c. For the fiscal year beginning July 1, 2011,
32 three-fourths of one percent of the adjusted revenue
33 estimate, as defined in section 8.54, for the fiscal
34 year.

35 d. For the fiscal year beginning July 1, 2012, and
36 each succeeding fiscal year through the fiscal year
37 beginning July 1, 2027, one percent of the adjusted
38 revenue estimate, as defined in section 8.54, for the
39 fiscal year.

40 Sec. 2. TIME-21 FUND — APPROPRIATIONS. There is
41 appropriated from the general fund of the state to the
42 TIME-21 fund created in section 312A.2, the following
43 amounts for the following fiscal years:

44 1. For the fiscal year beginning July 1, 2007, and		
45 ending June 30, 2008, the following amount:		
46	\$	78,000,000
47 2. For the fiscal year beginning July 1, 2008, and		
48 ending June 30, 2009, the following amount:		
49	\$	49,000,000
50 Notwithstanding section 8.33, moneys appropriated		

Page 2

1 in this section that remain unencumbered or
 2 unobligated at the close of the fiscal year shall not
 3 revert but shall remain available for expenditure for
 4 the purposes designated until the close of the
 5 succeeding fiscal year.”
 6 2. Title page, by striking lines 1 through 12 and
 7 inserting the following: “An Act providing
 8 appropriations of certain state revenues to the
 9 TIME-21 fund.”

PAUL MCKINLEY

S-5357

1 Amend Senate File 2420 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. Section 8.54, subsection 3, Code 2007,
 5 is amended to read as follows:
 6 3. Except as otherwise provided in this section,
 7 the state general fund expenditure limitation for a
 8 fiscal year shall be as follows:
 9 a. For the fiscal year beginning July 1, 2008,
 10 ninety-nine percent of the adjusted revenue estimate.
 11 b. For the fiscal year beginning July 1, 2009,
 12 ninety-eight and one-half percent of the adjusted
 13 revenue estimate.
 14 c. For the fiscal year beginning July 1, 2010, and
 15 subsequent fiscal years, ninety-eight percent of the
 16 adjusted revenue estimate.
 17 Sec. 2. Section 8.55, subsection 2, paragraph a,
 18 Code 2007, is amended to read as follows:
 19 a. The maximum balance of the fund is the amount
 20 equal to two and one-half percent of the adjusted
 21 revenue estimate for the fiscal year. If the amount
 22 of moneys in the Iowa economic emergency fund is equal
 23 to the maximum balance, moneys in excess of this
 24 amount shall be transferred to the ~~general road use~~
 25 tax fund.
 26 Sec. 3. EFFECTIVE DATE. The section of this Act
 27 amending section 8.55, being deemed of immediate
 28 importance, takes effect upon enactment.”
 29 2. Title page, by striking lines 1 through 12 and
 30 inserting the following: “An Act relating to state
 31 revenues involving the road use tax fund and the
 32 general fund of the state and providing an effective
 33 date.”

JEFF ANGELO

S-5358

- 1 Amend Senate File 2420 as follows:
 2 1. Page 25, by inserting after line 16 the
 3 following:
 4 “Sec. ____ Section 312.6, Code 2007, is amended to
 5 read as follows:
 6 312.6 ~~LIMITATION~~ **LIMITATIONS** ON USE OF FUNDS.
 7 1. Notwithstanding any other provision of law,
 8 funds credited to the road use tax fund shall not be
 9 expended for purposes of membership in North America’s
 10 supercorridor coalition (NASCO) or for any purpose or
 11 project supported by or related to NASCO.
 12 2. Funds received by municipal corporations from
 13 the road use tax fund shall be used for any purpose
 14 relating to the construction, maintenance, and
 15 supervision of the public streets.
 16 Sec. ____ **NEW SECTION.** 312A.2A **LIMITATION ON USE**
 17 **OF FUNDS.**
 18 Notwithstanding any other provision of law, funds
 19 credited to the TIME-21 fund shall not be expended for
 20 purposes of membership in North America’s
 21 supercorridor coalition (NASCO) or for any purpose or
 22 project supported by or related to NASCO.”
 23 2. By renumbering as necessary.

DAVID L. HARTSUCH

S-5359

- 1 Amend House File 2633, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 25 through 27.
 4 2. Page 2, by inserting after line 6 the
 5 following:
 6 “____. “Domestic cooperative” means an entity
 7 organized on a cooperative basis under chapter 497,
 8 498, or 499 or a cooperative organized under chapter
 9 501 or 501A.”
 10 3. Page 11, line 28, by striking the words “A
 11 operating” and inserting the following: “An
 12 operating”.
 13 4. Page 12, lines 17 and 18, by striking the
 14 words “as follows” and inserting the following: “,
 15 the following rules apply”.
 16 5. Page 16, line 10, by striking the word
 17 “corporation” and inserting the following: “limited
 18 liability company”.
 19 6. Page 16, line 29, by striking the figure
 20 “489.110” and inserting the following: “489.112”.
 21 7. Page 29, line 8, by inserting after the word

22 “becomes” the following: “a”.

23 8. Page 44, line 7, by striking the figure “2”

24 and inserting the following: “3”.

25 9. Page 49, line 33, by striking the word

26 “transferee” and inserting the following:

27 “transferee”.

28 10. Page 51, line 10, by striking the word

29 “applies” and inserting the following: “apply”.

30 11. Page 54, line 15, by inserting after the word

31 “due” the following: “to”.

32 12. By striking page 65, line 3, through page 66,

33 line 26.

34 13. Page 82, line 30, by inserting after the word

35 “podiatry,” the following: “real estate brokerage.”.

36 14. Page 89, line 26, by striking the word

37 “account” and inserting the following: “accountant”.

38 15. Page 92, line 7, by striking the word

39 “limited” and inserting the following: “professional

40 limited”.

41 16. Page 101, line 9, by striking the word ““a,””

42 and inserting the following: ““a””.

43 17. Page 104, line 35, by striking the figure

44 “10” and inserting the following: “12”.

45 18. Page 106, line 11, by striking the word “OR”

46 and inserting the following: “ON”.

47 19. Page 106, line 33, by inserting after the

48 word “conversion.” the following: “The notice shall

49 include or be accompanied by a copy of the organic

50 documents as they will be in effect immediately after

Page 2

1 the conversion.”

2 20. Page 107, line 27, by striking the word

3 “entity” and inserting the following: “entity,”.

4 21. Page 110, line 4, by striking the words and

5 figure “as provided in section 490.1112”.

6 22. Page 114, line 35, by striking the word

7 “corporation” and inserting the following:

8 “~~corporation~~ company”.

9 23. Page 118, line 12, by striking the figure

10 “289.108” and inserting the following: “489.108”.

11 24. By renumbering as necessary.

ROBERT M. HOGG

S-5360

1 Amend the amendment, S-5352, to House File 2662, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, by striking lines 5 through 12 and

5 inserting the following:
6 “Sec. ___. SUPPLEMENTAL APPROPRIATION — FUNDING
7 RESTORATION. There is appropriated from the general
8 fund of the state to the department of natural
9 resources, for the fiscal year beginning July 1, 2007,
10 and ending June 30, 2008, the following amounts, or so
11 much thereof as is necessary, to be used for the
12 purposes designated.”
13 2. Page 1, by inserting after line 25 the
14 following:
15 “___ Page 9, by inserting after page 33 the
16 following:
17 “Sec. ___. EFFECTIVE DATE. The section of this
18 division of this Act making a supplemental
19 appropriation to restore funding to the special
20 snowmobile fund and the special all-terrain vehicle
21 fund, being deemed of immediate importance, takes
22 effect upon enactment.”
23 ___ Title page, line 3, by inserting after the
24 word “protection” the following: “, and providing an
25 effective date.”

MARK ZIEMAN

S-5361

1 Amend the amendment, S-5346, to Senate File 2413,
2 as follows:
3 1. Page 1, line 10, by inserting after the word
4 “annually” the following: “but not earlier than
5 November 1.”
6 2. By renumbering as necessary.

THOMAS G. COURTNEY

S-5362

HOUSE AMENDMENT TO
SENATE FILE 2417

1 Amend Senate File 2417, as passed by the Senate, as
2 follows:
3 1. Page 1, line 16, by striking the figure
4 “3,761,677” and inserting the following: “3,786,677”.
5 2. Page 1, by inserting after line 16 the
6 following:
7 “Of the funds appropriated in this paragraph “a”,
8 \$25,000 is allocated for the provision of additional
9 services by the grantee that receives the grant under
10 2007 Iowa Acts, chapter 218, section 20, subsection 2,
11 and successor grants, to be used for support services

12 for parents of children with autism spectrum
13 disorder.”

S-5363

1 Amend House File 2612, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 35 the
4 following:

“DIVISION ____
WATER SAFETY

7 Sec. ____ Section 462A.12, Code Supplement 2007,
8 is amended by adding the following new subsection:
9 NEW SUBSECTION. 15. A person shall not operate a
10 vessel on the waters of this state under the
11 jurisdiction of the commission unless every person on
12 board the vessel who is under thirteen years of age is
13 wearing a type I, II, III, or V personal flotation
14 device, including “float coats” that meet this
15 definition, that is approved by the United States
16 coast guard, while the vessel is under way. This
17 subsection does not apply when the person under
18 thirteen years of age is in an enclosed cabin or below
19 deck, or is a passenger on a commercial vessel with a
20 passenger capacity of twenty-five persons or more.

21 Sec. ____ WARNING CITATIONS — TWELVE-MONTH
22 PERIOD. During the twelve-month period beginning on
23 the effective date of section 462A.12, subsection 15,
24 as enacted in this division of this Act, peace
25 officers shall issue only warning citations for a
26 violation of such subsection.

27 Sec. ____ EFFECTIVE DATE. This division of this
28 Act, being deemed of immediate importance, takes
29 effect upon enactment.”

30 2. Title page, line 3, by inserting after the
31 word “lands” the following: “, waters,”.

32 3. Title page, line 5, by inserting after the
33 word “applicable” the following: “and providing an
34 effective date”.

35 4. By renumbering as necessary.

DICK L. DEARDEN
DAVID JOHNSON
DENNIS H. BLACK

S-5364

1 Amend Senate File 2423 as follows:

2 1. Page 3, by inserting after line 10 the
3 following:

4 “11A. An annual report regarding the Iowa targeted

5 small business procurement Act activities of the
6 department as required under section 15.108,
7 subsection 7, paragraph “c”, and quarterly reports
8 regarding the total dollar amount of certified
9 purchases for certified targeted small businesses
10 during the previous quarter as required in section
11 73.16, subsection 2. The department shall keep any
12 vendor identification information received from the
13 department of inspections and appeals as provided in
14 section 10A.104, subsection 8, and necessary for the
15 quarterly reports, confidential to the same extent as
16 the department of inspection and appeals is required
17 to keep such information. Confidential information
18 received by the department from the department of
19 inspections and appeals shall not be disclosed except
20 pursuant to court order or with the approval of the
21 department of inspections and appeals.”

22 2. Page 3, by inserting after line 21 the
23 following:

24 “Sec. ___. Section 8A.221, subsection 2, paragraph
25 a, subparagraph (2), Code 2007, is amended to read as
26 follows:

27 (2) Recommend to the director the priority of
28 projects associated with lowAccess. The
29 recommendation may also include a recommendation
30 concerning funding for a project proposed by a
31 political subdivision of the state or an association,
32 the membership of which is comprised solely of
33 political subdivisions of the state. Prior to
34 recommending a project proposed by a political
35 subdivision, the advisory council shall verify that
36 all of the following conditions are met:

37 (a) The proposed project provides a benefit to the
38 state.

39 (b) The proposed project, once completed, can be
40 shared with and used by other political subdivisions
41 or the state, as appropriate.

42 (c) The state retains ownership of any final
43 product or is granted a permanent license to the use
44 of the product.

45 Sec. ___. Section 8A.402, subsection 2, Code 2007,
46 is amended by adding the following new paragraph:
47 NEW PARAGRAPH. f. Develop, in consultation with
48 the department of veterans affairs, programs to inform
49 members of the national guard or organized reserves of
50 the armed forces of the United States returning to

Page 2

- 1 Iowa following active federal service about job
- 2 opportunities in state government.
- 3 Sec. ___. Section 10A.104, subsection 8, Code

4 2007, is amended to read as follows:

5 8. Establish by rule standards and procedures for
6 certifying that targeted small businesses are eligible
7 to participate in the procurement program established
8 in sections 73.15 through 73.21. The procedure for
9 determination of eligibility shall not include
10 self-certification by a business. The director shall
11 maintain a current directory of targeted small
12 businesses that have been certified pursuant to this
13 subsection. The director shall also provide
14 information to the department of administrative
15 services necessary for the identification of targeted
16 small businesses as provided under section 8A.111,
17 subsection 11A.”

18 3. Page 3, by striking lines 26 through 31 and
19 inserting the following: “government information
20 policies, standards, and guidelines. A reference copy
21 of all mandated reports, newsletters, and publications
22 shall be located at an electronic repository for
23 public access ~~to be developed and maintained by the~~
24 ~~department of administrative services in consultation~~
25 ~~with the state librarian and the state archivist.”~~

26 4. By renumbering as necessary.

JEFF DANIELSON

S-5365

1 Amend Senate File 2421 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. Section 423B.7, subsection 6, Code
5 2007, is amended to read as follows:
6 6. Local sales and services tax moneys received by
7 a city or county may be expended for any lawful
8 purpose of the city or county.
9 a. For purposes of this subsection, “any lawful
10 purpose” includes providing financial assistance to
11 the following:
12 (1) Resident students of the city or county
13 graduating from a public or nonpublic school located
14 in the city or county who have enrolled in an
15 institution of higher education. For purposes of this
16 subparagraph, “financial assistance” includes loans,
17 forgivable loans, grants, and scholarships, and
18 “institution of higher education” includes a four-year
19 college or university, a community college, or a
20 technical or vocational school.
21 (2) Eligible members of the armed forces of the
22 United States for the purchase of residences or the
23 establishment or expansion of businesses located in
24 the city or county. For purposes of this

25 subparagraph, “eligible member of the armed forces of
 26 the United States” means a person who is or was a
 27 member of the national guard, reserve, or regular
 28 component of the armed forces of the United States who
 29 has served at least ninety days of active duty service
 30 beginning on or after September 11, 2001. “Eligible
 31 member of the armed forces of the United States” also
 32 means a former member of the national guard, reserve,
 33 or regular component of the armed forces of the United
 34 States who was honorably discharged due to injuries
 35 incurred while on active federal service beginning on
 36 or after September 11, 2001, that precluded completion
 37 of a minimum aggregate of ninety days of active
 38 federal service.

39 ~~a.~~ b. Notwithstanding the provisions of this
 40 subsection, sales and services tax moneys received
 41 from a tax imposed by a county pursuant to this
 42 chapter shall not be expended by or for the benefit of
 43 a school district located in whole or in part in the
 44 county unless the county is imposing a local option
 45 sales and services tax for school infrastructure
 46 purposes pursuant to chapter 423E.

47 ~~b.~~ c. Paragraph ~~“a.”~~ “b.” of this subsection is
 48 repealed December 31, 2022.”

49 2. Title page, by striking lines 1 and 2 and
 50 inserting the following: “An Act authorizing cities

Page 2

- 1 and counties to expend moneys from local option sales
- 2 and services taxes on financial assistance to certain
- 3 students and veterans.”

PAUL MCKINLEY

S-5366

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2628

1 Amend the Senate amendment, H-8403, to House File
 2 2628, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 1, by inserting after line 2 the
 5 following:

6 “ . Page 1, line 8, by inserting after the word
 7 “designed” the following: “except a bow and arrow
 8 when possessed and used for hunting or any other
 9 lawful purpose”.

10 2. By renumbering as necessary.

S-5367

1 Amend Senate File 2425 as follows:

2 1. Page 45, by striking lines 18 through 32 and
3 inserting the following:

4 “Sec. ____ POSITIVE ALTERNATIVES PROGRAM.

5 1. The department of human services shall
6 establish a positive alternatives program to provide
7 core services consisting of information, education,
8 counseling, and support services to women who
9 experience unplanned pregnancies by promoting
10 childbirth over abortion, assisting pregnant women in
11 remaining healthy and maintaining a healthy pregnancy
12 while deciding whether to keep the child or place the
13 child for adoption, and assisting the woman after the
14 birth of the child. The services provided may include
15 but are not limited to: counseling and mentoring;
16 pregnancy, childbirth, parenting, and abstinence
17 classes; fostering of a statewide pregnancy and
18 parenting support system; assistance with physical and
19 mental well-being of a woman during pregnancy and
20 post-delivery; assistance with the physical well-being
21 of the fetus and newborn; assistance with food,
22 shelter, clothing, health care, childcare, and
23 employment; and other supportive programs and
24 services. The department shall award grants to
25 service providers that do not provide abortions and
26 have been in existence for at least one year prior to
27 the awarding of the grant and that are experienced and
28 qualified in providing core pregnancy support services
29 that promote childbirth over abortion and parenting
30 support services, including but not limited to
31 pregnancy support organizations, maternity homes,
32 social service agencies, and adoption agencies.

33 2. There is appropriated from the general fund of
34 the state to the department of human services for the
35 fiscal year beginning July 1, 2008, and ending June
36 30, 2009, the following amount, or so much thereof as
37 is necessary, to be used for the purpose designated:

38 For the positive alternatives program in accordance
39 with this section:

40 \$ 750,000

41 Priority in the awarding of grants shall be given
42 to programs that serve areas of the state which
43 demonstrate the highest percentage of unplanned
44 pregnancies of females of childbearing age within the
45 geographic area to be served by the grant.”

S-5368

- 1 Amend Senate File 2425 as follows:
- 2 1. Page 8, by striking lines 29 through 33.

LARRY McKIBBEN

S-5369

- 1 Amend Senate File 2425 as follows:
- 2 1. Page 62, by inserting after line 6 the
- 3 following:
- 4 “10. For pregnancy counseling and support services
- 5 as specified in this subsection:
- 6 \$ 200,000
- 7 The department of human services shall establish a
- 8 pregnancy counseling and support services program to
- 9 provide core services consisting of information,
- 10 education, counseling, and support services to women
- 11 who experience unplanned pregnancies. Funds
- 12 appropriated in this subsection shall be used by the
- 13 department to award grants to service providers that
- 14 have been in existence for at least one year prior to
- 15 the awarding of the grant and that are experienced and
- 16 qualified in providing core pregnancy and parenting
- 17 support services, including but not limited to
- 18 pregnancy support organizations, maternity homes,
- 19 social service agencies, and adoption agencies.
- 20 Priority in the awarding of grants shall be given to
- 21 programs that serve areas of the state which
- 22 demonstrate the highest percentage of unplanned
- 23 pregnancies of females of childbearing age within the
- 24 geographic area to be served by the grant.”

JACK HATCH

S-5370

- 1 Amend the House amendment, S-5362, to Senate File
- 2 2417, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 13 the
- 4 following:
- 5 “___. Page 13, line 17, by striking the word
- 6 “REVERSION” and inserting the following: “TRANSFER —
- 7 REVERSION”.
- 8 ___. Page 13, by inserting before line 18, the
- 9 following:
- 10 1. Notwithstanding any provision of law to the
- 11 contrary, up to \$600,000 of the moneys from
- 12 appropriations that remain unencumbered or unobligated
- 13 at the close of the fiscal year beginning July 1,

14 2007, that would otherwise be required by law to
 15 revert to, be deposited in, or to be credited to the
 16 healthy Iowans tobacco trust or the endowment for
 17 Iowa's health account shall instead be transferred to
 18 the appropriation made in this Act to the department
 19 of public health to be used for the tobacco use
 20 prevention and control initiative for the fiscal year
 21 beginning July 1, 2008. Additionally, notwithstanding
 22 any provision of law to the contrary, if the transfer
 23 of moneys from such appropriations that remain
 24 unencumbered or unobligated at the close of the fiscal
 25 year beginning July 1, 2007, as provided in this
 26 subsection do not total \$600,000, if sufficient
 27 funding from all other appropriations made in this Act
 28 for the fiscal year beginning July 1, 2008, is
 29 available, the remaining amount up to a total of
 30 \$600,000 of the moneys deposited in the healthy Iowans
 31 tobacco trust during the fiscal year beginning July 1,
 32 2008, shall be transferred to the appropriation made
 33 in this Act to the department of public health to be
 34 used for the tobacco use prevention and control
 35 initiative for the fiscal year beginning July 1,
 36 2008."

37 _____. Page 13, by inserting after line 32 the
 38 following:

39 "Sec. _____. EFFECTIVE DATE. The provision in this
 40 division of this Act transferring up to \$600,000 of
 41 specified moneys to the appropriation made in this Act
 42 to the department of public health to be used for the
 43 tobacco use prevention and control initiative for the
 44 fiscal year beginning July 1, 2008, being deemed of
 45 immediate importance, takes effect upon enactment."

46 2. By renumbering as necessary.

JACK HATCH

S-5371

1 Amend House File 2669, as passed by the House, as
 2 follows:

3 1. Page 5, by striking lines 12 through 33 and
 4 inserting the following:

5 "8. The goal of the collection and recycling
 6 efforts under this section is to collect and recycle
 7 as many mercury-added thermostats as reasonably
 8 practicable. By January 1, 2009, the department shall
 9 determine collection goals for the program in
 10 consultation with interested persons, including the
 11 national electrical manufacturers association and
 12 representatives of thermostat manufacturers,
 13 thermostat wholesalers, thermostat retailers,
 14 contractors, environmental groups, and local

15 government. If collection efforts fail to meet the
16 collection goals described in this subsection, the
17 department shall, in consultation with the national
18 electrical manufacturers association and other
19 interested persons, consider modifications to
20 collection programs in an attempt to improve
21 collection rates in accordance with these goals.”
22 2. By renumbering as necessary.

JOE BOLKCOM

S-5372

1 Amend Senate File 2424 as follows:
2 1. Page 33, by inserting after line 15 the
3 following:
4 “Sec. ____ Section 411.3, subsection 3, paragraph
5 b, Code 2007, is amended to read as follows:
6 b. If a person is reemployed, the person shall not
7 become an active member of the system upon
8 reemployment, and the person so reemployed and the
9 participating city shall not make contributions to the
10 system based upon the person’s compensation for
11 reemployment. A person who is so reemployed shall ~~not~~
12 ~~be eligible~~ continue to receive a service retirement
13 allowance for the period of reemployment. The service
14 retirement allowance shall ~~be reinstated~~ continue upon
15 termination of the reemployment, but the service
16 retirement allowance shall not be recalculated based
17 upon the person’s reemployment. Notwithstanding
18 section 97B.1A or any other provision of law to the
19 contrary, a person reemployed as provided in this
20 subsection shall be exempt from chapter 97B.”
21 2. By renumbering as necessary.

LARRY NOBLE

S-5373

1 Amend Senate File 2424 as follows:
2 1. Page 18, by striking lines 13 through 16 and
3 inserting the following: “investment income of the
4 retirement fund. However, the amount appropriated for
5 a fiscal year under this paragraph shall not exceed
6 ~~four tenths~~ five-tenths of one percent of the market
7 value of the retirement fund.”

MARK ZIEMAN

S-5374

- 1 Amend Senate File 2424 as follows:
2 1. Page 21, line 20, by striking the word “vary”
3 and inserting the following: “increase”.

MARK ZIEMAN

S-5375

- 1 Amend Senate File 2424 as follows:
2 1. Page 19, by striking line 27 and inserting the
3 following:
4 “2. For purposes of this”.
5 2. Page 19, line 28, by inserting after the word
6 “requires” the following: “ for members in regular
7 service”.
8 3. By striking page 19, line 35, through page 20,
9 line 10, and inserting the following:
10 “c. “Total additional percentage” means as
11 follows:
12 (1) For the fiscal period beginning July 1, 2007,
13 through June 30, 2011, the total additional percentage
14 for a fiscal year shall be the total additional
15 percentage for the prior fiscal year plus, only if the
16 total comparison percentage is greater than the total
17 of the applicable employee percentage and the
18 applicable employer percentage for the prior fiscal
19 year, one-half percentage point.
20 (2) For each fiscal year beginning on or after
21 July 1, 2011, the total additional percentage shall be
22 the total additional percentage for the prior fiscal
23 year.”
24 4. Page 20, by striking lines 18 through 24.
25 5. Page 21, line 7, by striking the words
26 “members in regular service”.
27 6. Page 32, lines 26 and 27, by striking the
28 words “members in regular service.”.
29 7. By renumbering, redesignating, and correcting
30 internal references as necessary.

STEVE KETTERING

S-5376

- 1 Amend Senate File 2425 as follows:
2 1. Page 45, by striking lines 18 through 32.
3 2. By renumbering as necessary.

DAVID L. HARTSUCH

S-5377

1 Amend the amendment, S-5369, to Senate File 2425 as
2 follows:

3 1. Page 1, by striking line 4, and inserting the
4 following:

5 "10. For the positive alternatives program".

6 2. Page 1, by striking lines 7 through 24, and
7 inserting the following:

8 "The department of human services shall establish a
9 positive alternatives program to provide core services
10 consisting of information, education, counseling, and
11 support services to women who experience unplanned
12 pregnancies by promoting childbirth over abortion,
13 assisting pregnant women in remaining healthy and
14 maintaining a healthy pregnancy while deciding whether
15 to keep the child or place the child for adoption, and
16 assisting the woman after the birth of the child. The
17 services provided may include but are not limited to:
18 counseling and mentoring; pregnancy, childbirth,
19 parenting, and abstinence classes; fostering of a
20 statewide pregnancy and parenting support system;
21 assistance with physical and mental well-being of a
22 woman during pregnancy and post-delivery; assistance
23 with the physical well-being of the fetus and newborn;
24 assistance with food, shelter, clothing, health care,
25 childcare, and employment; and other supportive
26 programs and services. Funds appropriated in this
27 subsection shall be used by the department to award
28 grants to service providers that do not provide
29 abortions and have been in existence for at least one
30 year prior to the awarding of the grant and that are
31 experienced and qualified in providing core pregnancy
32 support services that promote childbirth over abortion
33 and parenting support services, including but not
34 limited to pregnancy support organizations, maternity
35 homes, social service agencies, and adoption agencies.
36 Priority in the awarding of grants shall be given to
37 programs that serve areas of the state which
38 demonstrate the highest percentage of unplanned
39 pregnancies of females of childbearing age within the
40 geographic area to be served by the grant."

DAVID JOHNSON

S-5378

1 Amend Senate File 2425 as follows:

2 1. Page 18, line 32, by striking the figure
3 "646,401,453" and inserting the following:
4 "653,046,206".

- 5 2. Page 46, line 3, by striking the figure
6 “183,367,323” and inserting the following:
7 “185,163,167”.
- 8 3. Page 46, line 29, by striking the figure
9 “4.52” and inserting the following: “4.57”.
- 10 4. Page 46, line 33, by striking the words
11 “remain at” and inserting the following: “be
12 increased by 1 percent over”.
- 13 5. Page 47, line 22, by striking the words
14 “remain at” and inserting the following: “be
15 increased by 1 percent over”.
- 16 6. Page 47, line 33, by striking the words
17 “remain at” and inserting the following: “be
18 increased by 1 percent over”.
- 19 7. Page 48, line 2, by striking the figure
20 “160.71” and inserting the following: “162.32”.
- 21 8. Page 48, line 5, by striking the words “remain
22 at” and inserting the following: “be increased by 1
23 percent over”.
- 24 9. Page 48, line 14, by striking the words
25 “remain at” and inserting the following: “be
26 increased by 1 percent over”.
- 27 10. Page 48, by inserting after line 35 the
28 following:
29 “m. For the fiscal year beginning July 1, 2008,
30 the reimbursement rate for anesthesiologists shall be
31 increased by 1 percent over the Medicare rate for
32 anesthesiologists in effect on January 1, 2008.”
- 33 11. Page 49, line 22, by striking the words
34 “remain at” and inserting the following: “be
35 increased by 1 percent over”.
- 36 12. Page 50, line 5, by striking the words
37 “remain at” and inserting the following: “be
38 increased by 1 percent over”.
- 39 13. Page 50, by striking lines 15 through 19 and
40 inserting the following:
41 “8. For the fiscal year beginning July 1, 2008,
42 the reimbursement rates for remedial service providers
43 shall be increased by 1 percent over the rates in
44 effect for June 30, 2008.”
- 45 14. Page 50, line 25, by striking the figure
46 “91.45” and inserting the following: “92.36”.
- 47 15. Page 50, line 33, by striking the words
48 “remain at” and inserting the following: “be
49 increased by \$0.91 over”.
- 50 16. Page 78, by inserting after line 26 the

Page 2

- 1 following:
2 “NEW SUBSECTION. 10. The amount appropriated in
3 this section represents a three percent increase over

4 the previous year's appropriation in order for
5 counties to provide a commensurate increase in the
6 reimbursement rates paid to service providers paid
7 from the county services funds."

JAMES SEYMOUR

S-5379

1 Amend Senate File 2425 as follows:
2 1. Page 122, by inserting after line 3 the
3 following:
4 "Sec. ____ Section 252B.7A, Code 2007, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 1A. The disability income
7 received by a veteran from the United States
8 department of veterans affairs for service-related
9 injuries shall not be considered income for the
10 purposes of determining a parent's income."
11 2. Page 124, by inserting after line 26 the
12 following:
13 "Sec. ____ Section 598.21B, subsection 2,
14 paragraph b, Code Supplement 2007, is amended by
15 adding the following new subparagraph:
16 NEW SUBPARAGRAPH. (4) For purposes of calculating
17 a support obligation under this section, the
18 disability income received by a veteran from the
19 United States department of veterans affairs for
20 service-related injuries shall not be considered
21 income."
22 3. By renumbering as necessary.

MARK ZIEMAN

S-5380

1 Amend Senate File 2425 as follows:
2 1. By striking page 132, line 14, through page
3 133, line 15, and inserting the following:
4 "Sec. ____ Section 236.2, Code 2007, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 4A. "Household pet" means pet as
7 defined in section 198.3.
8 Sec. ____ Section 236.3, subsection 6, Code 2007,
9 is amended to read as follows:
10 6. Name and age of each child under eighteen whose
11 welfare may be affected by the controversy. The
12 petition may also specify household pets which may be
13 affected by the controversy.
14 Sec. ____ Section 236.4, subsection 2, Code 2007,
15 is amended to read as follows:

16 2. The court may enter any temporary order it
 17 deems necessary to protect the plaintiff from domestic
 18 abuse prior to the hearing, including temporary
 19 custody or visitation orders or temporary orders
 20 relating to household pets, upon good cause shown in
 21 an ex parte proceeding. Present danger of domestic
 22 abuse to the plaintiff constitutes good cause for
 23 purposes of this subsection.

24 a. The court may award temporary custody of or
 25 establish temporary visitation rights with regard to
 26 children under eighteen years of age. In awarding
 27 temporary custody or temporary visitation rights, the
 28 court shall give primary consideration to the safety
 29 of the alleged victim and the children. Prior to the
 30 entry of any temporary order pursuant to this
 31 subsection related to a child-custody determination as
 32 defined in section 598B.102, the plaintiff shall
 33 comply with the provisions of section 598B.209. If
 34 the court finds that the safety of the alleged victim
 35 will be jeopardized by unsupervised or unrestricted
 36 visitation, the court shall set conditions or restrict
 37 visitation as to time, place, duration, or
 38 supervision, or deny visitation entirely, as needed to
 39 guard the safety of the victim and the children. The
 40 court shall also determine whether any other existing
 41 orders awarding custody or visitation should be
 42 modified.

43 b. The court may issue a temporary order granting
 44 the petitioner the exclusive care, possession, or
 45 control of a household pet specified in the petition
 46 which may be affected by the controversy. In granting
 47 temporary care, possession, or control of a household
 48 pet, the court shall give primary consideration to the
 49 safety of the alleged victim and the children.

50 Sec. __. Section 236.5, subsection 2, Code 2007,

Page 2

1 is amended by adding the following new paragraph:

2 **NEW PARAGRAPH.** bb. That the plaintiff or
 3 defendant have exclusive care, possession, or control
 4 of a household pet affected by the controversy.”

5 2. By renumbering as necessary.

JACK HATCH

S-5381

1 Amend the amendment, S-5378, to Senate File 2425 as
 2 follows:

3 1. Page 1, line 31, by striking the word
 4 “Medicare” and inserting the following: “medical

5 assistance”.

6 2. Page 1, line 32, by striking the word and
7 figures “January 1, 2008” and inserting the following:
8 “July 1, 2007”.

JAMES A. SEYMOUR

S-5382

1 Amend Senate File 2425 as follows:

2 1. Page 4, by striking lines 1 through 5 and
3 inserting the following:

4 “e. Of the funds appropriated in this subsection,
5 \$100,000 shall be transferred to the university of
6 Iowa college of dentistry for provision of primary
7 dental services to children. State funds shall be
8 matched on a dollar-for-dollar basis. The university
9 of Iowa college of dentistry shall coordinate efforts
10 with the department of public health bureau of oral
11 health to provide dental care to underserved
12 populations throughout the state.”

13 2. Page 4, by inserting after line 5 the
14 following:

15 “f. The department shall consult with other
16 agencies involved with provision of health-related
17 services to children and with legislators, providers,
18 advocates, and other stakeholders in performing a
19 study of services and other support promoting healthy
20 kids.”

21 3. Page 5, by striking lines 21 through 23.

22 4. Page 5, line 24, by striking the word “b.”

23 5. Page 5, line 33, by striking the word “Of” and
24 inserting the following:

25 “a. Of”.

26 6. Page 5, by inserting after line 35 the
27 following:

28 “b. Of the funds appropriated in this subsection,
29 \$100,000 shall be used to fund the position of bureau
30 chief for the center for acute disease epidemiology
31 (CADE).”

32 7. Page 14, by inserting after line 21 the
33 following:

34 “(3) Notwithstanding section 8.33, moneys
35 allocated in this lettered paragraph that remain
36 unencumbered or unobligated at the close of the fiscal
37 year shall not revert but shall remain available for
38 expenditure for the purposes designated until the
39 close of the succeeding fiscal year.”

40 8. Page 24, line 30, by inserting after the
41 figure “\$2,000,000.” the following: “The department
42 shall distribute the funding allocated under this
43 subparagraph proportionately among all home and

44 community-based services waivers.”

45 9. Page 25, by inserting after line 1 the
46 following:

47 “d. The department shall provide the results of
48 the audits of the third party administering behavioral
49 health services under the medical assistance program
50 for the fiscal years beginning July 1, 2006, and July

Page 2

1 1, 2007, to the legislative services agency for
2 review.”

3 10. Page 33, line 6, by inserting after the word
4 “section,” the following: “at least”.

5 11. Page 35, by striking lines 25 through 27 and
6 inserting the following:

7 “15. Of the funds appropriated in this section,
8 \$203,000 is allocated for continuation of the
9 contracts for the multidimensional treatment level
10 foster care program established pursuant to 2006 Iowa
11 Acts, chapter 1123, for a third year.”

12 12. Page 46, by inserting after line 3 the
13 following:

14 (2) For the state fiscal year beginning July 1,
15 2008, the patient-day weighted medians used in rate
16 setting for nursing facilities shall be recalculated
17 and the rates adjusted to provide an increase in
18 nursing facility rates by applying the skilled nursing
19 facility market basket inflation factor from the
20 mid-point of the cost report to July 1, 2007.”

21 13. Page 46, line 4, by striking the figure “(2)”
22 and inserting the following: “(3)”.

23 14. By striking page 52, line 21, through page
24 53, line 22, and inserting the following:

25 “b. Beginning July 1, 2008, notwithstanding any
26 law or rule to the contrary, the increased nursing
27 facility reimbursement available pursuant to paragraph
28 “a” shall be based upon the accountability measures
29 and calculations existing on July 1, 2008, pursuant to
30 441 IAC 81.6(16)(g), as adjusted in accordance with
31 the following provisions, and the increased
32 reimbursement shall be disbursed to each qualifying
33 nursing facility as an accountability payment at the
34 end of each fiscal year. The department of human
35 services shall request any medical assistance state
36 plan amendment necessary to implement the modified
37 accountability payment methodology. If the department
38 does not receive approval of the state plan amendment,
39 the funds designated for the purposes of providing the
40 accountability measures payment shall instead be
41 disbursed through the case-mix reimbursement system:

42 (1) If a nursing facility receives a citation

43 resulting in actual harm pursuant to the federal
44 certification guidelines at a G level scope and
45 severity or higher, the increased reimbursement
46 calculated for payment under this paragraph "b" shall
47 be reduced by 25 percent for each such citation during
48 the year. Additionally, if a nursing facility fails
49 to cure any deficiency cited within the time required
50 by the department of inspections and appeals, the

Page 3

1 increased reimbursement calculated for payment under
2 this paragraph shall be forfeited and the nursing
3 facility shall not receive any accountability measure
4 payment for the year.

5 (2) If a nursing facility receives a deficiency
6 resulting in actual harm or immediate jeopardy,
7 pursuant to the federal certification guidelines at an
8 H level scope and severity or higher, regardless of
9 the amount of any fines assessed, the increased
10 reimbursement calculated for payment under this
11 paragraph "b" shall be forfeited and the nursing
12 facility shall not receive any accountability measure
13 payment for the year.

14 (3) Beginning July 1, 2008, accountability measure
15 payments to providers shall be reduced by 20 percent
16 of the calculated amount. The percentage reduction
17 shall continue until June 30, 2009, or until such time
18 as the general assembly adopts a modification of the
19 accountability measures system.

20 c. It is the intent of the general assembly that
21 the department of human services assemble a workgroup
22 to develop recommendations to redesign the
23 accountability measures for implementation in the
24 fiscal year beginning July 1, 2009. The workgroup
25 shall include long-term care services stakeholders and
26 advocates including but not limited to representatives
27 of the AARP Iowa chapter, direct care workers,
28 long-term care provider entities, the long-term care
29 resident's advocate, the consumer members of the
30 senior living coordinating unit, the department of
31 elder affairs, the department of inspections and
32 appeals, and the chairpersons and ranking members of
33 the joint appropriations subcommittee on health and
34 human services. The workgroup shall submit its
35 recommendations for the redesigned accountability
36 measures which shall meet all of the following
37 specifications:

38 (1) Acknowledge and establish higher benchmarks
39 for performance-based reimbursement to those nursing
40 facilities meeting the identified and weighted
41 components recommended by the workgroup

42 (2) Reinforce the expectation that the
 43 performance-based payments will be used to support
 44 direct care and support care staff through increased
 45 wages, enhanced benefits, and expanded training
 46 opportunities and provide a system for determining
 47 compliance with this expectation.
 48 (3) Identify the best practices that are used in
 49 facilities receiving a performance-based payment and
 50 create a system to assist other facilities in the

Page 4

1 implementation of those best practices.”
 2 15. Page 53, line 32, by inserting after the word
 3 “services,” the following: “the board of pharmacy.”.
 4 16. Page 61, line 32, by striking the figure
 5 “1,050,000” and inserting the following: “500,000”.
 6 17. Page 62, by inserting after line 6 the
 7 following:
 8 “____. For transfer to the department of elder
 9 affairs to expand the elder abuse initiative program
 10 established pursuant to section 231.56A to additional
 11 counties:
 12 \$ 200,000
 13 18. Page 84, by striking lines 21 through 24 and
 14 inserting the following:
 15 “____. Of the funds appropriated in this
 16 subsection, \$75,000 shall be used to further develop
 17 and implement at the state level, and pilot at the
 18 local level, the Iowa public health standards approved
 19 by the department.”
 20 19. Page 92, by inserting after line 6 the
 21 following:
 22 “FAMILY INVESTMENT PROGRAM ACCOUNT
 23 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM
 24 Sec. ____ 2007 Iowa Acts, chapter 218, section 8,
 25 subsection 4, paragraph b, is amended by adding the
 26 following new subparagraph:
 27 NEW SUBPARAGRAPH. (7) Notwithstanding section
 28 8.33, moneys allocated in this lettered paragraph that
 29 remain unencumbered or unobligated at the close of the
 30 fiscal year shall not revert but shall remain
 31 available for expenditure for the purposes designated
 32 until the close of the succeeding fiscal year.”
 33 20. Page 93, by striking lines 21 through 31 and
 34 inserting the following:
 35 “CHILD AND FAMILY SERVICES
 36 PROTECTIVE CHILD CARE
 37 Sec. ____ 2007 Iowa Acts, chapter 218, section 18,
 38 subsection 9, is amended to read as follows:
 39 9. Of the funds appropriated in this section, at
 40 least \$3,696,285 shall be used for protective child

41 care assistance.”

42 21. Page 95, line 17, by inserting after the word
43 “appropriation.” the following: “Notwithstanding
44 section 8.33, moneys credited pursuant to this
45 subsection that remain unencumbered or unobligated at
46 the close of the fiscal year shall not revert but
47 shall remain available for expenditure for caseload
48 growth in the preparation for adult living program
49 pursuant to section 234.46 until the close of the
50 succeeding fiscal year.”

Page 5

1 22. Page 99, lines 28 and 29, by striking the
2 words: “WITH CONTINGENT APPLICABILITY DATE”.

3 23. Page 102, line 24, by striking the words
4 “CONTINGENT EFFECTIVE DATE — ”.

5 24. By striking page 102, line 28, through page
6 103, line 1.

7 25. Page 105, by striking line 12 and inserting
8 the following: “and service providers in coordinating
9 activities throughout the state to fulfill its
10 purpose.”

11 26. Page 105, by striking lines 25 through 27 and
12 inserting the following: “council activities. The
13 council shall work to ensure there is geographic,
14 cultural, and ethnic diversity among the membership.”

15 27. Page 106, line 6, by striking the word
16 “establish” and inserting the following: “maintain”.

17 28. Page 106, line 19, by striking the word
18 “support” and inserting the following: “provide input
19 into”.

20 29. Page 106, by striking line 32 and inserting
21 the following:

22 “g. Postsecondary education institutions,
23 including but not limited to institutions of higher
24 learning under the control of the state board of
25 regents and Iowa community colleges.”

26 30. Page 107, by striking lines 3 through 24 and
27 inserting the following:

28 “a. Coordinate the development and implementation
29 of a strategic plan.

30 b. Assist in the development of responsibilities
31 across agencies and other entities to achieve
32 strategic goals.”

33 31. Page 108, by striking lines 9 through 11.

34 32. By striking page 126, line 34, through page
35 132, line 11.

36 33. By striking page 133, line 16, through page
37 136, line 5.

38 34. Page 136, by striking lines 16 through 20 and
39 inserting the following: “community colleges, shall

40 establish a statewide pilot program to provide grants
41 to community colleges for the purpose of awarding
42 tuition assistance to individuals pursuing a course of
43 study leading to a degree applicable to the health
44 care workforce and employment by health care
45 facilities that provide services to adults with mental
46 illness or mental retardation.”
47 35. Page 137, line 15, by inserting after the
48 word “college” the following: “pursuing a course of
49 study leading to a degree applicable to the health
50 care workforce”.

Page 6

1 36. Page 137, by inserting after line 23 the
2 following:
3 “DIVISION ____
4 JUVENILE COURT PROCEEDINGS
5 Sec. ____ Section 232.2, subsection 4, paragraph
6 e, Code Supplement 2007, is amended to read as
7 follows:
8 e. The most recent information available regarding
9 the child’s health and education records, including
10 the date the records were supplied to the agency or
11 individual who is the child’s foster care provider.
12 If the child remains in foster care until the age of
13 majority, the child is entitled to receive prior to
14 discharge the most recent information available
15 regarding the child’s health and educational records.
16 Sec. ____ Section 232.46, subsection 4, Code 2007,
17 is amended to read as follows:
18 4. A consent decree shall remain in force for ~~six~~
19 ~~months~~ up to one year unless the child is sooner
20 discharged by the court or by the juvenile court
21 officer or other agency or person supervising the
22 child. Upon application of a juvenile court officer
23 or other agency or person supervising the child made
24 prior to the expiration of the decree and after notice
25 and hearing, or upon agreement by the parties, a
26 consent decree may be extended for up to an additional
27 ~~six months~~ year by order of the court.
28 Sec. ____ Section 232.91, subsection 3, Code
29 Supplement 2007, is amended to read as follows:
30 3. Any person who is entitled under section 232.88
31 to receive notice of a hearing concerning a child
32 shall be given the opportunity to be heard in any
33 other review or hearing involving the child. A foster
34 parent, relative, or other individual with whom a
35 child has been placed for preadoptive care shall have
36 the right to be heard in any proceeding involving the
37 child. If a child is of an age appropriate to attend
38 the hearing but the child does not attend, the court

39 shall determine if the child was informed of the
 40 child's right to attend the hearing."

41 37. Page 137, by inserting before line 24 the
 42 following:

43 "DIVISION ____
 44 INVESTIGATION OF DEATHS AT INSTITUTIONS
 45 Sec. ____ NEW SECTION. 218.64 INVESTIGATION OF
 46 DEATH.

47 1. For the purposes of this section, unless the
 48 context otherwise requires, "institution" and
 49 "resident" mean the same as defined in section 218.13.

50 2. Upon the death of a resident of an institution,

Page 7

1 the county medical examiner shall conduct a
 2 preliminary investigation of the death as provided in
 3 section 331.802. The cost of the preliminary
 4 investigation shall be paid by the department of human
 5 services.

6 Sec. ____ Section 222.12, Code 2007, is amended to
 7 read as follows:

8 222.12 DEATHS INVESTIGATED.

9 1. In the event of a sudden or mysterious Upon the
 10 death of a patient of a resource center or the special
 11 unit or any private institution for persons with
 12 mental retardation, an, a preliminary investigation of
 13 the death shall be held conducted as required by
 14 section 218.64 by the county medical examiner as
 15 provided in section 331.802. Such a preliminary
 16 investigation shall also be conducted in the event of
 17 a sudden or mysterious death of a patient in a private
 18 institution for persons with mental retardation. The
 19 superintendent of a resource center or a special unit
 20 or chief administrative officer of any private
 21 institution may request an investigation of the death
 22 of any patient by the county medical examiner.

23 2. Notice of the death of the patient, and the
 24 cause thereof of death, shall be sent to the county
 25 board of supervisors and to the judge of the court
 26 having that had jurisdiction over a committed patient.
 27 The fact of death with the time, place, and alleged
 28 cause shall be entered upon the docket of the court.

29 3. The parent, guardian, or other person
 30 responsible for the admission of a patient to such
 31 institutions a private institution for persons with
 32 mental retardation may also request an such a
 33 preliminary investigation by the county medical
 34 examiner in the event of the death of the patient that
 35 is not sudden or mysterious. The person or persons
 36 making the request shall be are liable for the expense
 37 of such preliminary investigation and payment therefor

38 ~~for the expense~~ may be required in advance. ~~The~~
 39 ~~expense of a county medical examiner's investigation~~
 40 ~~when requested by the superintendent of a state~~
 41 ~~resource center or a special unit shall be paid from~~
 42 ~~support funds of that institution.~~

43 Sec. ____ Section 226.34, Code 2007, is amended to
 44 read as follows:

45 226.34 INVESTIGATION OF DEATH — NOTICE.
 46 1. ~~An~~ Upon the death of a patient, the county
 47 medical examiner shall conduct a preliminary
 48 investigation by the county medical examiner shall be
 49 held in those cases where a death shall occur suddenly
 50 and without apparent cause, or a patient die and the

Page 8

1 ~~patient's relatives so request, but in the latter case~~
 2 ~~the relatives making the request shall be liable for~~
 3 ~~the expense of the same, and payment therefor may be~~
 4 ~~required in advance as required by section 218.64, in~~
 5 ~~accordance with section 331.802.~~

6 2. ~~When~~ If a patient in ~~any~~ a mental health
 7 institute ~~shall die~~ dies from any cause, the
 8 superintendent of ~~said~~ the institute shall within
 9 three days of the date of death, send by certified
 10 mail a written notice of death to all of the
 11 following:

12 1. a. The decedent's nearest relative.
 13 2. b. The clerk of the district court of the
 14 county from which the patient was committed, ~~and,~~
 15 3. c. The sheriff of the county from which the
 16 patient was committed.

17 Sec. ____ Section 331.802, subsection 2, Code
 18 2007, is amended to read as follows:

19 2. a. If a person's death affects the public
 20 interest, the county medical examiner shall conduct a
 21 preliminary investigation of the cause and manner of
 22 death, prepare a written report of the findings,
 23 promptly submit the full report to the state medical
 24 examiner on forms prescribed for that purpose, and
 25 submit a copy of the report to the county attorney.

26 b. ~~For~~ Except as provided in section 218.64 or as
 27 otherwise provided by law, for each preliminary
 28 investigation and the preparation and submission of
 29 the required reports, the county medical examiner
 30 shall receive from the county of appointment a fee
 31 determined by the board plus the examiner's actual
 32 expenses. The fee and expenses paid by the county of
 33 appointment shall be reimbursed to the county of
 34 appointment by the county of the person's residence.
 35 However, if the person's death is caused by a
 36 defendant for whom a judgment of conviction and

37 sentence is rendered under section 707.2, 707.3,
38 707.4, 707.5, or 707.6A, the county of the person's
39 residence may recover from the defendant the fee and
40 expenses.

41 c. The fee and expenses of the county medical
42 examiner who performs an autopsy or conducts an
43 investigation of a person who dies after being brought
44 into this state for emergency medical treatment by or
45 at the direction of an out-of-state law enforcement
46 officer or public authority shall be paid by the
47 state. A claim for payment shall be filed with the
48 Iowa department of public health. If moneys are not
49 appropriated to the Iowa department of public health
50 for the payment of autopsies under this ~~subsection~~

Page 9

1 paragraph, claims for payment shall be forwarded to
2 the state appeal board and, if authorized by the
3 board, shall be paid out of moneys in the general fund
4 of the state not otherwise appropriated.

5 Sec. ____ Section 331.802, subsection 3, Code
6 2007, is amended by adding the following new
7 paragraph:

8 NEW PARAGRAPH. k. Death of a person committed or
9 admitted to a state mental health institute, a state
10 resource center, the state training school, or the
11 Iowa juvenile home.”

JACK HATCH

S-5383

1 Amend Senate File 2425 as follows:
2 1. Page 45, line 32, by inserting after the word
3 “program.” the following: “The department of human
4 services, in cooperation with the department of public
5 health, shall develop procedures to ensure that
6 entities providing family planning services under this
7 section report information regarding child abuse,
8 statutory rape, and incest, and whether the services
9 provided to female minors were authorized by the
10 minor's parent, guardian, or physician in accordance
11 with the protocols developed pursuant to 2008 Iowa
12 Acts, House File 2310, if enacted.”

PAUL MCKINLEY

S-5384

HOUSE AMENDMENT TO
SENATE FILE 2134

1 Amend Senate File 2134, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 35A.5, subsection 9, Code
6 Supplement 2007, is amended to read as follows:

7 9. After consultation with the commission, provide
8 certification training to executive directors and
9 administrators of county commissions of veteran
10 affairs pursuant to section 35B.6. Training provided
11 under this subsection shall include accreditation by
12 the national association of county veteran service
13 officers. Training provided by the department shall
14 be certified by the national association of county
15 veteran service officers and, in addition, shall
16 ensure that each executive director and administrator
17 is proficient in the use of electronic mail, general
18 computer use, and use of the internet to access
19 information regarding facilities, benefits, and
20 services available to veterans and their families.

21 The department may adopt rules in accordance with
22 chapter 17A to provide for training of county veteran
23 affairs executive directors and administrators.

24 Sec. 2. NEW SECTION. 35A.16 COUNTY COMMISSIONS
25 OF VETERAN AFFAIRS FUND — APPROPRIATION.

26 1. a. A county commissions of veteran affairs
27 fund is created within the state treasury under the
28 control of the department. The fund shall consist of
29 appropriations made to the fund and any other moneys
30 available to and obtained or accepted by the
31 department from the federal government or private
32 sources for deposit in the fund.

33 b. There is appropriated from the general fund of
34 the state to the department, for the fiscal year
35 beginning July 1, 2009, and for each subsequent fiscal
36 year, the sum of one million dollars to be credited to
37 the county commissions of veteran affairs fund.

38 2. Notwithstanding section 12C.7, interest or
39 earnings on moneys in the county commissions of
40 veteran affairs fund shall be credited to the county
41 commissions of veteran affairs fund. Notwithstanding
42 section 8.33, moneys remaining in the county
43 commissions of veteran affairs fund at the end of a
44 fiscal year shall not revert to the general fund of
45 the state.

46 3. If sufficient moneys are available, the
47 department shall annually allocate ten thousand

48 dollars to each county commission of veteran affairs,
49 or to each county sharing the services of an executive
50 director or administrator pursuant to chapter 28E, to

Page 2

1 be used for the employment of an executive director or
2 administrator pursuant to section 35B.6.

3 4. A county commission of veteran affairs training
4 program account shall be established within the county
5 commissions of veteran affairs fund. Any moneys
6 remaining in the fund after the allocations under
7 subsection 3 shall be credited to the account and used
8 by the department to fund the county commission of
9 veteran affairs training program under section 35A.17.

10 Sec. 3. NEW SECTION. 35A.17 COUNTY COMMISSION OF
11 VETERAN AFFAIRS TRAINING PROGRAM.

12 1. A county commission of veteran affairs training
13 program is created under the control of the department
14 for the purpose of providing training, certification,
15 and accreditation opportunities for county commissions
16 of veteran affairs executive directors,
17 administrators, and employees.

18 2. The department may receive and accept
19 donations, grants, gifts, and contributions from any
20 public or private source for the purpose of providing
21 training opportunities under this section. All funds
22 received by the department shall be deposited in the
23 county commission of veteran affairs training program
24 account established in section 35A.16, subsection 4.

25 3. a. The department shall use funds deposited in
26 the county commission of veteran affairs training
27 program account to organize statewide or regional
28 training conferences and provide training,
29 certification, and accreditation opportunities for
30 county commissions of veteran affairs executive
31 directors, administrators, and employees, consistent
32 with the requirements of section 35A.5, subsection 9.

33 b. During the fiscal year beginning July 1, 2009,
34 the department shall use account funds to arrange for
35 an accreditation course by the national association of
36 county veteran service officers to take place within
37 the state.

38 c. The department may use account funds to hire an
39 agency, organization, or other entity to provide
40 training or educational programming, reimburse county
41 executive directors, administrators, and employees for
42 transportation costs related to a conference or
43 program, or both.

44 4. The department shall adopt rules, pursuant to
45 chapter 17A, deemed necessary for the administration
46 of the county commission of veteran affairs training

47 program.

48 Sec. 4. Section 35B.6, subsection 1, Code 2007, is
49 amended to read as follows:

50 1. a. The members of the commission shall qualify

Page 3

1 by taking the usual oath of office, and give bond in
2 the sum of five hundred dollars each, conditioned for
3 the faithful discharge of their duties with sureties
4 to be approved by the county auditor. The commission
5 shall organize by the selection of one of their
6 members as chairperson, and one as secretary. The
7 commission, subject to the approval of the board of
8 supervisors, shall ~~have power to~~ employ an executive
9 director ~~or administrator~~ and ~~shall have the power to~~
10 ~~employ~~ other necessary ~~employees when needed,~~
11 ~~including~~ administrative or clerical assistants ~~when~~
12 ~~needed, the~~. The compensation of such employees to
13 shall be fixed by the board of supervisors, but no
14 member of the commission shall be so employed. The
15 executive director must possess the same
16 qualifications as provided in section 35B.3 for
17 commission members. However, this qualification
18 requirement shall not apply to a person employed as an
19 executive director prior to July 1, 1989.

20 b. The commission may employ an administrator in
21 lieu of an executive director. Administrators shall
22 not be required to meet all the qualifications
23 provided in section 35B.3 for commissioners. An
24 administrator may hold another position within the
25 county or other government entity while serving as an
26 administrator only if such position does not adversely
27 affect the administrator's duties under this chapter.

28 ~~b. c.~~ c. Upon the employment of an executive
29 director ~~or administrator~~, the executive director ~~or~~
30 ~~administrator~~ shall complete a course of ~~initial~~
31 certification training provided by the department of
32 veterans affairs pursuant to section 35A.5. If an
33 executive director or administrator fails to obtain
34 certification within one year of being employed, the
35 executive director or administrator shall be removed
36 from office. If an executive director is not
37 ~~appointed, a~~ A commissioner or ~~a clerical assistant~~
38 ~~shall other commission employee may also complete the~~
39 course of certification training. The department
40 shall issue the executive director, administrator,
41 commissioner, or ~~clerical assistant~~ employee a
42 certificate of training after completion of the
43 ~~initial~~ certification training course. To maintain
44 ~~annual~~ certification, the executive director,
45 administrator, commissioner, or ~~clerical assistant~~

46 employee shall attend one department training course
47 each year satisfy the continuing education
48 requirements established by the national association
49 of county veteran service officers. Failure of an
50 executive director or administrator to maintain

Page 4

1 certification ~~may~~ shall be cause for removal from
2 office. The expenses of training the executive
3 director or administrator shall be paid from the
4 appropriation authorized in section 35B.14.

5 d. The duties of the executive director,
6 administrator, and employees shall include all of the
7 following:

8 (1) Inform members of the armed forces, veterans,
9 and their dependents of all federal, state, and local
10 laws enacted for their benefit.

11 (2) Assist all residents of the state who served
12 in the armed forces of the United States and their
13 relatives, beneficiaries, and dependents in receiving
14 from the United States and this state any and all
15 compensation, pensions, hospitalization, insurance,
16 education, employment pay and gratuities, loan
17 guarantees, or any other aid or benefit to which they
18 may be entitled under any law.

19 e. The department of veterans affairs or county
20 veteran affairs offices shall not charge for any
21 service provided to any individual.

22 Sec. 5. Section 35B.6, subsection 2, Code 2007, is
23 amended to read as follows:

24 2. Two or more boards of supervisors may agree,
25 pursuant to chapter 28E, to share the services of an
26 executive director or administrator. The agreement
27 shall provide for the establishment of a commission of
28 veteran affairs office in each of the counties
29 participating in the agreement.

30 Sec. 6. Section 35B.6, subsection 4, Code 2007, is
31 amended by striking the subsection and inserting in
32 lieu thereof the following:

33 4. a. Each county commission of veteran affairs
34 shall maintain an office in a building owned,
35 operated, or leased by the county.

36 b. An executive director or administrator employed
37 pursuant to subsection 1 shall provide veterans
38 services for the following minimum number of hours
39 each week:

40 (1) For a county with a population of thirty
41 thousand or less, no fewer than twenty hours per week.

42 (2) For a county with a population of more than
43 thirty thousand and less than sixty thousand, no fewer
44 than thirty hours per week.

45 (3) For a county with a population of sixty
46 thousand or more, no fewer than forty hours per week.
47 c. Counties sharing the services of an executive
48 director or administrator shall consider the aggregate
49 population of such counties when determining the
50 number of hours of service required under paragraph

Page 5

1 "b". The number of hours shall be allocated between
2 the counties in the proportion that the population of
3 each county bears to the aggregate population.

4 d. The hours that the office established under
5 paragraph "a", is open shall be posted in a prominent
6 position outside the office.

7 Sec. 7. Section 35B.14, Code 2007, is amended to
8 read as follows:

9 35B.14 COUNTY APPROPRIATION.

10 1. The board of supervisors of each county may
11 appropriate moneys for training an executive director
12 or administrator as provided for in section 35B.6, the
13 food, clothing, shelter, utilities, medical benefits,
14 and funeral expenses of indigent veterans, as defined
15 in section 35.1, and their indigent spouses, surviving
16 spouses, and minor children not over eighteen years of
17 age, having a legal residence in the county.

18 2. The appropriation shall be expended by the
19 joint action and control of the board of supervisors
20 and the county commission of veteran affairs.

21 Sec. 8. Section 321.34, subsection 24, Code
22 Supplement 2007, is amended to read as follows:

23 24. GOLD STAR PLATES. An owner referred to in
24 subsection 12 who is the surviving spouse, parent,
25 child, or sibling of a deceased member of the United
26 States armed forces who died while serving on active
27 duty during a time of military conflict or who died as
28 a result of such service may order special
29 registration plates bearing a gold star emblem upon
30 written application to the department accompanied by
31 satisfactory supporting documentation as determined by
32 the department. The gold star emblem shall be
33 designed by the department in cooperation with the
34 commission of veterans affairs. The special plate
35 fees collected by the director under subsection 12,
36 paragraph "a", from the issuance and annual validation
37 of letter-number designated and personalized gold star
38 plates shall be paid monthly to the treasurer of state
39 and credited to the road use tax fund.

40 Notwithstanding section 423.43, and prior to the
41 crediting of revenues to the road use tax fund under
42 section 423.43, subsection 1, paragraph "b", the
43 treasurer of state shall transfer monthly from those

44 revenues to the veterans license fee fund created in
 45 section 35A.11 the amount of the special fees
 46 collected in the previous month for gold star plates.
 47 Sec. 9. STATE MANDATE FUNDING SPECIFIED. In
 48 accordance with section 25B.2, subsection 3, the state
 49 cost of requiring compliance with any state mandate
 50 included in this Act shall be moneys appropriated in

Page 6

1 this Act and shall be deemed to meet all the state
 2 funding-related requirements of section 25B.2,
 3 subsection 3, and no specific state funding shall be
 4 necessary for the full implementation of this Act by
 5 and enforcement of this Act against all affected
 6 political subdivisions.
 7 Sec. 10. EFFECTIVE DATE. This Act takes effect on
 8 July 1, 2009, except for section 8 of this Act,
 9 amending section 321.34, which shall take effect on
 10 July 1, 2008.”
 11 2. Title page, by striking lines 1 through 3 and
 12 inserting the following:
 13 “An Act relating to veterans affairs by modifying
 14 training requirements, requiring executive directors
 15 and administrators to provide minimum hours of service
 16 in each county, specifying executive director,
 17 administrator, and employee duties, creating a county
 18 commission of veteran affairs training program,
 19 creating a county commissions of veteran affairs fund,
 20 providing an appropriation, concerning eligibility
 21 criteria for special gold star motor vehicle
 22 registration plates and providing an effective date.”

S-5385

HOUSE AMENDMENT TO
 SENATE FILE 2386

1 Amend Senate File 2386, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 20 and 21 and
 4 inserting the following:
 5 “g. Three individuals representing gas and
 6 electric public utilities within this state, comprised
 7 of one individual representing rural electric
 8 cooperatives, one individual representing municipal
 9 utilities, and one individual representing
 10 investor-owned utilities.”
 11 2. Page 4, by inserting after line 11 following:
 12 “Sec. __. Section 476.6, subsection 16, Code
 13 Supplement 2007, is amended by adding the following
 14 new paragraphs:

15 NEW PARAGRAPH. bb. (1) Gas and electric
16 utilities that are not required to be rate-regulated
17 under this chapter shall assess maximum potential
18 energy and capacity savings available from actual and
19 projected customer usage through cost-effective energy
20 efficiency measures and programs, taking into
21 consideration the utility service area's historic
22 energy load, projected demand, customer base, and
23 other relevant factors. Each utility shall establish
24 an energy efficiency goal based upon this assessment
25 of potential and shall establish cost-effective energy
26 efficiency programs designed to meet the energy
27 efficiency goal. Separate goals may be established
28 for various customer groupings.

29 (2) Energy efficiency programs shall include
30 efficiency improvements to a utility infrastructure
31 and system and activities conducted by a utility
32 intended to enable or encourage customers to increase
33 the amount of heat, light, cooling, motive power, or
34 other forms of work performed per unit of energy used.
35 In the case of a municipal utility, for purposes of
36 this paragraph, other utilities and departments of the
37 municipal utility shall be considered customers to the
38 same extent that such utilities and departments would
39 be considered customers if served by an electric or
40 gas utility that is not a municipal utility. Energy
41 efficiency programs include activities which lessen
42 the amount of heating, cooling, or other forms of work
43 which must be performed, including but not limited to
44 energy studies or audits, general information,
45 financial assistance, direct rebates to customers or
46 vendors of energy-efficient products, research
47 projects, direct installation by the utility of
48 energy-efficient equipment, direct and indirect load
49 control, time-of-use rates, tree planting programs,
50 educational programs, and hot water insulation

Page 2

1 distribution programs.
2 (3) Each utility shall commence the process of
3 determining its cost-effective energy efficiency goal
4 on or before July 1, 2008, shall provide a progress
5 report to the board on or before January 1, 2009, and
6 complete the process and submit a final report to the
7 board on or before January 1, 2010. The report shall
8 include the utility's cost-effective energy efficiency
9 goal, and for each measure utilized by the utility in
10 meeting the goal, the measure's description, projected
11 costs, and the analysis of its cost-effectiveness.
12 Each utility or group of utilities shall evaluate
13 cost-effectiveness using the cost-effectiveness tests

14 in accordance with section 476.6, subsection 14.
15 Individual utilities or groups of utilities may
16 collaborate in conducting the studies required
17 hereunder and may file a joint report or reports with
18 the board. However, the board may require individual
19 information from any utility, even if it participates
20 in a joint report.

21 (4) On January 1 of each even-numbered year,
22 commencing January 1, 2012, gas and electric utilities
23 that are not required to be rate-regulated shall file
24 a report with the board identifying their progress in
25 meeting the energy efficiency goal and any updates or
26 amendments to their energy efficiency plans and goals.
27 Filings made pursuant to this paragraph "bb" shall be
28 deemed to meet the filing requirements of section
29 476.1A, subsection 7, and section 476.1B, subsection
30 1, paragraph "l".

31 NEW PARAGRAPH. bbb. (1) The board shall evaluate
32 the reports required to be filed pursuant to paragraph
33 "b" by gas and electric utilities required to be
34 rate-regulated, and shall submit a report summarizing
35 the evaluation to the general assembly on or before
36 January 1, 2009.

37 (2) The board shall evaluate the reports required
38 to be filed pursuant to paragraph "bb" by gas and
39 electric utilities that are not required to be
40 rate-regulated, and shall submit a report summarizing
41 the evaluation to the general assembly on or before
42 January 1, 2011.

43 (3) The reports submitted by the board to the
44 general assembly pursuant to this paragraph "bbb"
45 shall include the goals established by each of the
46 utilities. The reports shall also include the
47 projected costs of achieving the goals, potential rate
48 impacts, and a description of the programs offered and
49 proposed by each utility or group of utilities, and
50 may take into account differences in system

Page 3

1 characteristics, including but not limited to sales to
2 various customer classes, age of facilities of new
3 large customers, and heating fuel type. The reports
4 may contain recommendations concerning the
5 achievability of certain intermediate and long-term
6 energy efficiency goals based upon the results of the
7 assessments submitted by the utilities.

8 Sec. __. NEW SECTION. 476.44A TRADING OF
9 CREDITS.

10 The board may establish or participate in a program
11 to track, record, and verify the trading of credits
12 for electricity generated from alternative energy

13 production facilities or renewable energy sources
14 among electric generators, utilities, and other
15 interested entities, within this state and with
16 similar entities in other states.

17 Sec. ____. RENEWABLE ENERGY GENERATION —
18 COST-EFFECTIVE POTENTIAL STUDY. The Iowa utility
19 association, in consultation with the Iowa association
20 of electric cooperatives and the Iowa association of
21 municipal utilities, shall conduct a technical study
22 of the potential for achieving or engaging in
23 renewable energy generation on a cost-effective basis
24 by 2025. The study shall be transmitted to the office
25 of energy independence by December 1, 2008, to be
26 submitted with the energy independence plan required
27 to be submitted by the office to the governor and the
28 general assembly by December 14, 2008.

29 Sec. ____. ENERGY EFFICIENCY INTERIM STUDY
30 COMMITTEE — CONSUMER FOCUS — REQUEST TO ESTABLISH.
31 The legislative council is requested to establish an
32 interim study committee to examine the existence and
33 effectiveness of energy efficiency plans and programs
34 implemented by gas and electric public utilities, with
35 an emphasis on results achieved by current plans and
36 programs from the demand, or customer, perspective,
37 and to make recommendations for additional
38 requirements applicable to energy efficiency plans and
39 programs that would improve such results. In
40 conducting the study and developing recommendations,
41 the committee shall consider testimony from the Iowa
42 utilities board, rate and nonrate-regulated gas and
43 electric utilities, the consumer advocate, state
44 agencies involved with energy efficiency program
45 administration, environmental groups and associations,
46 and consumers. The committee shall be composed of ten
47 members, representing both political parties and both
48 houses of the general assembly. Five members shall be
49 members of the senate, three of whom shall be
50 appointed by the majority leader of the senate and two

Page 4

1 of whom shall be appointed by the minority leader of
2 the senate. The other five members shall be members
3 of the house of representatives, three of whom shall
4 be appointed by the speaker of the house of
5 representatives, and two of whom shall be appointed by
6 the minority leader of the house of representatives.
7 The committee shall issue a report of its
8 recommendations to the general assembly by January 15,
9 2009.
10 Sec. ____. EFFECTIVE DATE. This Act, being deemed
11 of immediate importance, takes effect upon enactment.”

- 12 3. Title page, by striking lines 1 through 5 and
13 inserting the following: “An Act relating to energy
14 efficiency by establishing a commission on energy
15 efficiency standards and practices, providing for the
16 reporting of energy efficiency results and savings by
17 gas and electric public utilities, specifying
18 procedures for assessing potential energy and capacity
19 savings and developing energy efficiency goals by gas
20 and electric utilities not subject to rate regulation,
21 providing for the establishment or participation in a
22 program to track, record, or verify the trading of
23 credits for electricity generated from specified
24 sources, and providing for the establishment of an
25 interim study committee to conduct an examination of
26 energy efficiency plans and programs with an emphasis
27 on the demand or customer perspective, and providing
28 an effective date.”
29 4. By renumbering as necessary.

S-5386

- 1 Amend Senate File 2421 as follows:
2 1. Page 4, by inserting after line 2 the
3 following:
4 “f. If the question of whether to impose a special
5 charter city sales and services tax fails to gain
6 approval by the required percentage of votes, a
7 question of whether to impose a special charter city
8 sales and services tax that proposes to use the
9 receipts in substantially the same manner shall not be
10 submitted to the registered voters again for a period
11 of at least four years following the date of the
12 election at which the question was defeated.”
13 2. By renumbering as necessary.

DICK L. DEARDEN

S-5387

- 1 Amend House File 2660, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 17, line 21, by striking the figure
4 “49,688,777” and inserting the following:
5 “51,038,777”.
6 2. Page 17, by inserting after line 22 the
7 following:
8 “As a condition of receiving the appropriation in
9 this subsection, the department of public safety shall
10 increase expenditures for overtime paid to peace
11 officer members of the state patrol by \$350,000 and

12 increase expenditures for fuel used by the motor
13 vehicles of such members by \$1,000,000.”

LARRY NOBLE

S-5388

1 Amend Senate File 2422 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 “Section 1. Section 11.5B, Code 2007, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 15. Office of energy
7 independence.”
8 2. Page 1, by inserting after line 9 the
9 following:
10 “Sec. ____ Section 455B.851, subsection 7, Code
11 Supplement 2007, is amended to read as follows:
12 7. After consideration of a full range of policies
13 and strategies, including the cost-effectiveness of
14 the strategies, the council shall develop multiple
15 scenarios designed to reduce statewide greenhouse gas
16 emissions including one scenario that would reduce
17 such emissions by fifty percent by 2050. The council
18 shall also develop short-term, medium-term, and
19 long-term scenarios designed to reduce statewide
20 greenhouse gas emissions and shall consider the
21 cost-effectiveness of the scenarios. The council
22 shall establish a baseline year for purposes of
23 calculating reductions in statewide greenhouse gas
24 emissions. The council shall take nuclear power into
25 consideration as part of its discussion of greenhouse
26 gas reductions, and shall incorporate that
27 consideration into its proposal. The council shall
28 submit ~~the~~ an initial proposal to the governor and the
29 general assembly by January 1, 2008, and shall submit
30 an updated proposal by January 1, 2009.
31 Sec. ____ Section 469.4, subsection 2, Code
32 Supplement 2007, is amended to read as follows:
33 2. The plan shall provide cost-effective options
34 and strategies for reducing the state’s consumption of
35 energy, dependence on foreign sources of energy, use
36 of fossil fuels, and greenhouse gas emissions. The
37 options and strategies developed in the plan shall
38 provide for achieving energy independence from foreign
39 sources of energy by the year 2025. The plan shall
40 include a review of a range of energy sources
41 including nuclear power.”
42 3. Page 1, by striking lines 12 through 26 and
43 inserting the following:
44 “d. Direct moneys from the fund to be used to
45 purchase private or public technical assistance needed

46 to conduct due diligence activities ~~and to develop an~~
 47 ~~Iowa energy independence plan and to address all~~
 48 ~~technical, financial, and management processes~~
 49 ~~associated with applications to the extent not~~
 50 ~~financed by the applicant. Such moneys shall also be~~

Page 2

1 ~~used to research, develop, produce, and initiate~~
 2 ~~implementation of the energy independence plan. Other~~
 3 ~~than applicant financing, if agreed to by an applicant~~
 4 ~~and the due diligence committee, an application fee~~
 5 ~~shall not be imposed. Payments received in the form~~
 6 ~~of applicant financing pursuant to this paragraph~~
 7 ~~shall be deposited in the fund and utilized~~
 8 ~~exclusively for the purposes for which the payments~~
 9 ~~were received.”~~

10 4. Page 4, line 7, by striking the word “five”
 11 and inserting the following: “three and five-tenths”.

12 5. Page 4, line 16, by striking the word
 13 “activities,” and inserting the following:
 14 “activities and”.

15 6. Page 4, by striking lines 17 through 22 and
 16 inserting the following: “address all technical,
 17 financial, and management processes associated with
 18 applications to the extent not financed by the
 19 applicant. Such moneys shall also be used to
 20 research, develop, produce, and initiate
 21 implementation of the energy independence plan.”

22 7. Page 5, by striking lines 21 through 25 and
 23 inserting the following: “diligence activities and to
 24 address all technical, financial, and management
 25 processes associated with applications to the extent
 26 not financed by the applicant. Such moneys shall also
 27 be used to research, develop, produce, and initiate
 28 implementation of the energy independence plan.”

29 8. Title page, line 6, by inserting after the
 30 word “costs,” the following: “authorizing repayment
 31 of audit expenses to the auditor of state.”

32 9. By renumbering as necessary.

WILLIAM DOTZLER

S-5389

HOUSE AMENDMENT TO
 SENATE FILE 517

1 Amend Senate File 517, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
 4 clause and inserting the following:

5 “Section 1. Section 8.60, subsection 15, Code
6 2007, is amended by striking the subsection.
7 Sec. 2. Section 12.28, subsection 6, Code 2007, is
8 amended to read as follows:
9 6. The maximum principal amount of financing
10 agreements which the treasurer of state can enter into
11 shall be one million dollars per state agency in a
12 fiscal year, subject to the requirements of section
13 8.46. For the fiscal year, the treasurer of state
14 shall not enter into more than one million dollars of
15 financing agreements per state agency, not considering
16 interest expense. However, the treasurer of state may
17 enter into financing agreements in excess of the one
18 million dollar per agency per fiscal year limit if a
19 constitutional majority of each house of the general
20 assembly, or the legislative council if the general
21 assembly is not in session, and the governor,
22 authorize the treasurer of state to enter into
23 additional financing agreements above the one million
24 dollar authorization contained in this section. The
25 treasurer of state shall not enter into a financing
26 agreement for real or personal property which is to be
27 constructed for use as a prison or prison-related
28 facility without prior authorization by a
29 constitutional majority of each house of the general
30 assembly and approval by the governor of the use,
31 location, and maximum cost, not including interest
32 expense, of the real or personal property to be
33 financed. However, financing agreements for an energy
34 conservation measure, as defined in section 7D.34, for
35 an energy management improvement, as defined in
36 section 473.19, or for costs associated with projects
37 under section 473.13A, are exempt from the provisions
38 of this subsection, but are subject to the
39 requirements of section 7D.34 ~~or 473.20A~~. In
40 addition, financing agreements funded through the
41 materials and equipment revolving fund established in
42 section 307.47 are exempt from the provisions of this
43 subsection.
44 Sec. 3. Section 103A.3, Code 2007, is amended by
45 adding the following new subsection:
46 NEW SUBSECTION. 23. “Sustainable design” means
47 construction design intended to minimize negative
48 environmental impacts and to promote the health and
49 comfort of building occupants including but not
50 limited to measures to reduce consumption of

Page 2

- 1 nonrenewable resources, minimize waste, and create
- 2 healthy, productive environments.
- 3 Sec. 4. Section 103A.7, subsection 6, Code 2007,

4 is amended to read as follows:

5 6. The conservation of energy through thermal ~~and~~
6 ~~lighting~~ efficiency standards for buildings intended
7 for human occupancy ~~or use~~ and which are heated or
8 cooled and lighting efficiency standards for buildings
9 intended for human occupancy which are lighted.

10 Sec. 5. Section 103A.7, Code 2007, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 7. Standards for sustainable
13 design, also known and referred to as green building
14 standards.

15 Sec. 6. Section 103A.8, subsections 7 and 8, Code
16 2007, are amended to read as follows:

17 7. Limit the application of thermal efficiency
18 standards for energy conservation to ~~new~~ construction
19 of buildings which will incorporate a heating or
20 cooling system are heated or cooled. Air exchange
21 fans designed to provide ventilation shall not be
22 considered a cooling system. The commissioner shall
23 exempt any ~~new~~ construction from any thermal
24 efficiency ~~standards~~ standard for energy conservation
25 if the commissioner determines that the ~~standards are~~
26 standard is unreasonable as ~~they apply it would apply~~
27 to a particular building or class of buildings
28 including farm buildings for livestock use. No
29 standard adopted by the commissioner for energy
30 conservation in construction shall be interpreted to
31 require the replacement or modification of any
32 existing equipment or feature solely to ensure
33 compliance with requirements for energy conservation
34 in construction. Lighting efficiency standards shall
35 recognize variations in lighting intensities required
36 for the various tasks performed within the building.
37 The commissioner shall consult with the department of
38 natural resources regarding standards for energy
39 conservation prior to the adoption of the standards.
40 However, the standards shall be consistent with
41 section 103A.8A.

42 8. Facilitate the development and use of ~~solar~~
43 renewable energy.

44 Sec. 7. Section 103A.8A, Code 2007, is amended to
45 read as follows:

46 103A.8A ENERGY CONSERVATION REQUIREMENTS.

47 The state building code commissioner shall adopt as
48 a part of the state building code a requirement that
49 new single-family or two-family residential
50 construction shall comply with energy conservation

Page 3

1 requirements. The requirements adopted by the
2 commissioner shall be based upon a nationally

3 recognized standard or code for energy conservation.
4 The requirements shall only apply to single-family or
5 two-family residential construction commenced after
6 the adoption of the requirements. ~~This chapter shall
7 not be construed to prohibit a governmental
8 subdivision from adopting or enacting a minimum energy
9 standard which is substantially in accordance and
10 consistent with energy codes and standards developed
11 by a nationally recognized organization in effect on
12 or after July 1, 2002. A governmental subdivision
13 that adopts or enacts a minimum energy standard which
14 is substantially in accordance and consistent with
15 energy codes and standards developed by a nationally
16 recognized organization shall adopt or enact any
17 update or revision to the energy codes and standards.
18 Notwithstanding any other provision of this chapter to
19 the contrary, the energy conservation requirements
20 adopted by the commissioner and approved by the
21 council shall apply to new single-family or two-family
22 residential construction commenced on or after July 1,
23 2008, and shall supersede and replace any minimum
24 requirements for energy conservation adopted or
25 enacted by the governmental subdivision prior to that
26 date applicable to such construction. The state
27 building code commissioner may provide training to
28 builders, contractors, and other interested persons on
29 the adopted energy conservation requirements.~~

30 Sec. 8. NEW SECTION. 103A.8B SUSTAINABLE DESIGN
31 OR GREEN BUILDING STANDARDS.

32 The commissioner, after consulting with and
33 receiving recommendations from the department of
34 natural resources and the office of energy
35 independence, shall adopt rules pursuant to chapter
36 17A specifying standards and requirements for
37 sustainable design and construction based upon or
38 incorporating nationally recognized ratings,
39 certifications, or classification systems, and
40 procedures relating to documentation of compliance.
41 The standards and requirements shall be incorporated
42 into the state building code established in section
43 103A.7, but in lieu of general applicability shall
44 apply to construction projects only if such
45 applicability is expressly authorized by statute, or
46 as established by another state agency by rule.

47 Sec. 9. Section 103A.10, subsection 4, paragraphs
48 a and b, Code Supplement 2007, are amended to read as
49 follows:

50 a. Provisions of the state building code

Page 4

1 establishing thermal efficiency energy conservation
2 standards shall be applicable to all ~~new~~ construction
3 ~~owned by the state, an agency of the state or a~~
4 ~~political subdivision of the state, to all new~~
5 ~~construction located in a governmental subdivision~~
6 ~~which has adopted either the state building code or a~~
7 ~~local building code or compilation of requirements for~~
8 ~~building construction and to all other new~~
9 ~~construction in the state which will contain more than~~
10 ~~one hundred thousand cubic feet of enclosed space that~~
11 ~~is heated or cooled. The commissioner shall provide~~
12 ~~appropriate exceptions for construction where the~~
13 ~~application of an energy conservation requirement~~
14 ~~adopted pursuant to this chapter would be impractical.~~

15 b. Provisions of the state building code
16 establishing lighting efficiency standards shall be
17 applicable to all ~~new~~ construction ~~owned by the state,~~
18 ~~an agency of the state or a political subdivision of~~
19 ~~the state and to all new construction,~~ in the state,
20 ~~of buildings which are open to the general public~~
21 ~~during normal business hours and to new and~~
22 ~~replacement lighting in existing buildings.~~

23 Sec. 10. Section 103A.10, subsection 5, Code
24 Supplement 2007, is amended by striking the subsection
25 and inserting in lieu thereof the following:

26 5. Notwithstanding any other provision of this
27 chapter to the contrary, the energy conservation
28 requirements adopted by the commissioner and approved
29 by the council shall apply to all new construction
30 commenced on or after July 1, 2008, and shall
31 supersede and replace any minimum requirements for
32 energy conservation adopted or enacted by the
33 governmental subdivision prior to that date and
34 applicable to such construction.

35 Sec. 11. Section 103A.10A, subsections 1 and 2,
36 Code Supplement 2007, are amended to read as follows:

37 1. ~~Beginning on January 1, 2007, all~~ All newly
38 constructed buildings or structures subject to the
39 state building code, excluding including any addition,
40 but excluding any renovation, or repair of a building
41 or structure, ~~whether existing prior to January 1,~~
42 ~~2007, or thereafter, that are owned by the state or an~~
43 ~~agency of the state, except as provided in subsection~~
44 ~~2, shall be subject to a plan review and inspection by~~
45 ~~the commissioner or an independent building inspector~~
46 ~~appointed by the commissioner. A fee shall be~~
47 ~~assessed for the cost of plan review and the cost of~~
48 ~~inspection. The commissioner may inspect an existing~~
49 ~~building that is undergoing renovation or remodeling~~
50 ~~to enforce the energy conservation requirements~~

Page 5

1 established under this chapter.
2 2. ~~Beginning on July 1, 2007, all~~ All newly
3 constructed buildings, ~~excluding~~ including any
4 addition, but excluding any renovation, or repair of
5 building, ~~whether existing prior to July 1, 2007, or~~
6 ~~thereafter, that are~~ owned by the state board of
7 regents shall be subject to a plan review and
8 inspection by the commissioner or the commissioner's
9 staff or assistant. ~~The commissioner and the state~~
10 ~~board of regents shall develop a plan to implement the~~
11 ~~requirements of this subsection, including funding~~
12 ~~recommendations related to plan review and inspection,~~
13 ~~by March 1, 2007. The commissioner may inspect an~~
14 existing building that is undergoing renovation or
15 remodeling to enforce the energy conservation
16 requirements established under this chapter. The
17 commissioner and the state board of regents shall
18 develop a plan to implement this provision.

19 Sec. 12. Section 103A.19, subsection 1, Code
20 Supplement 2007, is amended to read as follows:

21 1. The examination and approval or disapproval of
22 plans and specifications, the issuance and revocation
23 of building permits, licenses, certificates, and
24 similar documents, the inspection of buildings or
25 structures, and the administration and enforcement of
26 building regulations shall be the responsibility of
27 the governmental subdivisions of the state and shall
28 be administered and enforced in the manner prescribed
29 by local law or ordinance. All provisions of law
30 relating to the administration and enforcement of
31 local building regulations in any governmental
32 subdivision shall be applicable to the administration
33 and enforcement of the state building code in the
34 governmental subdivision. An application made to a
35 local building department or to a state agency for
36 permission to construct a building or structure
37 pursuant to the provisions of the state building code
38 shall, in addition to any other requirement, be signed
39 by the owner or the owner's authorized agent, and
40 shall contain the address of the owner, and a
41 statement that the application is made for permission
42 to construct in accordance with the provisions of the
43 code. The application shall also specifically include
44 a statement that the construction will be in
45 accordance with all applicable energy conservation
46 requirements.

47 Sec. 13. Section 103A.22, subsection 1, Code 2007,
48 is amended to read as follows:

49 1. Nothing in this chapter shall be construed as
50 prohibiting any governmental subdivision from adopting

Page 6

1 or enacting any building regulations relating to any
2 building or structure within its limits, but a
3 governmental subdivision in which the state building
4 code has been accepted and is applicable shall not
5 have the power to supersede, void, or repeal or make
6 more restrictive any of the provisions of this chapter
7 or of the rules adopted by the commissioner. This
8 subsection shall not apply to energy conservation
9 requirements adopted by the commissioner and approved
10 by the council pursuant to section 103A.8A or 103A.10.

11 Sec. 14. Section 216A.102, subsection 2, paragraph
12 b, Code 2007, is amended by striking the paragraph.

13 Sec. 15. Section 266.39C, subsection 3, Code 2007,
14 is amended to read as follows:

15 3. Iowa state university of science and technology
16 shall employ a director for the center, who shall be
17 appointed by the president of Iowa state university of
18 science and technology. The director of the center
19 shall employ necessary research and support staff.
20 The director and staff shall be employees of Iowa
21 state university of science and technology. ~~No more~~
22 ~~than seven hundred thousand dollars of the funds made~~
23 ~~available by appropriation from state revenues in any~~
24 ~~one year shall be expended by the center for the~~
25 ~~salaries and benefits of the employees of the center,~~
26 ~~including the salary and benefits of the director.~~
27 ~~The limit on expenditures for salaries and benefits~~
28 ~~shall be adjusted annually by a percentage equal to~~
29 ~~the average percentage salary adjustment approved~~
30 ~~annually by the state board of regents for~~
31 ~~professional and scientific employees at Iowa state~~
32 ~~university of science and technology. The remainder~~
33 ~~of the funds appropriated from state funds~~ Funds
34 appropriated to the center shall be used to sponsor
35 research grants and projects submitted on a
36 competitive basis by Iowa colleges and universities
37 and private nonprofit agencies and foundations, and
38 for the salaries and benefits of the employees of the
39 center. The center may also solicit additional grants
40 and funding from public and private nonprofit agencies
41 and foundations.

42 Sec. 16. Section 388.9, subsection 2, Code 2007,
43 is amended by adding the following new unnumbered
44 paragraph:

45 NEW UNNUMBERED PARAGRAPH. For purposes of this
46 subsection, "proprietary information" includes
47 customer records that if disclosed would harm the
48 competitive position of a customer; or information
49 required by a noncustomer contracting party to be kept
50 confidential pursuant to a nondisclosure agreement

Page 7

1 which relates to electric transmission planning and
 2 construction, critical energy infrastructure, an
 3 ownership interest or acquisition of an ownership
 4 interest in an electric generating facility, or other
 5 information made confidential by law or rule.

6 Sec. 17. Section 455E.11, subsection 2, paragraph
 7 e, Code 2007, is amended by striking the paragraph.

8 Sec. 18. Section 473.1, Code 2007, is amended by
 9 adding the following new subsections:

10 NEW SUBSECTION. 0A. "Alternative and renewable
 11 energy" means the same as in section 469.31.

12 NEW SUBSECTION. 4A. "Renewable fuel" means the
 13 same as in section 469.31.

14 Sec. 19. Section 473.1, subsection 5, Code 2007,
 15 is amended to read as follows:

16 5. "Supplier" means any person engaged in the
 17 business of selling, importing, storing, or generating
 18 energy sources, alternative and renewable energy, or
 19 renewable fuel in Iowa.

20 Sec. 20. Section 473.2, subsection 1, paragraph a,
 21 Code 2007, is amended to read as follows:

22 a. Physical, human, natural, and financial
 23 resources are allocated efficiently.

24 Sec. 21. Section 473.3, Code 2007, is amended to
 25 read as follows:

26 473.3 ENERGY EFFICIENCY RESOURCE MANAGEMENT GOAL.

27 1. The goal of this state is to ~~more~~ efficiently
 28 utilize energy resources, ~~especially those that are~~
 29 ~~nonrenewable or that have negative environmental~~
 30 ~~impacts, in order~~ to enhance the economy of the state
 31 ~~and to decrease~~ by decreasing the state's dependence
 32 on nonrenewable energy resources from outside the
 33 state and by reducing the amount of energy used. This
 34 goal is to be implemented through the development of
 35 policies and programs that promote energy efficiency,
 36 and energy conservation, and alternative and renewable
 37 energy use by all Iowans, through the development and
 38 enhancement of an energy efficiency and alternative
 39 and renewable energy industry, through the ~~development~~
 40 ~~of indigenous~~ commercialization of energy resources
 41 and technologies that are economically and
 42 environmentally viable, and through the development
 43 and implementation of effective public information and
 44 education programs.

45 2. State government shall be a model and testing
 46 ground for the use of energy efficiency, energy
 47 conservation, and alternative and renewable energy
 48 systems.

49 Sec. 22. Section 473.7, subsections 2 and 3, Code
 50 Supplement 2007, are amended by striking the

Page 8

1 subsections.
2 Sec. 23. Section 473.7, subsections 4, 5, 11, 12,
3 and 14, Code Supplement 2007, are amended to read as
4 follows:
5 4. a. ~~Establish a central depository within the~~
6 ~~state for energy data. The central depository shall~~
7 ~~be located at or accessible through a library which is~~
8 ~~a member of an interlibrary loan program to facilitate~~
9 ~~access to the data and information contained in the~~
10 ~~central depository. The department shall collect and~~
11 ~~analyze data necessary to forecast to use in~~
12 ~~forecasting future energy demands in demand and supply~~
13 ~~for the state. The department may require a~~ A
14 supplier is required to provide information pertaining
15 to the supply, storage, distribution, and sale of
16 energy sources in this state when requested by the
17 department. The information ~~shall be furnished on a~~
18 ~~periodic basis~~, shall be of a nature which directly
19 relates to the supply, storage, distribution, and sale
20 of energy sources, and shall not include any records,
21 documents, books, or other data which relate to the
22 financial position of the supplier. ~~Provided the~~ The
23 department, prior to requiring any supplier to furnish
24 it with such information, shall make every reasonable
25 effort to determine if ~~the same~~ such information is
26 available from any other governmental source. If it
27 finds such information is available, the department
28 shall not require submission of the ~~same information~~
29 from a supplier. Notwithstanding the provisions of
30 chapter 22, information and reports obtained under
31 this section shall be confidential except when used
32 for statistical purposes without identifying a
33 specific supplier and when release of the information
34 will not give an advantage to competitors and serves a
35 public purpose. The department shall use this data to
36 conduct energy forecasts ~~which shall be included in~~
37 ~~the biennial update required by this section~~.
38 b. The department may subpoena witnesses,
39 administer oaths, and require the production of
40 records, books, and documents for examination in order
41 to obtain information required to be submitted under
42 this section. In case of failure or refusal on the
43 part of any person to comply with a subpoena issued by
44 the department, or in case of the refusal of any
45 witness to testify as to any matter regarding which
46 the witness may be interrogated under this chapter,
47 the district court, upon the application of the
48 department, may order the person to show cause why the
49 person should not be held in contempt for failure to
50 testify or comply with a subpoena, and may order the

Page 9

1 person to produce the records, books, and documents
 2 for examination, and to give testimony. The courts
 3 may punish for contempt as in the case of disobedience
 4 to a like subpoena issued by the court, or for refusal
 5 to testify.

6 5. Develop, recommend, and implement with
 7 appropriate agencies public and professional education
 8 and communication programs in energy efficiency,
 9 energy conservation, and conversion to ~~alternative~~
 10 ~~sources of energy~~ alternative and renewable energy.

11 11. Develop, in coordination with the office of
 12 energy independence, a program to annually give public
 13 recognition to innovative methods of energy
 14 conservation, energy management, and alternative and
 15 renewable energy production.

16 12. Administer and coordinate, in coordination
 17 with the office of energy independence, federal funds
 18 for energy conservation, energy management, and
 19 alternative and renewable energy programs ~~including,~~
 20 ~~but not limited to, the institutional conservation~~
 21 ~~program, state energy conservation program, and energy~~
 22 ~~extension service program, and related programs which~~
 23 ~~provide energy management and conservation assistance~~
 24 ~~to schools, hospitals, health care facilities,~~
 25 ~~communities, and the general public.~~

26 14. ~~Perform~~ Provide information from monthly fuel
 27 surveys which establish a statistical average of motor
 28 fuel prices for various motor fuels provided
 29 throughout the state. Additionally, the department
 30 shall ~~perform~~ provide statewide monthly fuel ~~surveys~~
 31 ~~in cities with populations of over fifty thousand~~
 32 survey information which establish a statistical
 33 average of motor fuel prices for various motor fuels
 34 provided in ~~those individual cities~~ both metropolitan
 35 and rural areas of the state. The survey results
 36 shall be publicized in a monthly press release issued
 37 by the department.

38 Sec. 24. Section 473.15, Code 2007, is amended to
 39 read as follows:

40 473.15 ANNUAL REPORT.

41 The department shall ~~include in the complete an~~
 42 ~~annual report required under section 455A.4 an~~
 43 ~~assessment of to assess the progress achieved by~~
 44 ~~public agencies of state agencies~~ in implementing
 45 energy management improvements, alternative and
 46 renewable energy systems, and life cycle cost analyses
 47 under chapter 470, and on the use of renewable fuels.
 48 The department shall work with state agencies and with
 49 any entity, agency, or organization with which they
 50 are associated or involved in such implementation, to

Page 10

1 use available information to minimize the cost of
2 preparing the report. The department shall also
3 provide an assessment of the economic and
4 environmental impact of the progress made by state
5 agencies related to energy management and alternative
6 and renewable energy, along with recommendations on
7 technological opportunities and policies necessary for
8 continued improvement in these areas.

9 Sec. 25. Section 473.19, Code 2007, is amended to
10 read as follows:

11 473.19 ENERGY BANK PROGRAM.

12 1. The energy bank program is established by the
13 department. The energy bank program consists of the
14 following forms of assistance for the state, state
15 agencies, political subdivisions of the state, school
16 districts, area education agencies, community
17 colleges, and nonprofit organizations:

18 ~~1.~~ a. Promoting program availability.

19 b. Developing or identifying guidelines and model
20 energy techniques for the completion of energy
21 analyses for state agencies, political subdivisions of
22 the state, school districts, area education agencies,
23 community colleges, and nonprofit organizations.

24 c. Providing ~~moneys from the petroleum overcharge~~
25 fund technical assistance for conducting or evaluating
26 energy audits analyses for school districts under
27 section 270.44, for conducting comprehensive
28 engineering analyses for school districts and for
29 conducting energy audits and comprehensive engineering
30 analyses for state agencies, and political
31 subdivisions of the state agencies, political
32 subdivisions of the state, school districts, area
33 education agencies, community colleges, and nonprofit
34 organizations.

35 ~~2.~~ d. Providing or facilitating loans, leases,
36 and other methods of alternative financing from under
37 the energy loan fund established in section 473.20 and
38 section 473.20A program for the state, state agencies,
39 political subdivisions of the state, school districts,
40 area education agencies, community colleges, and
41 nonprofit organizations to implement energy
42 conservation measures management improvements or
43 energy analyses.

44 ~~3.~~ Serving as a source of technical support for
45 energy conservation management.

46 4. e. Providing assistance for obtaining
47 insurance on the energy savings expected to be
48 realized from the implementation of energy
49 conservation measures management improvements.

50 5. f. Providing Facilitating self-liquidating

Page 11

1 financing for the state, state agencies, political
2 subdivisions of the state, school districts, area
3 education agencies, community colleges, and nonprofit
4 organizations pursuant to section 473.20A.

5 g. Assisting the treasurer of state with financing
6 agreements entered into by the treasurer of state on
7 behalf of state agencies to finance energy management
8 improvements pursuant to section 12.28.

9 2. For the purpose of this section, section
10 473.20, and section 473.20A, "energy conservation
11 measure" management improvement" means construction,
12 rehabilitation, acquisition, or modification of an
13 installation in a facility or vehicle which is
14 intended to reduce energy consumption, or energy
15 costs, or both, or allow the use of an alternative
16 energy source, which may contain integral alternative
17 and renewable energy. "Energy management improvement"
18 may include control and measurement devices.

19 "Nonprofit organization" means an organization exempt
20 from federal income taxation under section 501(c)(3)
21 of the Internal Revenue Code.

22 3. The department shall submit a report by January
23 1 annually to the governor and the general assembly
24 detailing services provided and assistance rendered
25 pursuant to the energy bank program and pursuant to
26 sections 473.20 and 473.20A, and receipts and
27 disbursements in relation to the energy bank fund
28 created in section 473.19A.

29 4. Moneys awarded or allocated to the state, its
30 citizens, or its political subdivisions as a result of
31 the federal court decisions and United States
32 department of energy settlements resulting from
33 alleged violations of federal petroleum pricing
34 regulations attributable to or contained within the
35 Stripper Well fund shall be allocated to and remain
36 under the control of the department for utilization
37 for energy program-related staff support purposes.

38 Sec. 26. NEW SECTION. 473.19A ENERGY BANK FUND.

39 1. The energy bank fund is created within the
40 state treasury under the control of the department, in
41 collaboration with the office of energy independence
42 established in section 469.2. The fund shall be used
43 for the operational expenses and administrative costs
44 incurred by the department in facilitating and
45 administering the energy bank program established in
46 section 473.19.

47 2. The energy bank fund shall consist of amounts
48 deposited into the fund or allocated from the
49 following sources:

50 a. Any moneys awarded or allocated to the state,

Page 12

1 its citizens, or its political subdivisions as a
2 result of the federal court decisions and United
3 States department of energy settlements resulting from
4 alleged violations of federal petroleum pricing
5 regulations attributable to or contained within the
6 Exxon fund. Amounts remaining in the oil overcharge
7 account established in section 455E.11, subsection 2,
8 paragraph “e”, and the energy conservation trust
9 established in section 473.11, as of June 30, 2008,
10 shall be deposited into the energy bank fund pursuant
11 to this paragraph, notwithstanding section 8.60,
12 subsection 15.

13 b. (1) Moneys received in the form of fees
14 imposed upon the state, state agencies, political
15 subdivisions of the state, school districts, area
16 education agencies, community colleges, and nonprofit
17 organizations for services performed or assistance
18 rendered pursuant to the energy bank program. Fees
19 imposed pursuant to this paragraph shall be
20 established by the department in an amount
21 corresponding to the operational expenses or
22 administrative costs incurred by the department in
23 performing services or providing assistance authorized
24 pursuant to the energy bank program, as follows:

25 (a) For a building of up to twenty-five thousand
26 square feet, two thousand five hundred dollars.

27 (b) For a building in excess of twenty-five
28 thousand square feet, an additional eight cents per
29 square foot.

30 (c) A building that houses more energy intensive
31 functions may be subject to a higher fee than the fees
32 specified in subparagraphs (a) and (b) as determined
33 by the department.

34 (2) Any fees imposed shall be retained by the
35 department and are appropriated to the department for
36 purposes of providing the services or assistance under
37 the program.

38 c. Moneys appropriated by the general assembly and
39 any other moneys, including grants and gifts from
40 government and nonprofit organizations, available to
41 and obtained or accepted by the department for
42 placement in the fund.

43 d. Moneys contained in the intermodal revolving
44 loan fund administered by the department of
45 transportation for the fiscal year beginning July 1,
46 2019, and succeeding fiscal years.

47 e. Moneys in the fund are not subject to section
48 8.33. Notwithstanding section 12C.7, interest or
49 earnings on moneys in the fund shall be credited to
50 the fund.

Page 13

1 3. The energy bank fund shall be limited to a
2 maximum of one million dollars. Amounts in excess of
3 this maximum limitation shall be transferred to and
4 deposited in the rebuild Iowa infrastructure fund
5 created in section 8.57, subsection 6.

6 Sec. 27. Section 473.20, unnumbered paragraph 1,
7 Code 2007, is amended to read as follows:

8 An energy loan ~~fund program~~ is established in the
9 ~~office of the treasurer of state to~~ and shall be
10 administered by the department.

11 Sec. 28. Section 473.20, subsections 1, 5, and 6,
12 Code 2007, are amended to read as follows:

13 1. The department may ~~make loans to the state,~~
14 ~~state agencies, facilitate the loan process for~~
15 political subdivisions of the state, school districts,
16 area education agencies, community colleges, and
17 nonprofit organizations for implementation of energy
18 ~~conservation measures~~ management improvements
19 identified in ~~a comprehensive engineering an energy~~
20 analysis. Loans shall be ~~made facilitated~~ for all
21 cost-effective energy management improvements. For
22 ~~the state, state agencies,~~ political subdivisions of
23 the state, school districts, area education agencies,
24 community colleges, and nonprofit organizations to
25 receive ~~a loan from the fund assistance under the~~
26 program, the department shall require completion of an
27 energy management plan including an energy ~~audit and a~~
28 ~~comprehensive engineering~~ analysis. The department
29 shall approve loans ~~made facilitated~~ under this
30 section.

31 ~~5. The state, state agencies, political~~ Political
32 subdivisions of the state, school districts, area
33 education agencies, and community colleges shall
34 design and construct the most energy cost-effective
35 facilities feasible and ~~shall use the financing made~~
36 ~~available~~ may use financing facilitated by the
37 department to cover the incremental costs above
38 minimum building code energy efficiency standards of
39 purchasing energy efficient devices and materials
40 unless other lower cost financing is available. As
41 used in this section, "facility" means a structure
42 that is heated or cooled by a mechanical or electrical
43 system, or any system of physical operation that
44 consumes energy to carry out a process.

45 6. The department shall not require the state,
46 state agencies, political subdivisions of the state,
47 school districts, area education agencies, and
48 community colleges to implement a specific energy
49 ~~conservation measure~~ management improvement identified
50 in ~~a comprehensive engineering an energy~~ analysis if

Page 14

1 the entity which prepared the analysis demonstrates to
2 the department that the facility which is the subject
3 of the energy ~~conservation measure~~ management
4 improvement is unlikely to be used or operated for the
5 full period of the expected savings payback of all
6 costs associated with implementing the energy
7 ~~conservation measure~~ management improvement, including
8 without limitation, any fees or charges of the
9 department, engineering firms, financial advisors,
10 attorneys, and other third parties, and all financing
11 costs including interest, if financed.

12 Sec. 29. Section 473.20, subsection 3, Code 2007,
13 is amended by striking the subsection.

14 Sec. 30. Section 473.20A, Code 2007, is amended to
15 read as follows:

16 473.20A SELF-LIQUIDATING FINANCING.

17 1. The department of natural resources may ~~enter~~
18 ~~into~~ facilitate financing agreements that may be
19 entered into with ~~the state, state agencies,~~ political
20 subdivisions of the state, school districts, area
21 education agencies, community colleges, or nonprofit
22 organizations in order to provide the financing to pay
23 finance the costs of ~~furnishing energy conservation~~
24 ~~measures~~ management improvements on a self-liquidating
25 basis. The provisions of section 473.20 defining
26 eligible energy ~~conservation measures and the method~~
27 ~~of repayment of the loans~~ management improvements
28 apply to financings under this section.

29 The financing agreement may contain provisions,
30 including interest, term, and obligations to make
31 payments on the financing agreement beyond the current
32 budget year, as may be ~~agreed upon between the~~
33 ~~department of natural resources and the state, state~~
34 ~~agencies,~~ acceptable to political subdivisions of the
35 state, school districts, area education agencies,
36 community colleges, or nonprofit organizations.

37 2. ~~For the purpose of funding its obligation to~~
38 ~~furnish moneys under the financing agreements, or to~~
39 ~~fund the energy loan fund created in section 473.20,~~
40 ~~the treasurer of state, with the assistance of the~~
41 ~~department of natural resources, or the treasurer of~~
42 ~~state's duly authorized agents or representatives, may~~
43 ~~incur indebtedness or enter into master lease~~
44 ~~agreements or other financing arrangements to borrow~~
45 ~~to accomplish energy conservation measures, or the~~
46 ~~department of natural resources may enter into master~~
47 ~~lease agreements or other financing arrangements to~~
48 ~~permit the state, state agencies, political~~
49 ~~subdivisions of the state, school districts, area~~
50 ~~education agencies, community colleges, or nonprofit~~

Page 15

1 ~~organizations to borrow sufficient funds to accomplish~~
 2 ~~the energy conservation measure. The obligations may~~
 3 ~~be in such form, for such term, bearing such interest~~
 4 ~~and containing such provisions as the department of~~
 5 ~~natural resources, with the assistance of the~~
 6 ~~treasurer of state, deems necessary or appropriate.~~
 7 ~~Funds remaining after the payment of all obligations~~
 8 ~~have been redeemed shall be paid into the energy loan~~
 9 ~~fund. The department shall assist the treasurer of~~
 10 ~~state with financing agreements entered into by the~~
 11 ~~treasurer of state on behalf of state agencies~~
 12 ~~pursuant to section 12.28 to finance energy management~~
 13 ~~improvements being implemented by state agencies.~~

14 ~~§. 2. The state, state agencies, political~~
 15 ~~Political~~ subdivisions of the state, school districts,
 16 area education agencies, community colleges, and
 17 nonprofit organizations may enter into financing
 18 agreements and issue obligations necessary to carry
 19 out the provisions of the chapter. Chapter 75 shall
 20 not be applicable.

21 Sec. 31. Section 476.46, subsection 2, paragraph
 22 d, subparagraph (2), Code 2007, is amended to read as
 23 follows:

24 (2) A facility shall be eligible for no more than
 25 ~~two hundred fifty thousand~~ one million dollars in
 26 loans outstanding at any time under this program.

27 Sec. 32. Sections 473.11, 473.13, 473.16, 473.17,
 28 473.42, and 473.44, Code 2007, are repealed.

29 Sec. 33. EFFECTIVE DATE. This Act, being deemed
 30 of immediate importance, takes effect upon enactment.”

31 2. Title page, by striking lines 1 through 3 and
 32 inserting the following: “An Act relating to the
 33 development, management, and efficient use of energy
 34 resources, making energy-related modifications to the
 35 state building code, setting fees, making
 36 appropriations, and providing an effective date.”

37 3. By renumbering as necessary.

S-5390

1 Amend the House amendment, S-5362, to Senate File
 2 2417, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 8 through 13 and
 4 inserting the following: “\$25,000 is allocated for a
 5 grant to a child welfare services provider
 6 headquartered in a county with a population between
 7 189,000 and 196,000 in the latest preceding certified
 8 federal census that provides multiple services
 9 including but not limited to a psychiatric medical
 10 institution for children, shelter, residential

11 treatment, after school programs, school-based
12 programming, and an Asperger's syndrome program, to be
13 used for support services for children with autism
14 spectrum disorder and their families.””

JOE BOLKCOM

S-5391

- 1 Amend Senate File 2428 as follows:
2 1. Page 21, line 7, by inserting after the word
3 “contract” the following: “, for court debt assessed
4 or imposed after the effective date of this Act.”.

STEVE KETTERING
PAT WARD

S-5392

- 1 Amend Senate File 2428 as follows:
2 1. Page 21, line 11, by inserting after the
3 figure “4.” the following: “The judicial branch shall
4 solicit requests for proposals prior to entering into
5 any contract pursuant to this subsection.”

PAT WARD

S-5393

- 1 Amend Senate File 2428 as follows:
2 1. Page 15, by striking lines 20 through 26 and
3 inserting the following:
4 “NEW SUBSECTION. 9. a. The clerk of the district
5 court shall notify the county treasurer of any
6 delinquent court debt, as defined in section 602.8107,
7 which is being collected by the county attorney
8 pursuant to section 602.8107, subsection 4. The
9 county treasurer shall refuse to renew the vehicle
10 registration of the applicant upon such notification
11 from the clerk of the district court in regard to such
12 applicant.”
13 2. Page 15, line 30, by striking the word
14 “department” and inserting the following: “county
15 treasurer”.
16 3. Page 16, by striking lines 5 through 28 and
17 inserting the following:
18 “Sec. __. Section 321.210A, subsection 2, Code
19 Supplement 2007, is amended to read as follows:
20 2. If after suspension, the person enters into an
21 installment agreement with the county attorney, the
22 county attorney’s designee, or the centralized

23 collection unit of the department of revenue in
 24 accordance with section 321.210B to pay the fine,
 25 penalty, court cost, or surcharge, the person's
 26 license shall be reinstated by the department upon
 27 receipt of a report of an executed installment
 28 agreement.
 29 Sec. ____ Section 321.210A, Code Supplement 2007,
 30 is amended by adding the following new subsection:
 31 NEW SUBSECTION. 3. If the county attorney or the
 32 county attorney's designee, while collecting
 33 delinquent court debt pursuant to section 602.8107,
 34 determines that the person has been convicted of an
 35 additional violation of a law regulating the operation
 36 of a motor vehicle, the county attorney or the county
 37 attorney's designee shall notify the clerk of the
 38 district court of the appropriate case numbers, and
 39 the clerk of the district court shall notify the
 40 department for the purpose of instituting suspension
 41 procedures pursuant to this section.
 42 Sec. ____ Section 321.210B, Code Supplement 2007,
 43 is amended to read as follows:
 44 321.210B INSTALLMENT AGREEMENT.
 45 1. If a person's fine, penalty, surcharge, or
 46 court cost is deemed delinquent as provided in section
 47 602.8107, subsection ~~3~~ 2, and the person's driver's
 48 license has been suspended pursuant to section
 49 321.210A, the person may execute an installment
 50 agreement with the county attorney, ~~or~~ the county

Page 2

1 attorney's designee, or the centralized collection
 2 unit of the department of revenue to pay the
 3 delinquent amount and the fee assessed in subsection 7
 4 in installments. Prior to execution of the
 5 installment agreement, the person shall provide the
 6 county attorney, ~~or~~ the county attorney's designee, or
 7 the centralized collection unit of the department of
 8 revenue with a financial statement in order for the
 9 parties to the agreement to determine the amount of
 10 the installment payments.
 11 2. ~~A~~ If the person enters into an installment
 12 agreement with the county attorney or the county
 13 attorney's designee, the person shall execute an
 14 installment agreement in the county where the fine,
 15 penalty, surcharge, or court cost was imposed. If the
 16 county where the fine, penalty, surcharge, or court
 17 cost was imposed does not have an installment
 18 agreement program, the person shall execute an
 19 installment agreement in the person's county of
 20 residence. If the county of residence does not have
 21 an installment agreement program, the person may

22 execute an installment agreement with any county
23 attorney or county attorney's designee.
24 3. The county attorney, ~~or~~ the county attorney's
25 designee, or the centralized collection unit of the
26 department of revenue shall file the installment
27 agreement with the clerk of the district court in the
28 county where the fine, penalty, surcharge, or court
29 cost was imposed, within five days of execution of the
30 agreement.

31 4. Upon receipt of an executed installment
32 agreement and after the first installment payment, the
33 clerk of the district court shall report the receipt
34 of the executed installment agreement to the
35 department of transportation.

36 5. Upon receipt of the report from the clerk of
37 the district court and payment of the reinstatement
38 fee as provided in section 321.191, the department
39 shall immediately reinstate the driver's license of
40 the person unless the driver's license of the person
41 is otherwise suspended, revoked, denied, or barred
42 under another provision of law.

43 6. If a driver's license is reinstated upon
44 receipt of a report of an executed installment
45 agreement the driver shall provide proof of financial
46 responsibility pursuant to section 321A.17, if
47 otherwise required by law.

48 7. The civil penalty, if assessed pursuant to
49 section 321.218A, shall be added to the amount owing
50 under the installment agreement. The clerk of the

Page 3

1 district court shall transmit to the department, from
2 the first moneys collected, an amount equal to the
3 amount of any civil penalty assessed and added to the
4 installment agreement. The department shall transmit
5 the money received from the clerk of the district
6 court pursuant to this subsection to the treasurer of
7 state for deposit in the juvenile detention home fund
8 created in section 232.142.

9 8. Upon determination by the county attorney, ~~or~~
10 the county attorney's designee, or the centralized
11 collection unit of the department of revenue that the
12 person is in default, the county attorney, ~~or~~ the
13 county attorney's designee, or the centralized
14 collection unit shall notify the clerk of the district
15 court.

16 9. The clerk of the district court, upon receipt
17 of a notification of a default from the county
18 attorney, ~~or~~ the county attorney's designee, or the
19 centralized collection unit of the department of
20 revenue shall report the default to the department of

21 transportation.

22 10. Upon receipt of a report of a default from the
23 clerk of the district court, the department shall
24 suspend the driver's license of a person as provided
25 in section 321.210A. For purposes of suspension and
26 reinstatement of the driver's license of a person in
27 default, the suspension and any subsequent
28 reinstatement shall be considered a suspension
29 pursuant to section 321.210A.

30 11. If a new fine, penalty, surcharge, or court
31 cost is imposed on a person after the person has
32 executed an installment agreement with the county
33 attorney, ~~or~~ the county attorney's designee, the
34 centralized collection unit of the department of
35 revenue, and the new fine, penalty, surcharge, or
36 court cost is deemed delinquent as provided in section
37 602.8107, subsection ~~2~~ 2, and the person's driver's
38 license has been suspended pursuant to section
39 321.210A, the person may enter into a second
40 installment agreement with the county attorney, ~~or~~
41 county attorney's designee, or the centralized
42 collection unit of the department of revenue to pay
43 the delinquent amount and the fee, if assessed, in
44 subsection 7 in installments.

45 12. If an installment agreement is in default, the
46 fine, penalty, surcharge, or court cost covered under
47 the agreement shall not become part of any new
48 installment agreement.

49 13. A person is eligible to enter into five
50 installment agreements in the person's lifetime.

Page 4

1 14. Except for the civil penalty if assessed and
2 collected pursuant to subsection 7, any amount
3 collected under the installment agreement by the
4 county attorney or the county attorney's designee
5 shall be distributed as provided in section 602.8107,
6 subsection 4, and any amount collected by the
7 centralized collection unit of the department of
8 revenue shall be deposited into the general fund of
9 the state."

10 4. Page 19, line 30, by inserting after the words
11 "penalty surcharge," the following: "drug abuse
12 resistance education surcharge,".

13 5. Page 20, line 8, by striking the word
14 "remainder" and inserting the following: "remaining
15 sixty percent".

16 6. Page 20, line 16, by striking the word "If"
17 and inserting the following: "After".

18 7. Page 20, line 17, by striking the words "the
19 remainder" and inserting the following: "any

20 additional moneys collected”.

21 8. Page 20, line 26, by striking the word
22 “remainder” and inserting the following: “remaining
23 sixty percent”.

24 9. Page 25, by inserting after line 7 the
25 following:

26 “____. COLLECTION OF DELINQUENT DEBT — PROCESSING
27 OR COLLECTION FEE. If court debt is being collected
28 pursuant to section 602.8107, as amended by this Act,
29 for court debt deemed delinquent prior to the
30 effective date of this Act, a processing fee or
31 collection fee shall be added to the court debt as
32 provided in this Act.”

ROBERT E. DVORSKY

S-5394

1 Amend the amendment, S-5393, to Senate File 2428 as
2 follows:

3 1. Page 4, line 29, by inserting after the word
4 “debt” the following: “imposed, assessed, or”.

ROBERT E. DVORSKY

S-5395

1 Amend Senate File 2428 as follows:

2 1. Page 20, by striking lines 11 through 15 and
3 inserting the following:

4 “(a) For a county with a population greater than
5 one hundred fifty thousand, an amount up to five
6 hundred thousand dollars.

7 (b) For a county with a population greater than
8 one hundred thousand but not more than one hundred
9 fifty thousand, an amount up to four hundred thousand
10 dollars.

11 (c) For a county with a population greater than
12 fifty thousand but not more than one hundred thousand,
13 an amount up to two hundred fifty thousand dollars.

14 (d) For a county with a population greater than
15 twenty-six thousand but not more than fifty thousand,
16 an amount up to one hundred thousand dollars.

17 (e) For a county with a population greater than
18 fifteen thousand but not more than twenty-six
19 thousand, an amount up to fifty thousand dollars.

20 (f) For a county with a population equal to or
21 less than fifteen thousand, an amount up to
22 twenty-five thousand dollars.”

23 2. Page 20, by inserting after line 34 the
24 following:

25 “ ____ (1) A county may enter into an agreement
 26 pursuant to chapter 28E with one or more other
 27 counties for the purpose of collecting delinquent
 28 court debt pursuant to this subsection.
 29 (2) Notwithstanding paragraph “c”, if a county
 30 subject to the threshold amount in paragraph “c”,
 31 subparagraph (2), subparagraph subdivision (e) or (f)
 32 enters into such an agreement exclusively with a
 33 county or counties subject to the threshold amount in
 34 paragraph “c”, subparagraph (2), subparagraph
 35 subdivision (e) or (f), the threshold amount
 36 applicable to all of the counties combined shall be a
 37 single threshold amount, equal to the threshold amount
 38 attributable to the county with the largest
 39 population.”

STEVE KETTERING
 ROBERT E. DVORSKY

S-5396

1 Amend House File 2177, as passed by the House, as
 2 follows:
 3 1. Page 1, line 3, by striking the word “The” and
 4 inserting the following: “The An antlerless deer
 5 only”.
 6 2. Page 1, line 4, by striking the word “a” and
 7 inserting the following: “a an antlerless”.
 8 3. Page 1, line 5, by inserting after the word
 9 “dated.” the following: “An antlered or any sex deer
 10 hunting license shall be accompanied by two tags
 11 designed to be used only once.”
 12 4. Page 1, line 6, by striking the words “the
 13 tag” and inserting the following: “one of the tags”.
 14 5. Page 1, line 6, by inserting after the word
 15 “antlers” the following: “and one of the tags shall
 16 be affixed to the deer as provided by the commission
 17 by rule”.
 18 6. Title page, line 2, by striking the word
 19 “antlered”.

DICK L. DEARDEN

S-5397

1 Amend House File 2688, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 35, by striking the figure
 4 “266.48” and inserting the following: “266.49”.
 5 2. Page 2, line 24, by striking the figure
 6 “266.48” and inserting the following: “266.49”.

- 7 3. Page 5, by inserting after line 29 the
8 following:
9 “Sec. ____ NEW SECTION. 266.48 COST-SHARE
10 PROGRAM FOR LIVESTOCK MITIGATION EFFORTS.
11 1. a. Iowa state university, in cooperation with
12 the department of agriculture and land stewardship and
13 the department of natural resources, shall establish a
14 cost-share program for the livestock odor mitigation
15 research efforts as established in sections 266.43
16 through 266.45 that maximizes participation in the
17 livestock mitigation research efforts so as to
18 accomplish the purposes in section 266.42, subsection
19 1.
20 b. The cost-share program shall allow for monetary
21 contributions from livestock producers and other
22 persons with an interest in livestock production. In
23 addition, a livestock producer participating in a
24 livestock odor mitigation research effort as provided
25 in sections 266.43 through 266.45 shall provide
26 in-kind contributions to participate in a research
27 effort which may include but are not limited to
28 furnishing the livestock producer’s own labor,
29 construction equipment, electricity and other utility
30 costs, insurance, real property tax payments, and
31 basic construction materials that may be reused or
32 continued to be used by the livestock producer after
33 the completion of the research effort.
34 2. This section does not apply to a livestock
35 producer who is required to contribute one hundred
36 percent of the total costs of conducting a research
37 project.”
38 4. Page 5, line 30, by striking the figure
39 “266.48” and inserting the following: “266.49”.
40 5. Page 7, line 29, by striking the figure
41 “266.48” and inserting the following: “266.49”.
42 6. Page 8, line 10, by striking the word “thirty”
43 and inserting the following: “forty-five”.
44 7. Page 8, line 12, by striking the figure
45 “266.48” and inserting the following: “266.49”.
46 8. Page 8, line 13, by inserting after the word
47 “application” the following: “is”.
48 9. Page 8, line 19, by striking the figure
49 “266.48” and inserting the following: “266.49”.
50 10. Page 8, line 32, by striking the words

Page 2

- 1 “appropriated by the general assembly”.
2 11. By renumbering as necessary.

JOHN P. KIBBIE
HUBERT HOUSER

S-5398

- 1 Amend Senate File 2428 as follows:
2 1. By striking page 5, line 7, through page 14,
3 line 8, and inserting the following:
4 "DIVISION II"
5 2. Title page, lines 3 and 4, by striking the
6 words "sanctioning of professional licenses,".
7 3. By renumbering as necessary.

DAVID L. HARTSUCH

S-5399

- 1 Amend the amendment, S-5393, to Senate File 2428,
2 as follows:
3 1. Page 4, by striking lines 29 through 32 and
4 inserting the following: "the processing fee or
5 collection fee provided for in that section shall only
6 be added to court debt imposed or assessed and deemed
7 delinquent after the effective date of this Act."

STEVE KETTERING
PAT WARD**S-5400**

- 1 Amend Senate File 2428 as follows:
2 1. Page 1, lines 25 and 26, by striking the words
3 "are equal to or greater than ten thousand dollars"
4 and inserting the following: "meet the minimum level
5 for state income tax withholding in section 422.16,
6 subsection 1, paragraph "d"".
7 2. Page 1, lines 30 and 31, by striking the words
8 "are equal to or greater than ten thousand dollars"
9 and inserting the following: "meet the minimum level
10 for state income tax withholding in section 422.16,
11 subsection 1, paragraph "d"".
12 3. Page 3, lines 27 and 28, by striking the words
13 "are equal to or greater than ten thousand dollars"
14 and inserting the following: "meet the minimum level
15 for state income tax withholding in section 422.16,
16 subsection 1, paragraph "d"".
17 4. Page 3, lines 32 and 33, by striking the words
18 "are equal to or greater than ten thousand dollars"
19 and inserting the following: "meet the minimum level
20 for state income tax withholding in section 422.16,
21 subsection 1, paragraph "d"".

BRAD ZAUN

S-5401

HOUSE AMENDMENT TO
SENATE FILE 2425

- 1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 24, by striking the figure
4 “4,851,698” and inserting the following: “5,251,698”.
- 5 2. Page 2, by inserting after line 21 the
6 following:
7 “___ Of the funds appropriated in this section,
8 \$200,000 shall be used to replace federal funding for
9 the aging and disability resource center.”
- 10 3. Page 2, by inserting after line 21 the
11 following:
12 “___ Of the funds appropriated in this section,
13 \$200,000 shall be used for expansion of the elder
14 abuse initiative program established pursuant to
15 section 231.56A to additional counties.”
- 16 4. Page 4, by striking lines 1 through 8, and
17 inserting the following:
18 “___ Of the funds appropriated in this
19 subsection, \$100,000 shall be distributed to a
20 statewide coalition that has demonstrated
21 effectiveness in a research-based literacy program to
22 train parents and health care providers about the
23 importance of early childhood learning and literacy by
24 providing parents with age-appropriate counseling on
25 reading aloud to their children, giving children new
26 books, and providing a literacy-rich physician waiting
27 room environment.”
- 28 5. Page 4, by striking lines 9 through 13.
- 29 6. Page 5, lines 30 and 31, by striking the words
30 and figures “pursuant to sections 135.102 and
31 135.103”.
- 32 7. Page 6, line 13, by striking the figure
33 “2,798,513” and inserting the following: “2,961,013”.
- 34 8. Page 6, line 24, by striking the figure
35 “100,000” and inserting the following: “262,500”.
- 36 9. Page 7, line 25, by striking the figure
37 “4,678,000” and inserting the following: “1,690,000”.
- 38 10. Page 7, line 26, by striking the words “a.
39 It” and inserting the following: “It”.
- 40 11. Page 7, by striking lines 32 through 34.
- 41 12. Page 8, by inserting after line 10 the
42 following:
43 “3. To enhance and standardize the availability,
44 delivery, and cost of delivery of gambling treatment
45 services statewide, the department shall implement a
46 transition process to transfer the delivery of
47 gambling treatment services to the network of licensed

48 substance abuse treatment providers funded by the
49 department. The transition process shall be completed
50 by July 1, 2009.

Page 2

1 a. By December 1, 2008, licensed substance abuse
2 treatment providers funded by the department shall
3 submit to the department, plans and budgets that
4 address transitioning gambling treatment services,
5 providing gambling treatment services, and training
6 staff to provide gambling treatment services. The
7 format for the plans and budgets shall be developed by
8 the department. Plans and budgets shall be approved
9 or disapproved by the department. The department
10 shall allocate funds to providers in accordance with
11 approved plans and budgets.

12 b. The transition process shall include the
13 establishment of joint licensure for gambling and
14 substance abuse treatment that includes one set of
15 standards, one licensure survey, comprehensive
16 technical assistance, and appropriately credentialed
17 counselors to support the following goals:

18 (1) Gambling treatment services are available to
19 Iowans statewide.

20 (2) The comorbidity and spectrum of conditions
21 involving substance use disorders, problematic and
22 pathological gambling, concerned persons, and mental
23 health disorders are readily acknowledged and service
24 providers have the skills to treat individuals who are
25 symptomatic with combinations of these conditions.

26 (3) Service providers also have the skills and
27 delivery structures to welcome and treat individuals
28 with single morbidity.

29 (4) Licensure standards for gambling treatment and
30 substance abuse treatment services are uniform to the
31 greatest possible extent, with no duplications or
32 contradictions.

33 (5) Client admissions to gambling treatment
34 services statewide are consistent with the incidence
35 of problematic and pathological gambling.

36 (6) Outcome measures for gambling treatment
37 services are uniform statewide.

38 (7) The costs to deliver gambling treatment
39 services are better aligned with the costs to deliver
40 substance abuse treatment services.

41 c. From the amounts appropriated in this section
42 and from other funding sources available for gambling
43 and substance abuse treatment, the department may
44 allocate up to \$100,000 for administrative costs to
45 develop and implement the transition process in
46 accordance with this subsection.”

47 13. Page 10, by inserting after line 32 the
48 following:
49 “Notwithstanding section 8.33, moneys appropriated
50 in this subsection that remain unencumbered or

Page 3

1 unobligated at the close of the fiscal year shall not
2 revert but shall remain available for expenditure for
3 the purposes designated until the close of the
4 succeeding fiscal year. However, unless such moneys
5 are encumbered or obligated on or before September 30,
6 2009, the moneys shall revert.”

7 14. Page 10, line 34, by striking the figure
8 “17,707,495” and inserting the following:
9 “19,707,495”.

10 15. Page 11, by inserting before line 12 the
11 following:

12 “Of the funds appropriated in this subsection,
13 \$1,200,000 is allocated for additional income
14 maintenance workers and \$800,000 is allocated for
15 additional social workers.”

16 16. Page 14, by striking lines 30 through 34.

17 17. Page 15, by inserting after line 19 the
18 following:

19 “The department shall amend the food stamp
20 employment and training state plan in order to
21 maximize to the fullest extent permitted by federal
22 law the use of the fifty-fifty match provisions for
23 the claiming of allowable federal matching funds from
24 the United States department of agriculture pursuant
25 to the federal food stamp employment and training
26 program for providing education, employment, and
27 training services for eligible food assistance program
28 participants, including but not limited to related
29 dependent care and transportation expenses.”

30 18. Page 19, line 10, by striking the figure
31 “646,401,453” and inserting the following:
32 “649,497,984”.

33 19. Page 24, line 35, by inserting after the word
34 “Act,” the following: “beginning January 1, 2009,”.

35 20. Page 25, line 3, by inserting after the word
36 “Act,” the following: “beginning January 1, 2009,”.

37 21. Page 25, by inserting after line 25 the
38 following:

39 “___ Of the funds appropriated in this section,
40 \$250,000 shall be used to implement the provisions in
41 2007 Iowa Acts, chapter 218, section 124, as amended
42 by the Eighty-second General Assembly, 2008 Session,
43 relating to eligibility for certain persons with
44 disabilities under the medical assistance program.

45 ___ It is the intent of the general assembly that

46 if federal funding for the medical assistance program
47 is increased during the fiscal year beginning July 1,
48 2008, priority in utilization of the increased funding
49 shall be to eliminate the medical assistance home and
50 community-based services waivers waiting lists, with

Page 4

1 any remaining funds being used to provide an
2 across-the-board percentage increase, up to 3 percent
3 above the rates existing on June 30, 2008, in the
4 reimbursement rates of medical assistance providers.
5 _____. The department of human services shall
6 conduct a review of the impact of broadening the list
7 of drugs prescribed for the treatment of diabetes on
8 the preferred drug list under the medical assistance
9 program in order to promote drugs that are appropriate
10 and therapeutically effective for persons with
11 diabetes. The review shall include, at a minimum, a
12 comparison of the effectiveness of drugs prescribed
13 for the treatment of diabetes and a cost analysis.
14 The department shall report its findings and
15 recommendations to the individuals specified in this
16 Act to receive reports by December 15, 2008.
17 _____. The department of human services shall
18 conduct a review of the medical assistance home and
19 community-based services waivers, including but not
20 limited to the upper limit of reimbursement for each
21 waiver and the services provided under each waiver,
22 and shall make recommendations to the individuals
23 specified in this Act to receive reports by December
24 15, 2008, regarding revising the upper limits of
25 reimbursement and services provided.”
26 22. Page 27, line 27, by striking the figure
27 “15,873,103” and inserting the following:
28 “13,868,885”.
29 23. Page 31, line 13, by striking the figure
30 “88,557,565” and inserting the following:
31 “88,210,005”.
32 24. Page 31, line 34, by striking the figure
33 “36,441,744” and inserting the following:
34 “35,841,744”.
35 25. Page 35, line 23, by striking the figure
36 “1,030,000” and inserting the following: “1,130,000”.
37 26. Page 37, by inserting after line 21 the
38 following:
39 “25. Of the funds appropriated in this section,
40 \$152,440 shall be used for continuation of the funding
41 of one or more child welfare diversion and mediation
42 pilot projects as provided in 2004 Iowa Acts, chapter
43 1130, section 1.”
44 _____. The department shall review the processes for

45 drug testing of persons responsible for the care of a
 46 child in child abuse cases to evaluate the
 47 effectiveness of the testing, whether it is applied in
 48 the same manner in all service areas, identify how the
 49 funding designated for drug testing is utilized, and
 50 address other issues associated with the testing. The

Page 5

1 department shall report concerning the review to the
 2 persons designated by this Act to receive reports.

3 27. Page 37, line 29, by striking the figure
 4 “32,568,872” and inserting the following:
 5 “33,168,872”.

6 28. Page 44, by striking lines 2 through 13 and
 7 inserting the following:

8 “6. Of the funds appropriated in this section,
 9 \$260,000 shall be used for a grant to a statewide
 10 association of counties for development and
 11 implementation of the community services network to
 12 replace the county management information system.”

13 29. Page 45, line 26, by striking the figure
 14 “16,682,067” and inserting the following:
 15 “16,982,067”.

16 30. Page 45, by inserting after line 33 the
 17 following:

18 “3. Of the funds appropriated in this section,
 19 \$300,000 is allocated for opening a new Alzheimer’s
 20 disease unit at one of the state mental health
 21 institutes.”

22 31. Page 46, by striking lines 6 through 20 and
 23 inserting the following:

24 “Sec. ___. ALLOWED GROWTH — ADDITIONAL FUNDING.

25 There is appropriated from the general fund of the
 26 state to the department of human services for the
 27 fiscal year beginning July 1, 2008, and ending June
 28 30, 2009, the following amount, or so much thereof as
 29 is necessary, to be used for the purposes designated:

30 To be credited to the appropriation made in 2007
 31 Iowa Acts, chapter 215, section 1, subsection 1, as
 32 amended by this Act, for allocation as additional
 33 funding under new subsection 3 of that section, as
 34 enacted by this Act:

35 \$ 750,000”

36 32. Page 46, line 32, by striking the figure
 37 “2007.” and inserting the following: “2007, plus 1
 38 percent. Nursing facility rates calculated in
 39 accordance with this subparagraph shall in no instance
 40 exceed the rate component limits as defined in 441 IAC
 41 81.6(16).”

42 33. Page 47, line 23, by striking the figure
 43 “4.52” and inserting the following: “4.57”.

44 34. Page 47, line 27, by striking the words
45 “remain at” and inserting the following: “be
46 increased by 1 percent over”.
47 35. Page 48, by inserting after line 8 the
48 following:
49 “(4) A hospital is not eligible for an increase in
50 reimbursement under the medical assistance program for

Page 6

1 the fiscal year beginning July 1, 2008, if at any time
2 within the 24-month period directly preceding the
3 start of that fiscal year, the hospital meets both of
4 the following criteria:
5 (a) Has been subject to a cease and desist order
6 or other adverse order or adverse decision by the
7 national labor relations board, either by the board or
8 by an administrative law judge under the board, in
9 response to an unfair labor practice charge, and the
10 order or decision has not been subsequently overturned
11 by administrative or judicial review.
12 (b) Has been cited for a violation of the
13 occupational health and safety administration of the
14 United States department of labor pursuant to Iowa
15 Code chapter 88, and the citation has not been
16 subsequently overturned by administrative or judicial
17 review.”
18 36. Page 48, line 16, by striking the words
19 “remain at” and inserting the following: “be
20 increased by 1 percent over”.
21 37. Page 48, line 21, by striking the figure
22 “2008” and inserting the following: “2009”.
23 38. Page 48, line 27, by striking the words
24 “remain at” and inserting the following: “be
25 increased by 1 percent over”.
26 39. Page 48, line 31, by striking the figure
27 “160.71” and inserting the following: “167.19”.
28 40. Page 48, line 34, by striking the words
29 “remain at” and inserting the following: “be
30 increased by 1 percent over”.
31 41. Page 49, by inserting after line 3 the
32 following:
33 “ii. Notwithstanding any provision to the
34 contrary, for the fiscal year beginning July 1, 2008,
35 the reimbursement rate for anesthesiologists shall be
36 increased by 1 percent over the medical assistance
37 rate for anesthesiologists in effect on July 1, 2007.”
38 42. Page 49, line 8, by striking the words
39 “remain at” and inserting the following: “be
40 increased by 1 percent over”.
41 43. Page 54, by striking line 27 and inserting
42 the following: “provider entities, the state and

43 local offices of the long-term resident’s care
44 advocate, the older Iowans’ legislature, area agencies
45 on aging, the”.

46 44. Page 55, by striking lines 13 through 25.

47 45. Page 55, by inserting before line 26 the
48 following:

49 “____. VISUAL INSPECTIONS AND REPAIR OF HAZARDS —
50 LEAD HAZARDS. The department of human services and

Page 7

1 the department of education shall adopt rules to
2 require programs and facilities under the purview of
3 the respective department to conduct visual
4 assessments for lead hazards and to repair lead
5 hazards identified.”

6 46. Page 63, line 7, by striking the figure
7 “500,000” and inserting the following: “1,000,000”.

8 47. Page 63, by striking lines 32 through 35.

9 48. Page 64, by striking lines 1 through 19 and
10 inserting the following:

11 “11. For transfer to the appropriation made in
12 2007 Iowa Acts, chapter 215, section 1, subsection 1,
13 as amended by this Act, for allocation as additional
14 funding under new subsection 3 of that section, as
15 enacted by this Act:

16 \$ 200,000”

17 49. Page 67, by striking lines 24 and 25 and
18 inserting the following:

19 “2. a. A statewide emergency mental health crisis
20 services system shall be implemented through counties
21 in accordance with this section.”

22 50. Page 68, by striking line 24 and inserting the
23 following:

24 “b. Identification of county groupings, geographic
25 regions,”

26 51. By striking page 82, line 10, through page 84,
27 line 2, and inserting the following:

28 “Sec. ____ . COMMUNITY MENTAL HEALTH CENTER LAW
29 UPDATE.

30 1. The mental health, mental retardation,
31 developmental disabilities, and brain injury
32 commission, as part of fulfilling its responsibilities
33 under chapter 225C, shall develop a proposal for
34 updating and revising Code chapter 230A, relating to
35 community mental health centers, and for revising the
36 accreditation standards in rule that would result from
37 the statutory revisions. The commission shall utilize
38 an advisory committee in developing the proposal. In
39 addition to the interests represented on the
40 commission, the advisory committee membership shall
41 include but is not limited to representatives of the

42 following: the child welfare advisory committee
43 established pursuant to section 234.3, the coalition
44 for family and children's services in Iowa, the Iowa
45 chapter of the national association of social workers,
46 the Iowa psychological society, and the Iowa
47 psychiatric society.

48 2. The proposal content shall include but is not
49 limited to addressing Code chapter 230A requirements
50 in the following areas: establishment and support of

Page 8

1 community mental health centers, services offered,
2 consumer and family involvement, capability to address
3 co-occurring disorders, forms of organization, board
4 of directors, organization meetings, duties and powers
5 of directors, center organization as a nonprofit
6 entity, annual budget, financial support of centers
7 through federal and state block grants, comprehensive
8 community mental health programs, target populations
9 to be served, emergency mental health crisis services,
10 quality improvement programs, use of evidence-based
11 practices, use of functional assessments and outcomes
12 measures, establishment of standards, and review and
13 evaluation processes.

14 3. The commission shall submit the proposal with
15 findings and recommendations to the governor and
16 general assembly on or before December 1, 2008. Until
17 the report has been considered and acted upon by the
18 general assembly, the division administrator may defer
19 consideration of requests for accreditation of a new
20 community mental health center or for approval of a
21 provider to fill the role of a community mental health
22 center."

23 52. Page 84, by inserting after line 2 the
24 following:

25 "Sec. ___. MENTAL HEALTH PATIENT ADVOCATE INTERIM
26 STUDY. The legislative council shall authorize a 2008
27 legislative interim study of the duties,
28 responsibilities, funding, and authority for the
29 mental health patient advocates appointed by the
30 courts under chapter 229. In addition to legislators,
31 the study committee membership shall include
32 representatives of counties, the judicial branch,
33 mental health patient advocates, and the department of
34 human services. The study committee shall
35 specifically identify the appropriate appointing
36 authority and funding source for the advocates in the
37 study recommendations."

38 53. Page 89, line 20, by striking the figure
39 "113,690,856" and inserting the following:
40 "114,953,296".

41 54. Page 94, by striking lines 20 through 30 and
 42 inserting the following:
 43 “TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
 44 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM
 45 Sec. ____ 2007 Iowa Acts, chapter 218, section 7,
 46 subsection 3, is amended by adding the following new
 47 unnumbered paragraph:
 48 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 49 8.33, moneys appropriated in this subsection that
 50 remain unencumbered or unobligated at the close of the

Page 9

1 fiscal year shall not revert but shall remain
 2 available for expenditure for the purposes designated
 3 until the close of the succeeding fiscal year.
 4 However, unless such moneys are encumbered or
 5 obligated on or before September 30, 2008, the moneys
 6 shall revert.”

7 55. Page 98, by inserting after line 6 the
 8 following:

9 “MI/MR/DD STATE CASES
 10 ADOPTION SUBSIDY

11 Sec. ____ 2007 Iowa Acts, chapter 218, section 25,
 12 subsection 3, is amended to read as follows:

13 3. Notwithstanding section 8.33, moneys
 14 appropriated in this section that remain unencumbered
 15 or unobligated at the close of the fiscal year shall
 16 not revert but shall remain available for expenditure
 17 for the purposes designated until the close of the
 18 succeeding fiscal year. The first \$1,000,000 of such
 19 moneys shall be transferred to the appropriation made
 20 for adoption subsidy for the fiscal year beginning
 21 July 1, 2008.”

22 56. Page 100, line 10, by striking the word
 23 “subsection” and inserting the following:
 24 “subsections”.

25 57. Page 100, by inserting after line 20 the
 26 following:

27 “NEW SUBSECTION. 9. For the medical assistance
 28 program only to the extent all other appropriations
 29 made for the program are insufficient:

30 \$ 2,500,000”

31 58. Page 107, by inserting after line 14 the
 32 following:

33 “Sec. ____ Section 135.150, subsection 2, Code
 34 Supplement 2007, is amended to read as follows:

35 2. a. Moneys appropriated to the department under
 36 this section shall be for the purpose of operating a
 37 gambling treatment program and shall be used for
 38 funding of administrative costs and to provide
 39 programs which may include, but are not limited to,

40 outpatient and follow-up treatment for persons
 41 affected by problem gambling, rehabilitation and
 42 residential treatment programs, information and
 43 referral services, crisis call access, education and
 44 preventive services, and financial management ~~and~~
 45 ~~credit counseling~~ services.

46 b. A person shall not maintain or conduct a
 47 gambling treatment program funded under this section
 48 unless the person has obtained a license for the
 49 program from the department. The department shall
 50 adopt rules to establish standards for the licensing

Page 10

1 and operation of gambling treatment programs under
 2 this section. The rules shall specify, but are not
 3 limited to specifying, the qualifications for persons
 4 providing gambling treatment services, standards for
 5 the organization and administration of gambling
 6 treatment programs, and a mechanism to monitor
 7 compliance with this section and the rules adopted
 8 under this section. Effective on or after July 1,
 9 2009, the department shall adopt rules regarding the
 10 joint licensure of gambling treatment and substance
 11 abuse treatment programs including qualifications for
 12 persons providing the services.”

13 59. Page 107, line 26, by inserting after the
 14 word “policy” the following: “bodies”.

15 60. By striking page 119, line 35, through page
 16 120, line 21.

17 61. Page 121, by inserting after line 21 the
 18 following:

19 “Sec. ____ Section 235B.19, subsection 1, Code
 20 2007, is amended to read as follows:

21 1. If the department determines that a dependent
 22 adult is suffering from dependent adult abuse which
 23 presents an immediate danger to the health or safety
 24 of the dependent adult or which results in irreparable
 25 harm to the physical or financial resources or
 26 property of the dependent adult, and that the
 27 dependent adult lacks capacity to consent to receive
 28 protective services and that no consent can be
 29 obtained, the department ~~may~~ shall petition the court
 30 with probate jurisdiction in the county in which the
 31 dependent adult resides for an emergency order
 32 authorizing protective services.

33 Sec. ____ Section 235B.19, subsection 3, paragraph
 34 c, Code 2007, is amended to read as follows:

35 c. Order the provision of other available services
 36 necessary to remove conditions creating the danger to
 37 health or safety, including the services of peace
 38 officers or emergency services personnel, and

39 including the termination of a guardianship or a
40 conservatorship pursuant to the requirements of
41 section 633.675.”

42 62. Page 123, by inserting after line 8 the
43 following:

44 Sec. ____ Section 249A.20A, subsection 2, Code
45 2007, is amended by adding the following new
46 paragraph:

47 NEW PARAGRAPH. d. A member of the committee shall
48 disclose to the department, in a format and in
49 accordance with a schedule prescribed by rule of the
50 department, any financial relationship or affiliation

Page 11

1 with a pharmaceutical manufacturer, including but not
2 limited to any payments or contributions for lectures,
3 consulting, research, or other services. The
4 disclosure requirements shall be at least as stringent
5 as the campaign disclosure requirements applicable to
6 a member of the general assembly pursuant to chapter
7 68A.

8 Sec. ____ Section 249A.24, Code 2007, is amended
9 by adding the following new subsection:

10 NEW SUBSECTION. 4. A member of the commission
11 shall disclose to the department, in a format and in
12 accordance with a schedule prescribed by rule of the
13 department, any financial relationship or affiliation
14 with a pharmaceutical manufacturer, including but not
15 limited to any payments or contributions for lectures,
16 consulting, research, or other services. The
17 disclosure requirements shall be at least as stringent
18 as the campaign disclosure requirements applicable to
19 a member of the general assembly pursuant to chapter
20 68A.

21 “Sec. ____ NEW SECTION. 249A.36 HEALTH CARE
22 INFORMATION SHARING.

23 1. As a condition of doing business in the state,
24 health insurers including self-insured plans, group
25 health plans as defined in the federal Employee
26 Retirement Income Security Act of 1974, Pub. L. No.
27 93-406, service benefit plans, managed care
28 organizations, pharmacy benefits managers, and other
29 parties that are, by statute, contract, or agreement,
30 legally responsible for payment of a claim for a
31 health care item or service, shall do all of the
32 following:

33 a. Provide, with respect to individuals who are
34 eligible for or are provided medical assistance under
35 the state’s medical assistance state plan, upon the
36 request of the state, information to determine during
37 what period the individual or the individual’s spouse

38 or dependents may be or may have been covered by a
 39 health insurer and the nature of the coverage that is
 40 or was provided by the health insurer, including the
 41 name, address, and identifying number of the plan, in
 42 accordance with section 505.25, in a manner prescribed
 43 by the department of human services or as agreed upon
 44 by the department and the entity specified in this
 45 section.

46 b. Accept the state's right of recovery and the
 47 assignment to the state of any right of an individual
 48 or other entity to payment from the party for an item
 49 or service for which payment has been made under the
 50 medical assistance state plan.

Page 12

1 c. Respond to any inquiry by the state regarding a
 2 claim for payment for any health care item or service
 3 that is submitted no later than three years after the
 4 date of the provision of such health care item or
 5 service.

6 d. Agree not to deny any claim submitted by the
 7 state solely on the basis of the date of submission of
 8 the claim, the type or format of the claim form, or a
 9 failure to present proper documentation at the
 10 point-of-sale that is the basis of the claim, if all
 11 of the following conditions are met:

12 (1) The claim is submitted to the entity by the
 13 state within the three-year period beginning on the
 14 date on which the item or service was furnished.

15 (2) Any action by the state to enforce its rights
 16 with respect to such claim is commenced within six
 17 years of the date that the claim was submitted by the
 18 state.

19 2. The department of human services may adopt
 20 rules pursuant to chapter 17A as necessary to
 21 implement this section. Rules governing the exchange
 22 of information under this section shall be consistent
 23 with all laws, regulations, and rules relating to the
 24 confidentiality or privacy of personal information or
 25 medical records, including but not limited to the
 26 federal Health Insurance Portability and
 27 Accountability Act of 1996, Pub. L. No. 104-191, and
 28 regulations promulgated in accordance with that Act
 29 and published in 45 C.F.R. pts. 160 through 164."

30 63. Page 126, by striking lines 18 through 24.

31 64. By striking page 128, line 32, through page
 32 130, line 10.

33 65. Page 135, by inserting after line 32 the
 34 following:

35 "DIVISION ____
 36 MASS TRANSIT

37 Sec. ____ MASS TRANSIT INTERIM COMMITTEE. The
38 legislative council is requested to establish a
39 legislative interim study committee to conduct a
40 comprehensive study of the ways in which mass transit
41 might be employed to provide public transportation
42 services among Iowa communities. The study should
43 include but not be limited to an examination of the
44 following:

45 1. The ways in which the availability of mass
46 transit affects various populations within rural and
47 urban communities. In particular, the study should
48 examine the benefits of mass transit for poor,
49 elderly, and disabled individuals who are unable to
50 drive or cannot afford to own a motor vehicle.

Page 13

1 2. Any impact that mass transit services among
2 Iowa communities might have on population levels,
3 quality of life, and economic development in urban job
4 centers, smaller satellite communities, and rural
5 towns.

6 3. The effect of mass transit on statewide
7 greenhouse gas emissions and overall air quality,
8 including the role that mass transit can play in
9 meeting the goals of the Iowa energy independence
10 plan.

11 4. The level of public need for mass transit among
12 Iowa communities, including any specific areas of the
13 state where the need is most immediate.

14 5. The feasibility of expanding mass transit
15 services and the types and combinations of services
16 that might comprise a mass transit system for Iowa.

17 6. The potential costs and possible funding
18 mechanisms for developing and maintaining specific
19 mass transit services.

20 7. The attitudes and habits of Iowans concerning
21 personal transportation. The study should include a
22 component for educating the public about the economic,
23 social, and environmental advantages of mass transit.

24 The committee membership should include ten members
25 representing both political parties and both houses of
26 the general assembly. The committee should consult
27 with the department of transportation, the office of
28 energy independence, the department of human services,
29 local officials, members of the general public who are
30 knowledgeable concerning intercity public transit and
31 passenger rail, and other interested parties as
32 necessary to accomplish the work of the committee.
33 The committee, if authorized, shall submit a written
34 report of its findings and recommendations to the
35 governor and the general assembly by December 31,

36 2008.”
 37 66. By renumbering, relettering, or redesignating
 38 and correcting internal references as necessary.

S-5402

1 Amend Senate Resolution 155 as follows:
 2 1. Page 2, by striking lines 7 through 9 and
 3 inserting the following:
 4 “BE IT FURTHER RESOLVED, “That I know it, that you
 5 know it, and the people of Iowa know it,” and
 6 therefore the Secretary of the Senate is directed to
 7 prepare an official copy of the Resolution for
 8 presentation to Senator Connolly.”

MICHAEL E. GRONSTAL
 JEFF ANGELO
 STACI APPEL
 DARYL BEALL
 JERRY BEHN
 DENNIS H. BLACK
 NANCY J. BOETTGER
 JOE BOLKCOM
 THOMAS G. COURTNEY
 JEFF DANIELSON
 DICK L. DEARDEN
 WILLIAM DOTZLER
 ROBERT E. DVORSKY
 EUGENE S. FRAISE
 E. THURMAN GASKILL
 JAMES F. HAHN
 TOM HANCOCK
 DAVID L. HARTSUCH
 JACK HATCH
 WILLIAM HECKROTH
 ROBERT M. HOGG
 WALLY E. HORN
 HUBERT HOUSER
 DAVID JOHNSON
 STEVE KETTERING
 JOHN P. KIBBIE
 KEITH A. KREIMAN
 MARY A. LUNDBY
 MATT McCOY
 LARRY McKIBBEN
 PAUL McKINLEY
 DAVE MULDER
 LARRY NOBLE
 RICH OLIVE
 JOHN PUTNEY
 HERMAN C. QUIRMBACH
 AMANDA RAGAN

THOMAS RIELLY
BECKY SCHMITZ
BRIAN SCHOENJAHN
JOE M. SENG
JAMES A. SEYMOUR
ROGER STEWART
PAT WARD
STEVE WARNSTADT
RON WIECK
FRANK B. WOOD
BRAD ZAUN
MARK ZIEMAN

S-5403

1 Amend House File 2688, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by inserting after line 24 the
4 following:
5 “Sec. ____ NEW SECTION. 266.49 UNIVERSITY OF
6 IOWA STUDY — HEALTH EFFECTS.
7 1. The university of Iowa college of public health
8 shall conduct research regarding the possible effects
9 on human health from the exposure to odor from
10 livestock operations. The research shall include
11 effects on neighbors who reside near a livestock
12 operation and livestock production workers who
13 regularly work inside a confinement feeding operation
14 building. The research shall include but is not
15 limited to the effect of livestock odor on respiratory
16 diseases, cardiovascular events, and neuropsychiatric
17 conditions. The research shall include effects on
18 subgroups of especially susceptible individuals, such
19 as the elderly, children, and those with preexisting
20 impairments.
21 2. a. The university of Iowa college of public
22 health shall submit an interim report to the general
23 assembly by January 15 of each year through January
24 15, 2012. An interim report shall include data
25 collected from the research and any recommendations
26 deemed necessary by the college to protect the public
27 health of individuals exposed to air emissions from
28 livestock operations.
29 b. The university of Iowa college of public health
30 shall submit a final report to the general assembly by
31 January 30, 2013. The report shall include a summary
32 of efforts, the university’s findings and conclusions,
33 and recommendations necessary to protect the health of
34 the public, including but not limited to neighbors who
35 reside near a livestock operation and livestock
36 production workers who regularly work inside a
37 confinement feeding operation building, from the

38 effects of exposure from livestock operations.”

39 2. By renumbering as necessary.

JOE BOLKCOM
MARY A. LUNDBY

S-5404

1 Amend Senate File 2428 as follows:

2 1. Page 20, by striking lines 11 through 15 and
3 inserting the following:

4 “(a) For a county with a population greater than
5 one hundred fifty thousand, an amount equal to five
6 hundred thousand dollars.

7 (b) For a county with a population greater than
8 one hundred thousand but not more than one hundred
9 fifty thousand, an amount equal to four hundred
10 thousand dollars.

11 (c) For a county with a population greater than
12 fifty thousand but not more than one hundred thousand,
13 an amount equal to two hundred fifty thousand dollars.

14 (d) For a county with a population greater than
15 twenty-six thousand but not more than fifty thousand,
16 an amount equal to one hundred thousand dollars.

17 (e) For a county with a population greater than
18 fifteen thousand but not more than twenty-six
19 thousand, an amount equal to fifty thousand dollars.

20 (f) For a county with a population equal to or
21 less than fifteen thousand, an amount equal to
22 twenty-five thousand dollars.”

23 2. Page 20, by inserting after line 34 the
24 following:

25 “___. (1) A county may enter into an agreement
26 pursuant to chapter 28E with one or more other
27 counties for the purpose of collecting delinquent
28 court debt pursuant to this subsection.

29 (2) Notwithstanding paragraph “c”, if a county
30 subject to the threshold amount in paragraph “c”,
31 subparagraph (2), subparagraph subdivision (e) or (f)
32 enters into such an agreement exclusively with a
33 county or counties subject to the threshold amount in
34 paragraph “c”, subparagraph (2), subparagraph
35 subdivision (e) or (f), the threshold amount
36 applicable to all of the counties combined shall be a
37 single threshold amount, equal to the threshold amount
38 attributable to the county with the largest
39 population.”

STEVE KETTERING
ROBERT E. DVORSKY

S-5405

1 Amend the amendment, S-5393, to Senate File 2428 as
 2 follows:
 3 1. Page 4, lines 8 and 9, by striking the words
 4 “into the general fund of the state” and inserting the
 5 following: “with the clerk of the district court for
 6 distribution under section 602.8108”.

ROBERT E. DVORSKY

S-5406

1 Amend the amendment, S-5397, to House File 2688, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 49 the
 5 following:
 6 “___ Page 8, by inserting after line 20 the
 7 following:
 8 “Sec. ___. APPROPRIATIONS — COST-SHARE PROGRAM
 9 FOR LIVESTOCK ODOR MITIGATION EFFORTS. There is
 10 appropriated from interest or earnings on moneys in
 11 the grow Iowa values fund created pursuant to section
 12 15G.108 to Iowa state university for the fiscal year
 13 beginning July 1, 2008, and ending June 30, 2009, the
 14 following amount, or so much thereof as is necessary,
 15 to be used for the purposes designated:
 16 For purposes of supporting the cost-share program
 17 for livestock odor mitigation efforts as provided in
 18 this Act:
 19 \$ 1,000,000”
 20 2. Page 2, by inserting after line 1 the
 21 following:
 22 “___ Title page, line 3, by inserting after the
 23 word “evaluations,” the following: “providing an
 24 appropriation,”.”

PAUL MCKINLEY
JERRY BEHN

S-5407

1 Amend House File 2663, as passed by the House, as
 2 follows:
 3 1. Page 20, by striking lines 16 through 34.

PAT WARD

S-5408

1 Amend House File 2663, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 “Section 1. Section 8.57, subsection 6, paragraph
6 f, Code Supplement 2007, is amended to read as
7 follows:

8 f. There is appropriated from the rebuild Iowa
9 infrastructure fund to the secure an advanced vision
10 for education fund created in section 423E.4, for ~~each~~
11 ~~the~~ fiscal year ~~of the fiscal period~~ beginning July 1,
12 2004, and ~~ending June 30, 2014~~ each succeeding fiscal
13 year, the amount of the moneys in excess of the first
14 forty-seven million dollars credited to the rebuild
15 Iowa infrastructure fund during the fiscal year, not
16 to exceed ten million dollars.

17 Sec. 2. Section 423E.1, subsection 2, Code 2007,
18 is amended to read as follows:

19 2. The maximum rate of tax shall be one percent.
20 The tax shall be imposed without regard to any other
21 local sales and services tax authorized in chapter
22 423B, and is repealed at the expiration of a period of
23 ten years of imposition or a shorter period as
24 provided in the ballot proposition unless the period
25 is extended as provided in section 423E.2, subsection
26 5. ~~However, all local option sales and services taxes~~
27 ~~for school infrastructure purposes are repealed~~
28 ~~December 31, 2022.~~

29 Sec. 3. Section 423E.2, subsection 5, paragraph c,
30 Code Supplement 2007, is amended to read as follows:

31 c. A local option sales and services tax shall not
32 be repealed or reduced in rate if obligations are
33 outstanding which are payable as provided in section
34 423E.5, unless funds sufficient to pay the principal,
35 interest, and premium, if any, on the outstanding
36 obligations at and prior to maturity have been
37 properly set aside and pledged for that purpose.
38 ~~However, this paragraph does not apply to the repeal~~
39 ~~of the tax on December 31, 2022, as specified in~~
40 ~~section 423E.1, subsection 2.~~

41 Sec. 4. Section 423E.4, subsection 3, paragraph a,
42 Code 2007, is amended to read as follows:

43 a. The director of revenue by August 15 of each
44 fiscal year shall compute the guaranteed school
45 infrastructure amount for each school district, each
46 school district’s sales tax capacity per student for
47 each county, the statewide tax revenues per student,
48 and the supplemental school infrastructure amount for
49 the ~~coming~~ fiscal year.

50 Sec. 5. Section 423E.4, subsection 3, paragraph b,

Page 2

1 subparagraph (3), Code 2007, is amended by striking
2 the subparagraph and inserting in lieu thereof the
3 following:

4 (3) "Statewide tax revenues per student" means the
5 greater of the following amounts:

6 (a) The amount determined by estimating the total
7 revenues that would be generated by a one percent
8 local option sales and services tax for school
9 infrastructure purposes if imposed by all the counties
10 during the entire fiscal year and dividing this
11 estimated revenue amount by the sum of the combined
12 actual enrollment for all counties as determined in
13 section 423E.3, subsection 5, paragraph "d",
14 subparagraph (2).

15 (b) Five hundred seventy-five dollars per student.

16 Sec. 6. Section 423E.4, Code 2007, is amended by
17 adding the following new subsections:

18 NEW SUBSECTION. 5A. For the fiscal year beginning

19 July 1, 2008, if any school district will not receive
20 a distribution under this section from the fund equal
21 to at least five hundred seventy-five dollars per
22 student, there is appropriated from the surplus
23 existing in the general fund of the state at the
24 conclusion of the fiscal year beginning July 1, 2007,
25 to the secure an advanced vision for education fund an
26 amount to be distributed to such school districts so
27 that the amount received for the fiscal year beginning
28 July 1, 2008, will equal five hundred seventy-five
29 dollars per student. The appropriation under this
30 subsection shall be made prior to the appropriation
31 and distribution to the senior living trust fund and
32 cash reserve fund of the surplus existing in the
33 general fund of the state at the conclusion of the
34 fiscal year beginning July 1, 2007.

35 NEW SUBSECTION. 5B. For the fiscal year beginning

36 July 1, 2009, and each subsequent fiscal year, if any
37 school district will not receive a distribution under
38 this section from the fund equal to at least five
39 hundred seventy-five dollars per student, there is
40 appropriated from the general fund of the state to the
41 secure an advanced vision for education fund an amount
42 to be distributed to such school districts so that the
43 amount received for the fiscal year will equal five
44 hundred seventy-five dollars per student.

45 Sec. 7. Section 423E.7, Code 2007, is repealed.

46 Sec. 8. CONSTITUTIONAL AMENDMENT — INTENT. It is
47 the intent of the general assembly that an amendment
48 to the Constitution of the State of Iowa be proposed
49 and passed by two successive general assemblies and
50 submitted to the voters of the state that provides the

Page 3

- 1 following:
 2 All revenues derived from the imposition and
 3 collection of a local sales and services tax for
 4 school infrastructure purposes be distributed to
 5 school districts of the state to be used exclusively
 6 for school infrastructure purposes or school property
 7 tax relief, including the payment of principal and
 8 interest on bonds issued for school infrastructure
 9 purposes.”
 10 2. Title page, by striking lines 1 through 7 and
 11 inserting the following: “An Act relating to the
 12 local sales and services tax for school infrastructure
 13 purposes and providing for appropriations, if
 14 necessary.”

LARRY McKIBBEN
 JEFF ANGELO

S-5409

- 1 Amend the House amendment, S-5401, to Senate File
 2 2425, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 7, by inserting after line 25 the
 5 following:
 6 “___ Page 75, line 25, by striking the figure
 7 “54,081,310” and inserting the following:
 8 “58,081,310”.
 9 ___ Page 76, line 9, by striking the figure
 10 “12,000,000” and inserting the following:
 11 “16,000,000”.
 12 2. By renumbering as necessary.

BRAD ZAUN
 PAT WARD
 DAVE MULDER

S-5410

HOUSE AMENDMENT TO SENATE FILE 2406

- 1 Amend Senate File 2406, as passed by the Senate, as
 2 follows:
 3 1. By striking page 4, line 11, through page 5,
 4 line 28, and inserting the following:
 5 “Sec. ___. Section 7K.1, subsection 3, unnumbered
 6 paragraph 1, Code 2007, is amended to read as follows:
 7 The board of directors of the foundation shall

8 consist of fifteen members ~~serving staggered~~
 9 ~~three year terms beginning on May 1 of the year of~~
 10 ~~appointment~~ who shall be appointed as follows:
 11 Sec. ____ Section 7K.1, subsection 3, Code 2007,
 12 is amended by adding the following new paragraph:
 13 NEW PARAGRAPH. d. The term of the members
 14 appointed by the governor shall be for three years,
 15 staggered by the governor, beginning upon the
 16 convening of a regular session of the general assembly
 17 and ending upon the convening of a regular session of
 18 the general assembly three years later. The term of
 19 the members appointed by a member of the general
 20 assembly shall be as provided in section 69.16B.”
 21 2. By renumbering as necessary.

S-5411

1 Amend House File 2660, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 26 the
 4 following:
 5 “It is the intent of the general assembly to
 6 appropriate from the general fund of the state to the
 7 department of justice for victim assistance grants the
 8 following amount: \$1,000,000 for the fiscal year
 9 beginning July 1, 2009, and ending June 30, 2010.”

DAVID JOHNSON
 ROBERT E. DVORSKY

S-5412

1 Amend House File 2660, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 3, by striking the figure
 4 “600,000” and inserting the following: “850,000”.
 5 2. Page 3, line 22, by striking the figure
 6 “44,512,509” and inserting the following:
 7 “44,756,586”.
 8 3. Page 3, line 26, by striking the figure
 9 “30,894,866” and inserting the following:
 10 “31,428,054”.
 11 4. Page 4, line 6, by striking the figure
 12 “56,204,468” and inserting the following:
 13 “58,128,271”.
 14 5. Page 4, line 10, by striking the figure
 15 “27,841,158” and inserting the following:
 16 “27,978,941”.
 17 6. Page 4, line 14, by striking the figure
 18 “26,331,092” and inserting the following:
 19 “27,290,452”.

20 7. Page 4, line 18, by striking the figure
21 “9,166,484” and inserting the following: “9,262,685”.
22 8. Page 4, line 22, by striking the figure
23 “25,078,365” and inserting the following:
24 “25,207,465”.
25 9. Page 4, line 31, by striking the figure
26 “15,878,663” and inserting the following:
27 “15,935,768”.
28 10. Page 4, line 35, by striking the figure
29 “29,715,121” and inserting the following:
30 “29,823,711”.
31 11. Page 5, by striking lines 12 through 16.
32 12. Page 8, by inserting after line 25 the
33 following:
34 “4. As a condition of receiving the appropriations
35 made in this section, the department of corrections
36 shall develop and implement offender reentry centers
37 in Black Hawk and Polk counties to provide
38 transitional planning and release primarily for
39 offenders released from the Iowa correctional
40 institution for women at Mitchellville and the Fort
41 Dodge correctional facility. Programming shall
42 include minority and gender-specific responsivity,
43 employment, substance abuse treatment, mental health
44 services, housing, and family reintegration. The
45 department of corrections shall collaborate with the
46 first and fifth judicial district departments of
47 correctional services, Iowa department of workforce
48 development, department of human services,
49 community-based providers and faith-based
50 organizations, and local law enforcement.”

Page 2

1 13. Page 9, line 2, by striking the figure
2 “12,912,033” and inserting the following:
3 “13,103,903”.
4 14. Page 9, line 10, by striking the figure
5 “10,669,139” and inserting the following:
6 “10,835,021”.
7 15. Page 9, line 13, by striking the figure
8 “5,903,401” and inserting the following: “5,914,624”.
9 16. Page 9, line 16, by striking the figure
10 “5,419,406” and inserting the following: “5,435,240”.
11 17. Page 9, line 20, by striking the figure
12 “18,276,003” and inserting the following:
13 “18,813,816”.
14 18. Page 9, line 23, by striking the figure
15 “12,475,246” and inserting the following:
16 “13,991,982”.
17 19. Page 10, line 2, by striking the figure
18 “7,020,794” and inserting the following: “7,053,660”.

19 20. Page 10, line 5, by striking the figure
 20 “6,998,544” and inserting the following: “7,066,926”.
 21 21. Page 15, line 21, by striking the words and
 22 figure “17 percent of” and inserting the following:
 23 “the state’s normal contribution rate, as defined in
 24 section 97A.8, multiplied by”.
 25 22. Page 16, line 30, by striking the words and
 26 figure “17 percent of” and inserting the following:
 27 “the state’s normal contribution rate, as defined in
 28 section 97A.8, multiplied by”.
 29 23. Page 17, line 9, by striking the words and
 30 figure “17 percent of” and inserting the following:
 31 “the state’s normal contribution rate, as defined in
 32 section 97A.8, multiplied by”.
 33 24. Page 17, line 18, by striking the words and
 34 figure “17 percent of” and inserting the following:
 35 “the state’s normal contribution rate, as defined in
 36 section 97A.8, multiplied by”.
 37 25. Page 17, line 21, by striking the figure
 38 “49,688,777” and inserting the following:
 39 “50,353,777”.
 40 26. Page 17, line 22, by striking the figure
 41 “535.00” and inserting the following: “536.00”.
 42 27. Page 17, by inserting after line 22 the
 43 following:
 44 “As a condition of receiving the appropriation made
 45 in this subsection, the department of public safety
 46 shall increase expenditures for overtime paid to peace
 47 officer members of the state patrol by \$350,000 and
 48 increase expenditures for fuel used by the motor
 49 vehicles of such members by \$227,000. In addition as
 50 a condition of receiving the appropriation made in

Page 3

1 this subsection, the department shall hire and employ
 2 one additional peace officer member of the state
 3 patrol.”

TOM HANCOCK

S-5413

1 Amend the House Amendment, S-5330, to Senate File
 2 2400, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 2 the
 5 following:
 6 “___ Page 1, by inserting before line 1 the
 7 following:
 8 “DIVISION I
 9 ADMINISTRATION AND REGULATION APPROPRIATIONS””

10 2. Page 1, by inserting after line 6 the
11 following:
12 “___ Page 7, by striking lines 3 and 4 and
13 inserting the following:
14 “..... \$ 2,524,462
15 FTEs 26.25”
16 ___ Page 7, by striking line 9 and inserting the
17 following:
18 “..... \$ 492,593”
19 3. Page 1, by inserting after line 18 the
20 following:
21 “___ Page 8, by striking line 32 and inserting
22 the following:
23 “..... \$ 356,535”
24 ___ Page 9, by striking line 3 and inserting the
25 following:
26 “..... \$ 421,700”
27 ___ Page 9, by striking line 10 and inserting
28 the following:
29 “..... \$ 153,093”
30 ___ Page 9, by striking line 16 and inserting
31 the following:
32 “..... \$ 217,221”
33 ___ Page 9, by striking line 22 and inserting
34 the following:
35 “..... \$ 207,035”
36 ___ Page 9, by striking line 29 and inserting
37 the following:
38 “..... \$ 367,203”
39 ___ Page 10, by inserting after line 1 the
40 following:
41 “7A. NATIVE AMERICAN AFFAIRS DIVISION
42 For travel reimbursement for members of the
43 commission on Native American affairs:
44 \$ 6,000”
45 ___ Page 13, line 19, by striking the words “USE
46 TAX APPROPRIATION” and inserting the following: “ROAD
47 USE TAX FUND APPROPRIATION — DEPARTMENT OF
48 INSPECTIONS AND APPEALS”.
49 ___ Page 13, by striking lines 20 through 22 and
50 inserting the following: “from the road use tax fund

Page 2

1 to the administrative hearings.”
2 4. Page 1, by inserting after line 26 the
3 following:
4 “___ Page 15, by striking line 29 and inserting
5 the following:
6 “..... \$ 1,499,063”
7 5. Page 1, by inserting after line 45 the
8 following:

9 “ ____ . Page 18, line 20, by inserting after the
10 word “this” the following: “division of this”.

11 ____ . Page 18, line 26, by inserting after the
12 word “this” the following: “division of this”.”

13 6. Page 1, line 48, by inserting after the word
14 “this” the following: “division of this”.

15 7. Page 1, by inserting after line 50 the
16 following:

17 “DIVISION II

18 DEPARTMENT OF ADMINISTRATIVE SERVICES OPERATIONS

19 Sec. ____ . Section 8.6, Code Supplement 2007, is
20 amended by adding the following new subsection:

21 NEW SUBSECTION. 16. DESIGNATION OF SERVICES —
22 FUNDING — CUSTOMER COUNCILS.

23 a. Establish a process by which the department, in
24 consultation with the department of administrative
25 services, shall determine which services provided by
26 the department of administrative services shall be
27 funded by an appropriation and which services shall be
28 funded by the governmental entity receiving the
29 service.

30 b. Establish a process for determining whether the
31 department of administrative services shall be the
32 sole provider of a service for purposes of those
33 services which the department determines under
34 paragraph “a” are to be funded by the governmental
35 entities receiving the service.

36 c. Establish, by rule, a customer council
37 responsible for overseeing the services provided
38 solely by the department of administrative services.
39 The rules adopted shall provide for all of the
40 following:

41 (1) The method of appointment of members to the
42 council by the governmental entities required to
43 receive the services.

44 (2) The duties of the customer council which shall
45 be as follows:

46 (a) Annual review and approval of the department
47 of administrative services’ business plan regarding
48 services provided solely by the department of
49 administrative services.

50 (b) Annual review and approval of the procedure

Page 3

1 for resolving complaints concerning services provided
2 by the department of administrative services.

3 (c) Annual review and approval of the procedure
4 for setting rates for the services provided solely by
5 the department of administrative services.

6 (3) A process for receiving input from affected
7 governmental entities as well as for a biennial review

8 by the customer council of the determinations made by
9 the department of which services are funded by an
10 appropriation to the department of administrative
11 services and which services are funded by the
12 governmental entities receiving the service, including
13 any recommendations as to whether the department of
14 administrative services shall be the sole provider of
15 a service funded by the governmental entities
16 receiving the service. The department, in
17 consultation with the department of administrative
18 services, may change the determination of a service if
19 it is determined that the change is in the best
20 interests of those governmental entities receiving the
21 service.

22 d. If a service to be provided may also be
23 provided to the judicial branch and legislative
24 branch, then the rules shall provide that the chief
25 justice of the supreme court and the legislative
26 council may, in their discretion, each appoint a
27 member to the customer council.

28 Sec. ____ NEW SECTION. 8A.111 REPORTS REQUIRED.

29 The department shall provide all of the following
30 reports:

31 1. An annual report of the department as required
32 under section 7E.3, subsection 4.

33 2. Internal service fund service business plans
34 and financial reports as required under section
35 8A.123, subsection 5, paragraph "a", and an annual
36 internal service fund expenditure report as required
37 under section 8A.123, subsection 5, paragraph "b".

38 3. An annual report regarding total spending on
39 technology as required under section 8A.204,
40 subsection 3, paragraph "a".

41 4. An annual report of expenditures from the
42 IowaAccess revolving fund as provided in section
43 8A.224.

44 5. A technology audit of the electronic
45 transmission system as required under section 8A.223.

46 6. An annual report on state purchases of recycled
47 and soybean-based products as required under section
48 8A.315, subsection 1, paragraph "d".

49 7. An annual report on the status of capital
50 projects as required under section 8A.321, subsection

Page 4

1 11.

2 8. An annual salary report as required under
3 section 8A.341, subsection 2.

4 9. An annual average fuel economy standards
5 compliance report as required under section 8A.362,
6 subsection 4, paragraph "c".

- 7 10. An annual report of the capitol planning
8 commission as required under section 8A.373.
- 9 11. A comprehensive annual financial report as
10 required under section 8A.502, subsection 8.
- 11 11A. An annual report regarding the Iowa targeted
12 small business procurement Act activities of the
13 department as required under section 15.108,
14 subsection 7, paragraph “c”, and quarterly reports
15 regarding the total dollar amount of certified
16 purchases for certified targeted small businesses
17 during the previous quarter as required in section
18 73.16, subsection 2. The department shall keep any
19 vendor identification information received from the
20 department of inspections and appeals as provided in
21 section 10A.104, subsection 8, and necessary for the
22 quarterly reports, confidential to the same extent as
23 the department of inspection and appeals is required
24 to keep such information. Confidential information
25 received by the department from the department of
26 inspections and appeals shall not be disclosed except
27 pursuant to court order or with the approval of the
28 department of inspections and appeals.
- 29 12. An annual report on the condition of
30 affirmative action, diversity, and multicultural
31 programs as provided under section 19B.5, subsection
32 2.
- 33 13. An unpaid warrants report as required under
34 section 25.2, subsection 3, paragraph “b”.
- 35 14. A report on educational leave as provided
36 under section 70A.25.
- 37 15. A monthly report regarding the revitalize
38 Iowa’s sound economy fund as required under section
39 315.7.
- 40 Sec. ____ Section 8A.202, subsection 2, paragraph
41 e, Code 2007, is amended by striking the paragraph.
- 42 Sec. ____ Section 8A.221, subsection 2, paragraph
43 a, subparagraph (2), Code 2007, is amended to read as
44 follows:
- 45 (2) Recommend to the director the priority of
46 projects associated with lowAccess. The
47 recommendation may also include a recommendation
48 concerning funding for a project proposed by a
49 political subdivision of the state or an association,
50 the membership of which is comprised solely of

Page 5

- 1 political subdivisions of the state. Prior to
2 recommending a project proposed by a political
3 subdivision, the advisory council shall verify that
4 all of the following conditions are met:
5 (a) The proposed project provides a benefit to the

6 state.

7 (b) The proposed project, once completed, can be
 8 shared with and used by other political subdivisions
 9 or the state, as appropriate.

10 (c) The state retains ownership of any final
 11 product or is granted a permanent license to the use
 12 of the product.

13 Sec. ____. Section 8A.402, subsection 2, Code 2007,
 14 is amended by adding the following new paragraph:

15 NEW PARAGRAPH. f. Develop, in consultation with
 16 the department of veterans affairs, programs to inform
 17 members of the national guard or organized reserves of
 18 the armed forces of the United States returning to
 19 Iowa following active federal service about job
 20 opportunities in state government.

21 Sec. ____. Section 10A.104, subsection 8, Code
 22 2007, is amended to read as follows:

23 8. Establish by rule standards and procedures for
 24 certifying that targeted small businesses are eligible
 25 to participate in the procurement program established
 26 in sections 73.15 through 73.21. The procedure for
 27 determination of eligibility shall not include
 28 self-certification by a business. The director shall
 29 maintain a current directory of targeted small
 30 businesses that have been certified pursuant to this
 31 subsection. The director shall also provide
 32 information to the department of administrative
 33 services necessary for the identification of targeted
 34 small businesses as provided under section 8A.111,
 35 subsection 11A.

36 Sec. ____. Section 305.10, subsection 1, paragraph
 37 h, Code 2007, is amended to read as follows:

38 h. Prepare all mandated reports, newsletters, and
 39 publications for electronic distribution in accordance
 40 with government information policies, standards, and
 41 guidelines. A reference copy of all mandated reports,
 42 newsletters, and publications shall be located at an
 43 electronic repository for public access ~~to be~~
 44 ~~developed and maintained by the department of~~
 45 ~~administrative services in consultation with the state~~
 46 ~~librarian and the state archivist.~~

47 Sec. ____. Section 8A.121, Code 2007, is repealed.

48 DIVISION III

49 COMMISSION ON NATIVE AMERICAN AFFAIRS

50 Sec. ____. Section 7E.5, subsection 1, paragraph s,

Page 6

1 Code 2007, is amended to read as follows:

2 s. The department of human rights, created in
 3 section 216A.1, which has primary responsibility for
 4 services relating to Latino persons, women, persons

5 with disabilities, community action agencies, criminal
 6 and juvenile justice planning, the status of
 7 African-Americans, ~~and~~ deaf and hard-of-hearing
 8 persons, and Native-Americans.

9 Sec. ____ Section 216A.1, Code 2007, is amended by
 10 adding the following new subsection:

11 NEW SUBSECTION. 9. Division on Native American
 12 affairs.

13 Sec. ____ NEW SECTION. 216A.161 DEFINITIONS.

14 For purposes of this subchapter, unless the context
 15 otherwise requires:

- 16 1. "Administrator" means the administrator of the
- 17 division on Native American affairs.
- 18 2. "Commission" means the commission on Native
- 19 American affairs.
- 20 3. "Division" means the division on Native
- 21 American affairs of the department of human rights.
- 22 4. "Tribal government" means the governing body of
- 23 a federally recognized Indian tribe.

24 Sec. ____ NEW SECTION. 216A.162 ESTABLISHMENT —
 25 PURPOSE.

26 1. A commission on Native American affairs is
 27 established consisting of eleven voting members
 28 appointed by the governor, subject to confirmation by
 29 the senate. The members of the commission shall
 30 appoint one of the members to serve as chairperson of
 31 the commission.

32 2. The purpose of the commission shall be to work
 33 in concert with tribal governments, Native American
 34 groups, and Native American persons in this state to
 35 advance the interests of tribal governments and Native
 36 American persons in the areas of human rights, access
 37 to justice, economic equality, and the elimination of
 38 discrimination.

39 3. The members of the commission shall be as
 40 follows:

- 41 a. Seven public members appointed in compliance
- 42 with sections 69.16 and 69.16A who shall be appointed
- 43 with consideration given to the geographic residence
- 44 of the member and the population density of Native
- 45 Americans within the vicinity of the geographic
- 46 residence of a member. Of the seven public members
- 47 appointed, at least one shall be a Native American who
- 48 is an enrolled tribal member living on a tribal
- 49 settlement or reservation in Iowa and whose tribal
- 50 government is located in Iowa and one shall be a

Page 7

1 Native American who is primarily descended from a
 2 tribe other than those specified in paragraph "b".

3 b. Four members selected by and representing each

4 of the following tribal governments:

- 5 (1) Sac and Fox tribe of the Mississippi in Iowa.
- 6 (2) Omaha tribe of Nebraska.
- 7 (3) Winnebago tribe of Nebraska.
- 8 (4) Ponca tribe of Nebraska.

9 c. All members of the commission shall be
10 residents of Iowa.

11 Sec. ____ NEW SECTION. 216A.163 TERM OF OFFICE.

12 Five of the members appointed to the initial
13 commission shall be designated by the governor to
14 serve two-year terms, and six shall be designated by
15 the governor to serve four-year terms. Succeeding
16 appointments shall be for a term of four years.
17 Vacancies in the membership shall be filled for the
18 remainder of the term of the original appointment.

19 Sec. ____ NEW SECTION. 216A.164 MEETINGS OF THE
20 COMMISSION.

21 The commission shall meet at least four times each
22 year, and shall hold special meetings on the call of
23 the chairperson. The commission shall adopt rules
24 pursuant to chapter 17A as it deems necessary for the
25 conduct of its business. The members of the
26 commission shall be reimbursed for actual expenses
27 while engaged in their official duties. A member may
28 also be eligible to receive compensation as provided
29 in section 7E.6.

30 Sec. ____ NEW SECTION. 216A.165 DUTIES.

31 The commission shall have all powers necessary to
32 carry out the functions and duties specified in this
33 subchapter and shall do all of the following:

- 34 1. Advise the governor and the general assembly on
35 issues confronting tribal governments and Native
36 American persons in this state.
- 37 2. Promote legislation beneficial to tribal
38 governments and Native American persons in this state.
- 39 3. Recommend to the governor and the general
40 assembly any revisions in the state's affirmative
41 action program and other steps necessary to eliminate
42 discrimination against and the underutilization of
43 Native American persons in the state's workforce.
- 44 4. Serve as a conduit to state government for
45 Native American persons in this state.
- 46 5. Serve as an advocate for Native American
47 persons and a referral agency to assist Native
48 American persons in securing access to justice and
49 state agencies and programs.
- 50 6. Serve as a liaison with federal, state, and

- 1 local governmental units, and private organizations on
- 2 matters relating to Native American persons in this

3 state.

4 7. Conduct studies, make recommendations, and
5 implement programs designed to solve the problems of
6 Native American persons in this state in the areas of
7 human rights, housing, education, welfare, employment,
8 health care, access to justice, and any other related
9 problems.

10 8. Publicize the accomplishments of Native
11 American persons and their contributions to this
12 state.

13 9. Work with other state, tribal, and federal
14 agencies and organizations to develop small business
15 opportunities and promote economic development for
16 Native American persons.

17 Sec. ____ NEW SECTION. 216A.166 REVIEW OF GRANT
18 APPLICATIONS AND BUDGET REQUESTS.

19 Before the submission of an application, a state
20 department or agency shall consult with the commission
21 concerning an application for federal funding that
22 will have its primary effect on tribal governments or
23 Native American persons. The commission shall advise
24 the governor, the director of the department of human
25 rights, and the director of revenue concerning any
26 state agency budget request that will have its primary
27 effect on tribal governments or Native American
28 persons.

29 Sec. ____ NEW SECTION. 216A.167 ADDITIONAL
30 DUTIES AND AUTHORITY — LIMITATIONS.

31 1. The commission shall have responsibility for
32 the budget of the commission and the division and
33 shall submit the budget to the director of the
34 department of human rights as provided in section
35 216A.2, subsection 2.

36 2. The commission may do any of the following:

37 a. Enter into contracts, within the limit of funds
38 made available, with individuals, organizations, and
39 institutions for services.

40 b. Accept gifts, grants, devises, or bequests of
41 real or personal property from the federal government
42 or any other source for the use and purposes of the
43 commission.

44 3. The commission shall not have the authority to
45 do any of the following:

46 a. Implement or administer the duties of the state
47 of Iowa under the federal Indian Gaming Regulatory
48 Act, shall not have any authority to recommend,
49 negotiate, administer, or enforce any agreement or
50 compact entered into between the state of Iowa and

Page 9

1 Indian tribes located in the state pursuant to section
2 10A.104, and shall not have any authority relative to
3 Indian gaming issues.

4 b. Administer the duties of the state under the
5 federal National Historic Preservation Act, the
6 federal Native American Graves Protection and
7 Repatriation Act, and chapter 263B. The commission
8 shall also not interfere with the advisory role of a
9 separate Indian advisory council or committee
10 established by the state archeologist by rule for the
11 purpose of consultation on matters related to ancient
12 human skeletal remains and associated artifacts.

13 4. This subchapter shall not diminish or inhibit
14 the right of any tribal government to interact
15 directly with the state or any of its departments or
16 agencies for any purpose which a tribal government
17 desires to conduct its business or affairs as a
18 sovereign governmental entity.

19 Sec. ____ NEW SECTION. 216A.168 ADMINISTRATOR.

20 The commission shall designate the duties and
21 obligations of the position of administrator. The
22 administrator shall carry out programs and policies as
23 determined by the commission. The administrator may
24 employ other persons necessary to carry out the
25 programs of the division.

26 Sec. ____ NEW SECTION. 216A.169 STATE AGENCY
27 ASSISTANCE.

28 On the request of the commission, state departments
29 and agencies may supply the commission with advisory
30 staff services on matters relating to the jurisdiction
31 of the commission. The commission shall cooperate and
32 coordinate its activities with other state agencies to
33 the highest possible degree.

34 Sec. ____ NEW SECTION. 216A.170 ANNUAL REPORT.

35 Not later than February 1 of each year, the
36 commission shall file a report in an electronic format
37 with the governor and the general assembly of its
38 activities for the previous calendar year. With the
39 report, the commission may submit any recommendations
40 pertaining to its activities and shall submit
41 recommendations for legislative consideration and
42 other action it deems necessary.

43 Sec. ____ COMMISSION ON NATIVE AMERICAN AFFAIRS —
44 TRANSITION PROVISIONS.

45 1. The initial members of the commission
46 established pursuant to this Act shall be appointed by
47 September 1, 2008.

48 2. Notwithstanding any provision of this Act to
49 the contrary, an administrator of the division on
50 Native American affairs and employees of the division

Page 10

1 shall not be appointed or hired prior to July 1, 2009.
2 3. Prior to June 1, 2009, the commission shall
3 submit a report to the director of human rights. The
4 report shall include a job description for the
5 administrator of the division, goals for division
6 operations, and performance measures to measure
7 achievement of division goals.

8 DIVISION IV

9 DEPARTMENT OF REVENUE ADMINISTRATION

10 Sec. __. Section 99B.10B, subsection 2, Code

11 Supplement 2007, is amended to read as follows:

12 2. a. The department shall revoke a registration
13 issued pursuant to section 99B.10 or 99B.10A, for a
14 period of ten years if a person commits an offense of
15 awarding a cash prize in violation of section 99B.10,
16 subsection 1, paragraph "b", pursuant to rules adopted
17 by the department. A person whose registration is
18 revoked under this subsection who is a person for
19 which a class "A", class "B", class "C", special class
20 "C", or class "D" liquor control license has been
21 issued pursuant to chapter 123 shall have the person's
22 liquor control license suspended for a period of
23 fourteen days in the same manner as provided in
24 section 123.50, subsection 3, paragraph "a". A person
25 whose registration is revoked under this subsection
26 who is a person for which only a class "B" or class
27 "C" beer permit has been issued pursuant to chapter
28 123 shall have the person's class "B" or class "C"
29 beer permit suspended ~~and that person's sales tax~~
30 ~~permit suspended~~ for a period of fourteen days in the
31 same manner as provided in section 123.50, subsection
32 3, paragraph "a".

33 b. If a person owning or employed by an
34 establishment having a class "A", class "B", class
35 "C", special class "C", or class "D" liquor control
36 license issued pursuant to chapter 123 commits an
37 offense of awarding a cash prize in violation of
38 section 99B.10, subsection 1, paragraph "b", pursuant
39 to rules adopted by the department, the liquor control
40 license of the establishment shall be suspended for a
41 period of fourteen days in the same manner as provided
42 in section 123.50, subsection 3, paragraph "a". If a
43 person owning or employed by an establishment having a
44 class "B" or class "C" beer permit issued pursuant to
45 chapter 123 awards a cash prize in violation of
46 section 99B.10, subsection 1, paragraph "b", pursuant
47 to rules adopted by the department, the beer permit of
48 the establishment ~~and the establishment's sales tax~~
49 ~~permit~~ shall be suspended for a period of fourteen
50 days in the same manner as provided in section 123.50,

Page 11

1 subsection 3, paragraph “a”.

2 Sec. ____ Section 99B.14, subsection 1, Code 2007,
3 is amended to read as follows:

4 1. The department may deny, suspend, or revoke a
5 license if the department finds that an applicant,
6 licensee, or an agent of the licensee violated or
7 permitted a violation of a provision of this chapter
8 or a departmental rule adopted pursuant to chapter
9 17A, or for any other cause for which the director of
10 the department would be or would have been justified
11 in refusing to issue a license, or upon the conviction
12 of a person of a violation of this chapter or a rule
13 adopted under this chapter which occurred on the
14 licensed premises. However, the denial, suspension,
15 or revocation of one type of gambling license does not
16 require, but may result in, the denial, suspension, or
17 revocation of a different type of gambling license
18 held by the same licensee. In addition, a person
19 whose license is revoked under this section who is a
20 person for which a class “A”, class “B”, class “C”, or
21 class “D” liquor control license has been issued
22 pursuant to chapter 123 shall have the person’s liquor
23 control license suspended for a period of fourteen
24 days in the same manner as provided in section 123.50,
25 subsection 3, paragraph “a”. In addition, a person
26 whose license is revoked under this section who is a
27 person for which only a class “B” or class “C” beer
28 permit has been issued pursuant to chapter 123 shall
29 have the person’s class “B” or class “C” beer permit
30 suspended ~~and that person’s sales tax permit suspended~~
31 for a period of fourteen days in the same manner as
32 provided in section 123.50, subsection 3, paragraph
33 “a”.

34 Sec. ____ Section 421.17, Code 2007, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 30. If a natural disaster is
37 declared by the governor in any area of the state, the
38 director may extend for a period of up to one year the
39 due date for the filing of any tax return and may
40 suspend any associated penalty or interest that would
41 accrue during that period of time for any affected
42 taxpayer whose principal residence or business is
43 located in the covered area if the director determines
44 it necessary for the efficient administration of the
45 tax laws of this state.

46 Sec. ____ Section 421.60, subsection 8, Code 2007,
47 is amended to read as follows:

48 8. REFUND OF UNTIMELY ASSESSED TAXES.
49 Notwithstanding any other refund statute, if it
50 appears that an amount of tax, penalty, or interest

Page 12

1 has been paid to the department after the expiration
2 of the statute of limitations for the department to
3 determine and assess or collect the amount of such tax
4 due, then the amount paid shall be credited against
5 another tax liability of the taxpayer which is
6 outstanding, if the statute of limitations for
7 assessment or collection of that other tax has not
8 expired or the amount paid shall be refunded to the
9 person or, with the person's approval, credited to tax
10 to become due. An application for refund or credit
11 under this subsection must be filed within one year of
12 payment. This subsection shall not be construed to
13 prohibit the department from offsetting the refund
14 claim against any tax due, if the statute of
15 limitations for that other tax has not expired.
16 However, any tax, penalty, or interest due for which a
17 notice of assessment was not issued by the department
18 but which was voluntarily paid by a taxpayer after the
19 expiration of the statute of limitations for
20 assessment shall not be refunded.

21 Sec. ____ Section 422.24A, Code 2007, is repealed.
22 Sec. ____ RETROACTIVE APPLICABILITY DATE. The
23 section of this division of this Act repealing section
24 422.24A applies retroactively to January 1, 2008, for
25 tax years beginning on or after that date.

DIVISION V

DEPUTY SHERIFF POSITIONS

28 Sec. ____ Section 341A.7, Code 2007, is amended to
29 read as follows:

30 341A.7 CLASSIFICATIONS.

31 1. The classified civil service positions covered
32 by this chapter include persons actually serving as
33 deputy sheriffs who are salaried pursuant to section
34 331.904, subsection 2, but do not include a chief
35 deputy sheriff, two second deputy sheriffs in counties
36 with a population of more than one hundred thousand,
37 three second deputy sheriffs in counties with a
38 population of more than one hundred fifty thousand,
39 and four second deputy sheriffs in counties with a
40 population of more than two hundred thousand.
41 However, a chief deputy sheriff or second deputy
42 sheriff who becomes a candidate for a partisan
43 elective office for remuneration is subject to section
44 341A.18. A deputy sheriff serving with permanent rank
45 under this chapter may be designated chief deputy
46 sheriff or second deputy sheriff and retain that rank
47 during the period of service as chief deputy sheriff
48 or second deputy sheriff and shall, upon termination
49 of the duties as chief deputy sheriff or second deputy
50 sheriff, revert to the permanent rank.

Page 13

1 2. If the positions of two second deputy sheriffs
2 of a county were exempt from classified civil service
3 coverage under this chapter based on the 1980
4 decennial census, the two second deputy positions
5 shall remain exempt from classified civil service
6 coverage under this chapter.
7 Sec. ____ IMPLEMENTATION OF ACT. Section 25B.2,
8 subsection 3, shall not apply to this division of this
9 Act.

10 DIVISION VI

11 MISCELLANEOUS PROVISIONS

12 Sec. ____ Section 8.64, subsection 2, Code
13 Supplement 2007, is amended to read as follows:
14 2. "Community-wide area" means a distinct
15 geographical area voluntarily formed by and comprised
16 of counties, cities, or townships, or any combination
17 thereof, all of which possess a degree of autonomy in
18 a varying number of matters. State agencies,
19 community colleges, and school districts may also
20 participate in a community-wide area if joined by a
21 county, city, or township.
22 Sec. ____ Section 331.907, subsection 3, Code
23 2007, is amended to read as follows:
24 3. The elected county officers are also entitled
25 to receive their actual and necessary expenses
26 incurred in performance of official duties of their
27 respective offices. The board of supervisors may
28 authorize the reimbursement of expenses related to an
29 educational course, seminar, or school which is
30 attended by a county officer after the county officer
31 is elected, but prior to the county officer taking
32 office.
33 Sec. ____ NEW SECTION. 504.132 SECRETARY OF
34 STATE — INTERNET SITE.
35 The secretary of state shall place on the secretary
36 of state's internet site a link to a free internet
37 site with completed internal revenue service forms 990
38 and 990EZ."
39 8. Title page, line 4, by inserting after the
40 word "effective" the following: "and retroactive
41 applicability".
42 9. By renumbering as necessary.

JEFF DANIELSON

S-5414

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2539

1 Amend the Senate amendment, H-8439, to House File
2 2539, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 3, through page 42,
5 line 14, and inserting the following:
6 “___ By striking everything after the enacting
7 clause and inserting the following:

8 “DIVISION I

9 HEALTH CARE COVERAGE INTENT

10 Section 1. DECLARATION OF INTENT.

11 1. It is the intent of the general assembly to
12 progress toward achievement of the goal that all
13 Iowans have health care coverage with the following
14 priorities:

15 a. The goal that all children in the state have
16 health care coverage which meets certain standards of
17 quality and affordability with the following
18 priorities:

19 (1) Covering all children who are declared
20 eligible for the medical assistance program or the
21 hawk-i program pursuant to chapter 514I no later than
22 January 1, 2011.

23 (2) Building upon the current hawk-i program by
24 creating a hawk-i expansion program to provide
25 coverage to children who meet the hawk-i program’s
26 eligibility criteria but whose income is at or below
27 three hundred percent of the federal poverty level,
28 beginning July 1, 2009.

29 (3) If federal reauthorization of the state
30 children’s health insurance program provides
31 sufficient federal allocations to the state and
32 authorization to cover such children as an option
33 under the state children’s health insurance program,
34 requiring the department of human services to expand
35 coverage under the state children’s health insurance
36 program to cover children with family incomes at or
37 below three hundred percent of the federal poverty
38 level, with appropriate cost sharing established for
39 families with incomes above two hundred percent of the
40 federal poverty level.

41 b. The goal that the Iowa comprehensive health
42 insurance association, in consultation with the Iowa
43 choice health care coverage advisory council
44 established in section 514E.6, develop a comprehensive
45 plan to first cover all children without health care
46 coverage that utilizes and modifies existing public

47 programs including the medical assistance program, the
 48 hawk-i program, and the hawk-i expansion program, and
 49 then to provide access to private unsubsidized,
 50 affordable, qualified health care coverage for

Page 2

1 children, adults, and families, who are not otherwise
 2 eligible for health care coverage through public
 3 programs, that is available for purchase by January 1,
 4 2010.

5 c. The goal of decreasing health care costs and
 6 health care coverage costs by instituting health
 7 insurance reforms that assure the availability of
 8 private health insurance coverage for Iowans by
 9 addressing issues involving guaranteed availability
 10 and issuance to applicants, preexisting condition
 11 exclusions, portability, and allowable or required
 12 pooling and rating classifications.

13 DIVISION II

14 HAWK-I AND MEDICAID EXPANSION

15 Sec. 2. Section 249A.3, subsection 1, paragraph 1,
 16 Code Supplement 2007, is amended to read as follows:

17 1. Is an infant whose income is not more than two
 18 hundred percent of the federal poverty level, as
 19 defined by the most recently revised income guidelines
 20 published by the United States department of health
 21 and human services. Additionally, effective July 1,
 22 2009, medical assistance shall be provided to an
 23 infant whose family income is at or below three
 24 hundred percent of the federal poverty level, as
 25 defined by the most recently revised poverty income
 26 guidelines published by the United States department
 27 of health and human services, if otherwise eligible.

28 Sec. 3. Section 249A.3, Code Supplement 2007, is
 29 amended by adding the following new subsection:
 30 NEW SUBSECTION. 14. Once initial eligibility for
 31 the family medical assistance program-related medical
 32 assistance is determined for a child described under
 33 subsection 1, paragraphs “b”, “f”, “g”, “j”, “k”, “l”,
 34 or “n” or under subsection 2, paragraphs “e”, “f”, or
 35 “h”, the department shall provide continuous
 36 eligibility for a period of up to twelve months, until
 37 the child’s next annual review of eligibility under
 38 the medical assistance program, if the child would
 39 otherwise be determined ineligible due to excess
 40 countable income but otherwise remains eligible.

41 Sec. 4. NEW SECTION. 422.12K INCOME TAX FORM —
 42 INDICATION OF DEPENDENT CHILD HEALTH CARE COVERAGE.

43 1. The director shall draft the income tax form to
 44 allow beginning with the tax returns for tax year
 45 2008, a person who files an individual or joint income

46 tax return with the department under section 422.13 to
47 indicate the presence or absence of health care
48 coverage for each dependent child for whom an
49 exemption is claimed.
50 2. Beginning with the income tax return for tax

Page 3

1 year 2008, a person who files an individual or joint
2 income tax return with the department under section
3 422.13, may report on the income tax return, in the
4 form required, the presence or absence of health care
5 coverage for each dependent child for whom an
6 exemption is claimed.
7 a. If the taxpayer indicates on the income tax
8 return that a dependent child does not have health
9 care coverage, and the income of the taxpayer's tax
10 return does not exceed the highest level of income
11 eligibility standard for the medical assistance
12 program pursuant to chapter 249A or the hawk-i program
13 pursuant to chapter 514I, the department shall send a
14 notice to the taxpayer indicating that the dependent
15 child may be eligible for the medical assistance
16 program or the hawk-i program and providing
17 information about how to enroll in the programs.
18 b. Notwithstanding any other provision of law to
19 the contrary, a taxpayer shall not be subject to a
20 penalty for not providing the information required
21 under this section.
22 c. The department shall consult with the
23 department of human services in developing the tax
24 return form and the information to be provided to tax
25 filers under this section.
26 3. The department, in cooperation with the
27 department of human services, shall adopt rules
28 pursuant to chapter 17A to administer this section,
29 including rules defining "health care coverage" for
30 the purpose of indicating its presence or absence on
31 the tax form.
32 4. The department, in cooperation with the
33 department of human services, shall report, annually,
34 to the governor and the general assembly all of the
35 following:
36 a. The number of Iowa families, by income level,
37 claiming the state income tax exemption for dependent
38 children.
39 b. The number of Iowa families, by income level,
40 claiming the state income tax exemption for dependent
41 children who also indicate the presence or absence of
42 health care coverage for the dependent children.
43 c. The effect of the reporting requirements and
44 provision of information requirements under this

45 section on the number and percentage of children in
46 the state who are uninsured.
47 Sec. 5. Section 514I.1, subsection 4, Code 2007,
48 is amended to read as follows:
49 4. It is the intent of the general assembly that
50 the hawk-i program be an integral part of the

Page 4

1 continuum of health insurance coverage and that the
2 program be developed and implemented in such a manner
3 as to facilitate movement of families between health
4 insurance providers and to facilitate the transition
5 of families to private sector health insurance
6 coverage. It is the intent of the general assembly in
7 developing such continuum of health insurance coverage
8 and in facilitating such transition, that beginning
9 July 1, 2009, the department implement the hawk-i
10 expansion program.

11 Sec. 6. Section 514I.1, Code 2007, is amended by
12 adding the following new subsection:

13 **NEW SUBSECTION.** 5. It is the intent of the
14 general assembly that if federal reauthorization of
15 the state children's health insurance program provides
16 sufficient federal allocations to the state and
17 authorization to cover such children as an option
18 under the state children's health insurance program,
19 the department shall expand coverage under the state
20 children's health insurance program to cover children
21 with family incomes at or below three hundred percent
22 of the federal poverty level.

23 Sec. 7. Section 514I.2, Code 2007, is amended by
24 adding the following new subsection:

25 **NEW SUBSECTION.** 7A. "Hawk-i expansion program" or
26 "hawk-i expansion" means the healthy and well kids in
27 Iowa expansion program created in section 514I.12 to
28 provide health insurance to children who meet the
29 hawk-i program eligibility criteria pursuant to
30 section 514I.8, with the exception of the family
31 income criteria, and whose family income is at or
32 below three hundred percent of the federal poverty
33 level, as defined by the most recently revised poverty
34 income guidelines published by the United States
35 department of health and human services.

36 Sec. 8. Section 514I.5, subsection 7, paragraph d,
37 Code Supplement 2007, is amended to read as follows:

38 d. Develop, with the assistance of the department,
39 an outreach plan, and provide for periodic assessment
40 of the effectiveness of the outreach plan. The plan
41 shall provide outreach to families of children likely
42 to be eligible for assistance under the program, to
43 inform them of the availability of and to assist the

44 families in enrolling children in the program. The
45 outreach efforts may include, but are not limited to,
46 solicitation of cooperation from programs, agencies,
47 and other persons who are likely to have contact with
48 eligible children, including but not limited to those
49 associated with the educational system, and the
50 development of community plans for outreach and

Page 5

1 marketing. Other state agencies shall assist the
2 department in data collection related to outreach
3 efforts to potentially eligible children and their
4 families.

5 Sec. 9. Section 514I.5, subsection 7, Code
6 Supplement 2007, is amended by adding the following
7 new paragraph:

8 NEW PARAGRAPH. 1. Develop options and
9 recommendations to allow children eligible for the
10 hawk-i or hawk-i expansion program to participate in
11 qualified employer-sponsored health plans through a
12 premium assistance program. The options and
13 recommendations shall ensure reasonable alignment
14 between the benefits and costs of the hawk-i and
15 hawk-i expansion programs and the employer-sponsored
16 health plans consistent with federal law. The options
17 and recommendations shall be completed by January 1,
18 2009, and submitted to the governor and the general
19 assembly for consideration as part of the hawk-i and
20 hawk-i expansion programs.

21 Sec. 10. Section 514I.7, subsection 2, paragraph
22 a, Code 2007, is amended to read as follows:

23 a. Determine individual eligibility for program
24 enrollment based upon review of completed applications
25 and supporting documentation. The administrative
26 contractor shall not enroll a child who has group
27 health coverage ~~or any child who has dropped coverage~~
28 ~~in the previous six months, unless the coverage was~~
29 ~~involuntarily lost or unless the reason for dropping~~
30 ~~coverage is allowed by rule of the board.~~

31 Sec. 11. Section 514I.8, subsection 1, Code 2007,
32 is amended to read as follows:

33 1. Effective July 1, 1998, and notwithstanding any
34 medical assistance program eligibility criteria to the
35 contrary, medical assistance shall be provided to, or
36 on behalf of, an eligible child under the age of
37 nineteen whose family income does not exceed one
38 hundred thirty-three percent of the federal poverty
39 level, as defined by the most recently revised poverty
40 income guidelines published by the United States
41 department of health and human services.
42 Additionally, effective July 1, 2000, and

43 notwithstanding any medical assistance program
 44 eligibility criteria to the contrary, medical
 45 assistance shall be provided to, or on behalf of, an
 46 eligible infant whose family income does not exceed
 47 two hundred percent of the federal poverty level, as
 48 defined by the most recently revised poverty income
 49 guidelines published by the United States department
 50 of health and human services. Effective July 1, 2009.

Page 6

1 and notwithstanding any medical assistance program
 2 eligibility criteria to the contrary, medical
 3 assistance shall be provided to, or on behalf of, an
 4 eligible infant whose family income is at or below
 5 three hundred percent of the federal poverty level, as
 6 defined by the most recently revised poverty income
 7 guidelines published by the United States department
 8 of health and human services.

9 Sec. 12. Section 514I.10, subsection 2, Code 2007,
 10 is amended to read as follows:

11 2. Cost sharing for eligible children whose family
 12 income equals ~~or exceeds~~ one hundred fifty percent ~~but~~
 13 does not exceed two hundred percent of the federal
 14 poverty level may include a premium or copayment
 15 amount which does not exceed five percent of the
 16 annual family income. The amount of any premium or
 17 the copayment amount shall be based on family income
 18 and size.

19 Sec. 13. Section 514I.11, subsections 1 and 3,
 20 Code 2007, are amended to read as follows:

21 1. A hawk-i trust fund is created in the state
 22 treasury under the authority of the department of
 23 human services, in which all appropriations and other
 24 revenues of the program and the hawk-i expansion
 25 program such as grants, contributions, and participant
 26 payments shall be deposited and used for the purposes
 27 of the program and the hawk-i expansion program. The
 28 moneys in the fund shall not be considered revenue of
 29 the state, but rather shall be funds of the program.

30 3. Moneys in the fund are appropriated to the
 31 department and shall be used to offset any program and
 32 hawk-i expansion program costs.

33 Sec. 14. NEW SECTION. 514I.12 HAWK-I EXPANSION
 34 PROGRAM.

35 1. All children less than nineteen years of age
 36 who meet the hawk-i program eligibility criteria
 37 pursuant to section 514I.8, with the exception of the
 38 family income criteria, and whose family income is at
 39 or below three hundred percent of the federal poverty
 40 level, shall be eligible for the hawk-i expansion
 41 program.

42 2. To the greatest extent possible, the provisions
43 of section 514I.4, relating to the director and
44 department duties and powers, section 514I.5 relating
45 to the hawk-i board, section 514I.6 relating to
46 participating insurers, and section 514I.7 relating to
47 the administrative contractor shall apply to the
48 hawk-i expansion program. The department shall adopt
49 any rules necessary, pursuant to chapter 17A, and
50 shall amend any existing contracts to facilitate the

Page 7

1 application of such sections to the hawk-i expansion
2 program.

3 3. The hawk-i board shall establish by rule
4 pursuant to chapter 17A, the cost-sharing amounts,
5 criteria for modification of the cost-sharing amounts,
6 and graduated premiums for children under the hawk-i
7 expansion program.

8 Sec. 15. MAXIMIZATION OF ENROLLMENT AND RETENTION
9 — MEDICAL ASSISTANCE AND HAWK-I PROGRAMS.

10 1. The department of human services, in
11 collaboration with the department of education, the
12 department of public health, the division of insurance
13 of the department of commerce, the hawk-i board,
14 consumers who are not recipients of or advocacy groups
15 representing recipients of the medical assistance or
16 hawk-i program, the covering kids and families
17 coalition, and the covering kids now task force, shall
18 develop a plan to maximize enrollment and retention of
19 eligible children in the hawk-i and medical assistance
20 programs. In developing the plan, the collaborative
21 shall review, at a minimum, all of the following
22 strategies:

23 a. Streamlined enrollment in the hawk-i and
24 medical assistance programs. The collaborative shall
25 identify information and documentation that may be
26 shared across departments and programs to simplify the
27 determination of eligibility or eligibility factors,
28 and any interagency agreements necessary to share
29 information consistent with state and federal
30 confidentiality and other applicable requirements.

31 b. Conditional eligibility for the hawk-i and
32 medical assistance programs.

33 c. Expedited renewal for the hawk-i and medical
34 assistance programs.

35 2. Following completion of the review the
36 department of human services shall compile the plan
37 which shall address all of the following relative to
38 implementation of the strategies specified in
39 subsection 1:

40 a. Federal limitations and quantifying of the risk

41 of federal disallowance.
 42 b. Any necessary amendment of state law or rule.
 43 c. Budgetary implications and cost-benefit
 44 analyses.
 45 d. Any medical assistance state plan amendments,
 46 waivers, or other federal approval necessary.
 47 e. An implementation time frame.
 48 3. The department of human services shall submit
 49 the plan to the governor and the general assembly no
 50 later than December 1, 2008.

Page 8

1 Sec. 16. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I
 2 EXPANSION PROGRAMS — COVERING CHILDREN —
 3 APPROPRIATION. There is appropriated from the general
 4 fund of the state to the department of human services
 5 for the designated fiscal years, the following
 6 amounts, or so much thereof as is necessary, for the
 7 purpose designated:

8 To cover children as provided in this Act under the
 9 medical assistance, hawk-i, and hawk-i expansion
 10 programs and outreach under the current structure of
 11 the programs:

12 FY 2008–2009	\$	4,800,000
13 FY 2009–2010	\$	14,800,000
14 FY 2010–2011	\$	24,800,000

15 DIVISION III

16 IOWA CHOICE HEALTH CARE COVERAGE
 17 AND ADVISORY COUNCIL

18 Sec. 17. Section 514E.1, Code 2007, is amended by
 19 adding the following new subsections:

20 NEW SUBSECTION. 14A. “Iowa choice health care
 21 coverage advisory council” or “advisory council” means
 22 the advisory council created in section 514E.6.

23 NEW SUBSECTION. 21. “Qualified health care
 24 coverage” means creditable coverage which meets
 25 minimum standards of quality and affordability as
 26 determined by the association by rule.

27 Sec. 18. Section 514E.2, subsection 3, unnumbered
 28 paragraph 1, Code 2007, is amended to read as follows:

29 The association shall submit to the commissioner a
 30 plan of operation for the association and any
 31 amendments necessary or suitable to assure the fair,
 32 reasonable, and equitable administration of the
 33 association. The plan of operation shall include
 34 provisions for the development of a comprehensive
 35 health care coverage plan as provided in section
 36 514E.5. In developing the comprehensive plan the
 37 association shall give deference to the
 38 recommendations made by the advisory council as
 39 provided in section 514E.6, subsection 1. The

40 association shall approve or disapprove but shall not
41 modify recommendations made by the advisory council,
42 Recommendations that are approved shall be included in
43 the plan of operation submitted to the commissioner,
44 Recommendations that are disapproved shall be
45 submitted to the commissioner with reasons for the
46 disapproval. The plan of operation becomes effective
47 upon approval in writing by the commissioner prior to
48 the date on which the coverage under this chapter must
49 be made available. After notice and hearing, the
50 commissioner shall approve the plan of operation if

Page 9

1 the plan is determined to be suitable to assure the
2 fair, reasonable, and equitable administration of the
3 association, and provides for the sharing of
4 association losses, if any, on an equitable and
5 proportionate basis among the member carriers. If the
6 association fails to submit a suitable plan of
7 operation within one hundred eighty days after the
8 appointment of the board of directors, or if at any
9 later time the association fails to submit suitable
10 amendments to the plan, the commissioner shall adopt,
11 pursuant to chapter 17A, rules necessary to implement
12 this section. The rules shall continue in force until
13 modified by the commissioner or superseded by a plan
14 submitted by the association and approved by the
15 commissioner. In addition to other requirements, the
16 plan of operation shall provide for all of the
17 following:

18 Sec. 19. NEW SECTION. 514E.5 IOWA CHOICE HEALTH
19 CARE COVERAGE.

20 1. The association, in consultation with the Iowa
21 choice health care coverage advisory council, shall
22 develop a comprehensive health care coverage plan to
23 provide health care coverage to all children without
24 such coverage, that utilizes and modifies existing
25 public programs including the medical assistance
26 program, hawk-i program, and hawk-i expansion program,
27 and to provide access to private unsubsidized,
28 affordable, qualified health care coverage to children
29 who are not otherwise eligible for health care
30 coverage through public programs.

31 2. The comprehensive plan developed by the
32 association and the advisory council, shall also
33 develop and recommend options to provide access to
34 private unsubsidized, affordable, qualified health
35 care coverage to all Iowa children less than nineteen
36 years of age with a family income that is more three
37 hundred percent of the federal poverty level and to
38 adults and families who are not otherwise eligible for

39 health care coverage through public programs.
40 3. As part of the comprehensive plan developed,
41 the association, in consultation with the advisory
42 council, shall define what constitutes qualified
43 health care coverage for children less than nineteen
44 years of age. For the purposes of this definition and
45 for designing health care coverage options for
46 children, the association, in consultation with the
47 advisory council, shall recommend the benefits to be
48 included in such coverage and shall explore the value
49 of including coverage for the treatment of mental and
50 behavioral disorders. The association and the

Page 10

1 advisory council shall perform a cost analysis as part
2 of their consideration of benefit options. The
3 association and the advisory council shall also
4 consider whether to include coverage of the following
5 benefits:
6 a. Inpatient hospital services including medical,
7 surgical, intensive care unit, mental health, and
8 substance abuse services.
9 b. Nursing care services including skilled nursing
10 facility services.
11 c. Outpatient hospital services including
12 emergency room, surgery, lab, and x-ray services and
13 other services.
14 d. Physician services, including surgical and
15 medical, office visits, newborn care, well-baby and
16 well-child care, immunizations, urgent care,
17 specialist care, allergy testing and treatment, mental
18 health visits, and substance abuse visits.
19 e. Ambulance services.
20 f. Physical therapy.
21 g. Speech therapy.
22 h. Durable medical equipment.
23 i. Home health care.
24 j. Hospice services.
25 k. Prescription drugs.
26 l. Dental services including preventive services.
27 m. Medically necessary hearing services.
28 n. Vision services including corrective lenses.
29 o. No underwriting requirements and no preexisting
30 condition exclusions.
31 p. Chiropractic services.
32 4. As part of the comprehensive plan developed,
33 the association, in consultation with the advisory
34 council, shall consider and recommend whether health
35 care coverage options that are developed for purchase
36 for children less than nineteen years of age with a
37 family income that is more than three hundred percent

38 of the federal poverty level should require a
39 copayment for services received in an amount
40 determined by the association.

41 5. As part of the comprehensive plan, the
42 association, in consultation with the advisory
43 council, shall define what constitutes qualified
44 health care coverage for adults and families who are
45 not eligible for a public program. The association,
46 in consultation with the advisory council, shall
47 develop and recommend health care coverage options for
48 purchase by such adults and families that provide a
49 selection of health benefit plans and standardized
50 benefits.

Page 11

1 6. As part of the comprehensive plan the
2 association and the advisory council may collaborate
3 with health insurance carriers to do the following,
4 including but not limited to:

5 a. Design solutions to issues relating to
6 guaranteed issuance of insurance, preexisting
7 condition exclusions, portability, and allowable
8 pooling and rating classifications.

9 b. Formulate principles that ensure fair and
10 appropriate practices relating to issues involving
11 individual health care policies such as rescission and
12 preexisting condition clauses, and that provide for a
13 binding third-party review process to resolve disputes
14 related to such issues.

15 c. Design affordable, portable health care
16 coverage options for low-income children, adults, and
17 families.

18 d. Design a proposed premium schedule for health
19 care coverage options that are recommended which
20 include the development of rating factors that are
21 consistent with market conditions.

22 e. Design protocols to limit the transfer from
23 employer-sponsored or other private health care
24 coverage to state-developed health care coverage
25 plans.

26 7. The association shall submit the comprehensive
27 plan required by this section to the governor and the
28 general assembly by December 15, 2008. The
29 appropriations to cover children under the medical
30 assistance, hawk-i, and hawk-i expansion programs as
31 provided in this Act and to provide related outreach
32 for fiscal year 2009–2010 and fiscal year 2010–2011
33 are contingent upon enactment of a comprehensive plan
34 during the 2009 regular session of the Eighty-third
35 General Assembly that provides health care coverage
36 for all children in the state. Enactment of a

37 comprehensive plan shall include a determination of
38 what the prospects are of federal action which may
39 impact the comprehensive plan and the fiscal impact of
40 the comprehensive plan on the state budget.
41 Sec. 20. NEW SECTION. 514E.6 IOWA CHOICE HEALTH
42 CARE COVERAGE ADVISORY COUNCIL.
43 1. The Iowa choice health care coverage advisory
44 council is created for the purpose of assisting the
45 association with developing a comprehensive health
46 care coverage plan as provided in section 514E.5. The
47 advisory council shall make recommendations concerning
48 the design and implementation of the comprehensive
49 plan including but not limited to a definition of what
50 constitutes qualified health care coverage,

Page 12

1 suggestions for the design of health care coverage
2 options, and implementation of a health care coverage
3 reporting requirement.
4 2. The advisory council consists of the following
5 persons who are voting members unless otherwise
6 provided:
7 a. The two most recent former governors, or if one
8 or both of them are unable or unwilling to serve, a
9 person or persons appointed by the governor.
10 b. Seven members appointed by the director of
11 public health:
12 (1) A representative of the federation of Iowa
13 insurers.
14 (2) A health economist who resides in Iowa.
15 (3) Two consumers, one of whom shall be a
16 representative of a children's advocacy organization
17 and one of whom shall be a member of a minority.
18 (4) A representative of organized labor.
19 (5) A representative of an organization of
20 employers.
21 (6) A representative of the Iowa association of
22 health underwriters.
23 c. The following members shall be ex officio,
24 nonvoting members of the council:
25 (1) The commissioner of insurance, or a designee.
26 (2) The director of human services, or a designee.
27 (3) The director of public health, or a designee.
28 (4) Four members of the general assembly, one
29 appointed by the speaker of the house of
30 representatives, one appointed by the minority leader
31 of the house of representatives, one appointed by the
32 majority leader of the senate, and one appointed by
33 the minority leader of the senate.
34 3. The members of the council appointed by the
35 director of public health shall be appointed for terms

36 of six years beginning and ending as provided in
37 section 69.19. Such a member of the board is eligible
38 for reappointment. The director shall fill a vacancy
39 for the remainder of the unexpired term.

40 4. The members of the council shall annually elect
41 one voting member as chairperson and one as vice
42 chairperson. Meetings of the council shall be held at
43 the call of the chairperson or at the request of a
44 majority of the council's members.

45 5. The members of the council shall not receive
46 compensation for the performance of their duties as
47 members but each member shall be paid necessary
48 expenses while engaged in the performance of duties of
49 the council. Any legislative member shall be paid the
50 per diem and expenses specified in section 2.10.

Page 13

1 6. The members of the council are subject to and
2 are officials within the meaning of chapter 68B.

3 DIVISION IV

4 HEALTH INSURANCE OVERSIGHT

5 Sec. 21. Section 505.8, Code Supplement 2007, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 5A. The commissioner shall have
8 regulatory authority over health benefit plans and
9 adopt rules under chapter 17A as necessary, to promote
10 the uniformity, cost efficiency, transparency, and
11 fairness of such plans for physicians licensed under
12 chapters 148, 150, and 150A, and hospitals licensed
13 under chapter 135B, for the purpose of maximizing
14 administrative efficiencies and minimizing
15 administrative costs of health care providers and
16 health insurers.

17 Sec. 22. HEALTH INSURANCE OVERSIGHT —
18 APPROPRIATION. There is appropriated from the general
19 fund of the state to the insurance division of the
20 department of commerce for the fiscal year beginning
21 July 1, 2008, and ending June 30, 2009, the following
22 amount, or so much thereof as is necessary, for the
23 purpose designated:

24 For identification and regulation of procedures and
25 practices related to health care as provided in
26 section 505.8, subsection 5A:

27 \$ 80,000

28 DIVISION V

29 IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

30 DIVISION XXI

31 IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

32 Sec. 23. NEW SECTION. 135.154 DEFINITIONS.

33 As used in this division, unless the context
34 otherwise requires:

35 1. "Board" means the state board of health created
36 pursuant to section 136.1.

37 2. "Department" means the department of public
38 health.

39 3. "Health care professional" means a person who
40 is licensed, certified, or otherwise authorized or
41 permitted by the law of this state to administer
42 health care in the ordinary course of business or in
43 the practice of a profession.

44 4. "Health information technology" means the
45 application of information processing, involving both
46 computer hardware and software, that deals with the
47 storage, retrieval, sharing, and use of health care
48 information, data, and knowledge for communication,
49 decision making, quality, safety, and efficiency of
50 clinical practice, and may include but is not limited

Page 14

1 to:

2 a. An electronic health record that electronically
3 compiles and maintains health information that may be
4 derived from multiple sources about the health status
5 of an individual and may include a core subset of each
6 care delivery organization's electronic medical record
7 such as a continuity of care record or a continuity of
8 care document, computerized physician order entry,
9 electronic prescribing, or clinical decision support.

10 b. A personal health record through which an
11 individual and any other person authorized by the
12 individual can maintain and manage the individual's
13 health information.

14 c. An electronic medical record that is used by
15 health care professionals to electronically document,
16 monitor, and manage health care delivery within a care
17 delivery organization, is the legal record of the
18 patient's encounter with the care delivery
19 organization, and is owned by the care delivery
20 organization.

21 d. A computerized provider order entry function
22 that permits the electronic ordering of diagnostic and
23 treatment services, including prescription drugs.

24 e. A decision support function to assist
25 physicians and other health care providers in making
26 clinical decisions by providing electronic alerts and
27 reminders to improve compliance with best practices,
28 promote regular screenings and other preventive
29 practices, and facilitate diagnoses and treatments.

30 f. Tools to allow for the collection, analysis,
31 and reporting of information or data on adverse
32 events, the quality and efficiency of care, patient
33 satisfaction, and other health care-related

34 performance measures.

35 5. "Interoperability" means the ability of two or
36 more systems or components to exchange information or
37 data in an accurate, effective, secure, and consistent
38 manner and to use the information or data that has
39 been exchanged and includes but is not limited to:

40 a. The capacity to connect to a network for the
41 purpose of exchanging information or data with other
42 users.

43 b. The ability of a connected, authenticated user
44 to demonstrate appropriate permissions to participate
45 in the instant transaction over the network.

46 c. The capacity of a connected, authenticated user
47 to access, transmit, receive, and exchange usable
48 information with other users.

49 6. "Recognized interoperability standard" means
50 interoperability standards recognized by the office of

Page 15

1 the national coordinator for health information
2 technology of the United States department of health
3 and human services.

4 Sec. 24. NEW SECTION. 135.155 IOWA ELECTRONIC
5 HEALTH — PRINCIPLES — GOALS.

6 1. Health information technology is rapidly
7 evolving so that it can contribute to the goals of
8 improving access to and quality of health care,
9 enhancing efficiency, and reducing costs.

10 2. To be effective, the health information
11 technology system shall comply with all of the
12 following principles:

13 a. Be patient-centered and market-driven.

14 b. Be based on approved standards developed with
15 input from all stakeholders.

16 c. Protect the privacy of consumers and the
17 security and confidentiality of all health
18 information.

19 d. Promote interoperability.

20 e. Ensure the accuracy, completeness, and
21 uniformity of data.

22 3. Widespread adoption of health information
23 technology is critical to a successful health
24 information technology system and is best achieved
25 when all of the following occur:

26 a. The market provides a variety of certified
27 products from which to choose in order to best fit the
28 needs of the user.

29 b. The system provides incentives for health care
30 professionals to utilize the health information
31 technology and provides rewards for any improvement in
32 quality and efficiency resulting from such

33 utilization.

34 c. The system provides protocols to address
35 critical problems.

36 d. The system is financed by all who benefit from
37 the improved quality, efficiency, savings, and other
38 benefits that result from use of health information
39 technology.

40 Sec. 25. NEW SECTION. 135.156 ELECTRONIC HEALTH
41 INFORMATION — DEPARTMENT DUTIES — ADVISORY COUNCIL
42 — EXECUTIVE COMMITTEE.

43 1. a. The department shall direct a public and
44 private collaborative effort to promote the adoption
45 and use of health information technology in this state
46 in order to improve health care quality, increase
47 patient safety, reduce health care costs, enhance
48 public health, and empower individuals and health care
49 professionals with comprehensive, real-time medical
50 information to provide continuity of care and make the

Page 16

1 best health care decisions. The department shall
2 provide coordination for the development and
3 implementation of an interoperable electronic health
4 records system, telehealth expansion efforts, the
5 health information technology infrastructure, and
6 other health information technology initiatives in
7 this state. The department shall be guided by the
8 principles and goals specified in section 135.155.

9 b. All health information technology efforts shall
10 endeavor to represent the interests and meet the needs
11 of consumers and the health care sector, protect the
12 privacy of individuals and the confidentiality of
13 individuals' information, promote physician best
14 practices, and make information easily accessible to
15 the appropriate parties. The system developed shall
16 be consumer-driven, flexible, and expandable.

17 2. a. An electronic health information advisory
18 council is established which shall consist of the
19 representatives of entities involved in the electronic
20 health records system task force established pursuant
21 to section 217.41A, Code 2007, a pharmacist, a
22 licensed practicing physician, a consumer who is a
23 member of the state board of health, a representative
24 of the state's Medicare quality improvement
25 organization, the executive director of the Iowa
26 communications network, a representative of the
27 private telecommunications industry, a representative
28 of the Iowa collaborative safety net provider network
29 created in section 135.153, a nurse informaticist from
30 the university of Iowa, and any other members the
31 department or executive committee of the advisory

32 council determine necessary to assist the department
33 or executive committee at various stages of
34 development of the electronic health information
35 system. Executive branch agencies shall also be
36 included as necessary to assist in the duties of the
37 department and the executive committee. Public
38 members of the advisory council shall receive
39 reimbursement for actual expenses incurred while
40 serving in their official capacity only if they are
41 not eligible for reimbursement by the organization
42 that they represent. Any legislative members shall be
43 paid the per diem and expenses specified in section
44 2.10.

45 b. An executive committee of the electronic health
46 information advisory council is established. Members
47 of the executive committee of the advisory council
48 shall receive reimbursement for actual expenses
49 incurred while serving in their official capacity only
50 if they are not eligible for reimbursement by the

Page 17

1 organization that they represent. The executive
2 committee shall consist of the following members:

3 (1) Three members, each of whom is the chief
4 information officer of one of the three largest
5 private health care systems in the state.

6 (2) One member who is a representative of the
7 university of Iowa.

8 (3) One member who is a representative of a rural
9 hospital that is a member of the Iowa hospital
10 association.

11 (4) One member who is a consumer member of the
12 state board of health.

13 (5) One member who is a licensed practicing
14 physician.

15 (6) One member who is a health care provider other
16 than a licensed practicing physician.

17 (7) A representative of the federation of Iowa
18 insurers.

19 3. The executive committee, with the technical
20 assistance of the advisory council and the support of
21 the department shall do all of the following:

22 a. Develop a statewide health information
23 technology plan by July 1, 2009. In developing the
24 plan, the executive committee shall seek the input of
25 providers, payers, and consumers. Standards and
26 policies developed for the plan shall promote and be
27 consistent with national standards developed by the
28 office of the national coordinator for health
29 information technology of the United States department
30 of health and human services and shall address or

31 provide for all of the following:

32 (1) The effective, efficient, statewide use of
33 electronic health information in patient care, health
34 care policymaking, clinical research, health care
35 financing, and continuous quality improvement. The
36 executive committee shall recommend requirements for
37 interoperable electronic health records in this state
38 including a recognized interoperability standard.

39 (2) Education of the public and health care sector
40 about the value of health information technology in
41 improving patient care, and methods to promote
42 increased support and collaboration of state and local
43 public health agencies, health care professionals, and
44 consumers in health information technology
45 initiatives.

46 (3) Standards for the exchange of health care
47 information.

48 (4) Policies relating to the protection of privacy
49 of patients and the security and confidentiality of
50 patient information.

Page 18

1 (5) Policies relating to information ownership.

2 (6) Policies relating to governance of the various
3 facets of the health information technology system.

4 (7) A single patient identifier or alternative
5 mechanism to share secure patient information. If no
6 alternative mechanism is acceptable to the executive
7 committee, all health care professionals shall utilize
8 the mechanism selected by the executive committee by
9 July 1, 2010.

10 (8) A standard continuity of care record and other
11 issues related to the content of electronic
12 transmissions. All health care professionals shall
13 utilize the standard continuity of care record by July
14 1, 2010.

15 (9) Requirements for electronic prescribing.

16 (10) Economic incentives and support to facilitate
17 participation in an interoperable system by health
18 care professionals.

19 b. Identify existing and potential health
20 information technology efforts in this state,
21 regionally, and nationally, and integrate existing
22 efforts to avoid incompatibility between efforts and
23 avoid duplication.

24 c. Coordinate public and private efforts to
25 provide the network backbone infrastructure for the
26 health information technology system. In coordinating
27 these efforts, the executive committee shall do all of
28 the following:

29 (1) Develop policies to effectuate the logical

30 cost-effective usage of and access to the state-owned
31 network, and support of telecommunication carrier
32 products, where applicable.

33 (2) Consult with the Iowa communications network,
34 private fiberoptic networks, and any other
35 communications entity to seek collaboration, avoid
36 duplication, and leverage opportunities in developing
37 a backbone network.

38 (3) Establish protocols to ensure compliance with
39 any applicable federal standards.

40 (4) Determine costs for accessing the network at a
41 level that provides sufficient funding for the
42 network.

43 d. Promote the use of telemedicine.

44 (1) Examine existing barriers to the use of
45 telemedicine and make recommendations for eliminating
46 these barriers.

47 (2) Examine the most efficient and effective
48 systems of technology for use and make recommendations
49 based on the findings.

50 e. Address the workforce needs generated by

Page 19

1 increased use of health information technology.

2 f. Recommend rules to be adopted in accordance
3 with chapter 17A to implement all aspects of the
4 statewide health information technology plan and the
5 network.

6 g. Coordinate, monitor, and evaluate the adoption,
7 use, interoperability, and efficiencies of the various
8 facets of health information technology in this state.

9 h. Seek and apply for any federal or private
10 funding to assist in the implementation and support of
11 the health information technology system and make
12 recommendations for funding mechanisms for the ongoing
13 development and maintenance costs of the health
14 information technology system.

15 i. Identify state laws and rules that present
16 barriers to the development of the health information
17 technology system and recommend any changes to the
18 governor and the general assembly.

19 4. Recommendations and other activities resulting
20 from the work of the executive committee shall be
21 presented to the board for action or implementation.

22 Sec. 26. Section 8D.13, Code 2007, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 20. Access shall be offered to
25 the Iowa hospital association only for the purposes of
26 collection, maintenance, and dissemination of health
27 and financial data for hospitals and for hospital
28 education services. The Iowa hospital association

29 shall be responsible for all costs associated with
30 becoming part of the network, as determined by the
31 commission.

32 Sec. 27. Section 136.3, Code 2007, is amended by
33 adding the following new subsection:

34 NEW SUBSECTION. 11. Perform those duties
35 authorized pursuant to section 135.156.

36 Sec. 28. Section 217.41A, Code 2007, is repealed.

37 Sec. 29. IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

38 — APPROPRIATION. There is appropriated from the
39 general fund of the state to the department of public
40 health for the fiscal year beginning July 1, 2008, and
41 ending June 30, 2009, the following amount, or so much
42 thereof as is necessary, for the purpose designated:

43 For administration of the Iowa health information
44 technology system, and for not more than the following
45 full-time equivalent positions:

46	\$	190,600
47	FTEs	2.00

48 DIVISION VI

49 LONG-TERM LIVING PLANNING AND

50 PATIENT AUTONOMY IN HEALTH CARE

Page 20

1 Sec. 30. NEW SECTION. 231.62 END-OF-LIFE CARE
2 INFORMATION.

3 1. The department shall consult with the Iowa
4 medical society, the Iowa end-of-life coalition, the
5 Iowa hospice organization, the university of Iowa
6 palliative care program, and other health care
7 professionals whose scope of practice includes
8 end-of-life care to develop educational and
9 patient-centered information on end-of-life care for
10 terminally ill patients and health care professionals.

11 2. For the purposes of this section, “end-of-life
12 care” means care provided to meet the physical,
13 psychological, social, spiritual, and practical needs
14 of terminally ill patients and their caregivers.

15 Sec. 31. END-OF-LIFE CARE INFORMATION —
16 APPROPRIATION. There is appropriated from the general
17 fund of the state to the department of elder affairs
18 for the fiscal year beginning July 1, 2008, and ending
19 June 30, 2009, the following amount, or so much
20 thereof as is necessary, for the purpose designated:

21 For activities associated with the end-of-life care
22 information requirements of this division:

23	\$	10,000
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24 Sec. 32. LONG-TERM LIVING PLANNING TOOLS — PUBLIC
25 EDUCATION CAMPAIGN. The legal services development
26 and substitute decision maker programs of the
27 department of elder affairs, in collaboration with

28 other appropriate agencies and interested parties,
29 shall research existing long-term living planning
30 tools that are designed to increase quality of life
31 and contain health care costs and recommend a public
32 education campaign strategy on long-term living to the
33 general assembly by January 1, 2009.

34 Sec. 33. LONG-TERM CARE OPTIONS PUBLIC EDUCATION

35 CAMPAIGN. The department of elder affairs, in
36 collaboration with the insurance division of the
37 department of commerce, shall implement a long-term
38 care options public education campaign. The campaign
39 may utilize such tools as the "Own Your Future
40 Planning Kit" administered by the centers for Medicare
41 and Medicaid services, the administration on aging,
42 and the office of the assistant secretary for planning
43 and evaluation of the United States department of
44 health and human services, and other tools developed
45 through the aging and disability resource center
46 program of the administration on aging and the centers
47 for Medicare and Medicaid services designed to promote
48 health and independence as Iowans age, assist older
49 Iowans in making informed choices about the
50 availability of long-term care options, including

Page 21

1 alternatives to facility-based care, and to streamline
2 access to long-term care.

3 Sec. 34. LONG-TERM CARE OPTIONS PUBLIC EDUCATION

4 CAMPAIGN — APPROPRIATION. There is appropriated from
5 the general fund of the state to the department of
6 elder affairs for the fiscal year beginning July 1,
7 2008, and ending June 30, 2009, the following amount,
8 or so much thereof as is necessary, for the purpose
9 designated:

10 For activities associated with the long-term care
11 options public education campaign requirements of this
12 division:

13 \$ 75,000

14 Sec. 35. HOME AND COMMUNITY-BASED SERVICES PUBLIC

15 EDUCATION CAMPAIGN. The department of elder affairs
16 shall work with other public and private agencies to
17 identify resources that may be used to continue the
18 work of the aging and disability resource center
19 established by the department through the aging and
20 disability resource center grant program efforts of
21 the administration on aging and the centers for
22 Medicare and Medicaid services of the United States
23 department of health and human services, beyond the
24 federal grant period ending September 30, 2008.

25 Sec. 36. PATIENT AUTONOMY IN HEALTH CARE DECISIONS

26 PILOT PROJECT.

27 1. The department of public health shall establish
28 a two-year community coalition for patient treatment
29 wishes across the health care continuum pilot project,
30 beginning July 1, 2008, and ending June 30, 2010, in a
31 county with a population of between fifty thousand and
32 one hundred thousand. The pilot project shall utilize
33 the process based upon the national physicians orders
34 for life sustaining treatment program initiative,
35 including use of a standardized physician order for
36 scope of treatment form. The process shall require
37 validation of the physician order for scope of
38 treatment form by the signature of an individual other
39 than the patient or the patient's legal representative
40 who is not an employee of the patient's physician.
41 The pilot project may include applicability to
42 chronically ill, frail, and elderly or terminally ill
43 individuals in hospitals licensed pursuant to chapter
44 135B, nursing facilities or residential care
45 facilities licensed pursuant to chapter 135C, or
46 hospice programs as defined in section 135J.1.
47 2. The department of public health shall convene
48 an advisory council, consisting of representatives of
49 entities with interest in the pilot project, including
50 but not limited to the Iowa hospital association, the

Page 22

1 Iowa medical society, organizations representing
2 health care facilities, representatives of health care
3 providers, and the Iowa trial lawyers association, to
4 develop recommendations for expanding the pilot
5 project statewide. The advisory council shall report
6 its findings and recommendations, including
7 recommendations for legislation, to the governor and
8 the general assembly by January 1, 2010.

9 3. The pilot project shall not alter the rights of
10 individuals who do not execute a physician order for
11 scope of treatment.

12 a. If an individual is a qualified patient as
13 defined in section 144A.2, the individual's
14 declaration executed under chapter 144A shall control
15 health care decision making for the individual in
16 accordance with chapter 144A. A physician order for
17 scope of treatment shall not supersede a declaration
18 executed pursuant to chapter 144A. If an individual
19 has not executed a declaration pursuant to chapter
20 144A, health care decision making relating to
21 life-sustaining procedures for the individual shall be
22 governed by section 144A.7.

23 b. If an individual has executed a durable power
24 of attorney for health care pursuant to chapter 144B,
25 the individual's durable power of attorney for health

26 care shall control health care decision making for the
 27 individual in accordance with chapter 144B. A
 28 physician order for scope of treatment shall not
 29 supersede a durable power of attorney for health care
 30 executed pursuant to chapter 144B.

31 c. In the absence of actual notice of the
 32 revocation of a physician order for scope of
 33 treatment, a physician, health care provider, or any
 34 other person who complies with a physician order for
 35 scope of treatment shall not be subject to liability,
 36 civil or criminal, for actions taken under this
 37 section which are in accordance with reasonable
 38 medical standards. Any physician, health care
 39 provider, or other person against whom criminal or
 40 civil liability is asserted because of conduct in
 41 compliance with this section may interpose the
 42 restriction on liability in this paragraph as an
 43 absolute defense.

44 DIVISION VII
 45 HEALTH CARE COVERAGE

46 Sec. 37. NEW SECTION. 505.31 REIMBURSEMENT
 47 ACCOUNTS.

48 The commissioner of insurance shall assist
 49 employers with twenty-five or fewer employees with
 50 implementing and administering plans under section 125

Page 23

1 of the Internal Revenue Code, including medical
 2 expense reimbursement accounts and dependent care
 3 accounts. The commissioner shall provide information
 4 about the assistance available to small employers on
 5 the insurance division's internet site.

6 Sec. 38. Section 509.3, Code 2007, is amended by
 7 adding the following new subsection:

8 NEW SUBSECTION. 8. A provision that the insurer
 9 will permit continuation of existing coverage for an
 10 unmarried child of an insured or enrollee who so
 11 elects, at least through the policy anniversary date
 12 on or after the date the child marries, ceases to be a
 13 resident of this state, or attains the age of
 14 twenty-five years old, whichever occurs first, or so
 15 long as the unmarried child maintains full-time status
 16 as a student in an accredited institution of
 17 postsecondary education.

18 Sec. 39. NEW SECTION. 509A.13B CONTINUATION OF
 19 DEPENDENT COVERAGE.

20 If a governing body, a county board of supervisors,
 21 or a city council has procured accident or health care
 22 coverage for its employees under this chapter such
 23 coverage shall permit continuation of existing
 24 coverage for an unmarried child of an insured or

25 enrollee who so elects, at least through the policy
 26 anniversary date on or after the date the child
 27 marries, ceases to be a resident of this state, or
 28 attains the age of twenty-five years old, whichever
 29 occurs first, or so long as the unmarried child
 30 maintains full-time status as a student in an
 31 accredited institution of postsecondary education.

32 Sec. 40. Section 513C.7, subsection 2, paragraph
 33 a, Code 2007, is amended to read as follows:

34 ~~a.~~ The individual basic or standard health benefit
 35 plan shall not deny, exclude, or limit benefits for a
 36 covered individual for losses incurred more than
 37 twelve months following the effective date of the
 38 individual's coverage due to a preexisting condition.
 39 A preexisting condition shall not be defined more
 40 restrictively than any of the following:

41 ~~(1)~~ a. A condition that would cause an ordinarily
 42 prudent person to seek medical advice, diagnosis,
 43 care, or treatment during the twelve months
 44 immediately preceding the effective date of coverage.

45 ~~(2)~~ b. A condition for which medical advice,
 46 diagnosis, care, or treatment was recommended or
 47 received during the twelve months immediately
 48 preceding the effective date of coverage.

49 ~~(3)~~ c. A pregnancy existing on the effective date
 50 of coverage.

Page 24

1 Sec. 41. Section 513C.7, subsection 2, paragraph
 2 b, Code 2007, is amended by striking the paragraph.

3 Sec. 42. NEW SECTION. 514A.3B ADDITIONAL
 4 REQUIREMENTS.

5 1. An insurer which accepts an individual for
 6 coverage under an individual policy or contract of
 7 accident and health insurance shall waive any time
 8 period applicable to a preexisting condition exclusion
 9 or limitation period requirement of the policy or
 10 contract with respect to particular services in an
 11 individual health benefit plan for the period of time
 12 the individual was previously covered by qualifying
 13 previous coverage as defined in section 513C.3 that
 14 provided benefits with respect to such services,
 15 provided that the qualifying previous coverage was
 16 continuous to a date not more than sixty-three days
 17 prior to the effective date of the new policy or
 18 contract. For purposes of this section, periods of
 19 coverage under medical assistance provided pursuant to
 20 chapter 249A or 514I, or Medicare coverage provided
 21 pursuant to Title XVIII of the federal Social Security
 22 Act shall not be counted with respect to the
 23 sixty-three-day requirement.

24 2. An insurer issuing an individual policy or
 25 contract of accident and health insurance which
 26 provides coverage for children of the insured shall
 27 permit continuation of existing coverage for all
 28 unmarried child of an insured or enrollee who so
 29 elects, at least through the policy anniversary date
 30 on or after the date the child marries, ceases to be a
 31 resident of this state, or attains the age of
 32 twenty-five years old, whichever occurs first, or so
 33 long as the unmarried child maintains full-time status
 34 as a student in an accredited institution of
 35 postsecondary education.

36 Sec. 43. APPLICABILITY. This division of this Act
 37 applies to policies or contracts of accident and
 38 health insurance delivered or issued for delivery or
 39 continued or renewed in this state on or after July 1,
 40 2008.

41 DIVISION VIII
 42 MEDICAL HOME
 43 DIVISION XXII
 44 MEDICAL HOME

45 Sec. 44. NEW SECTION. 135.157 DEFINITIONS.

46 As used in this chapter, unless the context
 47 otherwise requires:

- 48 1. "Board" means the state board of health created
 49 pursuant to section 136.1.
 50 2. "Department" means the department of public

Page 25

- 1 health.
 2 3. "Health care professional" means a person who
 3 is licensed, certified, or otherwise authorized or
 4 permitted by the law of this state to administer
 5 health care in the ordinary course of business or in
 6 the practice of a profession.
 7 4. "Medical home" means a team approach to
 8 providing health care that originates in a primary
 9 care setting; fosters a partnership among the patient,
 10 the personal provider, and other health care
 11 professionals, and where appropriate, the patient's
 12 family; utilizes the partnership to access all medical
 13 and nonmedical health-related services needed by the
 14 patient and the patient's family to achieve maximum
 15 health potential; maintains a centralized,
 16 comprehensive record of all health-related services to
 17 promote continuity of care; and has all of the
 18 characteristics specified in section 135.158.
 19 5. "National committee for quality assurance"
 20 means the nationally recognized, independent nonprofit
 21 organization that measures the quality and performance
 22 of health care and health care plans in the United

23 States; provides accreditation, certification, and
 24 recognition programs for health care plans and
 25 programs; and is recognized in Iowa as an accrediting
 26 organization for commercial and Medicaid-managed care
 27 organizations.

28 6. "Personal provider" means the patient's first
 29 point of contact in the health care system with a
 30 primary care provider who identifies the patient's
 31 health needs, and, working with a team of health care
 32 professionals, provides for and coordinates
 33 appropriate care to address the health needs
 34 identified.

35 7. "Primary care" means health care which
 36 emphasizes providing for a patient's general health
 37 needs and utilizes collaboration with other health
 38 care professionals and consultation or referral as
 39 appropriate to meet the needs identified.

40 8. "Primary care provider" means any of the
 41 following who provide primary care and meet
 42 certification standards:

- 43 a. A physician who is a family or general
- 44 practitioner, a pediatrician, an internist, an
- 45 obstetrician, or a gynecologist.
- 46 b. An advanced registered nurse practitioner.
- 47 c. A physician assistant.
- 48 d. A chiropractor licensed pursuant to chapter
- 49 151.

50 Sec. 45. NEW SECTION. 135.158 MEDICAL HOME

Page 26

1 PURPOSES — CHARACTERISTICS.

- 2 1. The purposes of a medical home are the
- 3 following:
 - 4 a. To reduce disparities in health care access,
 - 5 delivery, and health care outcomes.
 - 6 b. To improve quality of health care and lower
 - 7 health care costs, thereby creating savings to allow
 - 8 more Iowans to have health care coverage and to
 - 9 provide for the sustainability of the health care
 - 10 system.
 - 11 c. To provide a tangible method to document if
 - 12 each Iowan has access to health care.
- 13 2. A medical home has all of the following
- 14 characteristics:
 - 15 a. A personal provider. Each patient has an
 - 16 ongoing relationship with a personal provider trained
 - 17 to provide first contact and continuous and
 - 18 comprehensive care.
 - 19 b. A provider-directed medical practice. The
 - 20 personal provider leads a team of individuals at the
 - 21 practice level who collectively take responsibility

22 for the ongoing health care of patients.

23 c. Whole person orientation. The personal
24 provider is responsible for providing for all of a
25 patient's health care needs or taking responsibility
26 for appropriately arranging health care by other
27 qualified health care professionals. This
28 responsibility includes health care at all stages of
29 life including provision of acute care, chronic care,
30 preventive services, and end-of-life care.

31 d. Coordination and integration of care. Care is
32 coordinated and integrated across all elements of the
33 complex health care system and the patient's
34 community. Care is facilitated by registries,
35 information technology, health information exchanges,
36 and other means to assure that patients receive the
37 indicated care when and where they need and want the
38 care in a culturally and linguistically appropriate
39 manner.

40 e. Quality and safety. The following are quality
41 and safety components of the medical home:

42 (1) Provider-directed medical practices advocate
43 for their patients to support the attainment of
44 optimal, patient-centered outcomes that are defined by
45 a care planning process driven by a compassionate,
46 robust partnership between providers, the patient, and
47 the patient's family.

48 (2) Evidence-based medicine and clinical
49 decision-support tools guide decision making.

50 (3) Providers in the medical practice accept

Page 27

1 accountability for continuous quality improvement
2 through voluntary engagement in performance
3 measurement and improvement.

4 (4) Patients actively participate in decision
5 making and feedback is sought to ensure that the
6 patients' expectations are being met.

7 (5) Information technology is utilized
8 appropriately to support optimal patient care,
9 performance measurement, patient education, and
10 enhanced communication.

11 (6) Practices participate in a voluntary
12 recognition process conducted by an appropriate
13 nongovernmental entity to demonstrate that the
14 practice has the capabilities to provide
15 patient-centered services consistent with the medical
16 home model.

17 (7) Patients and families participate in quality
18 improvement activities at the practice level.

19 f. Enhanced access to health care. Enhanced
20 access to health care is available through systems

21 such as open scheduling, expanded hours, and new
 22 options for communication between the patient, the
 23 patient's personal provider, and practice staff.

24 g. Payment. The payment system appropriately
 25 recognizes the added value provided to patients who
 26 have a patient-centered medical home. The payment
 27 structure framework of the medical home provides all
 28 of the following:

29 (1) Reflects the value of provider and nonprovider
 30 staff and patient-centered care management work that
 31 is in addition to the face-to-face visit.

32 (2) Pays for services associated with coordination
 33 of health care both within a given practice and
 34 between consultants, ancillary providers, and
 35 community resources.

36 (3) Supports adoption and use of health
 37 information technology for quality improvement.

38 (4) Supports provision of enhanced communication
 39 access such as secure electronic mail and telephone
 40 consultation.

41 (5) Recognizes the value of provider work
 42 associated with remote monitoring of clinical data
 43 using technology.

44 (6) Allows for separate fee-for-service payments
 45 for face-to-face visits. Payments for health care
 46 management services that are in addition to the
 47 face-to-face visit do not result in a reduction in the
 48 payments for face-to-face visits.

49 (7) Recognizes case mix differences in the patient
 50 population being treated within the practice.

Page 28

1 (8) Allows providers to share in savings from
 2 reduced hospitalizations associated with
 3 provider-guided health care management in the office
 4 setting.

5 (9) Allows for additional payments for achieving
 6 measurable and continuous quality improvements.

7 Sec. 46. NEW SECTION. 135.159 MEDICAL HOME
 8 SYSTEM — ADVISORY COUNCIL — DEVELOPMENT AND
 9 IMPLEMENTATION.

10 1. The department shall administer the medical
 11 home system. The department shall adopt rules
 12 pursuant to chapter 17A necessary to administer the
 13 medical home system.

14 2. a. The department shall establish an advisory
 15 council which shall include but is not limited to all
 16 of the following members, selected by their respective
 17 organizations, and any other members the department
 18 determines necessary to assist in the department's
 19 duties at various stages of development of the medical

20 home system:

21 (1) The director of human services, or the
22 director's designee.

23 (2) The commissioner of insurance, or the
24 commissioner's designee.

25 (3) A representative of the federation of Iowa
26 insurers.

27 (4) A representative of the Iowa dental
28 association.

29 (5) A representative of the Iowa nurses
30 association.

31 (6) A physician licensed pursuant to chapter 148
32 and a physician licensed pursuant to chapter 150 who
33 are family physicians and members of the Iowa academy
34 of family physicians.

35 (7) A health care consumer.

36 (8) A representative of the Iowa collaborative
37 safety net provider network established pursuant to
38 section 135.153.

39 (9) A representative of the governor's
40 developmental disabilities council.

41 (10) A representative of the Iowa chapter of the
42 American academy of pediatrics.

43 (11) A representative of the child and family
44 policy center.

45 (12) A representative of the Iowa pharmacy
46 association.

47 (13) A representative of the Iowa chiropractic
48 society.

49 (14) A representative of the university of Iowa
50 college of public health.

Page 29

1 b. Public members of the advisory council shall
2 receive reimbursement for actual expenses incurred
3 while serving in their official capacity only if they
4 are not eligible for reimbursement by the organization
5 that they represent.

6 3. The department shall develop a plan for
7 implementation of a statewide medical home system.
8 The department, in collaboration with parents,
9 schools, communities, health plans, and providers,
10 shall endeavor to increase healthy outcomes for
11 children and adults by linking the children and adults
12 with a medical home, identifying health improvement
13 goals for children and adults, and linking
14 reimbursement strategies to increasing healthy
15 outcomes for children and adults. The plan shall
16 provide that the medical home system shall do all of
17 the following:

18 a. Coordinate and provide access to evidence-based

19 health care services, emphasizing convenient,
20 comprehensive primary care and including preventive,
21 screening, and well-child health services.
22 b. Provide access to appropriate specialty care
23 and inpatient services.
24 c. Provide quality-driven and cost-effective
25 health care.
26 d. Provide access to pharmacist-delivered
27 medication reconciliation and medication therapy
28 management services, where appropriate.
29 e. Promote strong and effective medical management
30 including but not limited to planning treatment
31 strategies, monitoring health outcomes and resource
32 use, sharing information, and organizing care to avoid
33 duplication of service. The plan shall provide that
34 in sharing information, the priority shall be the
35 protection of the privacy of individuals and the
36 security and confidentiality of the individual's
37 information. Any sharing of information required by
38 the medical home system shall comply and be consistent
39 with all existing state and federal laws and
40 regulations relating to the confidentiality of health
41 care information and shall be subject to written
42 consent of the patient.
43 f. Emphasize patient and provider accountability.
44 g. Prioritize local access to the continuum of
45 health care services in the most appropriate setting.
46 h. Establish a baseline for medical home goals and
47 establish performance measures that indicate a child
48 or adult has an established and effective medical
49 home. For children, these goals and performance
50 measures may include but are not limited to childhood

Page 30

1 immunizations rates, well-child care utilization
2 rates, care management for children with chronic
3 illnesses, emergency room utilization, and oral health
4 service utilization.
5 i. For children, coordinate with and integrate
6 guidelines, data, and information from existing
7 newborn and child health programs and entities,
8 including but not limited to the healthy opportunities
9 to experience, success-healthy families Iowa program,
10 the community empowerment program, the center for
11 congenital and inherited disorders screening and
12 health care programs, standards of care for pediatric
13 health guidelines, the office of multicultural health
14 established in section 135.12, the oral health bureau
15 established in section 135.15, and other similar
16 programs and services.
17 4. The department shall develop an organizational

18 structure for the medical home system in this state.
19 The organizational structure plan shall integrate
20 existing resources, provide a strategy to coordinate
21 health care services, provide for monitoring and data
22 collection on medical homes, provide for training and
23 education to health care professionals and families,
24 and provide for transition of children to the adult
25 medical care system. The organizational structure may
26 be based on collaborative teams of stakeholders
27 throughout the state such as local public health
28 agencies, the collaborative safety net provider
29 network established in section 135.153, or a
30 combination of statewide organizations. Care
31 coordination may be provided through regional offices
32 or through individual provider practices. The
33 organizational structure may also include the use of
34 telemedicine resources, and may provide for partnering
35 with pediatric and family practice residency programs
36 to improve access to preventive care for children.
37 The organizational structure shall also address the
38 need to organize and provide health care to increase
39 accessibility for patients including using venues more
40 accessible to patients and having hours of operation
41 that are conducive to the population served.
42 5. The department shall adopt standards and a
43 process to certify medical homes based on the national
44 committee for quality assurance standards. The
45 certification process and standards shall provide
46 mechanisms to monitor performance and to evaluate,
47 promote, and improve the quality of health of and
48 health care delivered to patients through a medical
49 home. The mechanism shall require participating
50 providers to monitor clinical progress and performance

Page 31

1 in meeting applicable standards and to provide
2 information in a form and manner specified by the
3 department. The evaluation mechanism shall be
4 developed with input from consumers, providers, and
5 payers. At a minimum the evaluation shall determine
6 any increased quality in health care provided and any
7 decrease in cost resulting from the medical home
8 system compared with other health care delivery
9 systems. The standards and process shall also include
10 a mechanism for other ancillary service providers to
11 become affiliated with a certified medical home.
12 6. The department shall adopt education and
13 training standards for health care professionals
14 participating in the medical home system.
15 7. The department shall provide for system
16 simplification through the use of universal referral

17 forms, internet-based tools for providers, and a
18 central medical home internet site for providers.

19 8. The department shall recommend a reimbursement
20 methodology and incentives for participation in the
21 medical home system to ensure that providers enter and
22 remain participating in the system. In developing the
23 recommendations for incentives, the department shall
24 consider, at a minimum, providing incentives to
25 promote wellness, prevention, chronic care management,
26 immunizations, health care management, and the use of
27 electronic health records. In developing the
28 recommendations for the reimbursement system, the
29 department shall analyze, at a minimum, the
30 feasibility of all of the following:

31 a. Reimbursement under the medical assistance
32 program to promote wellness and prevention, provide
33 care coordination, and provide chronic care
34 management.

35 b. Increasing reimbursement to Medicare levels for
36 certain wellness and prevention services, chronic care
37 management, and immunizations.

38 c. Providing reimbursement for primary care
39 services by addressing the disparities between
40 reimbursement for specialty services and primary care
41 services.

42 d. Increased funding for efforts to transform
43 medical practices into certified medical homes,
44 including emphasizing the implementation of the use of
45 electronic health records.

46 e. Targeted reimbursement to providers linked to
47 health care quality improvement measures established
48 by the department.

49 f. Reimbursement for specified ancillary support
50 services such as transportation for medical

Page 32

1 appointments and other such services.

2 g. Providing reimbursement for medication
3 reconciliation and medication therapy management
4 service, where appropriate.

5 9. The department shall coordinate the
6 requirements and activities of the medical home system
7 with the requirements and activities of the dental
8 home for children as described in section 249J.14,
9 subsection 7, and shall recommend financial incentives
10 for dentists and nondental providers to promote oral
11 health care coordination through preventive dental
12 intervention, early identification of oral disease
13 risk, health care coordination and data tracking,
14 treatment, chronic care management, education and
15 training, parental guidance, and oral health

16 promotions for children.

17 10. The department shall integrate the
18 recommendations and policies developed by the
19 prevention and chronic care management advisory
20 council into the medical home system.

21 11. Implementation phases.

22 a. Initial implementation shall require
23 participation in the medical home system of children
24 who are recipients of full benefits under the medical
25 assistance program. The department shall work with
26 the department of human services and shall recommend
27 to the general assembly a reimbursement methodology to
28 compensate providers participating under the medical
29 assistance program for participation in the medical
30 home system.

31 b. The department shall work with the department
32 of human services to expand the medical home system to
33 adults who are recipients of full benefits under the
34 medical assistance program and the expansion
35 population under the IowaCare program. The department
36 shall work with the centers for Medicare and Medicaid
37 services of the United States department of health and
38 human services to allow Medicare recipients to utilize
39 the medical home system.

40 c. The department shall work with the department
41 of administrative services to allow state employees to
42 utilize the medical home system.

43 d. The department shall work with insurers and
44 self-insured companies, if requested, to make the
45 medical home system available to individuals with
46 private health care coverage.

47 12. The department shall provide oversight for all
48 certified medical homes. The department shall review
49 the progress of the medical home system and recommend
50 improvements to the system, as necessary.

Page 33

1 13. The department shall annually evaluate the
2 medical home system and make recommendations to the
3 governor and the general assembly regarding
4 improvements to and continuation of the system.

5 14. Recommendations and other activities resulting
6 from the duties authorized for the department under
7 this section shall require approval by the board prior
8 to any subsequent action or implementation.

9 Sec. 47. Section 136.3, Code 2007, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 12. Perform those duties
12 authorized pursuant to section 135.159.

13 Sec. 48. Section 249J.14, subsection 7, Code 2007,
14 is amended to read as follows:

15 7. DENTAL HOME FOR CHILDREN. By ~~July 1, 2008~~
 16 ~~December 31, 2010~~, every recipient of medical
 17 assistance who is a child twelve years of age or
 18 younger shall have a designated dental home and shall
 19 be provided with the dental screenings, ~~and~~ preventive
 20 ~~care identified in the oral health standards~~ services,
 21 diagnostic services, treatment services, and emergency
 22 services as defined under the early and periodic
 23 screening, diagnostic, and treatment program.

24 Sec. 49. MEDICAL HOME SYSTEM — APPROPRIATION.

25 There is appropriated from the general fund of the
 26 state to the department of public health for the
 27 fiscal year beginning July 1, 2008, and ending June
 28 30, 2009, the following amount, or so much thereof as
 29 is necessary, for the purpose designated:

30 For activities associated with the medical home
 31 system requirements of this division and for not more
 32 than the following full-time equivalent positions:

33	\$	165,600
34	FTEs	4.00

35 DIVISION IX

36 PREVENTION AND CHRONIC CARE MANAGEMENT

37 DIVISION XXIII

38 PREVENTION AND CHRONIC CARE MANAGEMENT

39 Sec. 50. NEW SECTION. 135.160 DEFINITIONS.

40 For the purpose of this division, unless the
 41 context otherwise requires:

- 42 1. "Board" means the state board of health created
- 43 pursuant to section 136.1.
- 44 2. "Chronic care" means health care services
- 45 provided by a health care professional for an
- 46 established clinical condition that is expected to
- 47 last a year or more and that requires ongoing clinical
- 48 management attempting to restore the individual to
- 49 highest function, minimize the negative effects of the
- 50 chronic condition, and prevent complications related

- 1 to the chronic condition.
- 2 3. "Chronic care information system" means
- 3 approved information technology to enhance the
- 4 development and communication of information to be
- 5 used in providing chronic care, including clinical,
- 6 social, and economic outcomes of chronic care.
- 7 4. "Chronic care management" means a system of
- 8 coordinated health care interventions and
- 9 communications for individuals with chronic
- 10 conditions, including significant patient self-care
- 11 efforts, systemic supports for the health care
- 12 professional and patient relationship, and a chronic
- 13 care plan emphasizing prevention of complications

14 utilizing evidence-based practice guidelines, patient
15 empowerment strategies, and evaluation of clinical,
16 humanistic, and economic outcomes on an ongoing basis
17 with the goal of improving overall health.

18 5. "Chronic care plan" means a plan of care
19 between an individual and the individual's principal
20 health care professional that emphasizes prevention of
21 complications through patient empowerment including
22 but not limited to providing incentives to engage the
23 patient in the patient's own care and in clinical,
24 social, or other interventions designed to minimize
25 the negative effects of the chronic condition.

26 6. "Chronic care resources" means health care
27 professionals, advocacy groups, health departments,
28 schools of public health and medicine, health plans,
29 and others with expertise in public health, health
30 care delivery, health care financing, and health care
31 research.

32 7. "Chronic condition" means an established
33 clinical condition that is expected to last a year or
34 more and that requires ongoing clinical management.

35 8. "Department" means the department of public
36 health.

37 9. "Director" means the director of public health.

38 10. "Eligible individual" means a resident of this
39 state who has been diagnosed with a chronic condition
40 or is at an elevated risk for a chronic condition and
41 who is a recipient of medical assistance, is a member
42 of the expansion population pursuant to chapter 249J,
43 or is an inmate of a correctional institution in this
44 state.

45 11. "Health care professional" means health care
46 professional as defined in section 135.157.

47 12. "Health risk assessment" means screening by a
48 health care professional for the purpose of assessing
49 an individual's health, including tests or physical
50 examinations and a survey or other tool used to gather

Page 35

1 information about an individual's health, medical
2 history, and health risk factors during a health
3 screening.

4 Sec. 51. NEW SECTION. 135.161 PREVENTION AND
5 CHRONIC CARE MANAGEMENT INITIATIVE — ADVISORY
6 COUNCIL.

7 1. The director, in collaboration with the
8 prevention and chronic care management advisory
9 council, shall develop a state initiative for
10 prevention and chronic care management. The state
11 initiative consists of the state's plan for developing
12 a chronic care organizational structure for prevention

13 and chronic care management, including coordinating
14 the efforts of health care professionals and chronic
15 care resources to promote the health of residents and
16 the prevention and management of chronic conditions,
17 developing and implementing arrangements for
18 delivering prevention services and chronic care
19 management, developing significant patient self-care
20 efforts, providing systemic support for the health
21 care professional-patient relationship and options for
22 channeling chronic care resources and support to
23 health care professionals, providing for community
24 development and outreach and education efforts, and
25 coordinating information technology initiatives with
26 the chronic care information system.

27 2. The director may accept grants and donations
28 and shall apply for any federal, state, or private
29 grants available to fund the initiative. Any grants
30 or donations received shall be placed in a separate
31 fund in the state treasury and used exclusively for
32 the initiative or as federal law directs.

33 3. a. The director shall establish and convene an
34 advisory council to provide technical assistance to
35 the director in developing a state initiative that
36 integrates evidence-based prevention and chronic care
37 management strategies into the public and private
38 health care systems, including the medical home
39 system. Public members of the advisory council shall
40 receive their actual and necessary expenses incurred
41 in the performance of their duties and may be eligible
42 to receive compensation as provided in section 7E.6.

43 b. The advisory council shall elicit input from a
44 variety of health care professionals, health care
45 professional organizations, community and nonprofit
46 groups, insurers, consumers, businesses, school
47 districts, and state and local governments in
48 developing the advisory council's recommendations.

49 c. The advisory council shall submit initial
50 recommendations to the director for the state

Page 36

1 initiative for prevention and chronic care management
2 no later than July 1, 2009. The recommendations shall
3 address all of the following:

4 (1) The recommended organizational structure for
5 integrating prevention and chronic care management
6 into the private and public health care systems. The
7 organizational structure recommended shall align with
8 the organizational structure established for the
9 medical home system developed pursuant to division
10 XXII. The advisory council shall also review existing
11 prevention and chronic care management strategies used

12 in the health insurance market and in private and
13 public programs and recommend ways to expand the use
14 of such strategies throughout the health insurance
15 market and in the private and public health care
16 systems.

17 (2) A process for identifying leading health care
18 professionals and existing prevention and chronic care
19 management programs in the state, and coordinating
20 care among these health care professionals and
21 programs.

22 (3) A prioritization of the chronic conditions for
23 which prevention and chronic care management services
24 should be provided, taking into consideration the
25 prevalence of specific chronic conditions and the
26 factors that may lead to the development of chronic
27 conditions; the fiscal impact to state health care
28 programs of providing care for the chronic conditions
29 of eligible individuals; the availability of workable,
30 evidence-based approaches to chronic care for the
31 chronic condition; and public input into the selection
32 process. The advisory council shall initially develop
33 consensus guidelines to address the two chronic
34 conditions identified as having the highest priority
35 and shall also specify a timeline for inclusion of
36 additional specific chronic conditions in the
37 initiative.

38 (4) A method to involve health care professionals
39 in identifying eligible patients for prevention and
40 chronic care management services, which includes but
41 is not limited to the use of a health risk assessment.

42 (5) The methods for increasing communication
43 between health care professionals and patients,
44 including patient education, patient self-management,
45 and patient follow-up plans.

46 (6) The educational, wellness, and clinical
47 management protocols and tools to be used by health
48 care professionals, including management guideline
49 materials for health care delivery.

50 (7) The use and development of process and outcome

Page 37

1 measures and benchmarks, aligned to the greatest
2 extent possible with existing measures and benchmarks
3 such as the best in class estimates utilized in the
4 national healthcare quality report of the agency for
5 health care research and quality of the United States
6 department of health and human services, to provide
7 performance feedback for health care professionals and
8 information on the quality of health care, including
9 patient satisfaction and health status outcomes.

10 (8) Payment methodologies to align reimbursements

11 and create financial incentives and rewards for health
12 care professionals to utilize prevention services,
13 establish management systems for chronic conditions,
14 improve health outcomes, and improve the quality of
15 health care, including case management fees, payment
16 for technical support and data entry associated with
17 patient registries, and the cost of staff coordination
18 within a medical practice.

19 (9) Methods to involve public and private groups,
20 health care professionals, insurers, third-party
21 administrators, associations, community and consumer
22 groups, and other entities to facilitate and sustain
23 the initiative.

24 (10) Alignment of any chronic care information
25 system or other information technology needs with
26 other health care information technology initiatives.

27 (11) Involvement of appropriate health resources
28 and public health and outcomes researchers to develop
29 and implement a sound basis for collecting data and
30 evaluating the clinical, social, and economic impact
31 of the initiative, including a determination of the
32 impact on expenditures and prevalence and control of
33 chronic conditions.

34 (12) Elements of a marketing campaign that
35 provides for public outreach and consumer education in
36 promoting prevention and chronic care management
37 strategies among health care professionals, health
38 insurers, and the public.

39 (13) A method to periodically determine the
40 percentage of health care professionals who are
41 participating, the success of the
42 empowerment-of-patients approach, and any results of
43 health outcomes of the patients participating.

44 (14) A means of collaborating with the health
45 professional licensing boards pursuant to chapter 147
46 to review prevention and chronic care management
47 education provided to licensees, as appropriate, and
48 recommendations regarding education resources and
49 curricula for integration into existing and new
50 education and training programs.

Page 38

1 4. Following submission of initial recommendations
2 to the director for the state initiative for
3 prevention and chronic care management by the advisory
4 council, the director shall submit the state
5 initiative to the board for approval. Subject to
6 approval of the state initiative by the board, the
7 department shall initially implement the state
8 initiative among the population of eligible
9 individuals. Following initial implementation, the

10 director shall work with the department of human
 11 services, insurers, health care professional
 12 organizations, and consumers in implementing the
 13 initiative beyond the population of eligible
 14 individuals as an integral part of the health care
 15 delivery system in the state. The advisory council
 16 shall continue to review and make recommendations to
 17 the director regarding improvements to the initiative.
 18 Any recommendations are subject to approval by the
 19 board.

20 Sec. 52. NEW SECTION. 135.162 CLINICIANS
 21 ADVISORY PANEL.

22 1. The director shall convene a clinicians
 23 advisory panel to advise and recommend to the
 24 department clinically appropriate, evidence-based best
 25 practices regarding the implementation of the medical
 26 home as defined in section 135.157 and the prevention
 27 and chronic care management initiative pursuant to
 28 section 135.161. The director shall act as
 29 chairperson of the advisory panel.

30 2. The clinicians advisory panel shall consist of
 31 nine members representing licensed medical health care
 32 providers selected by their respective professional
 33 organizations. Terms of members shall begin and end
 34 as provided in section 69.19. Any vacancy shall be
 35 filled in the same manner as regular appointments are
 36 made for the unexpired portion of the regular term.
 37 Members shall serve terms of three years. A member is
 38 eligible for reappointment for three successive terms.

39 3. The clinicians advisory panel shall meet on a
 40 quarterly basis to receive updates from the director
 41 regarding strategic planning and implementation
 42 progress on the medical home and the prevention and
 43 chronic care management initiative and shall provide
 44 clinical consultation to the department regarding the
 45 medical home and the initiative.

46 Sec. 53. Section 136.3, Code 2007, is amended by
 47 adding the following new subsection:

48 NEW SUBSECTION. 13. Perform those duties
 49 authorized pursuant to section 135.161.

50 Sec. 54. PREVENTION AND CHRONIC CARE MANAGEMENT —

Page 39

1 APPROPRIATION. There is appropriated from the general
 2 fund of the state to the department of public health
 3 for the fiscal year beginning July 1, 2008, and ending
 4 June 30, 2009, the following amount, or so much
 5 thereof as is necessary, for the purpose designated:
 6 For activities associated with the prevention and
 7 chronic care management requirements of this division:

8 \$ 190,500

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DIVISION X

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FAMILY OPPORTUNITY ACT

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Sec. 55. 2007 Iowa Acts, chapter 218, section 126, subsection 1, is amended to read as follows:

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1. The provision in this division of this Act relating to eligibility for certain persons with disabilities under the medical assistance program shall ~~only be implemented if the department of human services determines that funding is available in appropriations made in this Act, in combination with federal allocations to the state, for the state children's health insurance program, in excess of the amount needed to cover the current and projected enrollment under the state children's health insurance program beginning January 1, 2009. If such a determination is made, the department of human services shall transfer funding from the appropriations made in this Act for the state children's health insurance program, not otherwise required for that program, to the appropriations made in this Act for medical assistance, as necessary, to implement such provision of this division of this Act.~~

DIVISION XI

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MEDICAL ASSISTANCE QUALITY IMPROVEMENT

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Sec. 56. ~~NEW SECTION.~~ 249A.36 MEDICAL ASSISTANCE QUALITY IMPROVEMENT COUNCIL.

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1. A medical assistance quality improvement council is established. The council shall evaluate the clinical outcomes and satisfaction of consumers and providers with the medical assistance program. The council shall coordinate efforts with the cost and quality performance evaluation completed pursuant to section 249J.16. The council shall also coordinate its efforts with the efforts of the department of public health regarding health care consumer information under section 135.163.

2. a. The council shall consist of seven voting members appointed by the majority leader of the senate, the minority leader of the senate, the speaker of the house, and the minority leader of the house of representatives. At least one member of the council shall be a consumer and at least one member shall be a

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medical assistance program provider. An individual who is employed by a private or nonprofit organization that receives one million dollars or more in compensation or reimbursement from the department, annually, is not eligible for appointment to the council. The members shall serve terms of two years beginning and ending as provided in section 69.19, and

8 appointments shall comply with sections 69.16 and
9 69.16A. Members shall receive reimbursement for
10 actual expenses incurred while serving in their
11 official capacity and may also be eligible to receive
12 compensation as provided in section 7E.6. Vacancies
13 shall be filled by the original appointing authority
14 and in the manner of the original appointment. A
15 person appointed to fill a vacancy shall serve only
16 for the unexpired portion of the term.

17 b. The members shall select a chairperson,
18 annually, from among the membership. The council
19 shall meet at least quarterly and at the call of the
20 chairperson. A majority of the members of the council
21 constitutes a quorum. Any action taken by the council
22 must be adopted by the affirmative vote of a majority
23 of its voting membership.

24 c. The department shall provide administrative
25 support and necessary supplies and equipment for the
26 council.

27 3. The council shall consult with and advise the
28 Iowa Medicaid enterprise in establishing a quality
29 assessment and improvement process.

30 a. The process shall be consistent with the health
31 plan employer data and information set developed by
32 the national committee for quality assurance and with
33 the consumer assessment of health care providers and
34 systems developed by the agency for health care
35 research and quality of the United States department
36 of health and human services. The council shall also
37 coordinate efforts with the Iowa healthcare
38 collaborative and the state's Medicare quality
39 improvement organization to create consistent quality
40 measures.

41 b. The process may utilize as a basis the medical
42 assistance and state children's health insurance
43 quality improvement efforts of the centers for
44 Medicare and Medicaid services of the United States
45 department of health and human services.

46 c. The process shall include assessment and
47 evaluation of both managed care and fee-for-service
48 programs, and shall be applicable to services provided
49 to adults and children.

50 d. The initial process shall be developed and

Page 41

1 implemented by December 31, 2008, with the initial
2 report of results to be made available to the public
3 by June 30, 2009. Following the initial report, the
4 council shall submit a report of results to the
5 governor and the general assembly, annually, in
6 January.

7 DIVISION XII

8 HEALTH CARE CONSUMER INFORMATION

9 DIVISION XXIV

10 HEALTH CARE CONSUMER INFORMATION

11 Sec. 57. NEW SECTION. 135.163 HEALTH CARE
12 CONSUMER INFORMATION.

13 The department shall do all of the following to
14 improve consumer education about health cost and
15 quality:

16 1. Provide for coordination of efforts to promote
17 public reporting of hospital and physician quality
18 measures, including efforts of the Iowa healthcare
19 collaborative, the state's Medicare quality
20 improvement organization, the Iowa Medicaid
21 enterprise, and the medical assistance quality
22 improvement council established pursuant to section
23 249A.36.

24 2. Provide for the coordination of efforts to
25 promote public reporting of health care costs,
26 including efforts of the Iowa hospital association,
27 Iowa medical society, and the Iowa health buyers'
28 alliance.

29 3. Create a public awareness campaign to educate
30 consumers about enhanced health through lifestyle
31 choices.

32 4. Promote adoption of health information
33 technology through provider incentives.

34 5. Evaluate the efficacy of a standard medication
35 therapy management program.

36 DIVISION XIII

37 HEALTH AND LONG-TERM CARE ACCESS

38 Sec. 58. Section 135.63, subsection 2, paragraph
39 1, Code 2007, is amended to read as follows:

40 1. The replacement or modernization of any
41 institutional health facility if the replacement or
42 modernization does not add new health services or
43 additional bed capacity for existing health services,
44 notwithstanding any provision in this division to the
45 contrary. With reference to a hospital, "replacement"
46 means establishing a new hospital that demonstrates
47 compliance with all of the following criteria through
48 evidence submitted to the department:

49 (1) Is designated as a critical access hospital
50 pursuant to 42 U.S.C. § 1395i-4.

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1 (2) Serves at least seventy-five percent of the
2 same service area that was served by the prior
3 hospital to be closed and replaced by the new
4 hospital.

5 (3) Provides at least seventy-five percent of the

6 same services that were provided by the prior hospital
 7 to be closed and replaced by the new hospital.
 8 (4) Is staffed by at least seventy-five percent of
 9 the same staff, including medical staff, contracted
 10 staff, and employees, as constituted the staff of the
 11 prior hospital to be closed and replaced by the new
 12 hospital.

13 Sec. 59. NEW SECTION. 135.164 HEALTH AND
 14 LONG-TERM CARE ACCESS.

15 The department shall coordinate public and private
 16 efforts to develop and maintain an appropriate health
 17 care delivery infrastructure and a stable,
 18 well-qualified, diverse, and sustainable health care
 19 workforce in this state. The health care delivery
 20 infrastructure and the health care workforce shall
 21 address the broad spectrum of health care needs of
 22 Iowans throughout their lifespan including long-term
 23 care needs. The department shall, at a minimum, do
 24 all of the following:

- 25 1. Develop a strategic plan for health care
 26 delivery infrastructure and health care workforce
 27 resources in this state.
- 28 2. Provide for the continuous collection of data
 29 to provide a basis for health care strategic planning
 30 and health care policymaking.
- 31 3. Make recommendations regarding the health care
 32 delivery infrastructure and the health care workforce
 33 that assist in monitoring current needs, predicting
 34 future trends, and informing policymaking.

35 Sec. 60. NEW SECTION. 135.165 STRATEGIC PLAN.

- 36 1. The strategic plan for health care delivery
 37 infrastructure and health care workforce resources
 38 shall describe the existing health care system,
 39 describe and provide a rationale for the desired
 40 health care system, provide an action plan for
 41 implementation, and provide methods to evaluate the
 42 system. The plan shall incorporate expenditure
 43 control methods and integrate criteria for
 44 evidence-based health care. The department shall do
 45 all of the following in developing the strategic plan
 46 for health care delivery infrastructure and health
 47 care workforce resources:
 - 48 a. Conduct strategic health planning activities
 49 related to preparation of the strategic plan.
 - 50 b. Develop a computerized system for accessing,

Page 43

- 1 analyzing, and disseminating data relevant to
- 2 strategic health planning. The department may enter
- 3 into data sharing agreements and contractual
- 4 arrangements necessary to obtain or disseminate

5 relevant data.

6 c. Conduct research and analysis or arrange for
7 research and analysis projects to be conducted by
8 public or private organizations to further the
9 development of the strategic plan.

10 d. Establish a technical advisory committee to
11 assist in the development of the strategic plan. The
12 members of the committee may include but are not
13 limited to health economists, representatives of the
14 university of Iowa college of public health, health
15 planners, representatives of health care purchasers,
16 representatives of state and local agencies that
17 regulate entities involved in health care,
18 representatives of health care providers and health
19 care facilities, and consumers.

20 2. The strategic plan shall include statewide
21 health planning policies and goals related to the
22 availability of health care facilities and services,
23 the quality of care, and the cost of care. The
24 policies and goals shall be based on the following
25 principles:

26 a. That a strategic health planning process,
27 responsive to changing health and social needs and
28 conditions, is essential to the health, safety, and
29 welfare of Iowans. The process shall be reviewed and
30 updated as necessary to ensure that the strategic plan
31 addresses all of the following:

32 (1) Promoting and maintaining the health of all
33 Iowans.

34 (2) Providing accessible health care services
35 through the maintenance of an adequate supply of
36 health facilities and an adequate workforce.

37 (3) Controlling excessive increases in costs.

38 (4) Applying specific quality criteria and
39 population health indicators.

40 (5) Recognizing prevention and wellness as
41 priorities in health care programs to improve quality
42 and reduce costs.

43 (6) Addressing periodic priority issues including
44 disaster planning, public health threats, and public
45 safety dilemmas.

46 (7) Coordinating health care delivery and resource
47 development efforts among state agencies including
48 those tasked with facility, services, and professional
49 provider licensure; state and federal reimbursement;
50 health service utilization data systems; and others.

Page 44

1 (8) Recognizing long-term care as an integral
2 component of the health care delivery infrastructure
3 and as an essential service provided by the health

- 4 care workforce.
- 5 b. That both consumers and providers throughout
6 the state must be involved in the health planning
7 process, outcomes of which shall be clearly
8 articulated and available for public review and use.
- 9 c. That the supply of a health care service has a
10 substantial impact on utilization of the service,
11 independent of the effectiveness, medical necessity,
12 or appropriateness of the particular health care
13 service for a particular individual.
- 14 d. That given that health care resources are not
15 unlimited, the impact of any new health care service
16 or facility on overall health expenditures in this
17 state must be considered.
- 18 e. That excess capacity of health care services
19 and facilities places an increased economic burden on
20 the public.
- 21 f. That the likelihood that a requested new health
22 care facility, service, or equipment will improve
23 health care quality and outcomes must be considered.
- 24 g. That development and ongoing maintenance of
25 current and accurate health care information and
26 statistics related to cost and quality of health care
27 and projections of the need for health care facilities
28 and services are necessary to developing an effective
29 health care planning strategy.
- 30 h. That the certificate of need program as a
31 component of the health care planning regulatory
32 process must balance considerations of access to
33 quality care at a reasonable cost for all Iowans,
34 optimal use of existing health care resources,
35 fostering of expenditure control, and elimination of
36 unnecessary duplication of health care facilities and
37 services, while supporting improved health care
38 outcomes.
- 39 i. That strategic health care planning must be
40 concerned with the stability of the health care
41 system, encompassing health care financing, quality,
42 and the availability of information and services for
43 all residents.
- 44 3. The health care delivery infrastructure and
45 health care workforce resources strategic plan
46 developed by the department shall include all of the
47 following:
- 48 a. A health care system assessment and objectives
49 component that does all of the following:
- 50 (1) Describes state and regional population

Page 45

- 1 demographics, health status indicators, and trends in
2 health status and health care needs.

3 (2) Identifies key policy objectives for the state
4 health care system related to access to care, health
5 care outcomes, quality, and cost-effectiveness.

6 b. A health care facilities and services plan that
7 assesses the demand for health care facilities and
8 services to inform state health care planning efforts
9 and direct certificate of need determinations, for
10 those facilities and services subject to certificate
11 of need. The plan shall include all of the following:

12 (1) An inventory of each geographic region's
13 existing health care facilities and services.

14 (2) Projections of the need for each category of
15 health care facility and service, including those
16 subject to certificate of need.

17 (3) Policies to guide the addition of new or
18 expanded health care facilities and services to
19 promote the use of quality, evidence-based,
20 cost-effective health care delivery options, including
21 any recommendations for criteria, standards, and
22 methods relevant to the certificate of need review
23 process.

24 (4) An assessment of the availability of health
25 care providers, public health resources,
26 transportation infrastructure, and other
27 considerations necessary to support the needed health
28 care facilities and services in each region.

29 c. A health care data resources plan that
30 identifies data elements necessary to properly conduct
31 planning activities and to review certificate of need
32 applications, including data related to inpatient and
33 outpatient utilization and outcomes information, and
34 financial and utilization information related to
35 charity care, quality, and cost. The plan shall
36 provide all of the following:

37 (1) An inventory of existing data resources, both
38 public and private, that store and disclose
39 information relevant to the health care planning
40 process, including information necessary to conduct
41 certificate of need activities. The plan shall
42 identify any deficiencies in the inventory of existing
43 data resources and the data necessary to conduct
44 comprehensive health care planning activities. The
45 plan may recommend that the department be authorized
46 to access existing data sources and conduct
47 appropriate analyses of such data or that other
48 agencies expand their data collection activities as
49 statutory authority permits. The plan may identify
50 any computing infrastructure deficiencies that impede

Page 46

1 the proper storage, transmission, and analysis of
2 health care planning data.
3 (2) Recommendations for increasing the
4 availability of data related to health care planning
5 to provide greater community involvement in the health
6 care planning process and consistency in data used for
7 certificate of need applications and determinations.
8 The plan shall also integrate the requirements for
9 annual reports by hospitals and health care facilities
10 pursuant to section 135.75, the provisions relating to
11 analyses and studies by the department pursuant to
12 section 135.76, the data compilation provisions of
13 section 135.78, and the provisions for contracts for
14 assistance with analyses, studies, and data pursuant
15 to section 135.83.

16 d. An assessment of emerging trends in health care
17 delivery and technology as they relate to access to
18 health care facilities and services, quality of care,
19 and costs of care. The assessment shall recommend any
20 changes to the scope of health care facilities and
21 services covered by the certificate of need program
22 that may be warranted by these emerging trends. In
23 addition, the assessment may recommend any changes to
24 criteria used by the department to review certificate
25 of need applications, as necessary.

26 e. A rural health care resources plan to assess
27 the availability of health resources in rural areas of
28 the state, assess the unmet needs of these
29 communities, and evaluate how federal and state
30 reimbursement policies can be modified, if necessary,
31 to more efficiently and effectively meet the health
32 care needs of rural communities. The plan shall
33 consider the unique health care needs of rural
34 communities, the adequacy of the rural health care
35 workforce, and transportation needs for accessing
36 appropriate care.

37 f. A health care workforce resources plan to
38 assure a competent, diverse, and sustainable health
39 care workforce in Iowa and to improve access to health
40 care in underserved areas and among underserved
41 populations. The plan shall include the establishment
42 of an advisory council to inform and advise the
43 department and policymakers regarding issues relevant
44 to the health care workforce in Iowa. The health care
45 workforce resources plan shall recognize long-term
46 care as an essential service provided by the health
47 care workforce.

48 4. The department shall submit the initial
49 statewide health care delivery infrastructure and
50 resources strategic plan to the governor and the

1 general assembly by January 1, 2010, and shall submit
2 an updated strategic plan to the governor and the
3 general assembly every two years thereafter.

4 Sec. 61. HEALTH CARE ACCESS — APPROPRIATION.

5 There is appropriated from the general fund of the
6 state to the department of public health for the
7 fiscal year beginning July 1, 2008, and ending June
8 30, 2009, the following amount, or so much thereof as
9 is necessary, for the purpose designated:

10 For activities associated with the health care
11 access requirements of this division, and for not more
12 than the following full-time equivalent positions:

13	\$	172,200
14	FTEs	3.00

15 DIVISION XIV
16 PREVENTION AND WELLNESS
17 INITIATIVES

18 Sec. 62. Section 135.27, Code 2007, is amended by
19 striking the section and inserting in lieu thereof the
20 following:

21 135.27 IOWA HEALTHY COMMUNITIES INITIATIVE —
22 GRANT PROGRAM.

23 1. PROGRAM GOALS. The department shall establish
24 a grant program to energize local communities to
25 transform the existing culture into a culture that
26 promotes healthy lifestyles and leads collectively,
27 community by community, to a healthier state. The
28 grant program shall expand an existing healthy
29 communities initiative to assist local boards of
30 health, in collaboration with existing community
31 resources, to build community capacity in addressing
32 the prevention of chronic disease that results from
33 risk factors including overweight and obesity
34 conditions.

35 2. DISTRIBUTION OF GRANTS. The department shall
36 distribute the grants on a competitive basis and shall
37 support the grantee communities in planning and
38 developing wellness strategies and establishing
39 methodologies to sustain the strategies. Grant
40 criteria shall be consistent with the existing
41 statewide initiative between the department and the
42 department's partners that promotes increased
43 opportunities for physical activity and healthy eating
44 for Iowans of all ages, or its successor, and the
45 statewide comprehensive plan developed by the existing
46 statewide initiative to increase physical activity,
47 improve nutrition, and promote healthy behaviors.
48 Grantees shall demonstrate an ability to maximize
49 local, state, and federal resources effectively and
50 efficiently.

Page 48

1 3. DEPARTMENTAL SUPPORT. The department shall
2 provide support to grantees including
3 capacity-building strategies, technical assistance,
4 consultation, and ongoing evaluation.

5 4. ELIGIBILITY. Local boards of health
6 representing a coalition of health care providers and
7 community and private organizations are eligible to
8 submit applications.

9 Sec. 63. NEW SECTION. 135.27A GOVERNOR'S COUNCIL
10 ON PHYSICAL FITNESS AND NUTRITION.

11 1. A governor's council on physical fitness and
12 nutrition is established consisting of twelve members
13 appointed by the governor who have expertise in
14 physical activity, physical fitness, nutrition, and
15 promoting healthy behaviors. At least one member
16 shall be a representative of elementary and secondary
17 physical education professionals, at least one member
18 shall be a health care professional, at least one
19 member shall be a registered dietician, at least one
20 member shall be recommended by the department of elder
21 affairs, and at least one member shall be an active
22 nutrition or fitness professional. In addition, at
23 least one member shall be a member of a racial or
24 ethnic minority. The governor shall select a
25 chairperson for the council. Members shall serve
26 terms of three years beginning and ending as provided
27 in section 69.19. Appointments are subject to
28 sections 69.16 and 69.16A. Members are entitled to
29 receive reimbursement for actual expenses incurred
30 while engaged in the performance of official duties.
31 A member of the council may also be eligible to
32 receive compensation as provided in section 7E.6.

33 2. The council shall assist in developing a
34 strategy for implementation of the statewide
35 comprehensive plan developed by the existing statewide
36 initiative to increase physical activity, improve
37 physical fitness, improve nutrition, and promote
38 healthy behaviors. The strategy shall include
39 specific components relating to specific populations
40 and settings including early childhood, educational,
41 local community, worksite wellness, health care, and
42 older Iowans. The initial draft of the implementation
43 plan shall be submitted to the governor and the
44 general assembly by December 1, 2008.

45 3. The council shall assist the department in
46 establishing and promoting a best practices internet
47 site. The internet site shall provide examples of
48 wellness best practices for individuals, communities,
49 workplaces, and schools and shall include successful
50 examples of both evidence-based and nonscientific

1 programs as a resource.

2 4. The council shall provide oversight for the
3 governor’s physical fitness challenge. The governor’s
4 physical fitness challenge shall be administered by
5 the department and shall provide for the establishment
6 of partnerships with communities or school districts
7 to offer the physical fitness challenge curriculum to
8 elementary and secondary school students. The council
9 shall develop the curriculum, including benchmarks and
10 rewards, for advancing the school wellness policy
11 through the challenge.

12 Sec. 64. IOWA HEALTHY COMMUNITIES INITIATIVE —
13 APPROPRIATION. There is appropriated from the general

14 fund of the state to the department of public health
15 for the fiscal year beginning July 1, 2008, and ending
16 June 30, 2009, the following amount, or so much
17 thereof as is necessary, for the purpose designated:

18 For Iowa healthy communities initiative grants
19 distributed beginning January 1, 2009, and for not
20 more than the following full-time equivalent
21 positions:

22	\$	900,000
23	FTEs	3.00

24 Sec. 65. GOVERNOR’S COUNCIL ON PHYSICAL FITNESS
25 AND NUTRITION — APPROPRIATION. There is appropriated

26 from the general fund of the state to the department
27 of public health for the fiscal period beginning July
28 1, 2008, and ending June 30, 2009, the following
29 amount, or so much thereof as is necessary, for the
30 purpose designated:

31 For the governor’s council on physical fitness:

32	\$	112,100
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33 Sec. 66. SMALL BUSINESS QUALIFIED WELLNESS PROGRAM

34 TAX CREDIT — PLAN. The department of public health,
35 in consultation with the insurance division of the
36 department of commerce and the department of revenue,
37 shall develop a plan to provide a tax credit to small
38 businesses that provide qualified wellness programs to
39 improve the health of their employees. The plan shall
40 include specification of what constitutes a small
41 business for the purposes of the qualified wellness
42 program, the minimum standards for use by a small
43 business in establishing a qualified wellness program,
44 the criteria and a process for certification of a
45 small business qualified wellness program, and the
46 process for claiming a small business qualified
47 wellness program tax credit. The department of public
48 health shall submit the plan including any
49 recommendations for changes in law to implement a
50 small business qualified wellness program tax credit

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1 to the governor and the general assembly by December
2 15, 2008.

3 DIVISION XV

4 HEALTH CARE TRANSPARENCY

5 DIVISION XXVI

6 HEALTH CARE TRANSPARENCY

7 Sec. 67. NEW SECTION. 135.166 HEALTH CARE
8 TRANSPARENCY — REPORTING REQUIREMENTS.

9 1. A hospital licensed pursuant to chapter 135B a
10 physician licensed pursuant to chapter 148, 150, or
11 150A, and a chiropractor licensed pursuant to chapter
12 151 shall report quality indicators, annually, to the
13 Iowa healthcare collaborative as defined in section
14 135.40. The indicators shall be developed by the Iowa
15 healthcare collaborative in accordance with
16 evidence-based practice parameters and appropriate
17 sample size for statistical validation and shall be
18 modeled on national indicators as specified in this
19 section.

20 2. A manufacturer or supplier of durable medical
21 equipment or medical supplies doing business in the
22 state shall submit a price list to the department of
23 human services, annually, for use in comparing prices
24 for such equipment and supplies with rates paid under
25 the medical assistance program. The price lists
26 submitted shall be made available to the public.

27 3. Each hospital in the state that is recognized
28 by the Internal Revenue Code as a nonprofit
29 organization or entity shall submit, to the department
30 of public health and to the legislative services
31 agency, annually, a copy of the hospital's internal
32 revenue service form 990, including but not limited to
33 schedule J or any successor schedule that provides
34 compensation information for certain officers,
35 directors, trustees, and key employees, and highest
36 compensated employees within ninety days following the
37 due date for filing the hospital's return for the
38 taxable year.

39 4. a. The Iowa healthcare collaborative shall
40 publicly report indicators and measures including but
41 not limited to quality, patient safety, pediatric
42 care, patient safety indicators and measures as
43 developed by such nationally recognized entities as
44 the agency for healthcare research and quality of the
45 United States department of health and human services
46 and the centers for Medicare and Medicaid services of
47 the United States department of health and human
48 services and similar national entities.

49 b. The Iowa healthcare collaborative shall also
50 report health care acquired infection measures and

Page 51

1 indicators after validity measures have been developed
2 in conjunction with the state epidemiologist and after
3 legal protections for health care providers subject to
4 reporting such data have been established.

5 Sec. 68. Section 136.3, Code 2007, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 14. To the greatest extent
8 possible integrate the efforts of the governing
9 entities of the Iowa health information technology
10 system pursuant to division XXI, the medical home
11 pursuant to division XXII, the prevention and chronic
12 care management initiative pursuant to division XXIII,
13 consumer information provisions pursuant to division
14 XXIV, and health and long-term care access pursuant to
15 division XXV.

16 DIVISION XVI

17 DIRECT CARE WORKFORCE

18 Sec. 69. DIRECT CARE WORKER ADVISORY COUNCIL —
19 DUTIES — REPORT.

20 1. As used in this section, unless the context
21 otherwise requires:

22 a. “Department” means the department of public
23 health.

24 b. “Direct care” means environmental or chore
25 services, health monitoring and maintenance,
26 assistance with instrumental activities of daily
27 living, assistance with personal care activities of
28 daily living, personal care support, or specialty
29 skill services.

30 c. “Direct care worker” means an individual who
31 directly provides or assists a consumer in the care of
32 the consumer by providing direct care in a variety of
33 settings which may or may not require supervision of
34 the direct care worker, depending on the setting and
35 the skills that the direct care workers possess, based
36 on education or certification.

37 d. “Director” means the director of public health.

38 2. A direct care worker advisory council shall be
39 appointed by the director and shall include
40 representatives of direct care workers, consumers of
41 direct care services, educators of direct care
42 workers, other health professionals, employers of
43 direct care workers, and appropriate state agencies.

44 3. Membership, terms of office, quorum, and
45 expenses shall be determined by the director in
46 accordance with the applicable provisions of section
47 135.11.

48 4. The direct care worker advisory council shall
49 advise the director regarding regulation and
50 certification of direct care workers, based on the

Page 52

- 1 work of the direct care workers task force established
- 2 pursuant to 2005 Iowa Acts, chapter 88, and shall
- 3 develop recommendations regarding but not limited to
- 4 all of the following:
- 5 a. Direct care worker classifications based on
- 6 functions and services provided by direct care
- 7 workers.
- 8 b. Functions for each direct care worker
- 9 classification.
- 10 c. An education and training orientation to be
- 11 provided by employers.
- 12 d. Education and training requirements for each
- 13 direct care worker classification.
- 14 e. The standard curriculum required for each
- 15 direct care worker classification.
- 16 f. Education and training equivalency standards
- 17 for each direct care worker classification.
- 18 g. Guidelines that allow individuals who are
- 19 members of the direct care workforce prior to the date
- 20 of required certification to be incorporated into the
- 21 new regulatory system.
- 22 h. Continuing education requirements for each
- 23 direct care worker classification.
- 24 i. Standards for direct care worker educators and
- 25 trainers.
- 26 j. Certification requirements for each direct care
- 27 worker classification.
- 28 k. Protections for the title “certified direct
- 29 care worker”.
- 30 l. Standardized requirements for supervision of
- 31 each direct care worker classification, as applicable,
- 32 and the roles and responsibilities of supervisory
- 33 positions.
- 34 m. Responsibility for maintenance of credentialing
- 35 and continuing education and training.
- 36 n. Provision of information to income maintenance
- 37 workers and case managers under the purview of the
- 38 department of human services about the education and
- 39 training requirements for direct care workers to
- 40 provide the care and services to meet consumer needs.
- 41 5. The direct care worker advisory council shall
- 42 report its recommendations to the director by November
- 43 30, 2008, including recommendations for any changes in
- 44 law or rules necessary.
- 45 6. Implementation of certification of direct care
- 46 workers shall begin July 1, 2009.
- 47 Sec. 70. DIRECT CARE WORKER COMPENSATION ADVISORY
- 48 COMMITTEE — REVIEWS.
- 49 1. a. The general assembly recognizes that direct
- 50 care workers play a vital role and make a valuable

Page 53

1 contribution in providing care to Iowans with a
2 variety of needs in both institutional and home and
3 community-based settings. Recruiting and retaining
4 qualified, highly competent direct care workers is a
5 challenge across all employment settings. High rates
6 of employee vacancies and staff turnover threaten the
7 ability of providers to achieve the core mission of
8 providing safe and high quality support to Iowans.

9 b. It is the intent of the general assembly to
10 address the long-term care workforce shortage and
11 turnover rates in order to improve the quality of
12 health care delivered in the long-term care continuum
13 by reviewing wages and other compensation paid to
14 direct care workers in the state.

15 c. It is the intent of the general assembly that
16 the initial review of and recommendations for
17 improving wages and other compensation paid to direct
18 care workers focus on nonlicensed direct care workers
19 in the nursing facility setting. However, following
20 the initial review of wages and other compensation
21 paid to direct care workers in the nursing facility
22 setting, the department of human services shall
23 convene subsequent advisory committees with
24 appropriate representatives of public and private
25 organizations and consumers to review the wages and
26 other compensation paid to and turnover rates of the
27 entire spectrum of direct care workers in the various
28 settings in which they are employed as a means of
29 demonstrating the general assembly's commitment to
30 ensuring a stable and quality direct care workforce in
31 this state.

32 2. The department of human services shall convene
33 an initial direct care worker compensation advisory
34 committee to develop recommendations for consideration
35 by the general assembly during the 2009 legislative
36 session regarding wages and other compensation paid to
37 direct care workers in nursing facilities. The
38 committee shall consist of the following members,
39 selected by their respective organizations:

40 a. The director of human services, or the
41 director's designee.

42 b. The director of public health, or the
43 director's designee.

44 c. The director of the department of elder
45 affairs, or the director's designee.

46 d. The director of the department of inspections
47 and appeals, or the director's designee.

48 e. A representative of the Iowa caregivers
49 association.

50 f. A representative of the Iowa health care

Page 54

- 1 association.
- 2 g. A representative of the Iowa association of
3 homes and services for the aging.
- 4 h. A representative of the AARP Iowa chapter.
- 5 3. The advisory committee shall also include two
6 members of the senate and two members of the house of
7 representatives, with not more than one member from
8 each chamber being from the same political party. The
9 legislative members shall serve in an ex officio,
10 nonvoting capacity. The two senators shall be
11 appointed respectively by the majority leader of the
12 senate and the minority leader of the senate, and the
13 two representatives shall be appointed respectively by
14 the speaker of the house of representatives and the
15 minority leader of the house of representatives.
- 16 4. Public members of the committee shall receive
17 actual expenses incurred while serving in their
18 official capacity and may also be eligible to receive
19 compensation as provided in section 7E.6. Legislative
20 members of the committee are eligible for per diem and
21 reimbursement of actual expenses as provided in
22 section 2.10.
- 23 5. The department of human services shall provide
24 administrative support to the committee and the
25 director of human services or the director's designee
26 shall serve as chairperson of the committee.
- 27 6. The department shall convene the committee no
28 later than July 1, 2008. Prior to the initial
29 meeting, the department of human services shall
30 provide all members of the committee with a detailed
31 analysis of trends in wages and other compensation
32 paid to direct care workers.
- 33 7. The committee shall consider options related
34 but not limited to all of the following:
- 35 a. The shortening of the time delay between a
36 nursing facility's submittal of cost reports and
37 receipt of the reimbursement based upon these cost
38 reports.
- 39 b. The targeting of appropriations to provide
40 increases in direct care worker compensation.
- 41 c. Creation of a nursing facility provider tax.
- 42 8. Any option considered by the committee shall be
43 consistent with federal law and regulations.
- 44 9. Following its deliberations, the committee
45 shall submit a report of its findings and
46 recommendations regarding improvement in direct care
47 worker wages and other compensation in the nursing
48 facility setting to the governor and the general
49 assembly no later than December 12, 2008.
- 50 10. For the purposes of the initial review,

Page 55

1 “direct care worker” means nonlicensed nursing
 2 facility staff who provide hands-on care including but
 3 not limited to certified nurse aides and medication
 4 aides.
 5 Sec. 71. DIRECT CARE WORKER IN NURSING FACILITIES
 6 — TURNOVER REPORT. The department of human services
 7 shall modify the nursing facility cost reports
 8 utilized for the medical assistance program to capture
 9 data by the distinct categories of nonlicensed direct
 10 care workers and other employee categories for the
 11 purposes of documenting the turnover rates of direct
 12 care workers and other employees of nursing
 13 facilities. The department shall submit a report on
 14 an annual basis to the governor and the general
 15 assembly which provides an analysis of direct care
 16 worker and other nursing facility employee turnover by
 17 individual nursing facility, a comparison of the
 18 turnover rate in each individual nursing facility with
 19 the state average, and an analysis of any improvement
 20 or decline in meeting any accountability goals or
 21 other measures related to turnover rates. The annual
 22 reports shall also include any data available
 23 regarding turnover rate trends, and other information
 24 the department deems appropriate. The initial report
 25 shall be submitted no later than December 1, 2008, and
 26 subsequent reports shall be submitted no later than
 27 December 1, annually, thereafter.
 28 Sec. 72. EFFECTIVE DATE. This division of this
 29 Act, being deemed of immediate importance, takes
 30 effect upon enactment.”
 31 2. Title page, line 3, by striking the words
 32 “end-of-life care decision making” and inserting the
 33 following: “long-term living planning and patient
 34 autonomy in health care”.
 35 3. Title page, by striking line 8 and inserting
 36 the following: “transparency, health care consumer
 37 information, health care access, the direct care
 38 workforce, making appropriations, and including
 39 effective date and applicability provisions.”

S-5415

1 Amend House File 2688, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by striking lines 15 through 25 and
 4 inserting the following: “provided in this division.
 5 The public shall have a right to examine and copy the
 6 information as provided in chapter 22, subject to the
 7 exceptions of section 22.7, except that the university
 8 shall maintain the information as confidential which

9 reveals the identity of a livestock producer
 10 participating in a research project, including the
 11 name or address of a livestock producer or livestock
 12 operation, unless such confidentiality is waived in
 13 writing by the livestock producer.”

14 2. Page 5, line 16, by inserting after the word
 15 “university” the following: “, or any individual
 16 researcher employed by or affiliated with the
 17 university.”

18 3. Page 5, by striking lines 24 through 27 and
 19 inserting the following:

20 “___ . All information obtained by the university
 21 in connection with a research project shall be
 22 available for public examination and copying as
 23 provided in chapter 22, subject to the exceptions of
 24 section 22.7, so long as the”.

25 4. By renumbering as necessary.

HERMAN C. QUIRMBACH
 ROBERT E. DVORSKY
 JEFF DANIELSON
 DARYL BEALL
 JOE BOLKCOM
 THOMAS G. COURTNEY

S-5416

1 Amend Senate File 2412 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 “DIVISION I

5 RENEWABLE FUEL INFRASTRUCTURE

6 Section 1. Section 15G.201, subsection 1, Code
 7 2007, is amended to read as follows:

8 1. “Biodiesel”, “biodiesel blended fuel”,
 9 “biodiesel fuel”, “E-85 gasoline”, “ethanol”, “ethanol
 10 blended gasoline”, “gasoline”, “motor fuel”, “~~motor~~
 11 ~~fuel pump~~”, “retail dealer”, and “retail motor fuel
 12 site” mean the same as defined in section 214A.1.

13 Sec. 2. Section 15G.201, Code 2007, is amended by
 14 adding the following new subsections:

15 NEW SUBSECTION. 4A. “Motor fuel pump” and “motor
 16 fuel blender pump” or “blender pump” mean the same as
 17 defined in section 214.1.

18 NEW SUBSECTION. 5A. “Tank vehicle” means the same
 19 as defined in section 321.1.

20 Sec. 3. Section 15G.201, subsection 6, Code 2007,
 21 is amended by adding the following new paragraph:

22 NEW PARAGRAPH. c. A biofuel manufacturer that is
 23 in the business of producing ethanol or biodiesel from
 24 biomass as defined in section 469.31.

25 Sec. 4. NEW SECTION. 15G.201A CLASSIFICATION OF

26 RENEWABLE FUEL.

27 For purposes of this division, ethanol blended fuel
28 and biodiesel fuel shall be classified in the same
29 manner as provided in section 214A.2.

30 Sec. 5. Section 15G.203, unnumbered paragraph 1,
31 Code Supplement 2007, is amended to read as follows:

32 A renewable fuel infrastructure program for retail
33 motor fuel sites is established in the department
34 under the direction of the renewable fuel
35 infrastructure board created pursuant to section
36 15G.202.

37 Sec. 6. Section 15G.203, subsection 1, Code
38 Supplement 2007, is amended to read as follows:

39 1. The purpose of the program is to improve retail
40 motor fuel sites by installing, replacing, or
41 converting ~~motor fuel storage and dispensing~~
42 ~~infrastructure. The infrastructure must be to be used~~
43 to store, blend, or dispense renewable fuel. The
44 infrastructure shall be ethanol infrastructure or
45 biodiesel infrastructure.

46 a. (1) Ethanol infrastructure shall be designed
47 and shall be used exclusively to store do any of the
48 following:

49 (a) Store and dispense renewable fuel which is
50 E-85 gasoline.

Page 2

1 (b) Store, blend, and dispense motor fuel from a
2 motor fuel blender pump, as required in this
3 subparagraph subdivision. The ethanol infrastructure
4 must provide for the storage of ethanol or ethanol
5 blended gasoline, or for blending ethanol with
6 gasoline. The ethanol infrastructure must at least
7 include a motor fuel blender pump which dispenses
8 different classifications of ethanol blended gasoline
9 and allows E-85 gasoline to be dispensed at all times
10 that the blender pump is operating.

11 (2) Biodiesel infrastructure shall be designed and
12 used exclusively to do any of the following:

13 (a) Store and dispense biodiesel, or biodiesel
14 blended fuel on the.

15 (b) Blend or dispense biodiesel fuel from a motor
16 fuel blender pump.

17 b. The infrastructure must be part of the premises
18 of a retail motor fuel sites site operated by a retail
19 dealers dealer. The infrastructure shall not include
20 a tank vehicle.

21 Sec. 7. Section 15G.203, subsection 3, Code
22 Supplement 2007, is amended by striking the
23 subsection.

24 Sec. 8. Section 15G.203, subsection 4, paragraph

25 b, subparagraphs (3) and (4), Code Supplement 2007,
26 are amended to read as follows:

27 (3) A statement describing how the retail motor
28 fuel site is to be improved, the total estimated cost
29 of the planned improvement, and the date when the
30 infrastructure will be first used ~~to store and~~
31 ~~dispense the renewable fuel.~~

32 (4) A statement certifying that the infrastructure
33 shall ~~not only~~ be used to ~~store or dispense motor fuel~~
34 ~~other than E-85 gasoline, biodiesel, or biodiesel~~
35 ~~blended fuel~~ comply with the provisions of this
36 section and as specified in the cost-share agreement,
37 unless granted a waiver by the infrastructure board
38 pursuant to this section.

39 Sec. 9. Section 15G.203, subsection 6, Code
40 Supplement 2007, is amended by striking the
41 subsection.

42 Sec. 10. Section 15G.203, subsection 7, Code
43 Supplement 2007, is amended to read as follows:

44 7. An award of financial incentives to a
45 participating person shall be on a cost-share basis in
46 the form of a grant. ~~To~~
47 ~~In order to~~ participate in the program, an eligible
48 person must execute a cost-share agreement with the
49 department as approved by the infrastructure board in
50 which the person contributes a percentage of the total

Page 3

1 costs related to improving the retail motor fuel site.
2 A cost-share agreement shall be for a three-year
3 period or a five-year period. A cost-share agreement
4 shall include provisions for standard financial
5 incentives or standard financial incentives and
6 supplemental financial incentives as provided in this
7 subsection. The infrastructure board may approve
8 multiple improvements to the same retail motor fuel
9 site for the full amount available for both ethanol
10 infrastructure and biodiesel infrastructure so long as
11 the improvements for ethanol infrastructure and for
12 biodiesel infrastructure are made under separate
13 cost-share agreements.

14 a. (1) Except as provided in paragraph "b", a
15 participating person may be awarded standard financial
16 incentives to make improvements to a retail motor fuel
17 site. The standard financial incentives awarded to
18 ~~the a~~ participating person shall not exceed the
19 following:

20 (a) For a three-year cost-share agreement, fifty
21 percent of the actual cost of making the improvement
22 or thirty thousand dollars, whichever is less.

23 (b) For a five-year cost-share agreement, seventy

24 percent of the actual cost of making the improvement
 25 or fifty thousand dollars, whichever is less.

26 (2) The infrastructure board may approve multiple
 27 awards of standard financial incentives to make
 28 improvements to a retail motor fuel site so long as
 29 the total amount of the awards for ethanol
 30 infrastructure or biodiesel infrastructure does not
 31 exceed the limitations provided in ~~this paragraph~~
 32 subparagraph (1).

33 b. In addition to any standard financial
 34 incentives awarded to a participating person under
 35 paragraph “a”, the participating person may be awarded
 36 supplemental financial incentives to make improvements
 37 to a retail motor fuel site to upgrade do any of the
 38 following:

39 (1) Upgrade or replace a dispenser which is part
 40 of gasoline storage and dispensing infrastructure used
 41 to store and dispense E-85 gasoline as provided in
 42 section 455G.31. The participating person is only
 43 eligible to ~~receive~~ be awarded the supplemental
 44 financial incentives if the person installed the
 45 dispenser not later than sixty days after the date of
 46 the publication in the Iowa administrative bulletin of
 47 the state fire marshal’s order providing that a
 48 commercially available dispenser is listed as
 49 compatible for use with E-85 gasoline by an
 50 independent testing laboratory as provided in section

Page 4

1 455G.31. The supplemental financial incentives
 2 awarded to the participating person shall not exceed
 3 seventy-five percent of the actual cost of making the
 4 improvement or thirty thousand dollars, whichever is
 5 less.

6 (2) To improve additional retail motor fuel sites
 7 owned or operated by a participating person within a
 8 twelve-month period as provided in the cost-share
 9 agreement. The supplemental financial incentives
 10 shall be used for the installation of an additional
 11 tank and associated infrastructure at each such retail
 12 motor fuel site. A participating person may be
 13 awarded supplemental financial incentives under this
 14 subparagraph and standard financial incentives under
 15 paragraph “a” to improve the same motor fuel site.
 16 The supplemental financial incentives awarded to the
 17 participating person shall not exceed thirty-five
 18 thousand dollars. The participating person shall be
 19 awarded the supplemental financial incentives on a
 20 cumulative basis according to the schedule provided in
 21 this subparagraph, which shall not exceed the
 22 following:

23 (a) For the second retail motor fuel site, five
 24 thousand dollars.

25 (b) For the third retail motor fuel site, seven
 26 thousand five hundred dollars.

27 (c) For the fourth retail motor fuel site, ten
 28 thousand dollars.

29 (d) For the fifth retail motor fuel site, twelve
 30 thousand five hundred dollars.

31 Sec. 11. Section 15G.204, subsection 2, Code
 32 Supplement 2007, is amended by striking the
 33 subsection.

34 Sec. 12. Section 15G.204, subsection 4, Code
 35 Supplement 2007, is amended to read as follows:

36 4. a. An award of financial incentives to a
 37 participating person shall be in the form of a grant.
 38 In order to participate in the program, an eligible
 39 person must execute a cost-share agreement with the
 40 department as approved by the infrastructure board in
 41 which the person contributes a percentage of the total
 42 costs related to improving the terminal. The
 43 financial incentives awarded to the participating
 44 person shall not exceed the following:

45 (1) For improvements to store, blend, or dispense
 46 biodiesel fuel from B-2 or higher but not as high as
 47 B-99, fifty percent of the actual cost of making the
 48 improvements or fifty thousand dollars, whichever is
 49 less.

50 (2) For improvements to store, blend, or dispense

Page 5

1 biodiesel fuel from B-99 to B-100, fifty percent of
 2 the actual cost of making the improvements or one
 3 hundred fifty thousand dollars, whichever is less.

4 b. The infrastructure board may approve multiple
 5 awards to make improvements to a terminal so long as
 6 the total amount of the awards does not exceed the
 7 limitations provided in ~~this subsection~~ paragraph "a".

8 Sec. 13. Section 214.1, Code 2007, is amended to
 9 read as follows:

10 214.1 DEFINITIONS.

11 ~~For the purpose of~~ As used in his chapter, unless
 12 the context otherwise requires:

13 1. "Biodiesel", "biodiesel fuel", "biofuel",
 14 "ethanol", "motor fuel", "retail dealer", "retail
 15 motor fuel site", and "wholesale dealer" mean the same
 16 as defined in section 214A.1.

17 2. "Commercial weighing and measuring device" or
 18 "device" means the same as defined in section 215.26.

19 3. "Motor fuel" ~~means the same as defined in~~
 20 ~~section 214A.1~~ fuel blender pump" or "blender pump"
 21 means a motor fuel pump that dispenses a type of motor

22 fuel that is blended from two or more different types
 23 of motor fuels and which may dispense more than one
 24 type of blended motor fuel.

25 ~~3.~~ 4. "Motor fuel pump" means a pump, meter, or
 26 similar commercial weighing and measuring device used
 27 to measure and dispense motor fuel on a retail basis.

28 4. "Retail dealer" means the same as defined in
 29 section 214A.1.

30 5. "Wholesale dealer" means the same as defined in
 31 section 214A.1 "Motor fuel storage tank" or "storage
 32 tank" means an aboveground or belowground container
 33 that is a fixture used to store an accumulation of
 34 motor fuel.

35 Sec. 14. Section 214.9, Code 2007, is amended to
 36 read as follows:

37 214.9 SELF-SERVICE MOTOR FUEL PUMPS.

38 ~~Self service~~ A self-service motor fuel ~~pumps~~ pump
 39 located at a retail motor vehicle fuel stations site
 40 may be equipped with an automatic latch-open ~~devices~~
 41 device on the fuel dispensing hose nozzle only if the
 42 nozzle valve is the automatic closing type.

43 Sec. 15. Section 214A.1, Code 2007, is amended by
 44 adding the following new subsection:

45 **NEW SUBSECTION. 4A.** "Biodiesel fuel" means
 46 biodiesel or biodiesel blended fuel.

47 Sec. 16. Section 214A.1, subsections 9, 14, and
 48 15, Code 2007, are amended to read as follows:

49 9. "E-85 gasoline" or "E-85" means ethanol blended
 50 gasoline formulated with a ~~minimum~~ percentage of

Page 6

1 between seventy and eighty-five percent by volume of
 2 ethanol, if the formulation meets the standards
 3 provided in section 214A.2.

4 14. "Motor fuel pump" and "motor fuel blender
 5 pump" or "blender pump" means the same as defined in
 6 section 214.1.

7 15. "Motor fuel storage tank" means ~~an aboveground~~
 8 ~~or belowground container that is a fixture, used to~~
 9 ~~keep an accumulation of motor fuel~~ the same as defined
 10 in section 214.1.

11 Sec. 17. Section 214A.1, Code 2007, is amended by
 12 adding the following new subsection:

13 **NEW SUBSECTION. 21A.** "Unleaded gasoline" means
 14 gasoline, including ethanol blended gasoline, if all
 15 of the following applies:

16 a. It has an octane number of not less than
 17 eighty-seven as provided in section 214A.2.

18 b. Lead or phosphorus compounds have not been
 19 intentionally added to it.

20 c. It does not contain more than thirteen

21 thousandths grams of lead per liter and not more than
22 thirteen ten-thousandths grams of phosphorus per
23 liter.

24 Sec. 18. Section 214A.2, subsection 3, paragraph
25 b, Code 2007, is amended to read as follows:

26 b. If the motor fuel is advertised for sale or
27 sold as ethanol blended gasoline, the motor fuel must
28 comply with departmental standards which shall ~~comply~~
29 ~~with specifications for ethanol blended gasoline~~
30 ~~adopted by A.S.T.M. international. For ethanol~~
31 ~~blended gasoline meet all of the following shall apply~~
32 requirements:

33 (1) Ethanol must be an agriculturally derived
34 ethyl alcohol that meets A.S.T.M. international
35 specification D4806 for denatured fuel ethanol for
36 blending with gasoline for use as automotive
37 spark-ignition engine fuel, or a successor A.S.T.M.
38 international specification, as established by rules
39 adopted by the department.

40 (2) Gasoline blended with ethanol must meet any of
41 the following requirements:

42 (a) For the gasoline, A.S.T.M. international
43 specification D4814.

44 (b) For the ethanol blended gasoline, A.S.T.M.
45 international specification D4814.

46 (c) For the gasoline, A.S.T.M. international
47 specification D4814 except for distillation, if, for
48 E-10 or a classification below E-10, the ethanol
49 blended gasoline meets the requirements of A.S.T.M.
50 international specification D4814.

Page 7

1 (3) For ethanol blended gasoline ~~other than E-85~~
2 ~~gasoline~~, at least ~~ten~~ nine percent of the gasoline by
3 volume must be fuel grade ethanol. In addition the
4 following applies:

5 (a) For the period beginning on September 16 and
6 ending on May 31 of each year, the state grants a
7 waiver of one pound per square inch from the A.S.T.M.
8 international D4814 Reid vapor pressure requirement.

9 (b) For the period beginning on June 1 and ending
10 on September 15 of each year the United States
11 environmental protection agency must grant a one pound
12 per square inch waiver for ethanol blended
13 conventional gasoline with at least nine but not more
14 than ten percent by volume of ethanol pursuant to 40
15 C.F.R. § 80.27.

16 (4) E-85 gasoline must be an agriculturally
17 derived ethyl alcohol that meets A.S.T.M.
18 international specification D5798, described as a fuel
19 blend for use in ground vehicles with automotive

20 spark-ignition engines, or a successor A.S.T.M.
 21 international specification, as established by rules
 22 adopted by the department.
 23 Sec. 19. Section 214A.2, Code 2007, is amended by
 24 adding the following new subsection:
 25 NEW SUBSECTION. 4A. Ethanol blended gasoline
 26 shall be designated E-xx where "xx" is the volume
 27 percent of ethanol in the ethanol blended gasoline and
 28 biodiesel shall be designated B-xx where "xx" is the
 29 volume percent of biodiesel.

30 Sec. 20. Section 214A.2B, Code Supplement 2007, is
 31 amended to read as follows:

32 214A.2B LABORATORY FOR MOTOR FUEL AND BIOFUELS.

33 A laboratory for motor fuel and biofuels is
 34 established at a merged area school which is engaged
 35 in biofuels testing on July 1, 2007, and which testing
 36 includes but is not limited to ~~B-20 B-20~~ biodiesel fuel
 37 testing for motor trucks and the ability of biofuels
 38 to meet A.S.T.M. international standards. The
 39 laboratory shall conduct testing of motor fuel sold in
 40 this state and biofuel which is blended in motor fuel
 41 in this state to ensure that the motor fuel or
 42 biofuels meet the requirements in section 214A.2.

43 Sec. 21. Section 214A.3, subsection 2, paragraph
 44 b, Code 2007, is amended to read as follows:

45 b. (1) Ethanol blended gasoline sold by a dealer
 46 shall be designated ~~E-xx where "xx" is the volume~~
 47 ~~percent of ethanol in the ethanol blended gasoline~~
 48 according to its classification as provided in section
 49 214A.2. However, a person advertising ~~E-9 or E-10~~
 50 gasoline may only designate it as ethanol blended

Page 8

1 gasoline. A person advertising ethanol blended
 2 gasoline formulated with a percentage of between
 3 seventy and eighty-five percent by volume of ethanol
 4 shall designate it as E-85. A person shall not
 5 knowingly falsely advertise ethanol blended gasoline
 6 by using an inaccurate designation in violation of
 7 this subparagraph.

8 (2) Biodiesel ~~blended~~ fuel shall be designated
 9 ~~B-xx where "xx" is the volume percent of biodiesel in~~
 10 ~~the biodiesel blended fuel~~ according to its
 11 classification as provided in section 214A.2. A
 12 person shall not knowingly falsely advertise biodiesel
 13 blended fuel by using an inaccurate designation in
 14 violation of this subparagraph.

15 Sec. 22. Section 214A.16, Code 2007, is amended to
 16 read as follows:

17 214A.16 NOTICE OF BLENDED FUEL — DECAL.

18 1. If motor fuel containing a renewable fuel is

19 sold from a motor fuel pump, the pump shall have
 20 affixed a decal identifying the name of the renewable
 21 fuel. The decal ~~may~~ shall be different based on the
 22 type of renewable fuel ~~used~~ dispensed. If the motor
 23 fuel pump dispenses ethanol blended gasoline
 24 classified as higher than E-10 pursuant to section
 25 214A.2, the decal shall contain the following notice:
 26 “FOR FLEXIBLE FUEL VEHICLES ONLY”.

27 2. The design and location of the decal shall be
 28 prescribed by rules adopted by the department. A
 29 decal identifying a renewable fuel shall be consistent
 30 with standards adopted pursuant to section 159A.6.
 31 The department may approve an application to place a
 32 decal in a special location on a pump or container or
 33 use a decal with special lettering or colors, if the
 34 decal appears clear and conspicuous to the consumer.
 35 The application shall be made in writing pursuant to
 36 procedures adopted by the department.

37 Sec. 23. Section 455G.31, subsection 1, Code
 38 Supplement 2007, is amended to read as follows:

39 1. As used in this section, unless the context
 40 otherwise requires:

41 a. “Dispenser” includes a motor fuel pump,
 42 including but not limited to a motor fuel blender
 43 pump.

44 ~~a.~~ b. “E-85 gasoline”, “ethanol blended
 45 gasoline”, and “retail dealer” mean the same as
 46 defined in section 214A.1.

47 ~~b.~~ c. “Gasoline storage and dispensing
 48 infrastructure” means any storage tank located below
 49 ground or above ground and any associated equipment
 50 including but not limited to a pipe, hose, connection,

Page 9

1 fitting seal, or motor fuel pump, which is used to
 2 store, measure, and dispense gasoline by a retail
 3 dealer.

4 d. Ethanol blended gasoline shall be designated in
 5 the same manner as provided in section 214A.2.

6 e. “Motor fuel pump” means the same as defined in
 7 section 214.1.

8 Sec. 24. Section 455G.31, subsection 2, unnumbered
 9 paragraph 1, Code Supplement 2007, is amended to read
 10 as follows:

11 A retail dealer may use gasoline storage and
 12 dispensing infrastructure to store and dispense ~~E-85~~
 13 ethanol blended gasoline classified as E-9 or higher
 14 if all of the following apply:

15 Sec. 25. Section 455G.31, subsection 2, paragraph
 16 a, Code Supplement 2007, is amended to read as
 17 follows:

18 a. For gasoline storage and dispensing
 19 infrastructure other than the dispenser, the
 20 department of natural resources under this chapter or
 21 the state fire marshal under chapter 101 must
 22 determine that it is compatible with ~~E-85~~ the ethanol
 23 blended gasoline being used.

24 Sec. 26. Section 455G.31, subsection 2, paragraph
 25 b, subparagraph (1), subparagraph subdivision (a),
 26 Code Supplement 2007, is amended to read as follows:

27 (a) The dispenser must be listed by an independent
 28 testing laboratory as compatible with ethanol blended
 29 gasoline classified as E-9 or higher.

30 Sec. 27. Section 15.401, Code 2007, is repealed.

31 Sec. 28. RENEWABLE FUEL INFRASTRUCTURE — STANDARD
 32 FINANCIAL INCENTIVES AWARDED FOR THE ACQUISITION OF
 33 TANK VEHICLES.

34 1. Notwithstanding the amendments to section
 35 15G.203, subsection 1, paragraph “b”, as enacted in
 36 this Act, a person may participate in the renewable
 37 fuel infrastructure program for retail motor fuel
 38 sites as provided in section 15G.203, as amended by
 39 this Act, for the acquisition of any of the following:

40 a. One tank vehicle used to store and dispense
 41 E-85 gasoline, which shall be deemed ethanol
 42 infrastructure.

43 b. One tank vehicle used to store and dispense
 44 biodiesel or biodiesel blended fuel, which shall be
 45 deemed biodiesel infrastructure.

46 2. The renewable fuel infrastructure board may
 47 approve an award of financial incentives for the
 48 acquisition of a tank vehicle as provided in a
 49 cost-share agreement for a three-year period as
 50 provided in section 15G.203, as amended by this Act.

Page 10

1 The standard financial incentives awarded to the
 2 participating person shall not exceed fifty percent of
 3 the actual cost of the acquisition of the tank vehicle
 4 or thirty thousand dollars, whichever is less. The
 5 infrastructure board may approve an application for
 6 both a tank vehicle used to store and dispense E-85
 7 gasoline as ethanol infrastructure and for a tank
 8 vehicle used to store and dispense biodiesel or
 9 biodiesel blended fuel as biodiesel infrastructure so
 10 long as the standard financial incentives awarded to
 11 the participating person for the acquisition of the
 12 two tank vehicles are made under separate cost-share
 13 agreements.

14 3. In order to participate in the renewable fuel
 15 infrastructure program for retail motor fuel sites as
 16 provided in this section, a person must apply to the

17 department of economic development as provided in
18 section 15G.203, as amended by this Act, not later
19 than December 31, 2008.

20 Sec. 29. RENEWABLE FUEL INFRASTRUCTURE PROGRAMS —
21 CONSIDERATION OF APPLICATIONS.

22 1. The renewable fuel infrastructure board created
23 in section 15G.202 may award financial incentives to a
24 person participating in the renewable fuel
25 infrastructure program for retail motor fuel sites for
26 an amount provided in section 15G.203, subsection 7,
27 as amended in this Act, if the person applied to the
28 department of economic development on or after
29 February 19, 2008.

30 2. The renewable fuel infrastructure board created
31 in section 15G.202 may award financial incentives to a
32 person participating in the renewable fuel
33 infrastructure program for terminal facilities for an
34 amount provided in section 15G.204, subsection 4, as
35 amended in this Act, if the person applied to the
36 department of economic development on or after
37 February 19, 2008.

38 Sec. 30. SECRETARY OF AGRICULTURE — APPLICATION
39 TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

40 The secretary of agriculture shall make application to
41 the United States environmental protection agency to
42 obtain approval for the use of ethanol blended
43 gasoline containing more than ten percent ethanol by
44 volume in this state by gasoline-powered vehicles
45 other than flexible fuel vehicles. The application
46 shall, as necessary, seek a waiver of relevant
47 standards promulgated by the agency under the federal
48 Clean Air Act, including but not limited to 42 U.S.C.
49 § 7545 and 40 C.F.R. pt. 80. Within sixty days after
50 obtaining such approval, the secretary of agriculture

Page 11

1 shall publish a notice in the Iowa administrative
2 bulletin certifying the approval.

3 Sec. 31. LEGISLATIVE INTENT — FUTURE REVENUE

4 SOURCES. It is the intent of the general assembly
5 that all options be examined in order to continue the
6 financing of renewable fuel infrastructure as provided
7 in chapter 15G, subchapter II.

8 Sec. 32. EFFECTIVE DATES.

9 1. Except as provided in subsection 2, this
10 division of this Act, being deemed of immediate
11 importance, takes effect upon enactment.

12 2. The amendments to section 15G.204, subsection
13 4, as amended by this division of this Act, take
14 effect January 1, 2009.

15 DIVISION II
 16 BIODIESEL BLENDED FUEL INCOME TAX CREDIT
 17 Sec. 33. Section 422.11P, subsection 3, Code
 18 Supplement 2007, is amended to read as follows:
 19 3. a. The tax credit shall be calculated
 20 separately for each retail motor fuel site operated by
 21 the taxpayer.
 22 b. The amount of the tax credit is three cents
 23 multiplied by the total number of gallons of biodiesel
 24 blended fuel sold and dispensed by the retail dealer
 25 through all motor fuel pumps operated by the retail
 26 dealer during the retail dealer's tax year.
 27 Sec. 34. Section 422.33, subsection 11C, paragraph
 28 c, Code Supplement 2007, is amended to read as
 29 follows:
 30 c. The tax credit shall be calculated separately
 31 for each retail motor fuel site operated by the
 32 taxpayer.
 33 d. This subsection is repealed on January 1, 2012.
 34 Sec. 35. RETROACTIVE APPLICABILITY DATE. Section
 35 422.11P, as amended by this Act, and section 422.33,
 36 subsection 11C, as applied due to the enactment of
 37 this Act, shall apply retroactively to tax years
 38 beginning on or after January 1, 2008.
 39 Sec. 36. EFFECTIVE DATE. This division of this
 40 Act, being deemed of immediate importance, takes
 41 effect upon enactment.

DIVISION III

BIOFUEL REPORTING

42 Sec. 37. Section 452A.2, Code 2007, is amended by
 43 adding the following new subsection:
 44 NEW SUBSECTION. 4A. "Biofuel producer" means a
 45 person required to be licensed pursuant to this
 46 division who produces biofuel from a production
 47 facility located in this state.
 48 Sec. 38. NEW SECTION. 452A.30 DEFINITIONS. The

Page 12

1 words and phrases used in this division shall have the
 2 same meaning as defined in section 452A.2.
 3 Sec. 39. Section 452A.33, Code 2007, is amended by
 4 adding the following new subsection:
 5 NEW SUBSECTION. 1A. a. Each biofuel producer
 6 shall report the total number of gallons of biofuel
 7 produced by the biofuel producer for a determination
 8 period. The report shall include all of the
 9 following:
 10 (1) The total number of gallons of ethanol
 11 produced at each production facility located in this
 12 state, the total number of gallons of ethanol produced
 13 at all production facilities located in this state,

14 and the total number of gallons of ethanol delivered
15 by the biofuel producer to destinations outside of
16 this state.

17 (2) The total number of gallons of biodiesel
18 produced at each production facility located in this
19 state, the total number of gallons of biodiesel
20 produced at all production facilities located in this
21 state, and the total number of gallons of biodiesel
22 delivered to destinations outside of this state.

23 b. The biofuel producer shall prepare and submit
24 the report in a manner and according to procedures
25 required by the department. The department may
26 require that a biofuel producer report to the
27 department on an annual, quarterly, or monthly basis.

28 c. The information included in a report submitted
29 by a biofuel producer that identifies the location of
30 a production facility is deemed to be a trade secret,
31 protected as a confidential record pursuant to section
32 22.7.

33 Sec. 40. Section 452A.33, Code 2007, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 2A. On or before April 1 of each
36 year the department shall deliver a report to the
37 governor and the legislative services agency. The
38 report shall compile information reported by biofuel
39 producers.

40 a. The report shall include all of the following:

41 (1) The total number of gallons of ethanol
42 produced in this state and the total number of gallons
43 of ethanol delivered to destinations outside of this
44 state.

45 (2) The total number of gallons of biodiesel
46 produced in this state and the total number of gallons
47 of biodiesel delivered to destinations outside of this
48 state.

49 b. The report shall not provide information
50 classified as a trade secret protected as a

Page 13

1 confidential record pursuant to this section.

2 Sec. 41. CODE EDITOR. The Code editor shall
3 codify section 452A.30, as enacted in this division of
4 this Act, as part of chapter 452A, division II.

5 DIVISION IV
6 GOVERNMENT FLEET PURCHASES
7 OF RENEWABLE FUELS

8 Sec. 42. Section 8A.362, subsection 3, paragraph
9 b, Code Supplement 2007, is amended to read as
10 follows:

11 b. A gasoline-powered motor vehicle operated under
12 this subsection shall not operate on gasoline other

13 than ethanol blended gasoline as defined in section
14 214A.1, unless under emergency circumstances. A
15 diesel-powered motor vehicle operated under this
16 subsection shall not operate on diesel fuel other than
17 biodiesel fuel as defined in section 214A.1, if
18 commercially available. A state-issued credit card
19 ~~used to purchase gasoline~~ shall not be valid to
20 purchase gasoline other than ethanol blended gasoline,
21 if commercially available, or to purchase diesel fuel
22 other than biodiesel fuel, if commercially available.
23 The motor vehicle shall also be affixed with a
24 brightly visible sticker which notifies the traveling
25 public that the motor vehicle is being operated on
26 ethanol blended gasoline or biodiesel fuel, as
27 applicable. However, the sticker is not required to
28 be affixed to an unmarked vehicle used for purposes of
29 providing law enforcement or security.

30 Sec. 43. Section 216B.3, subsection 16, paragraph
31 a, Code Supplement 2007, is amended to read as
32 follows:

33 a. A ~~gasoline-powered~~ motor vehicle purchased by
34 the commission shall not operate on gasoline other
35 than ethanol blended gasoline as defined in section
36 214A.1. A diesel-powered motor vehicle purchased by
37 the commission shall not operate on diesel fuel other
38 than biodiesel fuel as defined in section 214A.1, if
39 commercially available. A state issued credit card
40 ~~used to purchase gasoline~~ shall not be valid to
41 purchase gasoline other than ethanol blended gasoline
42 or to purchase diesel fuel other than biodiesel fuel,
43 if commercially available. The motor vehicle shall
44 also be affixed with a brightly visible sticker which
45 notifies the traveling public that the motor vehicle
46 is being operated on ethanol blended gasoline or
47 biodiesel fuel, as applicable. However, the sticker
48 is not required to be affixed to an unmarked vehicle
49 used for purposes of providing law enforcement or
50 security.

Page 14

1 Sec. 44. Section 262.25A, subsection 2, Code
2 Supplement 2007, is amended to read as follows:
3 2. A ~~gasoline-powered~~ motor vehicle purchased by
4 the institutions shall not operate on gasoline other
5 than ethanol blended gasoline as defined in section
6 214A.1, unless under emergency circumstances or if to
7 do so would result in the use of a percentage of
8 ethanol blended gasoline higher than recommended by
9 the vehicle manufacturer or would result in a
10 violation of the vehicle's manufacturer warranty. A
11 diesel-powered motor vehicle purchased by the

12 institutions shall not operate on diesel fuel other
13 than biodiesel fuel as defined in section 214A.1, if
14 commercially available, unless to do so would result
15 in the use of a percentage of biodiesel not
16 recommended by the vehicle manufacturer or would
17 result in violation of the vehicle's manufacturer
18 warranty, or under emergency circumstances. A
19 state-issued credit card ~~used to purchase gasoline~~
20 shall not be ~~valid~~ used to purchase gasoline other
21 than ethanol blended gasoline if commercially
22 available or to purchase diesel fuel other than
23 biodiesel fuel if commercially available. The motor
24 vehicle shall also be affixed with a brightly visible
25 sticker which notifies the traveling public that the
26 motor vehicle is being operated on ethanol blended
27 gasoline or biodiesel fuel, as applicable. However,
28 the sticker is not required to be affixed to an
29 unmarked vehicle used for purposes of providing law
30 enforcement or security.

31 Sec. 45. Section 307.21, subsection 4, paragraph
32 d, Code Supplement 2007, is amended to read as
33 follows:

34 d. A ~~motor gasoline-powered~~ vehicle purchased by
35 the administrator shall not operate on gasoline other
36 than ethanol blended gasoline as defined in section
37 214A.1. A diesel-powered motor vehicle purchased by
38 the administrator shall not operate on diesel fuel
39 other than biodiesel fuel as defined in section
40 214A.1, if commercially available. A state-issued
41 credit card ~~used to purchase gasoline~~ shall not be
42 valid to purchase gasoline other than ethanol blended
43 gasoline or to purchase diesel fuel other than
44 biodiesel fuel, if commercially available. The motor
45 vehicle shall also be affixed with a brightly visible
46 sticker which notifies the traveling public that the
47 motor vehicle is being operated on ethanol blended
48 gasoline or biodiesel fuel, as applicable. However,
49 the sticker is not required to be affixed to an
50 unmarked vehicle used for purposes of providing law

Page 15

1 enforcement or security.
2 Sec. 46. Section 904.312A, subsection 1, Code
3 Supplement 2007, is amended to read as follows:
4 1. A gasoline-powered motor vehicle purchased by
5 the department shall not operate on gasoline other
6 than ethanol blended gasoline as defined in section
7 214A.1. A diesel-powered motor vehicle purchased by
8 the department shall not operate on diesel fuel other
9 than biodiesel fuel as defined in section 214A.1, if
10 commercially available. A state-issued credit card

11 ~~used to purchase gasoline~~ shall not be valid to
 12 purchase gasoline other than ethanol blended gasoline,
 13 or to purchase diesel fuel other than biodiesel fuel,
 14 if commercially available. The motor vehicle shall
 15 also be affixed with a brightly visible sticker which
 16 notifies the traveling public that the motor vehicle
 17 is being operated on ethanol blended gasoline or
 18 biodiesel fuel, as applicable. However, the sticker
 19 is not required to be affixed to an unmarked vehicle
 20 used for purposes of providing law enforcement or
 21 security.

22 Sec. 47. USE OF BIODIESEL FUEL BY LOCAL ENTITIES.

23 It is the policy of the state to encourage the use of
 24 biodiesel fuel to the extent practical in all
 25 diesel-powered motor vehicles purchased or used by
 26 cities, counties, school corporations, and merged area
 27 schools.

28 Sec. 48. EFFECTIVE DATE. This division of this
 29 Act, being deemed of immediate importance, takes
 30 effect upon enactment.

31 DIVISION V

32 RENEWABLE FUELS MARKETING EFFORTS

33 Sec. 49. DEFINITIONS. As used in this division of
 34 this Act, unless the context otherwise requires:

35 1. "Biodiesel blended fuel", "biofuel", "E-85",
 36 and "retail dealer" mean the same as defined in
 37 section 214A.1.

38 2. "Renewable fuel" means biodiesel blended fuel
 39 or ethanol blended gasoline.

40 Sec. 50. RENEWABLE FUELS MARKETING PLAN. The
 41 office of energy independence shall develop a
 42 renewable fuels marketing plan to promote the biofuel
 43 industry in this state.

44 1. The renewable fuels marketing plan shall
 45 provide for research to determine what barriers hinder
 46 the increased use of renewable fuels, including
 47 renewable fuels containing higher blends of biofuels
 48 in this state. The research shall include but is not
 49 limited to determining all of the following:

50 a. Barriers that may prevent retail dealers from

Page 16

1 selling more renewable fuels, which shall at least
 2 include issues involving infrastructure, product
 3 quality, and cost efficiencies.

4 b. Barriers that may prevent consumers from
 5 purchasing more renewable fuels, which shall at least
 6 include issues involving fuel efficiency and consumer
 7 awareness of renewable fuels and flexible fuel
 8 vehicles.

9 2. The office shall prepare and submit the

10 renewable fuels marketing plan to the governor and the
11 general assembly by January 30, 2009.

12 Sec. 51. DIRECT MARKETING CAMPAIGN — FLEXIBLE
13 FUEL VEHICLES AND DIESEL POWERED VEHICLES. The office
14 of energy independence shall conduct a direct
15 marketing campaign specifically targeted to owners of
16 flexible fuel vehicles and diesel powered vehicles.

17 1. The direct marketing campaign shall include but
18 is not limited to education to increase owner
19 awareness and knowledge regarding all of the
20 following:

21 a. Flexible fuel vehicles and E-85 as an
22 alternative fuel choice. The office shall provide
23 owners with maps indicating where retail motor fuel
24 sites offering E-85 are located.

25 b. Diesel powered vehicles and biodiesel blended
26 fuel as an alternative fuel choice. The office shall
27 provide owners with information on but not limited to
28 successful cold weather handling and use of biodiesel
29 blended fuel, engine manufacturer warranties covering
30 the use of biodiesel blended fuel, and maps indicating
31 where retail motor fuel sites offering biodiesel
32 blended fuel and terminals storing biodiesel are
33 located.

34 2. The department of transportation shall provide
35 the office with a list of the names and addresses of
36 owners of flexible fuel vehicles, including vehicles
37 registered under sections 321.109, 321.121, and
38 321.122.

39 3. The office shall complete the direct marketing
40 campaign by October 1, 2008.

41 Sec. 52. COLLABORATION. The office of energy
42 independence may collaborate with public or private
43 organizations to carry out the provisions of this
44 division of this Act.

45 Sec. 53. FUNDING. The office of energy
46 independence shall carry out the provisions of this
47 division of this Act using moneys received by the
48 office from all sources, including but not limited to
49 moneys appropriated to the office as provided in
50 section 469.10.

Page 17

1 Sec. 54. EFFECTIVE DATE. This division of this
2 Act, being deemed of immediate importance, takes
3 effect upon enactment.”

4 2. Title page, by striking lines 1 through 5 and
5 inserting the following: “An Act relating to
6 renewable fuel, including by providing for
7 infrastructure associated with storing, blending, and
8 dispensing renewable fuel, providing for tax credits,

9 providing for the reporting of biofuels, providing for
 10 the purchase of renewable fuels by governmental
 11 entities, providing for renewable fuel marketing
 12 efforts, and providing for effective dates and
 13 applicability; including retroactive applicability.”

AMANDA RAGAN

S-5417

1 Amend House File 2679, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 62, by inserting after line 19 the
 4 following:

5 “DIVISION ____
 6 SCHOOL START DATE PROVISIONS

7 Sec. ____ Section 257.17, Code 2007, is amended to
 8 read as follows:

9 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

10 State aid payments made pursuant to section 257.16
 11 for a fiscal year shall be reduced by one
 12 one-hundred-eightieth for each day of that fiscal year
 13 for which the school district begins school before the
 14 earliest starting date specified in section 279.10,
 15 subsection 1. However, this section does not apply to
 16 a school district that has received approval for a
 17 pilot program for an innovative school year ~~from the~~
 18 ~~director of the department of education under section~~
 19 ~~279.10, subsection 4, to commence classes for~~
 20 ~~regularly established elementary and secondary schools~~
 21 ~~in advance of the starting date established in section~~
 22 ~~279.10, subsection 4 3.~~

23 Sec. ____ Section 279.10, subsection 1, Code 2007,
 24 is amended to read as follows:

25 1. The school year shall begin on the first day of
 26 July and each regularly established elementary and
 27 secondary school shall begin no sooner than ~~a day~~
 28 ~~during the calendar week in which the first day of~~
 29 ~~September falls~~ August 25 but no later than the first
 30 Monday in December unless the school district has
 31 received approval from the department of education for
 32 a pilot program in accordance with subsection 3.
 33 ~~However, if the first day of September falls on a~~
 34 ~~Sunday, school may begin on a day during the calendar~~
 35 ~~week which immediately precedes the first day of~~
 36 ~~September.~~ School shall continue for at least one
 37 hundred eighty days, except as provided in subsection
 38 3, and may be maintained during the entire calendar
 39 year. However, if the board of directors of a
 40 district extends the school calendar because inclement
 41 weather caused the district to temporarily close
 42 school during the regular school calendar, the

43 district may excuse a graduating senior who has met
 44 district or school requirements for graduation from
 45 attendance during the extended school calendar. A
 46 school corporation may begin employment of personnel
 47 for in-service training and development purposes
 48 before the date to begin elementary and secondary
 49 school.
 50 Sec. ____ Section 279.10, subsection 2, Code 2007,

Page 2

1 is amended to read as follows:
 2 2. The board of directors shall hold a public
 3 hearing on any ~~proposal~~ request made pursuant to
 4 subsection 3 prior to submitting it to the department
 5 of education for approval.
 6 Sec. ____ Section 279.10, subsection 4, Code 2007,
 7 is amended by striking the subsection.
 8 Sec. ____ EFFECTIVE DATES. The section of this
 9 division of this Act that amends section 279.10,
 10 subsection 2, takes effect upon enactment and the
 11 sections of this division of this Act that amend
 12 section 257.17 and section 279.10, subsections 1 and
 13 4, take effect July 1, 2009, and are applicable for
 14 school years beginning on or after that date.”
 15 2. By renumbering as necessary.

JOHN PUTNEY
 E. THURMAN GASKILL
 JERRY BEHN
 RON WIECK
 NANCY J. BOETTGER
 DAVID L. HARTSUCH
 PAT WARD
 DAVE MULDER
 PAUL McKINLEY
 STEVE KETTERING
 JAMES F. HAHN

S-5418

1 Amend House File 901, as passed by the House, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 “Section 1. Section 123.32, subsection 4, Code
 6 2007, is amended to read as follows:
 7 4. SECURITY EMPLOYEE TRAINING. A local authority,
 8 as a condition of obtaining and holding a license or
 9 permit for on-premises consumption, may require a
 10 designated security employee as defined in section
 11 123.3 to be trained and certified in security methods.

12 The training shall include but is not limited to
13 ~~mediation de-escalation~~ techniques, anger management
14 techniques, civil rights or unfair practices awareness
15 as provided in section 216.7, recognition of fake or
16 altered identification, information on laws applicable
17 to the serving of alcohol at a licensed premises, use
18 of force and techniques for safely removing patrons,
19 and ~~providing~~ instruction on the proper physical
20 restraint methods used against a person who has become
21 combative.

22 Sec. 2. PILOT PROJECT — ALCOHOLIC BEVERAGE
23 CONTROL — SECURITY EMPLOYEE TRAINING — FEES —
24 REPORT.

25 1. On and after January 1, 2009, and
26 notwithstanding any other provision of law to the
27 contrary, a local authority located in a county with a
28 population as of the most recent decennial census in
29 excess of three hundred thousand persons, shall
30 require a licensee or permittee, as provided in
31 chapter 123, of a premises with an occupancy of at
32 least two hundred persons to have at least one
33 designated security employee, as defined in section
34 123.3, who shall be designated as the supervising
35 security person, who is trained and certified in
36 security methods as provided in this section, on the
37 premises during an event for which an admission or a
38 cover charge of at least five dollars is charged or
39 collected to enter the premises or attend a
40 performance or program on the premises while alcoholic
41 beverages are served or made available to patrons.
42 However, a designated security employee who is a
43 certified peace officer shall be exempt from the
44 requirement to be trained and certified through a
45 program conducted by the division of labor services as
46 provided in this section.

47 2. a. The labor commissioner of the division of
48 labor services of the department of workforce
49 development shall establish and conduct an eight-hour
50 security and safety certification training program for

Page 2

1 designated security employees. The commissioner shall
2 assess a fee of not more than fifty dollars to a
3 person participating in the training and issue a
4 certificate to the designated security employee upon
5 successful completion of the training program.

6 b. The training program shall include but is not
7 limited to the following:

- 8 (1) De-escalation techniques.
- 9 (2) Anger management techniques.
- 10 (3) Use of force and techniques for safely

- 11 removing patrons.
- 12 (4) Recognition of fake or altered identification.
- 13 (5) Information on laws applicable to the serving
14 of alcohol at a licensed premises.
- 15 (6) Disaster preparedness.
- 16 (7) Communications skills and report writing.
- 17 (8) Civil rights or unfair practices awareness as
18 provided in section 216.7.
- 19 (9) Instruction on the proper physical restraint
20 methods used against a person who has become
21 combative.
- 22 3. Fees assessed pursuant to this section of this
23 Act shall be retained by the commissioner and shall be
24 considered repayment receipts as defined in section
25 8.2, and shall be used to offset the cost of
26 conducting the training. Notwithstanding section
27 8.33, repayment receipts collected by the commissioner
28 for security employee training that remain
29 unencumbered or unobligated at the close of the fiscal
30 year shall not revert but shall remain available for
31 expenditure for the purpose designated until the close
32 of the succeeding fiscal year.
- 33 4. The labor commissioner of the division of labor
34 services of the department of workforce development
35 and the administrator of the alcoholic beverages
36 division of the department of commerce shall jointly
37 submit a written report to the general assembly by
38 January 1, 2011, concerning the effectiveness of the
39 pilot project and any recommendations for legislative
40 action to expand or modify the pilot project.
- 41 5. This section of this Act is repealed June 30,
42 2011.”
- 43 2. Title page, line 3, by inserting after the
44 word “permit” the following: “and providing for
45 fees”.
- 46 3. By renumbering as necessary.

WILLIAM DOTZLER

S-5419

- 1 Amend the House amendment, S-5410, to Senate File
2 2406, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 20 the
4 following:
5 “___ Page 13, by inserting after line 24 the
6 following:
7 “Sec. ___ NEW SECTION. 69.16C MINORITY
8 REPRESENTATION.
9 All appointive boards, commissions, committees, and
10 councils of the state established by the Code if not
11 otherwise provided by law should provide, to the

12 extent practicable, for minority representation. All
 13 appointing authorities of boards, commissions,
 14 committees, and councils subject to this section
 15 should consider qualified minority persons for
 16 appointment to boards, commissions, committees, and
 17 councils. For purposes of this section, “minority”
 18 means a minority person as defined in section
 19 15.102.””
 20 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5420

1 Amend House File 2679, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 27, by inserting before line 24 the
 4 following:
 5 “Sec. ___. Section 256.51, subsection 1, Code
 6 2007, is amended by adding the following new
 7 paragraph:
 8 NEW PARAGRAPH. k. Require a public library that
 9 receives state funds to adopt a policy to restrict the
 10 content of video materials a child under seventeen
 11 years of age may borrow from the library to those
 12 video cassettes or digital video discs (DVDs) that
 13 receive a G, PG, or PG-13 rating under the motion
 14 picture association of America’s rating system.”
 15 2. By renumbering as necessary.

BRAD ZAUN
 DAVE MULDER

S-5421

1 Amend Senate File 2430 as follows:
 2 1. Page 5, by inserting after line 28 the
 3 following:
 4 “0A. For purposes of this section, “lake” means a
 5 lake of which the state or a political subdivision
 6 owns the lake bed up to the ordinary high water line
 7 and which is open to the use of the general public.”
 8 2. By renumbering as necessary.

WILLIAM DOTZLER

S-5422

1 Amend the amendment, S-5413, to the House
 2 Amendment, S-5330, to Senate File 2400, as amended,
 3 passed, and reprinted by the Senate, as follows:

4 1. Page 1, by inserting after line 44 the

5 following:

6 “7B. DEVELOPMENT ASSESSMENT AND RESOLUTION PROGRAM

7 For support, maintenance, and miscellaneous

8 purposes:

9 \$ 10,000”

10 2. Page 3, by striking lines 25 through 27 and

11 inserting the following: “justice of the supreme

12 court may appoint a member to the customer council,

13 and the legislative council may appoint a member from

14 the Senate and a member from the House of

15 Representatives to the customer council, in their

16 discretion.”

17 3. Page 7, line 3, by striking the word “each”.

18 4. Page 7, by striking lines 4 through 8 and

19 inserting the following: “tribal governments.”

20 5. Page 12, by inserting after line 20 the

21 following:

22 “Sec. ____ Section 422.16, subsection 1, paragraph

23 a, Code Supplement 2007, is amended to read as

24 follows:

25 a. Every withholding agent and every employer as

26 defined in this chapter and further defined in the

27 Internal Revenue Code, with respect to income tax

28 collected at source, making payment of wages to a

29 nonresident employee working in Iowa, or to a resident

30 employee, shall deduct and withhold from the wages an

31 amount which will approximate the employee’s annual

32 tax liability on a calendar year basis, calculated on

33 the basis of tables to be prepared by the department

34 and schedules or percentage rates, based on the wages,

35 to be prescribed by the department. Every employee or

36 other person shall declare to the employer or

37 withholding agent the number of the employee’s or

38 other person’s personal ~~exemptions and dependency~~

39 ~~exemptions or credits allowances~~ to be used in

40 applying the tables and schedules or percentage rates.

41 However, no greater number of ~~personal or dependency~~

42 ~~exemptions or credits allowances~~ may be declared by

43 the employee or other person than the number to which

44 the employee or other person is entitled except as

45 allowed under sections 3402(m)(1) and 3402(m)(3) of

46 the Internal Revenue Code and as allowed for the child

47 and dependent care credit provided in section 422.12C.

48 The claiming of ~~exemptions or credits allowances~~ in

49 excess of entitlement is a serious misdemeanor.

50 Sec. ____ Section 423.3, subsection 8, paragraph

Page 2

1 c, unnumbered paragraph 1, Code Supplement 2007, is

2 amended to read as follows:

3 The replacement part is ~~essential to~~ used in any
 4 repair or reconstruction necessary to the farm
 5 machinery's or equipment's exempt use in the
 6 production of agricultural products.

7 Sec. ____ Section 423.3, subsection 11, paragraph
 8 c, Code Supplement 2007, is amended to read as
 9 follows:

10 c. The replacement part is ~~essential to~~ used in
 11 any repair or reconstruction necessary to the farm
 12 machinery's or equipment's exempt use in livestock or
 13 dairy production, aquaculture production, or the
 14 production of flowering, ornamental, or vegetable
 15 plants.

16 Sec. ____ Section 423.36, subsection 2, Code 2007,
 17 is amended to read as follows:

18 2. To collect sales or use tax, the applicant must
 19 have a permit for each place of business in the state
 20 of Iowa. The department may deny a permit to an
 21 applicant who is substantially delinquent in paying a
 22 tax due, or the interest or penalty on the tax,
 23 administered by the department at the time of
 24 application or if the applicant had a previous
 25 delinquent liability with the department. If the
 26 applicant is a partnership, a permit may be denied if
 27 a partner is substantially delinquent in paying any
 28 delinquent tax, penalty, or interest or if a partner
 29 had a previous delinquent liability with the
 30 department. If the applicant is a corporation, a
 31 permit may be denied if any officer having a
 32 substantial legal or equitable interest in the
 33 ownership of the corporation owes any delinquent tax,
 34 penalty, or interest or if any officer having a
 35 substantial legal or equitable interest in the
 36 ownership of the corporation had a previous delinquent
 37 liability with the department.

38 Sec. ____ Section 423A.5, subsection 1, Code 2007,
 39 is amended by adding the following new paragraph:
 40 NEW PARAGRAPH. c. The sales price from
 41 transactions exempt from state sales tax under section
 42 423.3.

43 Sec. ____ Section 423A.5, subsection 2, Code 2007,
 44 is amended by adding the following new paragraph:
 45 NEW PARAGRAPH. c. The sales price from
 46 transactions exempt from state sales tax under section
 47 423.3.

48 Sec. ____ Section 423D.3, Code 2007, is amended to
 49 read as follows:

50 423D.3 EXEMPTION.

2 to contractors for direct and primary use in
3 construction is exempt from the tax imposed by this
4 chapter. The sales price from transactions exempt
5 from state sales tax under section 423.3 is also
6 exempt from the tax imposed by this chapter.

7 Sec. ____ Section 427.1, subsection 7, Code
8 Supplement 2007, is amended to read as follows:

9 7. LIBRARIES AND ART GALLERIES. All grounds and
10 buildings used for public libraries, public art
11 galleries, and libraries and art galleries owned and
12 kept by private individuals, associations, or
13 corporations, for public use and not for private
14 profit. Claims for exemption for libraries and art
15 galleries owned and kept by private individuals,
16 associations, or corporations for public use and not
17 for private profit must be filed with the local
18 assessor by February 1 of the first year the exemption
19 is requested. Once the exemption is granted, the
20 exemption shall continue to be granted for subsequent
21 assessment years without further filing of claims as
22 long as the property continues to be used as a library
23 or art gallery for public use and not for private
24 profit.

25 Sec. ____ Section 452A.2, subsection 35, Code
26 2007, is amended to read as follows:

27 35. "Supplier" means a person who acquires motor
28 fuel or special fuel by pipeline or marine vessel from
29 a state, territory, or possession of the United
30 States, or from a foreign country for storage at and
31 distribution from a terminal and who is registered
32 under 26 U.S.C. § 4101 for tax-free transactions in
33 gasoline, a person who produces in this state or
34 acquires by truck, railcar, or barge for storage at
35 and distribution from a terminal, biofuel, biodiesel,
36 alcohol, or alcohol derivative substances, or a person
37 who produces, manufactures, or refines motor fuel or
38 special fuel in this state. "Supplier" includes a
39 person who does not meet the jurisdictional connection
40 to this state but voluntarily agrees to act as a
41 supplier for purposes of collecting and reporting the
42 motor fuel or special fuel tax. "Supplier" does not
43 include a retail dealer or wholesaler who merely
44 blends alcohol with gasoline or biofuel with diesel
45 before the sale or distribution of the product or a
46 terminal operator who merely handles, in a terminal,
47 motor fuel or special fuel consigned to the terminal
48 operator.

49 Sec. ____ Section 452A.33, subsection 2,
50 unnumbered paragraph 1, Code 2007, is amended to read

Page 4

1 as follows:

2 On or before ~~February~~ April 1 the department shall
 3 deliver a report to the governor and the legislative
 4 services agency. The report shall compile information
 5 reported by retail dealers to the department as
 6 provided in this section and shall at least include
 7 all of the following:

8 Sec. ____ Section 452A.59, Code 2007, is amended
 9 to read as follows:

10 452A.59 ADMINISTRATIVE RULES.

11 The department of revenue and the state department
 12 of transportation are authorized and empowered to
 13 adopt rules under chapter 17A, relating to the
 14 administration and enforcement of this chapter as
 15 deemed necessary by the departments. However, when in
 16 the opinion of the director it is necessary for the
 17 efficient administration of this chapter, the director
 18 may regard persons in possession of motor fuel,
 19 special fuel, biofuel, alcohol, or alcohol derivative
 20 substances as blenders, dealers, eligible purchasers,
 21 exporters, importers, restrictive suppliers,
 22 suppliers, terminal operators, or nonterminal storage
 23 facility operators.

24 Sec. ____ Section 453A.46, subsection 7, Code
 25 Supplement 2007, is amended to read as follows:

26 7. The director may require by rule that ~~reports~~
 27 returns be filed by electronic transmission.”

28 6. By renumbering as necessary.

JEFF DANIELSON

S-5423

HOUSE AMENDMENT TO
 SENATE FILE 2415

1 Amend Senate File 2415, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 16, by inserting after the word
 4 “district.” the following: “A member of the
 5 commission shall not appoint a designee to serve on
 6 the commission in the member’s capacity.”

7 2. Page 4, line 32, by inserting after the word
 8 “district.” the following: “A proposed property tax
 9 levy rate shall not be approved by the commission
 10 unless two-thirds of the commission’s members are
 11 present when the proposed property tax levy rate is
 12 approved.”

13 3. Page 5, line 11, by inserting after the word

14 “needed.” the following: “The commission shall have
15 exclusive tax-levying authority for the district.”

S-5424

- 1 Amend House File 2679, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 13, by striking lines 17 through 23.
- 4 2. By renumbering as necessary.

PAUL MCKINLEY

S-5425

- 1 Amend House File 2679, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 38, by inserting after line 5 the
- 4 following:
- 5 “Sec. ____ NEW SECTION. 279.67 REMEDIAL SERVICES
- 6 — REIMBURSEMENT.
- 7 1. If a school district is unable or unwilling to
- 8 provide remedial services to a student who is
- 9 achieving below grade level in any area required under
- 10 the educational program pursuant to section 256.11,
- 11 and the student’s parent or guardian secures remedial
- 12 services for the student from a qualified provider,
- 13 the school district shall reimburse the parent or
- 14 guardian for reasonable fees for the provision of the
- 15 services if, by the end of the school year, the
- 16 student is achieving at grade level in the area for
- 17 which the student received remedial services in
- 18 accordance with this section.
- 19 2. For each school district in the state, the
- 20 department of education shall develop and maintain a
- 21 list of qualified providers of remedial services for
- 22 the areas required under the educational program
- 23 pursuant to section 256.11. The list may include
- 24 public and private sector entities.”
- 25 2. By renumbering as necessary.

BRAD ZAUN
PAUL MCKINLEY**S-5426**

- 1 Amend House File 2679, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 38, by inserting after line 5 the
- 4 following:
- 5 “Sec. ____ Section 301.1, subsection 3, Code 2007,
- 6 is amended to read as follows:

7 3. As used in subsection 2, "textbooks" means
 8 ~~books any of the following:~~
 9 a. ~~Books~~ and loose-leaf or bound manuals, systems
 10 of reusable instructional materials or combinations of
 11 books and supplementary instructional materials which
 12 convey information to the student or otherwise
 13 contribute to the learning process, ~~or electronic,~~
 14 b. Electronic textbooks, including but not limited
 15 to computer software, applications using
 16 computer-assisted instruction, interactive videodisc,
 17 and other computer courseware and magnetic media.
 18 c. Computer hardware, including but not limited to
 19 personal computing devices."
 20 2. By renumbering as necessary.

BRAD ZAUN

S-5427

1 Amend House File 2679, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 38, by inserting after line 10 the
 4 following:
 5 "Sec. ___. Section 422.11S, subsection 7,
 6 paragraph a, subparagraph (2), Code Supplement 2007,
 7 is amended to read as follows:
 8 (2) "Total approved tax credits" means for the tax
 9 year beginning in the 2006 calendar year, two million
 10 five hundred thousand dollars, for the tax year
 11 beginning in the 2007 calendar year, five million
 12 dollars, ~~and for tax years beginning on or after~~
 13 ~~January 1, 2008 for the tax year beginning in the 2008~~
 14 calendar year, seven million five hundred thousand
 15 dollars, ~~and for tax years beginning on or after~~
 16 January 1, 2009, ten million dollars."
 17 2. By renumbering as necessary.

BRAD ZAUN

S-5428

HOUSE AMENDMENT TO SENATE FILE 2413

1 Amend Senate File 2413, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 10 the
 4 following:
 5 "Sec. ___. Section 257.14, subsection 2, Code
 6 2007, is amended to read as follows:
 7 2. For the budget years commencing July 1, 2002,

8 and July 1, 2003, if the department of management
 9 determines that the regular program district cost of a
 10 school district for a budget year is less than the
 11 total of the regular program district cost plus any
 12 adjustment added under this section for the base year
 13 for that school district, the school district shall be
 14 eligible to receive a budget adjustment for that
 15 district for that budget year up to an amount equal to
 16 the difference. The board of directors of a school
 17 district that wishes to receive a budget adjustment
 18 pursuant to this subsection shall adopt a resolution
 19 to receive the budget adjustment by ~~April~~ May 15,
 20 annually, and shall notify the department of
 21 management of the adoption of the resolution and the
 22 amount of the budget adjustment to be received.

23 Sec. ____ Section 257.14, subsection 3, unnumbered
 24 paragraph 2, Code 2007, is amended to read as follows:

25 The board of directors of a school district that
 26 wishes to receive a budget adjustment pursuant to this
 27 subsection shall adopt a resolution to receive the
 28 budget adjustment by ~~April~~ May 15, annually, and shall
 29 notify the department of management of the adoption of
 30 the resolution and the amount of the budget adjustment
 31 to be received.”

32 2. Page 3, by inserting after line 19, the
 33 following:

34 “Sec. ____ EFFECTIVE DATE. This Act, being deemed
 35 of immediate importance, takes effect upon enactment.”

36 3. Title page, line 1, by inserting before the
 37 word “requests” the following: “school budgets,
 38 including by providing for”.

39 4. Title page, line 2, by inserting after the
 40 word “committee” the following: “and documents
 41 submitted to other state agencies”.

42 5. Title page, line 3, by inserting after the
 43 word “finances” the following: “, and providing an
 44 effective date”.

45 6. By renumbering as necessary.

S-5429

1 Amend House File 2679, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 28, by inserting after line 13 the
 4 following:

5 “Sec. ____ NEW SECTION. 256F.3A CHARTER SCHOOL
 6 PILOT.

7 1. Notwithstanding section 256.11, subsection 12,
 8 and section 256F.3, the state board shall approve the
 9 establishment of a charter school by a school district
 10 which lost its accreditation after a phase II on-site
 11 visit to conduct a fiscal review recommended in

12 accordance with section 257.31, subsection 18. The
 13 state board shall permit the school district to
 14 operate as a charter school for the fiscal period
 15 beginning July 1, 2008, and ending June 30, 2010. The
 16 school district shall comply with the applicable
 17 provisions of the chapter and shall work with the
 18 department to meet the requirements of the chapter.

19 2. For each fiscal year in which the school
 20 district, approved pursuant to subsection 1, operates
 21 as a charter school, the department shall offer each
 22 student enrolled in the charter school, as determined
 23 utilizing the basic educational data survey, a
 24 scholarship in the amount of not more than eight
 25 thousand five hundred dollars to pay for the costs of
 26 attending the charter school.

27 3. The department shall monitor the progress of
 28 students attending the charter school approved under
 29 this section using valid, reliable assessments, which
 30 may include but are not limited to the Iowa test of
 31 basic skills and the Iowa test of educational
 32 development. The state board shall submit a report to
 33 the general assembly detailing the assessment results
 34 by July 1, 2010.

35 4. There is appropriated from the general fund of
 36 the state for each fiscal year of the fiscal period
 37 beginning July 1, 2008, and ending June 30, 2010, an
 38 amount necessary to pay the scholarships provided for
 39 students in accordance with subsection 2.

40 5. This section is repealed July 1, 2011.”

41 2. By renumbering as necessary.

PAUL MCKINLEY

S-5430

HOUSE AMENDMENT TO SENATE FILE 2216

1 Amend Senate File 2216, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 19 through 28 and
 4 inserting the following: “through grade twelve in
 5 those areas. The department shall further define the
 6 twenty-first century learning skills components by
 7 rule.”

8 2. Page 2, by striking lines 5 through 7 and
 9 inserting the following: “Neither the state board nor
 10 the department shall require school districts or
 11 accredited nonpublic schools to adopt a specific
 12 textbook, textbook series, or specific instructional
 13 methodology, or acquire specific textbooks, curriculum
 14 materials, or educational products from a specific

15 vendor in order to meet the core curriculum
 16 requirements of”.
 17 3. Page 2, by striking lines 10 through 27 and
 18 inserting the following:
 19 “28. a. Adopt a set of minimum core content
 20 standards applicable to all students in kindergarten
 21 through grade twelve in every school district and
 22 accredited nonpublic school. For purposes of this
 23 subsection, ~~“core “minimum~~ content standards” includes
 24 reading, mathematics, and science. The minimum core
 25 content standards shall be identical to the core
 26 content standards included in Iowa’s approved 2006
 27 standards and assessment system under Title I of the
 28 federal Elementary and Secondary Education Act of
 29 1965, 20 U.S.C. § 6301 et seq., as amended by the
 30 federal No Child Left Behind Act of 2001, Pub. L. No.
 31 107-110. ~~School districts and accredited nonpublic~~
 32 ~~schools shall include, at a minimum, the core content~~
 33 ~~standards adopted pursuant to this subsection in any~~
 34 ~~set of locally developed content standards.~~ School
 35 districts and accredited nonpublic schools are
 36 strongly encouraged to ~~include the voluntary model~~
 37 ~~core curriculum or~~ set higher expectations in local
 38 standards. As changes in federal law or regulation
 39 occur, the state board is authorized to amend the
 40 minimum core content standards as appropriate.
 41 b. ~~School districts and accredited nonpublic~~
 42 ~~schools shall include, at a minimum, the core content~~
 43 ~~standards adopted in accordance with paragraph “a” in~~
 44 ~~any set of locally developed content standards until~~
 45 ~~June 30, 2014.~~ School districts and accredited
 46 ~~nonpublic schools shall include, at a minimum, the~~
 47 ~~rigorous core content standards adopted in accordance~~
 48 ~~with paragraph “c” in any set of locally developed~~
 49 ~~content standards by July 1, 2014.~~
 50 c. (1) By July 1, 2010, adopt by rule, for

Page 2

1 implementation by July 1, 2014, by school districts
 2 and accredited nonpublic schools, rigorous core
 3 content standards applicable to all students in
 4 prekindergarten through grade twelve in every school
 5 district and accredited nonpublic school. School
 6 districts and accredited nonpublic schools are
 7 encouraged to implement the rigorous core content
 8 standards between July 1, 2012, and June 30, 2014.
 9 The board shall consider the recommendations of the
 10 task force convened by the director in accordance with
 11 subparagraph (2). The board shall establish criteria
 12 to ensure that the standards adopted are rigorous and
 13 support best practices. However, the standards

14 adopted shall not exceed in scope or depth the
15 curriculum that can be reasonably taught in the
16 instructional time available. Prior to adoption, the
17 board shall submit the proposed standards to an
18 external nonprofit educational organization for an
19 independent review. The results of the review shall
20 be posted on the department's internet web site
21 (2) Recommended rigorous core content standards
22 shall be developed by a task force convened by the
23 director of the department. The task force shall be
24 comprised of teachers, school administrators, higher
25 education faculty who teach in the subjects for which
26 the standards are being adopted, private sector
27 employers, members of the boards of directors of
28 school districts, and authorities in charge of
29 accredited nonpublic schools. The task force shall
30 review the national assessment of educational progress
31 standards, standards adopted by other states, and
32 standards identified as best practices in the field of
33 study by the national councils of teachers of English
34 and mathematics, the national council for the social
35 studies, the national science teachers association,
36 and other recognized experts. The director shall
37 provide at least one staff person who is qualified by
38 education and experience in developing rigorous
39 content standards to assist the task force. Members
40 of the task force shall be allowed their actual and
41 necessary expenses incurred in the performance of
42 their duties. All expenses shall be paid from
43 appropriations to the department. The task force
44 shall submit its recommendations to the state board of
45 education by January 2, 2009. The task force may be
46 reconvened whenever the director determines there is a
47 need to review or amend the rigorous core content
48 standards.
49 d. The rigorous core content standards for
50 prekindergarten through grade six shall include

Page 3

1 reading and writing, mathematics, science, social
2 studies, and art. The core content standards for
3 grades seven through twelve shall include English and
4 language arts, mathematics, science, history, social
5 studies, and art. The core content standards shall be
6 more rigorous than the minimum core content standards
7 adopted pursuant to paragraph "a". School districts
8 and accredited nonpublic schools shall include, at a
9 minimum, the rigorous core content standards adopted
10 pursuant to this subsection in any set of locally
11 developed content standards.
12 e. The task force convened in accordance with

13 paragraph “c”, subparagraph (2), shall develop
14 rigorous performance standards which shall be
15 grade-level expectations aligned to the rigorous core
16 content standards adopted pursuant to paragraph “c”,
17 subparagraph (1), and the task force shall specify
18 expectations for students’ knowledge and performance
19 at the end of a given grade level. The rigorous
20 performance standards for kindergarten through grade
21 six shall include reading and writing, mathematics,
22 science, social studies, and art; and for grades seven
23 through twelve shall include English and language
24 arts, mathematics, science, history and social
25 studies, and art. The director shall provide at least
26 one staff person who is qualified by education and
27 experience on developing rigorous performance
28 standards to assist the task force. The task force
29 shall submit its recommendations to the state board
30 and the general assembly by January 2, 2012.
31 f. The board shall require each school district to
32 align the local curriculum, instructional materials,
33 and classroom instruction to the standards adopted and
34 to submit evidence of such alignment satisfactory to
35 the department.
36 g. A student shall not be denied curriculum or
37 instruction consistent with the rigorous core content
38 standards adopted pursuant to this subsection.”
39 4. Page 2, line 30, by inserting after the figure
40 “57.” the following: “a.”
41 5. Page 2, by striking lines 33 and 34 and
42 inserting the following: “that school districts and
43 accredited nonpublic schools shall utilize, including
44 but not limited to the development and”.
45 6. Page 2, line 35, by inserting before the word
46 “assessments” the following: “model”.
47 7. Page 3, line 1, by striking the word “can” and
48 inserting the following: “may”.
49 8. Page 3, by striking lines 3 and 4 and
50 inserting the following: “The department shall, in

Page 4

1 collaboration with the advisory group convened in
2 accordance with paragraph “b” and educational
3 assessment providers, identify and make available to
4 school districts end-of-course and additional model”.
5 9. Page 3, line 6, by inserting after the word
6 “curriculum.” the following: “The model assessments
7 shall be suitable to meet the multiple assessment
8 measures requirement specified in section 256.7,
9 subsection 21, paragraph “c”.
10 b. Convene an advisory group comprised of
11 education stakeholders including but not limited to

12 school district and accredited nonpublic school
 13 teachers, school administrators, higher education
 14 faculty who teach in the subjects for which the
 15 curriculum is being adopted, private sector employers,
 16 members of the boards of directors of school
 17 districts, and individuals representing the
 18 educational assessment providers. The task force
 19 shall review the national assessment of educational
 20 progress standards and assessments used by other
 21 states, and shall consider standards identified as
 22 best practices in the field of study by the national
 23 councils of teachers of English and mathematics, the
 24 national council for the social studies, the national
 25 science teachers association, and other recognized
 26 experts.”

27 10. Page 3, by inserting after line 13 the
 28 following:

29 “Sec. ____ Section 257.11, Code Supplement 2007,
 30 is amended by adding the following new subsection:
 31 NEW SUBSECTION. 8A. A school district shall
 32 ensure that any course made available to a student
 33 through any sharing agreement between the school
 34 district and a community college or any other entity
 35 providing course programming pursuant to this section
 36 to students enrolled in the school district meets the
 37 expectations contained in the core curriculum adopted
 38 pursuant to section 256.7, subsection 26. The school
 39 district shall ensure that any course that has the
 40 capacity to generate college credit shall be
 41 equivalent to college-level work.”

42 11. Page 4, by inserting after line 12 the
 43 following:

44 “Sec. ____ Section 280.2, Code 2007, is amended to
 45 read as follows:

46 280.2 DEFINITIONS.

47 The term “public school” means any school directly
 48 supported in whole or in part by taxation. The term
 49 “nonpublic school” means any other school which is
 50 accredited ~~or which uses licensed practitioners as~~

Page 5

1 ~~instructors pursuant to section 256.11.”~~

2 12. Page 4, line 15, by striking the words
 3 “~~DUTIES OF BOARD~~” and inserting the following:

4 “~~DUTIES OF BOARD~~ =”

5 13. Page 6, line 20, by inserting after the word
 6 “The” the following: “study shall include an
 7 examination of the possible future expansion of the
 8 core curriculum to include content areas not currently
 9 included under section 256.7, subsection 26, including
 10 but not limited to fine arts, applied arts,

11 humanities, and world languages. The”.
12 14. By renumbering, relettering, or redesignating
13 and correcting internal references as necessary.

S-5431

1 Amend House File 2679, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking line 29 and inserting the
4 following:
5 “..... \$ 4,000,000”

6 2. Page 3, by inserting after line 32 the
7 following:
8 “___ WASHINGTON, D.C., INTERNSHIP SCHOLARSHIP
9 For purposes of awarding Washington, D.C.,
10 internship scholarships to support resident Iowa
11 postsecondary students who meet the eligibility
12 requirements of this subsection:
13 \$ 100,000

14 A student shall be eligible for an award pursuant
15 to this subsection if the student is enrolled in an
16 Iowa accredited higher education institution, as
17 defined in section 261.92, subsection 1, and is
18 participating in a one-semester internship opportunity
19 in Washington, D.C., for a state of Iowa government
20 agency or office, a United States government agency,
21 or a member of the United States Congress. The
22 commission shall award 83 scholarships in the amount
23 of \$1,200 each.”

24 3. Page 4, line 3, by striking the figure
25 “698,923” and inserting the following: “995,000”.

26 4. Page 4, line 4, by striking the figure
27 “338,958” and inserting the following: “484,972”.

28 5. Page 7, by inserting after line 13 the
29 following:
30 “___ For a grant to a center for independent
31 living established in accordance with the federal
32 Rehabilitation Act of 1973, that is designed and
33 operated within a local community by individuals with
34 disabilities and provides an array of independent
35 living services, and which adheres to the state plan
36 for independent living required in order to receive
37 federal Part B dollars for independent living services
38 for Iowans with disabilities:
39 \$ 250,000

40 By October 1, 2009, the grant recipient shall
41 submit a written report to the division and the state
42 board of education regarding the expenditure of moneys
43 received from the state under this lettered
44 paragraph.”

45 6. Page 12, by inserting after line 9 the
46 following:

47 “g. Grant amount award reductions for the
 48 2008–2009 fiscal year resulting from the Iowa
 49 empowerment board’s restriction on carryforward of
 50 grant funding may be applied to categorical funding

Page 2

1 requirements at the discretion of each community
 2 empowerment area, regardless of the categorical
 3 sources of the area’s fiscal year 2006–2007 ending
 4 balance.
 5 h. The Iowa empowerment board shall develop and
 6 implement a plan to strengthen the fiscal
 7 accountability of local areas. The plan shall not
 8 include hiring additional staff. The plan shall
 9 address fiscal accountability for community
 10 empowerment area boards, including but not limited to
 11 training for board members and coordinators, and shall
 12 address contractual arrangements with and fiscal
 13 oversight of program providers. The plan shall
 14 provide for assistance to the community empowerment
 15 office and the community empowerment assistance team
 16 to improve state fiscal oversight of local boards and
 17 ongoing training for community empowerment area boards
 18 and coordinators. The Iowa empowerment board and the
 19 community empowerment office shall submit a report to
 20 the general assembly and the legislative services
 21 agency by January 1, 2009.”

22 7. Page 13, by inserting before line 24 the
 23 following:

24 “___ IOWA SENIOR YEAR PLUS PROGRAM
 25 For purposes of implementing the senior year plus
 26 program established pursuant to section 261E.1, if
 27 enacted by this Act:
 28 \$ 1,900,000”

29 8. By striking page 13, line 27, through page 14,
 30 line 10, and inserting the following:

31 “..... \$ 183,062,414

32 Notwithstanding the allocation formula in section
 33 260C.18C, the funds appropriated in this subsection
 34 shall be allocated as follows:

35 a. Merged Area I	\$	9,074,424
36 b. Merged Area II	\$	9,840,581
37 c. Merged Area III	\$	9,045,521
38 d. Merged Area IV	\$	4,449,263
39 e. Merged Area V	\$	9,992,314
40 f. Merged Area VI	\$	8,656,370
41 g. Merged Area VII	\$	12,826,359
42 h. Merged Area IX	\$	15,963,828
43 i. Merged Area X	\$	27,662,970
44 j. Merged Area XI	\$	27,602,009
45 k. Merged Area XII	\$	10,522,547

46	l. Merged Area XIII.....	\$	10,685,790
47	m. Merged Area XIV.....	\$	4,505,374
48	n. Merged Area XV.....	\$	14,147,609
49	o. Merged Area XVI.....	\$	8,087,455”
50	9. Page 14, by striking line 18 and inserting the		

Page 3

1	following:		
2	“.....	\$	1,500,000”
3	10. Page 14, by striking lines 26 through 33.		
4	11. Page 16, by striking lines 18 through 23.		
5	12. Page 17, by inserting after line 21 the		
6	following:		
7	“f. For funds to be distributed to Iowa public		
8	radio for public radio operations:		
9	\$	500,000”
10	13. Page 22, by inserting after line 7 the		
11	following:		
12	“c. Science, technology, engineering, and		
13	mathematics (STEM) collaborative initiative		
14	For purposes of establishing a science, technology,		
15	engineering, and mathematics (STEM) collaborative		
16	initiative:		
17	\$	4,000,000
18	From the funds appropriated in this lettered		
19	paragraph, \$200,000 shall be allocated to the Grant		
20	Wood Area Education Agency X for purposes of		
21	continuing current science, technology, engineering,		
22	and mathematics programming.”		
23	14. Page 22, by striking line 12 and inserting		
24	the following:		
25	“.....	\$	10,077,191”
26	15. Page 22, by striking line 18 and inserting		
27	the following:		
28	“.....	\$	5,674,351”
29	16. Page 22, line 28, by striking the word		
30	“UNIVERSITY” and inserting the following:		
31	“MATHEMATICS AND SCIENCE COLLABORATIVE”.		
32	17. Page 22, line 29, by striking the words “AND		
33	COLLEGES”.		
34	18. Page 22, lines 30 and 31, by striking the		
35	words “require the universities it governs” and		
36	inserting the following: “conduct a mathematics and		
37	science collaborative study. The purpose of the study		
38	shall be”.		
39	19. Page 22, line 32, by inserting before the		
40	word “proportion” the following: “number and”.		
41	20. Page 22, lines 33 and 34, by striking the		
42	words “and colleges”.		
43	21. Page 22, line 35, by inserting after the word		
44	“way.” the following: “The study shall develop and		

45 submit to the board recommendations for science,
46 technology, engineering, and technology-related
47 programming measures for improving the number and
48 proportion of women and minorities in science,
49 technology, engineering, and mathematics university
50 programs.”

Page 4

1 22. Page 23, line 5, by inserting after the word
2 “the” the following: “number and”.
3 23. Page 24, by striking lines 10 through 23.
4 24. Page 25, by inserting after line 28 the
5 following:
6 “Sec. ____ Section 28.8, Code 2007, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 7. It is the intent of the
9 general assembly that community empowerment areas
10 consider whether support services to prevent the
11 spread of infectious diseases, prevent child injuries,
12 develop health emergency protocols, help with
13 medication, and care for children with special health
14 needs are being provided to child care facilities
15 registered or licensed under chapter 237A.”
16 25. By striking page 26, line 20, through page
17 27, line 23.
18 26. By striking page 30, line 33, through page
19 31, line 14.
20 27. Page 37, by striking lines 10 through 16.
21 28. Page 40, by striking lines 10 and 11.
22 29. Page 40, line 14, by striking the word
23 “DATES.” and inserting the following: “DATE. The”.
24 30. Page 40, line 15, by striking the figure and
25 words “1. The section” and inserting the following:
26 “section”.
27 31. Page 40, by striking lines 19 through 21.
28 32. Page 48, line 1, by striking the word “of”
29 and inserting the following: “established by”.
30 33. Page 49, line 2, by inserting after the word
31 “collaborate” the following: “, as appropriate.”.
32 34. Page 49, line 4, by striking the words
33 “teacher or instructor” and inserting the following:
34 “district, in collaboration with the teacher or
35 instructor.”.
36 35. Page 50, line 10, by striking the word “and,”
37 and inserting the following: “or”.
38 36. Page 50, line 31, by striking the words “an
39 annual” and inserting the following: “a regular”.
40 37. Page 52, lines 13 and 14, by striking the
41 words “hold a master’s degree from an accredited
42 college or university.”.
43 38. Page 52, line 16, by striking the figure

44 “272,” and inserting the following: “272”.
45 39. Page 52, by inserting after line 24 the
46 following:
47 “Sec. ____ NEW SECTION. 261E.4A ADVANCED
48 PLACEMENT COURSES — ACCESS — EXAMINATION FEE
49 PAYMENT.
50 1. A student enrolled in a school district or

Page 5

1 accredited nonpublic school shall be provided access
2 to advanced placement examinations at a rate of
3 one-half of the cost of the regular examination fee
4 the student or the student’s parents or guardians
5 would normally pay for the examination.
6 2. The board of directors of a school district and
7 the authorities in charge of an accredited nonpublic
8 school shall ensure that any student enrolled who is
9 interested in taking an advanced placement examination
10 is properly registered for the examination. An
11 accredited nonpublic school shall provide a list of
12 students registered for advanced placement
13 examinations to the school district in which the
14 accredited nonpublic school is located. The school
15 district and the accredited nonpublic school shall
16 also ensure that any student enrolled in the school
17 district or school, as applicable, who is interested
18 in taking an advanced placement examination and
19 qualifies for a reduced fee for the examination is
20 properly registered for the fee reduction. The school
21 district shall provide the college board with a list
22 of all students enrolled in the school district and
23 the accredited nonpublic schools located in the school
24 district who are properly registered for advanced
25 placement examinations administered by the college
26 board.
27 3. From the funds allocated pursuant to section
28 261E.12, subsection 1, paragraph “d”, the department
29 shall remit amounts to the college board for advanced
30 placement examinations administered by the college
31 board for students enrolled in school districts and
32 accredited nonpublic schools pursuant to subsection 2
33 and shall distribute an amount per student to a school
34 district submitting a list of students properly
35 registered for the advanced placement examinations
36 pursuant to subsection 2. The remittance rates to the
37 college board and distribution amounts to the school
38 districts in accordance with this subsection for the
39 fiscal year beginning July 1, 2008, are as follows:
40 thirty-eight dollars for each school district or
41 accredited nonpublic school student who does not
42 qualify for fee reduction; twenty-seven dollars for

43 each school district or accredited nonpublic school
 44 student who qualifies for fee reduction; and eight
 45 dollars to the school district for each school
 46 district or accredited nonpublic school student who
 47 was listed by the school district and who takes an
 48 advanced placement examination in accordance with this
 49 section.”
 50 40. Page 58, by inserting after line 26 the

Page 6

1 following:
 2 “d. Degree, certifications, and other
 3 qualifications to meet the minimum hiring standards.
 4 e. Salary information including regular contracted
 5 salary and total salary.
 6 f. Credit hours and laboratory contact hours and
 7 other data on instructional time.
 8 g. Other information comparable to the data
 9 regarding teachers collected in the basic education
 10 data survey.”
 11 41. Page 61, by inserting after line 10 the
 12 following:
 13 “d. For the fiscal year beginning July 1, 2008,
 14 and succeeding fiscal years, an amount up to five
 15 hundred thousand dollars to the department to provide
 16 advanced placement course examination fee remittance
 17 pursuant to section 261E.4A. If the funds
 18 appropriated for purposes of section 261E.5 are
 19 insufficient to distribute the amounts set out in
 20 section 261E.5, subsection 3, to school districts, the
 21 department shall prorate the amount distributed to
 22 school districts based on the amount appropriated.”
 23 42. Page 62, by inserting after line 19 the
 24 following:
 25 “DIVISION III
 26 STATEWIDE PRESCHOOL PROGRAM
 27 Sec. ____ Section 256C.3, subsection 1, Code
 28 Supplement 2007, is amended to read as follows:
 29 1. ELIGIBLE CHILDREN. A child who is a resident
 30 of Iowa and is four years of age ~~by~~ on or before
 31 September 15 of a school year shall be eligible to
 32 enroll in the preschool program under this chapter.
 33 If space and funding are available, a school district
 34 approved to participate in the preschool program may
 35 enroll a younger or older child in the preschool
 36 program; however, the child shall not be counted for
 37 state funding purposes.
 38 Sec. ____ Section 256C.4, subsection 1, Code
 39 Supplement 2007, is amended by adding the following
 40 new paragraph:
 41 NEW PARAGRAPH. f. The receipt of funding by a

42 school district for the purposes of this chapter, the
43 need for additional funding for the purposes of this
44 chapter, or the enrollment count of eligible students
45 under this chapter, shall not be considered to be
46 unusual circumstances, create an unusual need for
47 additional funds, or qualify under any other
48 circumstances that may be used by the school budget
49 review committee to grant supplemental aid to or
50 establish modified allowable growth for a school

Page 7

1 district under section 257.31.

2 Sec. ____ Section 256C.5, subsection 2, paragraph
3 b, Code Supplement 2007, is amended to read as
4 follows:

5 b. For budget years subsequent to the initial
6 school year for which a school district approved to
7 participate in the preschool program receives that
8 initial approval and implements the preschool program,
9 the funding for the preschool foundation aid payable
10 to that school district shall be paid from the
11 appropriation made in section 257.16. Continuation of
12 a school district's participation in the preschool
13 program for a second or subsequent budget year is
14 subject to the approval of the department based upon
15 the school district's compliance with accountability
16 provisions and the department's on-site review of the
17 school district's implementation of the preschool
18 program.

19 Sec. ____ Section 256C.6, subsection 1, Code
20 Supplement 2007, is amended to read as follows:

21 1. PHASE-IN. For the initial fiscal year in which
22 a school district participates in the preschool
23 program pursuant to an appropriation provided in
24 subsection 2, the department shall apply a modified
25 set of the requirements of the provisions of this
26 chapter relating to preschool program implementation,
27 preschool enrollment reporting, and distribution of
28 funding as necessary to begin the distribution in that
29 fiscal year and additional program implementation in
30 the next fiscal year. ~~For each month after September~~
31 ~~1, in the initial fiscal year that a school district~~
32 ~~approved to participate in the preschool program~~
33 ~~begins programming, the department shall reduce the~~
34 ~~preschool foundation aid payable to the school~~
35 ~~district by one-tenth of the amount that would~~
36 ~~otherwise have been payable to the school district for~~
37 ~~the full school year.~~

38 Sec. ____ Section 256C.6, subsection 2, Code
39 Supplement 2007, is amended by adding the following
40 new unnumbered paragraph:

41 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 42 8.33, moneys appropriated in this subsection that
 43 remain unencumbered or unobligated at the close of the
 44 fiscal year shall not revert but shall remain
 45 available for expenditure for the purposes designated
 46 until the close of the succeeding fiscal year.
 47 Sec. ____ 2007 Iowa Acts, chapter 214, section 6,
 48 subsection 13, is amended by adding the following new
 49 unnumbered paragraph:
 50 NEW UNNUMBERED PARAGRAPH. Notwithstanding section

Page 8

1 8.33, moneys appropriated in this subsection that
 2 remain unencumbered or unobligated at the close of the
 3 fiscal year shall not revert but shall remain
 4 available for expenditure for the purposes designated
 5 until the close of the succeeding fiscal year.
 6 Sec. ____ STATEWIDE EARLY CHILDHOOD PROFESSIONAL
 7 DEVELOPMENT SYSTEM. It is the intent of the general
 8 assembly that if funding is designated or is otherwise
 9 made available for purposes of implementing a
 10 statewide early childhood professional development
 11 system during the fiscal year beginning July 1, 2007,
 12 or the succeeding fiscal year, that the system shall
 13 be implemented by the department of education through
 14 the area education agencies and shall be designed to
 15 support the statewide preschool program for
 16 four-year-old children offered in accordance with
 17 chapter 256C. The department of education shall
 18 collaborate with early childhood Iowa and its public
 19 and private member agencies to ensure that the system
 20 complements existing programs and resources committed
 21 by the agencies to professional development. To the
 22 extent possible, the system shall support
 23 professionals engaged in other early childhood
 24 programs.
 25 Sec. ____ EFFECTIVE DATE. This division of this
 26 Act, being deemed of immediate importance, takes
 27 effect upon enactment.

28 DIVISION IV

29 STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

30 Sec. ____ Section 282.10, subsection 4, Code 2007,
 31 is amended to read as follows:

32 4. A whole grade sharing agreement shall be signed
 33 by the boards of the districts involved in the
 34 agreement not later than February 1 of the school year
 35 preceding the school year for which the agreement is
 36 to take effect. The boards of the districts shall
 37 negotiate as part of the new or existing agreement the
 38 disposition of teacher quality funding provided under
 39 chapter 284.

40 Sec. ____ Section 284.2, subsection 11, Code
41 Supplement 2007, is amended to read as follows:
42 11. "Teacher" means an individual who holds a
43 practitioner's license issued under chapter 272, or a
44 statement of professional recognition issued under
45 chapter 272 who is employed in a nonadministrative
46 position by a school district or area education agency
47 pursuant to a contract issued by a board of directors
48 under section 279.13. A teacher may be employed in
49 both an administrative and a nonadministrative
50 position by a board of directors and shall be

Page 9

1 considered a part-time teacher for the portion of time
2 that the teacher is employed in a nonadministrative
3 position. ~~"Teacher" includes a licensed individual
4 employed on a less than full time basis by a school
5 district through a contract between the school
6 district and an institution of higher education with a
7 practitioner preparation program in which the licensed
8 teacher is enrolled.~~

9 Sec. ____ Section 284.7, subsection 1, paragraph
10 a, subparagraph (2), Code Supplement 2007, is amended
11 to read as follows:

12 (2) Beginning July 1, ~~2007~~ 2008, the minimum
13 salary for a beginning teacher shall be ~~twenty six
14 twenty-eight~~ thousand ~~five hundred~~ dollars.

15 Sec. ____ Section 284.7, subsection 1, paragraph
16 b, subparagraph (2), Code Supplement 2007, is amended
17 to read as follows:

18 (2) Beginning July 1, ~~2007~~ 2008, the minimum
19 salary for a first-year career teacher shall be
20 ~~twenty seven~~ thirty thousand ~~five hundred~~ dollars ~~and~~
21 ~~the minimum salary for all other career teachers shall
22 be twenty eight thousand five hundred dollars.~~

23 Sec. ____ Section 284.7, subsection 5, paragraph
24 b, Code Supplement 2007, is amended to read as
25 follows:

26 b. If, once the minimum salary requirements of
27 this section have been met by the school district or
28 area education agency, and the school district or area
29 education agency receiving funds pursuant to section
30 284.13, subsection 1, paragraph "h" or "i", for
31 purposes of this section, and the certified bargaining
32 representative for the licensed employees have not
33 reached an agreement for distribution of the funds
34 remaining, in accordance with paragraph "a", the board
35 of directors shall divide the funds remaining among
36 full-time teachers employed by the district or area
37 education agency whose regular compensation is equal
38 to or greater than the minimum salary specified in

39 this section. The payment amount for teachers
 40 employed on less than a full-time basis shall be
 41 prorated. For purposes of this paragraph, regular
 42 compensation means base salary plus any salary
 43 provided under chapter 294A.
 44 Sec. ____ Section 284.7, subsection 5, Code
 45 Supplement 2007, is amended by adding the following
 46 new paragraph:
 47 NEW PARAGRAPH. e. A school district or area
 48 education agency receiving funds pursuant to section
 49 284.13, subsection 1, paragraph “h” or “i”, shall
 50 determine the amount to be paid to teachers in

Page 10

1 accordance with this subsection and the amount
 2 determined to be paid to an individual teacher shall
 3 be divided evenly and paid in each pay period of the
 4 fiscal year beginning with the October payroll.
 5 Sec. ____ Section 284.8, subsection 1, Code
 6 Supplement 2007, is amended to read as follows:
 7 1. A school district shall review a teacher’s
 8 performance at least once every three years for
 9 purposes of assisting teachers in making continuous
 10 improvement, documenting continued competence in the
 11 Iowa teaching standards, identifying teachers in need
 12 of improvement, or to determine whether the teacher’s
 13 practice meets school district expectations for career
 14 advancement in accordance with section 284.7. The
 15 review shall include, at minimum, classroom
 16 observation of the teacher, the teacher’s progress,
 17 and implementation of the teacher’s individual
 18 professional development plan, subject to the level of
 19 funding resources provided to implement the plan; and
 20 shall include supporting documentation from parents,
 21 students, and other evaluators, teachers, ~~parents, and~~
 22 ~~students.~~
 23 Sec. ____ Section 284.13, subsection 1, paragraph
 24 a, Code Supplement 2007, is amended to read as
 25 follows:
 26 a. For ~~each the~~ fiscal year ~~of the fiscal period~~
 27 beginning July 1, ~~2007~~ 2008, and ending June 30, 2009,
 28 to the department of education, the amount of one
 29 million ~~eighty seven~~ seven hundred seven thousand five
 30 hundred dollars for the issuance of national board
 31 certification awards in accordance with section
 32 256.44.
 33 ~~(1)~~ Of the amount allocated under this paragraph
 34 ~~“a”~~, not less than eighty-five thousand dollars shall
 35 be used to administer the ambassador to education
 36 position in accordance with section 256.45.
 37 ~~(2)~~ ~~Of the amount allocated under this paragraph~~

38 ~~“a”, for the fiscal year beginning July 1, 2007, and~~
39 ~~ending June 30, 2008, not less than one million~~
40 ~~dollars shall be used to supplement the allocation of~~
41 ~~funds for market factor teacher incentives made~~
42 ~~pursuant to paragraph “f”, subparagraph (1).~~

43 Sec. ____ Section 284.13, subsection 1, paragraphs
44 d and e, Code Supplement 2007, are amended to read as
45 follows:

46 d. (1) For the fiscal year beginning July 1, ~~2007~~
47 ~~2008~~, and ending June 30, ~~2008~~ ~~2009~~, up to ~~twenty~~
48 ~~twenty-eight~~ million ~~five hundred thousand~~ dollars to
49 the department for use by school districts for
50 professional development as provided in section 284.6.

Page 11

1 Of the amount allocated under this paragraph, up to
2 eight million five hundred thousand dollars shall be
3 provided to school districts for professional
4 development related to the infusion and implementation
5 of the model core curriculum prescribed in section
6 256.7, subsection 26. The department shall distribute
7 funds allocated for the purpose of this paragraph
8 based on the average per diem contract salary for each
9 district as reported to the department for the school
10 year beginning July 1, ~~2006~~ ~~2007~~, multiplied by the
11 total number of full-time equivalent teachers in the
12 base year. The department shall adjust each
13 district's average per diem salary by the allowable
14 growth rate established under section 257.8 for the
15 fiscal year beginning July 1, ~~2007~~ ~~2008~~. The contract
16 salary amount shall be the amount paid for their
17 regular responsibilities but shall not include pay for
18 extracurricular activities. These funds shall not
19 supplant existing funding for professional development
20 activities. Notwithstanding any provision to the
21 contrary, moneys received by a school district under
22 this paragraph shall not revert but shall remain
23 available for the same purpose in the succeeding
24 fiscal year. A school district shall submit a report
25 to the department in a manner determined by the
26 department describing its use of the funds received
27 under this paragraph. The department shall submit a
28 report on school district use of the moneys
29 distributed pursuant to this paragraph to the general
30 assembly and the legislative services agency not later
31 than January 15 of the fiscal year for which moneys
32 are allocated for purposes of this paragraph.
33 (2) From moneys available under subparagraph (1)
34 for the fiscal year beginning July 1, ~~2007~~ ~~2008~~, and
35 ending June 30, ~~2008~~ ~~2009~~, the department shall
36 allocate to area education agencies an amount per

37 teacher employed by an area education agency that is
38 approximately equivalent to the average per teacher
39 amount allocated to the districts. The average per
40 teacher amount shall be calculated by dividing the
41 total number of teachers employed by school districts
42 and the teachers employed by area education agencies
43 into the total amount of moneys available under
44 subparagraph (1).

45 (3) For the fiscal year beginning July 1, 2008,
46 and ending June 30, 2009, up to nine hundred fifteen
47 thousand dollars to the department for implementation
48 of a statewide early childhood professional
49 development system through the area education agencies
50 that is designed to support the statewide preschool

Page 12

1 program for four-year-old children under chapter 256C
2 and to the extent possible, other early childhood
3 programs.

4 e. For ~~the each~~ fiscal year beginning July 1,
5 ~~2007, and ending June 30, 2008~~ in which funds are
6 appropriated for purposes of this chapter, an amount
7 up to one million eight hundred forty-five thousand
8 dollars to the department for the establishment of
9 teacher development academies in accordance with
10 section 284.6, subsection 10. A portion of the funds
11 allocated to the department for purposes of this
12 paragraph may be used for administrative purposes.

13 Sec. __. Section 284.13, subsection 1, paragraph
14 f, Code Supplement 2007, is amended by striking the
15 paragraph and inserting in lieu thereof the following:

16 f. For the fiscal year beginning July 1, 2008, and
17 ending June 30, 2009, to the department of education,
18 the amount of two hundred fifty thousand dollars for
19 distribution to the institute for tomorrow's workforce
20 created pursuant to section 7K.1.

21 Sec. __. Section 284.13, subsection 1, paragraph
22 g, subparagraph (3), Code Supplement 2007, is amended
23 to read as follows:

24 (3) For the fiscal year beginning July 1, 2008,
25 and ending June 30, 2009, the sum of ~~two million five~~
26 three hundred ~~thirty-five~~ thousand dollars. From the
27 amount allocated for the fiscal year under this
28 subparagraph, an amount up to ten thousand dollars
29 shall be used for purposes of the pay-for-performance
30 commission's expenses, an amount up to one hundred
31 thousand dollars shall be used by the department for
32 oversight and administration of the implementation
33 pilots as provided in sections 284.14 and 284.14A, and
34 an amount up to two hundred thousand dollars shall be
35 used for the employment of an external evaluator.

36 Sec. ____ Section 284.11, Code Supplement 2007, is
37 repealed.

38 DIVISION V

39 STATE SCHOOL AID FORMULA CHANGES

40 Sec. ____ Section 256D.2, Code 2007, is amended to
41 read as follows:

42 256D.2 PROGRAM EXPENDITURES.

43 1. A school district shall expend funds received
44 pursuant to section 256D.4 at the kindergarten through
45 grade three levels to reduce class sizes to the state
46 goal of seventeen students for every one teacher and
47 to achieve a higher level of student success in the
48 basic skills, especially reading. In order to support
49 these efforts, school districts may expend funds
50 received pursuant to section 256D.4 at the

Page 13

1 kindergarten through grade three level on programs,
2 instructional support, and materials that include, but
3 are not limited to, the following: additional
4 licensed instructional staff; additional support for
5 students, such as before and after school programs,
6 tutoring, and intensive summer programs; the
7 acquisition and administration of diagnostic reading
8 assessments; the implementation of research-based
9 instructional intervention programs for students
10 needing additional support; the implementation of
11 all-day, everyday kindergarten programs; and the
12 provision of classroom teachers with intensive
13 training programs to improve reading instruction and
14 professional development in best practices, including
15 but not limited to training programs related to
16 instruction to increase students' phonemic awareness,
17 reading abilities, and comprehension skills.

18 2. This section is repealed June 30, 2009.

19 Sec. ____ NEW SECTION. 256D.2A PROGRAM FUNDING.

20 Beginning July 1, 2009, and each succeeding year, a
21 school district shall expend funds received pursuant
22 to section 257.10, subsection 11, at the kindergarten
23 through grade three levels to reduce class sizes to
24 the state goal of seventeen students for every one
25 teacher and to achieve a higher level of student
26 success in the basic skills, especially reading. In
27 order to support these efforts, school districts may
28 expend funds received pursuant to section 257.10,
29 subsection 11, at the kindergarten through grade three
30 level on programs, instructional support, and
31 materials that include but are not limited to the
32 following: additional licensed instructional staff;
33 additional support for students, such as before and
34 after school programs, tutoring, and intensive summer

35 programs; the acquisition and administration of
 36 diagnostic reading assessments; the implementation of
 37 research-based instructional intervention programs for
 38 students needing additional support; the
 39 implementation of all-day, everyday kindergarten
 40 programs; and the provision of classroom teachers with
 41 intensive training programs to improve reading
 42 instruction and professional development in best
 43 practices including but not limited to training
 44 programs related to instruction to increase students'
 45 phonemic awareness, reading abilities, and
 46 comprehension skills.

47 Sec. ____. Section 256D.4, subsection 3, Code 2007,
 48 is amended to read as follows:

49 3. For each year in which an appropriation is made
 50 to the Iowa early intervention block grant program,

Page 14

1 the department of education shall notify the
 2 department of administrative services of the amount of
 3 the allocation to be paid to each school district as
 4 provided in subsections 1 and 2. The allocation to
 5 each school district shall be made in one payment on
 6 or about October 15 of the fiscal year for which the
 7 appropriation is made, taking into consideration the
 8 relative budget and cash position of the state
 9 resources. Moneys received under this section shall
 10 not be commingled with state aid payments made under
 11 section 257.16 to a school district and shall be
 12 accounted for by the local school district separately
 13 from state aid payments. Payments made to school
 14 districts under this section are miscellaneous income
 15 for purposes of chapter 257. ~~A school district shall~~
 16 ~~maintain a separate listing within its budget for~~
 17 ~~payments received and expenditures made pursuant to~~
 18 ~~this section. A school district shall certify to the~~
 19 ~~department of education that moneys received under~~
 20 ~~this section were used to supplement, not supplant,~~
 21 ~~moneys otherwise received and used by the school~~
 22 ~~district.~~

23 Sec. ____. Section 256D.4, subsection 4, Code 2007,
 24 is amended by striking the subsection and inserting in
 25 lieu thereof the following:

26 4. This section is repealed June 30, 2009.

27 Sec. ____. NEW SECTION. 256D.4A PROGRAM
 28 REQUIREMENTS.

29 A school district shall maintain a separate listing
 30 within its budget for payments received and
 31 expenditures made pursuant to this section. A school
 32 district shall certify to the department of education
 33 that moneys received under this section were used to

34 supplement, not supplant, moneys otherwise received
35 and used by the school district.

36 Sec. ____ Section 256D.5, subsection 4, Code
37 Supplement 2007, is amended to read as follows:

38 4. For each fiscal year of the fiscal period
39 beginning July 1, 2004, and ending June 30, ~~2012~~ 2009,
40 the sum of twenty-nine million two hundred fifty
41 thousand dollars.

42 Sec. ____ Section 257.1, subsection 2, unnumbered
43 paragraph 2, Code 2007, is amended to read as follows:

44 For the budget year commencing July 1, 1999, and
45 for each succeeding budget year the regular program
46 foundation base per pupil is eighty-seven and
47 five-tenths percent of the regular program state cost
48 per pupil. For the budget year commencing July 1,
49 1991, and for each succeeding budget year the special
50 education support services foundation base is

Page 15

1 seventy-nine percent of the special education support
2 services state cost per pupil. The combined
3 foundation base is the sum of the regular program
4 foundation base, ~~and~~ the special education support
5 services foundation base, the total teacher salary
6 supplement district cost, the total professional
7 development supplement district cost, the total early
8 intervention supplement district cost, the total area
9 education agency teacher salary supplement district
10 cost, and the total area education agency professional
11 development supplement district cost.

12 Sec. ____ Section 257.1, subsection 3, Code 2007,
13 is amended to read as follows:

14 3. COMPUTATIONS ROUNDED. In making computations
15 and payments under this chapter, except in the case of
16 computations relating to funding of special education
17 support services, media services, and educational
18 services provided through the area education agencies,
19 and the teacher salary supplement, the professional
20 development supplement, and the early intervention
21 supplement, the department of management shall round
22 amounts to the nearest whole dollar.

23 Sec. ____ Section 257.4, subsection 1, paragraph
24 a, Code 2007, is amended to read as follows:

25 a. A school district shall cause an additional
26 property tax to be levied each year. The rate of the
27 additional property tax levy in a school district
28 shall be determined by the department of management
29 and shall be calculated to raise the difference
30 between the combined district cost for the budget year
31 and the sum of ~~the products~~ the following:

32 (1) The product of the regular program foundation

33 base per pupil times the weighted enrollment in the
 34 district, ~~and the~~
 35 (2) The product of special education support
 36 services foundation base per pupil times the special
 37 education support services weighted enrollment in the
 38 district.

39 (3) The total teacher salary supplement district
 40 cost.

41 (4) The total professional development supplement
 42 district cost.

43 (5) The total early intervention supplement
 44 district cost.

45 (6) The total area education agency teacher salary
 46 supplement district cost.

47 (7) The total area education agency professional
 48 development supplement district cost.

49 Sec. ____ Section 257.8, Code Supplement 2007, is
 50 amended by adding the following new subsection:

Page 16

1 NEW SUBSECTION. 1A. CATEGORICAL STATE PERCENT OF
 2 GROWTH. The categorical state percent of growth for
 3 each budget year shall be established by statute which
 4 shall be enacted within thirty days of the submission
 5 in the year preceding the base year of the governor's
 6 budget under section 8.21. The establishment of the
 7 categorical state percent of growth for a budget year
 8 shall be the only subject matter of the bill which
 9 enacts the categorical state percent of growth for a
 10 budget year. The categorical state percent of growth
 11 may include state percents of growth for the teacher
 12 salary supplement, the professional development
 13 supplement, and the early intervention supplement.

14 Sec. ____ Section 257.9, Code 2007, is amended by
 15 adding the following new subsections:

16 NEW SUBSECTION. 6. TEACHER SALARY SUPPLEMENT
 17 STATE COST PER PUPIL. For the budget year beginning
 18 July 1, 2009, for the teacher salary supplement state
 19 cost per pupil, the department of management shall add
 20 together the teacher compensation allocation made to
 21 each district for the fiscal year beginning July 1,
 22 2008, pursuant to section 284.13, subsection 1,
 23 paragraph "h", and the phase II allocation made to
 24 each district for the fiscal year beginning July 1,
 25 2008, pursuant to section 294A.9, and divide that sum
 26 by the statewide total budget enrollment for the
 27 fiscal year beginning July 1, 2009. The teacher
 28 salary supplement state cost per pupil for the budget
 29 year beginning July 1, 2010, and succeeding budget
 30 years, shall be the amount calculated by the
 31 department of management under this subsection for the

32 base year plus an allowable growth amount that is
33 equal to the teacher salary supplement categorical
34 state percent of growth, pursuant to section 257.8,
35 subsection 1A, for the budget year, multiplied by the
36 amount calculated by the department of management
37 under this subsection for the base year.
38 NEW SUBSECTION. 7. PROFESSIONAL DEVELOPMENT
39 SUPPLEMENT STATE COST PER PUPIL. For the budget year
40 beginning July 1, 2009, for the professional
41 development supplement state cost per pupil, the
42 department of management shall add together the
43 professional development allocation made to each
44 district for the fiscal year beginning July 1, 2008,
45 pursuant to section 284.13, subsection 1, paragraph
46 “d”, and divide that sum by the statewide total budget
47 enrollment for the fiscal year beginning July 1, 2009.
48 The professional development supplement state cost per
49 pupil for the budget year beginning July 1, 2010, and
50 succeeding budget years, shall be the amount

Page 17

1 calculated by the department of management under this
2 subsection for the base year plus an allowable growth
3 amount that is equal to the professional development
4 supplement categorical state percent of growth,
5 pursuant to section 257.8, subsection 1A, for the
6 budget year, multiplied by the amount calculated by
7 the department of management under this subsection for
8 the base year.
9 NEW SUBSECTION. 8. EARLY INTERVENTION SUPPLEMENT
10 STATE COST PER PUPIL. For the budget year beginning
11 July 1, 2009, for the early intervention supplement
12 state cost per pupil, the department of management
13 shall add together the early intervention allocation
14 made to each district for the fiscal year beginning
15 July 1, 2008, pursuant to section 256D.4, and divide
16 that sum by the statewide total budget enrollment for
17 the fiscal year beginning July 1, 2009. The early
18 intervention supplement state cost per pupil for the
19 budget year beginning July 1, 2010, and succeeding
20 budget years, shall be the amount calculated by the
21 department of management under this subsection for the
22 base year plus an allowable growth amount that is
23 equal to the early intervention supplement categorical
24 state percent of growth, pursuant to section 257.8,
25 subsection 1A, for the budget year, multiplied by the
26 amount calculated by the department of management
27 under this subsection for the base year.
28 NEW SUBSECTION. 9. AREA EDUCATION AGENCY TEACHER
29 SALARY SUPPLEMENT STATE COST PER PUPIL. For the
30 budget year beginning July 1, 2009, for the area

31 education agency teacher salary supplement state cost
 32 per pupil, the department of management shall add
 33 together the teacher compensation allocation made to
 34 each area education agency for the fiscal year
 35 beginning July 1, 2008, pursuant to section 284.13,
 36 subsection 1, paragraph "i", and the phase II
 37 allocation made to each area education agency for the
 38 fiscal year beginning July 1, 2008, pursuant to
 39 section 294A.9, and divide that sum by the statewide
 40 special education support services weighted enrollment
 41 for the fiscal year beginning July 1, 2009. The area
 42 education agency teacher salary supplement state cost
 43 per pupil for the budget year beginning July 1, 2010,
 44 and succeeding budget years, shall be the amount
 45 calculated by the department of management under this
 46 subsection for the base year plus an allowable growth
 47 amount that is equal to the teacher salary supplement
 48 categorical state percent of growth, pursuant to
 49 section 257.8, subsection 1A, for the budget year,
 50 multiplied by the amount calculated by the department

Page 18

1 of management under this subsection for the base year.
 2 **NEW SUBSECTION. 10. AREA EDUCATION AGENCY**
 3 **PROFESSIONAL DEVELOPMENT SUPPLEMENT STATE COST PER**
 4 **PUPIL.** For the budget year beginning July 1, 2009,
 5 for the area education agency professional development
 6 supplement state cost per pupil, the department of
 7 management shall add together the professional
 8 development allocation made to each area education
 9 agency for the fiscal year beginning July 1, 2008,
 10 pursuant to section 284.13, subsection 1, paragraph
 11 "d", and divide that sum by the statewide special
 12 education support services weighted enrollment for the
 13 fiscal year beginning July 1, 2009. The area
 14 education agency professional development supplement
 15 state cost per pupil for the budget year beginning
 16 July 1, 2010, and succeeding budget years, shall be
 17 the amount calculated by the department of management
 18 under this subsection for the base year plus an
 19 allowable growth amount that is equal to the
 20 professional development supplement categorical state
 21 percent of growth, pursuant to section 257.8,
 22 subsection 1A, for the budget year, multiplied by the
 23 amount calculated by the department of management
 24 under this subsection for the base year.
 25 Sec. ____. Section 257.10, subsection 8, unnumbered
 26 paragraph 1, Code 2007, is amended to read as follows:
 27 Combined district cost is the sum of the regular
 28 program district cost per pupil multiplied by the
 29 weighted enrollment, ~~and~~ the special education support

30 services district cost, the total teacher salary
31 supplement district cost, the total professional
32 development supplement district cost, and the total
33 early intervention supplement district cost, plus the
34 sum of the additional district cost allocated to the
35 district to fund media services and educational
36 services provided through the area education agency,
37 the area education agency total teacher salary
38 supplement district cost and the area education agency
39 total professional development supplement district
40 cost.

41 Sec. ____ Section 257.10, Code 2007, is amended by
42 adding the following new subsections:

43 NEW SUBSECTION. 9. TEACHER SALARY SUPPLEMENT COST
44 PER PUPIL AND DISTRICT COST.

45 a. For the budget year beginning July 1, 2009, the
46 department of management shall add together the
47 teacher compensation allocation made to each district
48 for the fiscal year beginning July 1, 2008, pursuant
49 to section 284.13, subsection 1, paragraph "h", and
50 the phase II allocation made to each district for the

Page 19

1 fiscal year beginning July 1, 2008, pursuant to
2 section 294A.9, and divide that sum by the district's
3 budget enrollment in the fiscal year beginning July 1,
4 2009, to determine the teacher salary supplement
5 district cost per pupil. For the budget year
6 beginning July 1, 2010, and succeeding budget years,
7 the teacher salary supplement district cost per pupil
8 for each school district for a budget year is the
9 teacher salary supplement program district cost per
10 pupil for the base year plus the teacher salary
11 supplement state allowable growth amount for the
12 budget year.

13 b. For the budget year beginning July 1, 2010, and
14 succeeding budget years, if the department of
15 management determines that the unadjusted teacher
16 salary supplement district cost of a school district
17 for a budget year is less than one hundred percent of
18 the unadjusted teacher salary supplement district cost
19 for the base year for the school district, the school
20 district shall receive a budget adjustment for that
21 budget year equal to the difference.

22 c. (1) The unadjusted teacher salary supplement
23 district cost is the teacher salary supplement
24 district cost per pupil for each school district for a
25 budget year multiplied by the budget enrollment for
26 that school district.

27 (2) The total teacher salary supplement district
28 cost is the sum of the unadjusted teacher salary

29 supplement district cost plus the budget adjustment
30 for that budget year.

31 d. The use of the funds calculated under this
32 subsection shall comply with the requirements of
33 chapters 284 and 294A and shall be distributed to
34 teachers pursuant to section 284.7.

35 NEW SUBSECTION. 10. PROFESSIONAL DEVELOPMENT
36 SUPPLEMENT COST PER PUPIL AND DISTRICT COST.

37 a. For the budget year beginning July 1, 2009, the
38 department of management shall divide the professional
39 development allocation made to each district for the
40 fiscal year beginning July 1, 2008, pursuant to
41 section 284.13, by the district's budget enrollment in
42 the fiscal year beginning July 1, 2009, to determine
43 the professional development supplement cost per
44 pupil. For the budget year beginning July 1, 2010,
45 and succeeding budget years, the professional
46 development supplement district cost per pupil for
47 each school district for a budget year is the
48 professional development supplement district cost per
49 pupil for the base year plus the professional
50 development supplement state allowable growth amount

Page 20

1 for the budget year.

2 b. For the budget year beginning July 1, 2010, and
3 succeeding budget years, if the department of
4 management determines that the unadjusted professional
5 development supplement district cost of a school
6 district for a budget year is less than one hundred
7 percent of the unadjusted professional development
8 supplement district cost for the base year for the
9 school district, the school district shall receive a
10 budget adjustment for that budget year equal to the
11 difference.

12 c. (1) The unadjusted professional development
13 supplement district cost is the professional
14 development supplement district cost per pupil for
15 each school district for a budget year multiplied by
16 the budget enrollment for that school district.
17 (2) The total professional development supplement
18 district cost is the sum of the unadjusted
19 professional development supplement district cost plus
20 the budget adjustment for that budget year.

21 d. The use of the funds calculated under this
22 subsection shall comply with the requirements of
23 chapter 284.

24 NEW SUBSECTION. 11. EARLY INTERVENTION SUPPLEMENT
25 COST PER PUPIL AND DISTRICT COST.

26 a. For the budget year beginning July 1, 2009, the
27 department of management shall divide the early

28 intervention allocation made to each district for the
29 fiscal year beginning July 1, 2008, pursuant to
30 section 256D.4, by the district's budget enrollment in
31 the fiscal year beginning July 1, 2009, to determine
32 the early intervention supplement cost per pupil. For
33 the budget year beginning July 1, 2010, and succeeding
34 budget years, the early intervention supplement
35 district cost per pupil for each school district for a
36 budget year is the early intervention supplement
37 district cost per pupil for the base year plus the
38 early development supplement state allowable growth
39 amount for the budget year.

40 b. For the budget year beginning July 1, 2010, and
41 succeeding budget years, if the department of
42 management determines that the unadjusted early
43 intervention supplement district cost of a school
44 district for a budget year is less than one hundred
45 percent of the unadjusted early intervention
46 supplement district cost for the base year for the
47 school district, the school district shall receive a
48 budget adjustment for that budget year equal to the
49 difference.

50 c. (1) The unadjusted early intervention

Page 21

1 supplement district cost is the early intervention
2 supplement district cost per pupil for each school
3 district for a budget year multiplied by the budget
4 enrollment for that school district.

5 (2) The total early intervention supplement
6 district cost is the sum of the unadjusted early
7 intervention supplement district cost plus the budget
8 adjustment for that budget year.

9 d. The use of the funds calculated under this
10 subsection shall comply with the requirements of
11 chapter 256D.

12 Sec. ____ Section 257.35, subsection 1, Code
13 Supplement 2007, is amended to read as follows:

14 1. The department of management shall deduct the
15 amounts calculated for special education support
16 services, media services, area education agency
17 teacher salary supplement district cost, area
18 education agency professional development supplement
19 district cost, and educational services for each
20 school district from the state aid due to the district
21 pursuant to this chapter and shall pay the amounts to
22 the respective area education agencies on a monthly
23 basis from September 15 through June 15 during each
24 school year. The department of management shall
25 notify each school district of the amount of state aid
26 deducted for these purposes and the balance of state

27 aid shall be paid to the district. If a district does
 28 not qualify for state aid under this chapter in an
 29 amount sufficient to cover its amount due to the area
 30 education agency as calculated by the department of
 31 management, the school district shall pay the
 32 deficiency to the area education agency from other
 33 moneys received by the district, on a quarterly basis
 34 during each school year.

35 Sec. ____ NEW SECTION. 257.37A AREA EDUCATION
 36 AGENCY SALARY SUPPLEMENT FUNDING.

37 1. AREA EDUCATION AGENCY TEACHER SALARY SUPPLEMENT
 38 COST PER PUPIL AND DISTRICT COST.

39 a. For the budget year beginning July 1, 2009, the
 40 department of management shall add together the
 41 teacher compensation allocation made to each area
 42 education agency for the fiscal year beginning July 1,
 43 2008, pursuant to section 284.13, subsection 1,
 44 paragraph "i", and the phase II allocation made to
 45 each area education agency for the fiscal year
 46 beginning July 1, 2008, pursuant to section 294A.9,
 47 and divide that sum by the special education support
 48 services weighted enrollment in the fiscal year
 49 beginning July 1, 2009, to determine the area
 50 education agency teacher salary supplement cost per

Page 22

1 pupil. For the budget year beginning July 1, 2010,
 2 and succeeding budget years, the area education agency
 3 teacher salary supplement district cost per pupil for
 4 each area education agency for a budget year is the
 5 area education agency teacher salary supplement
 6 district cost per pupil for the base year plus the
 7 area education agency teacher salary supplement state
 8 allowable growth amount for the budget year.

9 b. For the budget year beginning July 1, 2010, and
 10 succeeding budget years, if the department of
 11 management determines that the unadjusted area
 12 education agency teacher salary supplement district
 13 cost of an area education agency for a budget year is
 14 less than one hundred percent of the unadjusted area
 15 education agency teacher salary supplement district
 16 cost for the base year for the area education agency,
 17 the area education agency shall receive a budget
 18 adjustment for that budget year equal to the
 19 difference.

20 c. (1) The unadjusted area education agency
 21 teacher salary supplement district cost is the area
 22 education agency teacher salary supplement district
 23 cost per pupil for each area education agency for a
 24 budget year multiplied by the special education
 25 support services weighted enrollment for that area

26 education agency.

27 (2) The total area education agency teacher salary
28 supplement district cost is the sum of the unadjusted
29 area education agency teacher salary supplement
30 district cost plus the budget adjustment for that
31 budget year.

32 d. The use of the funds calculated under this
33 subsection shall comply with requirements of chapters
34 284 and 294A and shall be distributed to teachers
35 pursuant to section 284.7.

36 2. AREA EDUCATION AGENCY PROFESSIONAL DEVELOPMENT
37 SUPPLEMENT COST PER PUPIL AND DISTRICT COST.

38 a. For the budget year beginning July 1, 2009, the
39 department of management shall divide the area
40 education agency professional development supplement
41 made to each area education agency for the fiscal year
42 beginning July 1, 2008, pursuant to section 284.13, by
43 the special education support services weighted
44 enrollment in the fiscal year beginning July 1, 2009,
45 to determine the professional development supplement
46 cost per pupil. For the budget year beginning July 1,
47 2010, and succeeding budget years, the area education
48 agency professional development supplement district
49 cost per pupil for each area education agency for a
50 budget year is the area education agency professional

Page 23

1 development supplement district cost per pupil for the
2 base year plus the area education agency professional
3 development supplement state allowable growth amount
4 for the budget year.

5 b. For the budget year beginning July 1, 2010, and
6 succeeding budget years, if the department of
7 management determines that the unadjusted area
8 education agency professional development supplement
9 district cost of an area education agency for a budget
10 year is less than one hundred percent of the
11 unadjusted area education agency professional
12 development supplement district cost for the base year
13 for the area education agency, the area education
14 agency shall receive a budget adjustment for that
15 budget year equal to the difference.

16 c. (1) The unadjusted area education agency
17 professional development supplement district cost is
18 the area education agency professional development
19 supplement district cost per pupil for each area
20 education agency for a budget year multiplied by the
21 special education support services weighted enrollment
22 for that area education agency.

23 (2) The total area education agency professional
24 development supplement district cost is the sum of the

25 unadjusted area education agency professional
 26 development supplement district cost plus the budget
 27 adjustment for that budget year.

28 d. The use of the funds calculated under this
 29 subsection shall comply with requirements of chapter
 30 284.

31 Sec. ____ NEW SECTION. 257.51 CATEGORICAL STATE
 32 APPROPRIATIONS.

33 For the budget year beginning July 1, 2009, and
 34 succeeding budget years, if the general assembly makes
 35 an appropriation pursuant to section 284.13,
 36 subsection 1, paragraph "h" or "i", or for the phase
 37 II allocation pursuant to section 294A.9, or for
 38 professional development pursuant to section 284.13,
 39 subsection 1, paragraph "d", or for early intervention
 40 pursuant to section 256D.4, the department of
 41 management shall recalculate the formulas in section
 42 257.9, subsections 6 through 10; section 257.10,
 43 subsections 9, 10, and 11; and section 257.37A.

44 Sec. ____ Section 294A.9, Code 2007, is amended to
 45 read as follows:

46 294A.9 PHASE II PROGRAM.

47 1. Phase II is established to improve the salaries
 48 of teachers.

49 2. For each fiscal year beginning on or after July
 50 1, 1992, the per pupil amount upon which the phase II

Page 24

1 moneys are based is equal to the per pupil allocation
 2 plus supplemental allocations for the immediately
 3 preceding fiscal year.

4 3. The department of education shall certify the
 5 amounts of the allocations for each school district
 6 and area education agency to the department of
 7 administrative services and the department of
 8 administrative services shall make the payments to
 9 school districts and area education agencies.

10 4. If a school district has discontinued grades
 11 under section 282.7, subsection 1, or students attend
 12 school in another school district, under an agreement
 13 with the board of the other school district, the board
 14 of directors of the district of residence either shall
 15 transmit the phase II moneys allocated to the district
 16 for those students based upon the full-time equivalent
 17 attendance of those students to the board of the
 18 school district of attendance of the students or shall
 19 transmit to the board of the school district of
 20 attendance of the students a portion of the phase II
 21 moneys allocated to the district of residence based
 22 upon an agreement between the board of the resident
 23 district and the board of the district of attendance.

24 5. If a school district uses teachers under a
 25 contract between the district and the area education
 26 agency in which the district is located, the school
 27 district shall transmit to the employing area
 28 education agency a portion of its phase II allocation
 29 based upon the portion that the salaries of teachers
 30 employed by the area education agency and assigned to
 31 the school district for a school year bears to the
 32 total teacher salaries paid in the district for that
 33 school year, including the salaries of the teachers
 34 employed by the area education agency.

35 6. If the school district or area education agency
 36 is organized under chapter 20 for collective
 37 bargaining purposes, the board of directors and
 38 certified bargaining representative for the licensed
 39 employees shall mutually agree upon a formula for
 40 distributing the phase II allocation among the
 41 teachers.

42 7. For the school year beginning July 1, 1987,
 43 only, the parties shall follow the procedures
 44 specified in chapter 20 except that if the parties
 45 reach an impasse, neither impasse procedures agreed to
 46 by the parties nor sections 20.20 through 20.22 shall
 47 apply and the phase II allocation shall be divided as
 48 provided in section 294A.10. Negotiations under this
 49 section are subject to the scope of negotiations
 50 specified in section 20.9. If a board of directors

Page 25

1 and certified bargaining representative for licensed
 2 employees have not reached mutual agreement by July
 3 15, 1987, for the distribution of the phase II
 4 payment, section 294A.10 will apply.

5 8. If the school district or area education agency
 6 is not organized for collective bargaining purposes,
 7 the board of directors shall determine the method of
 8 distribution.

9 9. Subsections 2, 3, 4, and 7 are repealed June
 10 30, 2009.

11 Sec. ____ Section 294A.10, Code 2007, is amended
 12 by adding the following new subsection:

13 NEW SUBSECTION. 5. This section is repealed June
 14 30, 2009.

15 Sec. ____ Section 294A.22, Code 2007, is amended
 16 to read as follows:

17 294A.22 PAYMENTS.

18 1. Payments for each phase of the educational
 19 excellence program shall be made by the department of
 20 administrative services on a monthly basis commencing
 21 on October 15 and ending on June 15 of each fiscal
 22 year, taking into consideration the relative budget

23 and cash position of the state resources. The
 24 payments shall be separate from state aid payments
 25 made pursuant to sections 257.16 and 257.35. The
 26 payments made under this section to a school district
 27 or area education agency may be combined and a
 28 separate accounting of the amount paid for each
 29 program shall be included.

30 2. Any payments made to school districts or area
 31 education agencies under this chapter are
 32 miscellaneous income for purposes of chapter 257.

33 3. Payments made to a teacher by a school district
 34 or area education agency under this chapter are wages
 35 for the purposes of chapter 91A.

36 4. If funds appropriated are insufficient to pay
 37 phase II allocations in full, the department of
 38 administrative services shall prorate payments to
 39 school districts and area education agencies.

40 This subsection is repealed June 30, 2009.

41 Sec. ____ Section 294A.25, subsection 1, Code
 42 2007, is amended to read as follows:

43 1. For the fiscal ~~year~~ period beginning July 1,
 44 2003, and ~~for each succeeding year ending June 30,~~
 45 2009, there is appropriated each fiscal year from the
 46 general fund of the state to the department of
 47 education the amount of fifty-six million eight
 48 hundred ninety-one thousand three hundred thirty-six
 49 dollars to be used to improve teacher salaries. The
 50 moneys shall be distributed as provided in this

Page 26

1 section.

2 Sec. ____ Section 294A.25, Code 2007, is amended
 3 by adding the following new subsection:

4 NEW SUBSECTION. 1A. For the fiscal year beginning
 5 July 1, 2009, and for each succeeding year, there is
 6 appropriated from the general fund of the state to the
 7 department of education an amount not to exceed
 8 fifteen million six hundred thirty-three thousand two
 9 hundred forty-five dollars. The moneys shall be
 10 distributed as provided in this section.

11 Sec. ____ Section 294A.25, subsection 6, Code
 12 2007, is amended to read as follows:

13 6. Except as otherwise provided in this section,
 14 for the fiscal ~~year~~ period beginning July 1, 2003, and
 15 ~~succeeding fiscal years ending June 30, 2009~~, the
 16 remainder of moneys appropriated in subsection 1 to
 17 the department of education shall be deposited each
 18 fiscal year in the educational excellence fund to be
 19 allocated in an amount to meet the requirements of
 20 this chapter for phase I and phase II.

21 Sec. ____ Section 294A.25, Code 2007, is amended

22 by adding the following new subsection:
 23 **NEW SUBSECTION.** 6A. Except as otherwise provided
 24 in this section, for the fiscal year beginning July 1,
 25 2009, and succeeding fiscal years, the remainder of
 26 moneys appropriated in subsection 1 to the department
 27 of education shall be deposited in the educational
 28 excellence fund to be allocated in an amount to meet
 29 the requirements of this chapter for phase I.”
 30 43. By renumbering, redesignating, and correcting
 31 internal references as necessary.

FRANK B. WOOD

S-5432

1 Amend House File 2679, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 62, by inserting after line 19 the
 4 following:
 5 “DIVISION ____
 6 STATE UNIVERSITY TUITION RATES
 7 Sec. ____ Section 262.9, subsection 23, Code
 8 Supplement 2007, is amended to read as follows:
 9 23. Develop a policy and adopt rules ~~relating to~~
 10 ~~the establishment of tuition rates which provide a~~
 11 ~~predictable basis for assessing and anticipating~~
 12 ~~changes in providing that any person who does not meet~~
 13 ~~the residency requirements established by the board~~
 14 ~~for tuition and fee purposes, but whose parents both~~
 15 ~~graduated from an institution of higher education~~
 16 ~~governed by the board, shall be considered a resident~~
 17 ~~of the state for tuition rates and fee purposes.~~
 18 Sec. ____ **NEW SECTION.** 262.34C COLLEGE COSTS
 19 PREDICTABILITY PROGRAM.
 20 1. A college costs predictability program is
 21 created to be administered by the state board of
 22 regents for purposes of providing predictability in
 23 college tuition and fee costs throughout a resident
 24 freshman’s full-time pursuit of an undergraduate
 25 degree at an institution of higher learning under the
 26 control of the board.
 27 2. By December 1 annually, the board shall
 28 establish for each institution of higher learning
 29 under its control, a fixed rate tuition and fee plan
 30 for the following school year for resident first-time
 31 freshmen who enroll full-time in an undergraduate
 32 degree program. If a student continues to meet grade
 33 expectations established by rule by the board, the
 34 plan shall be in effect for the student until the
 35 student graduates with an undergraduate degree. While
 36 the plan is in effect for a student, the institution
 37 shall charge not more than the tuition and fee rate

38 established in the tuition and fee plan at the time
39 the student enrolled as a freshman. The average
40 annual rate of growth of the tuition and fees
41 established by the board for the fixed rate tuition
42 plan shall not exceed the percentage increase in the
43 most recently published higher education price index.
44 3. If the tuition and fees established by the
45 board for the fixed rate tuition and fee plan for the
46 next academic year are less than the tuition and fees
47 charged under the current or a prior academic year's
48 fixed rate tuition and fee plan, the board shall lower
49 the tuition and fees charged under the current or
50 prior fixed rate tuition plans which are in effect to

Page 2

1 the same rates established under the fixed rate
2 tuition and fee plan for the next academic year.
3 4. If a full-time resident student transfers from
4 one institution of higher learning under the control
5 of the board to another such institution, the
6 institution to which the student transfers shall
7 charge the student an amount for tuition and fees that
8 does not exceed the amount the student was charged
9 when the student enrolled as a first-time freshman at
10 the previous institution.
11 5. The plan shall continue in effect for a student
12 who, as a result of a hardship or other good cause
13 shown, is unable to meet grade expectations as a
14 full-time student in accordance with subsection 2,
15 even if the student must suspend enrollment or attend
16 part-time. For purposes of this subsection, hardship
17 or other good cause includes a showing of at least one
18 of the following:
19 a. A severe illness or other debilitating
20 condition that affects the student's ability to
21 satisfy the academic and attendance requirements of
22 the institution at which the student enrolled.
23 b. The student's responsibility for the care of a
24 sick, injured, or needy person if the provision of
25 care affects the student's ability to satisfy the
26 academic and attendance requirements of the
27 institution at which the student enrolled.
28 c. The student is unable to complete a degree
29 program as a full-time student because a course is
30 unavailable due to a lack of available classes or
31 class space.
32 d. The student, with the approval of the
33 institution, changes the student's major or degree
34 program and needs additional time to complete an
35 undergraduate degree in the new major or degree
36 program.

37 Sec. ____ TRANSITIONAL PROVISION. A resident
38 full-time student enrolled in an institution of higher
39 learning under the control of the state board of
40 regents during the 2008–2009 academic year shall be
41 allowed to participate in the fixed rate tuition and
42 fee plan established by the board in accordance with
43 section 262.34C for resident first-time freshmen who
44 enroll full-time in an undergraduate degree program
45 during the 2009–2010 academic year and shall be
46 considered a first-time freshman for purposes of the
47 plan.”

48 2. By renumbering as necessary.

JEFF ANGELO

S-5433

1 Amend the amendment, S-5415, to House File 2688, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 4, by inserting after the word
5 “division” the following: “, and all information
6 submitted by or gathered from or deduced from a
7 livestock producer or livestock operation pursuant to
8 a livestock odor mitigation evaluation under section
9 266.48 or section 459.303, subsection 3”.

10 2. Page 1, by striking lines 7 through 13 and
11 inserting the following: “exceptions of section 22.7.
12 In addition, the university or an agent or employee of
13 the university shall not release the name or location,
14 or any other information sufficient to identify the
15 name or location of any livestock producer or
16 livestock operation participating in a research
17 project or participating in a livestock odor
18 mitigation evaluation pursuant to section 266.48 or
19 section 459.303, subsection 3, and such information
20 shall not be subject to release pursuant to subpoena
21 or discovery in any civil proceeding, unless such
22 confidentiality is waived in writing by the livestock
23 producer. In addition, the university or an employee
24 or agent of the university shall release no other
25 information submitted by or gathered from or deduced
26 from a livestock producer or livestock operation
27 pursuant to a livestock odor mitigation evaluation
28 under section 266.48 or section 459.303, subsection 3,
29 unless such information is used in a research project,
30 which in turn shall not occur without the written
31 consent of the livestock producer. Any information
32 provided by, gathered from, or deduced from a
33 livestock producer or livestock operation in
34 connection with a research project or odor mitigation
35 evaluation that is in the possession of the livestock

36 producer or livestock operation shall not be subject
 37 to subpoena or discovery in any civil action against
 38 the producer.”
 39 3. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-5434

1 Amend the amendment, S-5431, to House File 2679, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 4, by striking line 20.
 5 2. By renumbering as necessary.

JERRY BEHN

S-5435

1 Amend the amendment, S-5431, to House File 2679, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, by striking line 31 and inserting the
 5 following:

6	““	\$	186,866,657”
7	2. By striking page 2, line 35, through page 2,		
8	line 49, and inserting the following:		
9	“a. Merged Area I	\$	9,259,703
10	b. Merged Area II	\$	9,960,237
11	c. Merged Area III	\$	9,148,978
12	d. Merged Area IV	\$	4,501,838
13	e. Merged Area V	\$	10,226,997
14	f. Merged Area VI	\$	8,765,112
15	g. Merged Area VII	\$	13,017,736
16	h. Merged Area IX	\$	16,231,050
17	i. Merged Area X	\$	28,650,902
18	j. Merged Area XI	\$	28,443,981
19	k. Merged Area XII	\$	10,686,061
20	l. Merged Area XIII	\$	10,902,678
21	m. Merged Area XIV	\$	4,558,682
22	n. Merged Area XV	\$	14,310,258
23	o. Merged Area XVI	\$	8,202,444”
24	Notwithstanding unnumbered paragraph 1 of this		
25	subsection and notwithstanding section 469.9, of the		
26	moneys appropriated in this subsection, the sum of		
27	\$6,404,243 is allocated from the moneys appropriated		
28	to the office of energy independence for deposit in		
29	the Iowa power fund for the fiscal year beginning July		
30	1, 2008, and ending June 30, 2009.”		

MARK ZIEMAN

S-5436

- 1 Amend the amendment, S-5431, to House File 2679, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, by striking lines 18 through 22.
- 5 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5437

- 1 Amend the amendment, S-5431, to House File 2679, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 10, line 47, by striking the word
- 5 "~~twenty~~" and inserting the following: "twenty".
- 6 2. Page 10, by striking line 48 and inserting the
- 7 following: "million dollars to".
- 8 3. Page 11, by striking lines 1 through 6 and
- 9 inserting the following: "The department shall
- 10 distribute".
- 11 4. By renumbering as necessary.

PAUL MCKINLEY

S-5438

- 1 Amend the amendment, S-5431, to House File 2679, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 8 through 23 and
- 5 inserting the following:
- 6 "“___. WASHINGTON, D.C., INTERNSHIP GRANT
- 7 For a grant to a national nonprofit organization
- 8 with over 30 years experience of assisting college
- 9 students to serve internships in Washington, D.C.,
- 10 helping place during the 2006-2007 academic year over
- 11 1,400 students from across the world in internships,
- 12 including over 40 students from Iowa colleges and
- 13 universities, in order to provide students enrolled in
- 14 Iowa accredited higher education institutions, as
- 15 defined in section 261.92, subsection 1, and is
- 16 participating in a one-semester internship opportunity
- 17 in Washington, D.C., with financial aid to offset
- 18 costs related to the internship:

19 \$	100,000
20 Up to 50 percent of the funds shall be dedicated to	
21 students participating in the two-to-one federal and	
22 state matching agricultural biofuels from biomass	
23 internship pilot program if the program is contained	

24 in federal legislation enacted and funded by Congress
 25 during the 2008–2009 fiscal year.””
 26 2. By renumbering as necessary.

FRANK B. WOOD

S-5439

HOUSE AMENDMENT TO
 SENATE FILE 2428

1 Amend Senate File 2428, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 19, by inserting after line 25 the
 4 following:
 5 “Sec. ____ Section 423.31, Code 2007, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 7. Notwithstanding any other
 8 provision of the Code to the contrary, the department
 9 shall not attempt to collect delinquent sales tax on a
 10 transaction that occurred more than five years from
 11 the date of any audit.”
 12 2. Page 23, by striking lines 4 through 6 and
 13 inserting the following:
 14 “(2) The remaining sixty percent shall be paid to
 15 the clerk of the district court each fiscal year for
 16 distribution under section 602.8108. However, if such
 17 amount, when added to the amount deposited into the
 18 general fund of the county pursuant to subparagraph
 19 (1), exceeds the following applicable threshold
 20 amount, the excess shall be distributed as provided in
 21 paragraph “d”.”
 22 3. Page 23, by striking lines 25 through 28.
 23 4. Page 23, line 30, by striking the words
 24 “threshold amount” and inserting the following:
 25 “distributions”.
 26 5. Page 23, lines 30 and 31, by striking the
 27 words “has been distributed”.
 28 6. Page 28, line 2, by inserting after the word
 29 “court” the following: “or the county attorney”.
 30 7. Title page, lines 4 and 5, by striking the
 31 words “county attorney collections” and inserting the
 32 following: “collection practices and costs”.
 33 8. By renumbering, relettering, or redesignating
 34 and correcting internal references as necessary.

S-5440

1 Amend House File 2687, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, lines 5 and 6, by striking the words

- 4 “or for a taxable year beginning on or after July 1,
5 2016”.
- 6 2. Page 5, line 14, by striking the word “twenty”
7 and inserting the following: “ten”.
- 8 3. Page 5, by striking lines 16 through 23 and
9 inserting the following:
- 10 “5. For the fiscal year beginning July 1, 2009,
11 the maximum amount of tax credits issued by the
12 department shall not exceed one million dollars. The
13 department shall not issue tax credits pursuant to
14 this section in subsequent fiscal years unless
15 authorized pursuant to this subsection.”
- 16 4. Page 5, line 26, by striking the figure
17 “2008,” and inserting the following: “2009, or after
18 June 30, 2010,”.
- 19 5. Page 6, by striking line 34.
- 20 6. Page 7, by striking line 20.
- 21 7. Page 7, line 23, by striking the word “a.”
- 22 8. Page 7, by striking line 28.
- 23 9. Page 8, line 17, by striking the word “and”.
- 24 10. Page 8, by striking line 20 and inserting the
25 following: “established by another state agency by
26 rule.”
- 27 11. Page 8, line 22, by striking the figure “1.”
- 28 12. Page 8, by striking line 25.
- 29 13. Page 8, line 28, by striking the word “a.”
- 30 14. Page 8, by striking line 31.
- 31 15. Page 8, line 34, by striking the word “a.”
- 32 16. Page 9, by striking line 2.
- 33 17. Page 9, line 4, by striking the figure “1.”
- 34 18. Page 9, by striking line 7.
- 35 19. Page 9, line 10, by striking the figure
36 “(1)”.
- 37 20. Page 9, by striking line 13.
- 38 21. Page 9, by striking lines 14 through 17.
- 39 22. Title page, lines 3 and 4, by striking the
40 words “, and including effective date and retroactive
41 applicability date provisions”.
- 42 23. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
JOE BOLKCOM, Chair

S-5441

- 1 Amend House File 2689, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 16 through 20.
- 4 2. Page 5, line 5, by striking the word
5 “thirty-five” and inserting the following:
6 “twenty-four”.
- 7 3. Page 5, line 10, by striking the word “five”

- 8 and inserting the following: “six”.
- 9 4. Page 5, lines 12 and 13, by striking the words
10 “seven thousand five hundred” and inserting the
11 following: “six thousand”.
- 12 5. Page 5, line 14, by striking the word “ten”
13 and inserting the following: “six”.
- 14 6. Page 5, lines 16 and 17, by striking the words
15 “twelve thousand five hundred” and inserting the
16 following: “six thousand”.
- 17 7. Page 5, line 34, by striking the words “or
18 dispense” and inserting the following: “and
19 dispense”.
- 20 8. Page 6, line 1, by striking the word “fifty”.
- 21 9. Page 7, line 21, by striking the word
22 “subsection” and inserting the following:
23 “subsections”.
- 24 10. Page 7, by inserting after line 21 the
25 following:
26 “NEW SUBSECTION. 21A. “Standard ethanol blended
27 gasoline” means ethanol blended gasoline for use in
28 gasoline-powered vehicles other than flexible fuel
29 vehicles, that meets the requirements of section
30 214A.2.”
- 31 11. Page 7, line 22, by striking the figure
32 “21A.” and inserting the following: “21B.”
- 33 12. Page 8, by inserting after line 34 the
34 following:
35 “(4) For standard ethanol blended gasoline, it
36 must be ethanol blended gasoline classified as any of
37 the following:
38 (a) E-9 or E-10, if the ethanol blended gasoline
39 meets the standards for that classification as
40 otherwise provided in this paragraph “b”.
41 (b) Higher than E-10, if authorized by the
42 department pursuant to approval for the use of that
43 classification of ethanol blended gasoline in this
44 state by the United States environmental protection
45 agency, by granting a waiver or the adoption of
46 regulations.”
- 47 13. Page 8, line 35, by striking the figure “(4)”
48 and inserting the following: “(5)”.
- 49 14. Page 10, line 16, by striking the word “E-10”
50 and inserting the following: “standard ethanol

Page 2

- 1 blended gasoline”.
- 2 15. Page 13, by striking lines 25 through 28.
- 3 16. Page 14, by inserting after line 2 the
4 following:
5 “Sec. ____ . Section 422.11P, subsection 2,
6 paragraph a, subparagraphs (1) and (2), Code

- 7 Supplement 2007, are amended to read as follows:
- 8 (1) The taxpayer is a retail dealer who sells and
9 dispenses biodiesel blended fuel through a motor fuel
10 pump located at a motor fuel site operated by the
11 retail dealer in the tax year in which the tax credit
12 is claimed.
- 13 (2) Of the total gallons of diesel fuel that the
14 retail dealer sells and dispenses through all motor
15 fuel pumps located at a motor fuel site operated by
16 the retail dealer during the retail dealer's tax year,
17 fifty percent or more is biodiesel blended fuel which
18 meets the requirements of this section."
- 19 17. Page 14, line 6, by striking the word
20 "taxpayer" and inserting the following: "retail
21 dealer".
- 22 18. Page 14, line 10, by inserting after the word
23 "pumps" the following: "located at a retail motor
24 fuel site".
- 25 19. Page 14, line 15, by inserting after the word
26 "taxpayer" the following: "in the same manner as
27 provided in section 422.11P".
- 28 20. Page 14, line 17, by striking the word
29 "RETROACTIVE" and inserting the following: "FUTURE".
- 30 21. Page 14, line 20, by striking the word
31 "retroactively".
- 32 22. Page 14, line 21, by striking the figure
33 "2008" and inserting the following: "2009".
- 34 23. By striking page 14, line 24, through page
35 16, line 9.
- 36 24. Page 19, line 18, by striking the word
37 "blended".
- 38 25. Page 19, line 20, by striking the word
39 "blended".
- 40 26. Page 20, line 6, by striking the word and
41 figures "January 30, 2009" and inserting the
42 following: "March 15, 2009".
- 43 27. Page 20, line 18, by striking the word
44 "blended".
- 45 28. Page 20, line 21, by striking the word
46 "blended".
- 47 29. Page 20, line 22, by striking the word
48 "blended".
- 49 30. Page 20, line 24, by striking the word
50 "blended".

Page 3

- 1 31. Page 20, lines 24 and 25, by striking the
2 words "and terminals storing biodiesel".
- 3 32. Page 20, line 28, by inserting after the
4 words "fuel vehicles" the following: "and diesel
5 powered vehicles".

- 6 33. Page 20, line 31, by striking the word and
 7 figures "October 1, 2008" and inserting the following:
 8 "December 15, 2008".
- 9 34. Title page, line 4, by striking the words
 10 "providing for the reporting of biofuels,".
- 11 35. Title page, lines 7 and 8, by striking the
 12 words "; including retroactive applicability".
- 13 36. By renumbering as necessary.

AMANDA RAGAN
 TOM HANCOCK
 DAVID JOHNSON
 NANCY J. BOETTGER
 EUGENE S. FRAISE

S-5442

- 1 Amend the House amendment, S-5439, to Senate File
 2 2428, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 3 through 11.

ROBERT E. DVORSKY

S-5443

- 1 Amend the House amendment, S-5439, to Senate File
 2 2428, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 10 and 11 and
 5 inserting the following: "transaction involving the
 6 furnishing of lawn care, landscaping, or tree trimming
 7 and removal services which occurred more than five
 8 years from the date of an audit."
 9 2. Page 1, line 32, by striking the words
 10 "'collection practices and costs'" and inserting the
 11 following: "'debt and tax collection practices and
 12 fees'".

ROBERT E. DVORSKY

S-5444

HOUSE AMENDMENT TO SENATE FILE 2160

- 1 Amend Senate File 2160, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 13, by inserting after the word
 4 "b." the following: "(1)".
 5 2. Page 1, line 27, by striking the words "not

6 participating in the initial determination".

7 3. Page 1, line 27, by inserting after the word
8 "shall" the following: "not".

9 4. Page 1, by inserting after line 28 the
10 following:

11 "(2) An accounting firm, agent, unemployment
12 insurance accounting firm, or other entity that
13 represents an employer in unemployment claim matters
14 and demonstrates a continuous pattern of failing to
15 participate in the initial determinations to award
16 benefits, as determined and defined by rule by the
17 department, shall be denied permission by the
18 department to represent any employers in unemployment
19 insurance matters. This subparagraph does not apply
20 to attorneys or counselors admitted to practice in the
21 courts of this state pursuant to section 602.10101."

22 5. Page 1, by inserting before line 29 the
23 following:

24 "Sec. ____ Section 96.14, subsection 2, paragraph
25 d, Code Supplement 2007, is amended to read as
26 follows:

27 d. A penalty shall not be less than ~~ten dollars~~
28 ~~for the first delinquent report or the first~~
29 ~~insufficient report not made sufficient within thirty~~
30 ~~days after a request to do so. The penalty shall not~~
31 ~~be less than twenty five dollars for the second~~
32 ~~delinquent or insufficient report, and not less than~~
33 ~~fifty thirty-five dollars for each delinquent or~~
34 ~~insufficient report thereafter, until four consecutive~~
35 ~~calendar quarters of reports are timely and~~
36 ~~sufficiently filed. Interest, penalties, and cost~~
37 shall be collected by the department in the same
38 manner as provided by this chapter for contributions.

39 Sec. ____ Section 96.14, subsection 2, Code
40 Supplement 2007, is amended by adding the following
41 new paragraph:

42 NEW PARAGRAPH. ee. If any tendered payment of any
43 amount due in the form of a check, draft, or money
44 order is not honored when presented to a financial
45 institution, any costs assessed to the department by
46 the financial institution and a fee of thirty dollars
47 shall be assessed to the employer.

48 Sec. ____ Section 96.14, Code Supplement 2007, is
49 amended by adding the following new subsection:

50 NEW SUBSECTION. 17. EMPLOYER SUBPOENA COST AND

Page 2

1 PENALTY. An employer who is served with a subpoena
2 pursuant to section 96.11, subsection 7, for the
3 investigation of an employer liability issue, to
4 complete audits, to secure reports, or to assess

5 contributions shall pay all costs associated with the
 6 subpoena, including service fees and court costs. The
 7 department shall penalize an employer in the amount of
 8 two hundred fifty dollars if that employer refused to
 9 honor a subpoena or negligently failed to honor a
 10 subpoena. The cost of the subpoena and any penalty
 11 shall be collected in the manner provided in section
 12 96.14, subsection 3.

13 Sec. ____ EFFECTIVE DATE. The sections of this
 14 Act amending section 96.14 take effect January 1,
 15 2009.”

16 6. Title page, line 2, by inserting after the
 17 word “adjudications” the following: “and unemployment
 18 insurance tax penalties, and providing an effective
 19 date”.

S-5445

1 Amend the amendment, S-5441, to House File 2689, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by inserting after line 20 the
 5 following:

6 “____. Page 6, line 2, by inserting after the word
 7 “less.” the following: “However, a person shall not
 8 be awarded moneys under this subparagraph if the
 9 person has been awarded a total of eight hundred
 10 thousand dollars under this subparagraph during any
 11 period of time and pursuant to all cost-share
 12 agreements in which the person participates.””

AMANDA RAGAN
 DAVID JOHNSON
 TOM HANCOCK
 NANCY J. BOETTGER
 EUGENE S. FRAISE

S-5446

HOUSE AMENDMENT TO SENATE FILE 2132

1 Amend Senate File 2132, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 7 and
 4 inserting the following:

5 “1. Seized property ~~which is no longer required as~~
 6 ~~evidence or for use in an investigation~~ shall be
 7 returned to the owner, ~~provided that the person’s~~
 8 ~~possession of the property is not prohibited by law~~
 9 ~~and there is no forfeiture claim filed on behalf of~~

10 ~~the state if the property is no longer required as~~
 11 ~~evidence or the property has been photographed and the~~
 12 ~~photograph will be used as evidence in lieu of the~~
 13 ~~property, if the property is no longer required for~~
 14 ~~use in an investigation, if the owner's possession is~~
 15 ~~not prohibited by law, and if a forfeiture claim has~~
 16 ~~not been filed on behalf of the state."~~

17 2. Page 1, line 8, by inserting before the word
 18 "value" the following: "aggregate fair market".

19 3. Page 1, line 21, by inserting before the word
 20 "value" the following: "aggregate fair market".

21 4. Page 2, line 22, by inserting before the word
 22 "value" the following: "aggregate fair market".

23 5. Page 2, line 28, by inserting after the word
 24 "firearms" the following: "~~and ammunition, if not~~
 25 ~~forfeited pursuant to chapter 809A, shall be disposed~~
 26 ~~of by the department of public safety or the~~
 27 ~~department of natural resources pursuant to section~~
 28 ~~809.21."~~

29 6. Page 2, line 29, by inserting before the word
 30 "value" the following: "aggregate fair market".

31 7. By striking page 2, line 33, through page 3,
 32 line 1, and inserting the following:

33 (3) Notwithstanding subparagraph (2), firearms or
 34 ammunition with an aggregate fair market value equal
 35 to or less than five hundred dollars shall be
 36 deposited with the department of public safety. The
 37 firearms or ammunition may be held by the department
 38 of public safety and be used for law enforcement,
 39 testing, or comparisons by the criminalistics
 40 laboratory, or may be destroyed or disposed of by the
 41 department of public safety in accordance with section
 42 809.21."

S-5447

HOUSE AMENDMENT TO SENATE FILE 2203

1 Amend Senate File 2203, as passed by the Senate, as
 2 follows:

3 1. Page 1, by striking lines 1 through 9 and
 4 inserting the following:

5 "Sec. ____ Section 717D.1, subsection 8, Code
 6 2007, is amended to read as follows:

7 8. "Spectator" means a person who attends an
 8 establishment ~~for purposes of witnessing~~ knowingly to
 9 watch or observe a contest event.

10 Sec. ____ Section 717D.2, subsection 9, Code 2007,
 11 is amended to read as follows:

12 9. Gambling at a contest event conducted in this
 13 state, including but not limited to wagering on the

14 outcome of a contest involving animals.
 15 10. Act as a spectator of a contest event
 16 conducted in this state, regardless of whether the
 17 person paid admission to witness the contest event.
 18 Sec. ____ Section 717D.4, Code 2007, is amended to
 19 read as follows:
 20 717D.4 PENALTIES.
 21 1. Except as provided in ~~subsection 2~~ section
 22 717D.2, subsection 10, a person who violates a
 23 provision of this chapter ~~is guilty of~~ commits a class
 24 “D” felony.
 25 2. A person who violates section 717D.2,
 26 subsection 10, by acting as a spectator of a contest
 27 event conducted in this state ~~is guilty of an~~ commits
 28 the following:
 29 a. An aggravated misdemeanor for the first
 30 offense.
 31 b. A class “D” felony for a second or subsequent
 32 offense.”
 33 2. By renumbering as necessary.

S-5448

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2679

1 Amend the Senate amendment, H-8652, to House File
 2 2679, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 3, by inserting after line 7 the
 5 following:
 6 “____. Page 16, line 8, by striking the words “,
 7 the state board of regents.”
 8 ____ Page 3, by inserting before line 8 the
 9 following:
 10 ____ Page 16, by inserting after line 17 the
 11 following:
 12 “Sec. ____ DEPARTMENT OF EDUCATION — LIAISON
 13 ADVISORY COMMITTEE ON TRANSFER STUDENTS. The
 14 department of education shall convene a liaison
 15 advisory committee on transfer students to study
 16 articulation and transferability issues, measures, and
 17 agreements. The advisory committee shall be comprised
 18 of three persons representing the community colleges
 19 and a representative from each of the institutions of
 20 higher learning governed by the state board of
 21 regents. The department shall provide staffing
 22 assistance to the committee. The advisory committee
 23 shall submit a progress report to the general assembly
 24 by January 15, 2009. The progress report shall
 25 include a history of articulation between the

26 community college and regents universities, the number
 27 of statewide and institution-to-institution
 28 articulation agreements in place currently, and the
 29 advisory committee's recommendations."
 30 2. By renumbering as necessary.

S-5449

1 Amend Senate File 2432 as follows:
 2 1. Page 6, by striking lines 18 through 25.
 3 2. Page 6, line 26, by striking the word "d." and
 4 inserting the following: "c."
 5 3. By striking page 9, line 33 through page 10,
 6 line 1 and inserting the following:
 7 "c. For a grant to a city with a population of
 8 more than 30,500 but less than 31,500, according to
 9 the 2006 estimate issued by the United States bureau
 10 of the census, notwithstanding section 8.57,
 11 subsection 6, paragraph "c":
 12 4. Page 10, by inserting after line 22 the
 13 following:
 14 "____. DEPARTMENT OF PUBLIC HEALTH
 15 For a grant to an existing national affiliated
 16 volunteer eye organization that has an established
 17 program for children and adults and that is solely
 18 dedicated to preserving sight and preventing blindness
 19 through education, nationally certified vision
 20 screening and training, community and patient service
 21 programs, notwithstanding section 8.57, subsection 6,
 22 paragraph "c":
 23 \$ 130,000"
 24 5. Page 11, line 6, by inserting after the word "industry"
 25 the following: "institute".
 26 6. Page 15, line 11, by striking the word "propose" and
 27 inserting the following: "purpose".
 28 7. Page 23, by striking lines 14 through 28 and inserting
 29 the following:
 30 "a. For the planning, design, and construction of a new state
 31 office building, including costs associated with the furnishing
 32 of the building:
 33 \$ 20,000,000"
 34 The location, design, plans and specifications, and
 35 occupants of the building shall be determined jointly
 36 by the executive council and the department of
 37 administrative services in consultation with the
 38 capitol planning commission following an analysis of
 39 space needs to be completed no later than January 1,
 40 2009. Recommendations for design, plans and
 41 specifications, and occupants shall be presented to
 42 the general assembly and the governor for approval by
 43 the start of the 2009 legislative session."
 44 8. Page 33, line 25, by inserting after the

45 figure “13,” the following: “unnumbered paragraph
46 2.”.

47 9. Page 33, by striking lines 28 through 32.

48 10. By striking page 34, line 7, through page 35,
49 line 9, and inserting the following:

50 “Sec. ____ 2006 Iowa Acts, chapter 1179, section

Page 2

1 5, as amended by 2007 Iowa Acts, chapter 219, section
2 22, is amended to read as follows:

3 SEC. 5. DEPARTMENT OF ADMINISTRATIVE SERVICES.

4 There is appropriated from the rebuild Iowa
5 infrastructure fund to the department of
6 administrative services for the designated fiscal
7 years, the following amounts, or so much thereof as is
8 necessary, to be used for the purposes designated:

9 For planning, design, and construction ~~costs~~
10 ~~associated with the construction of a new~~
11 ~~approximately 350,000 gross square foot state office~~
12 ~~building, including costs associated with furnishings,~~
13 ~~employee relocation, and the demolition of the Wallace~~
14 ~~Building furnishing the building:~~

15	FY 2007–2008	\$	3,600,000
16	FY 2008–2009	\$	23,300,000
17			<u>0</u>
18	FY 2009–2010	\$	12,657,100

19 The location, design, plans and specifications, and
20 occupants of the building shall be determined jointly
21 by the executive council and the department of
22 administrative services in consultation with the
23 capitol planning commission following an analysis of
24 space needs to be completed no later than January 1,
25 2009. Recommendations for the design, plans and
26 specifications, and occupants shall be presented to
27 the general assembly and the governor for approval by
28 the start of the 2009 legislative session.

29 Notwithstanding section 8.33, moneys appropriated
30 in this section shall not revert at the close of the
31 fiscal year for which they were appropriated but shall
32 remain available for the purposes designated until the
33 close of the fiscal year that begins July 1, 2011, or
34 until the project for which the appropriation was made
35 is completed, whichever is earlier.

36 The design specifications of the new state office
37 building shall include, at a minimum, energy
38 efficiency specifications that exceed state building
39 code requirements and have the potential for
40 leadership in energy and environmental design silver
41 certification from the United States green building
42 council.”

43 11. Page 39, by striking lines 5 through 10.

- 44 12. Page 42, by striking lines 15 through 35.
45 13. Page 49, line 25, by inserting after the word
46 “economy.” the following: “The department’s annual
47 project status report satisfies the reporting
48 requirement contained in this section.”
49 14. By renumbering as necessary.

MATT McCOY

S-5450

- 1 Amend House File 2700, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 43, line 25, through page 45,
4 line 5.

MICHAEL CONNOLLY

S-5451

HOUSE AMENDMENT TO
SENATE FILE 2424

- 1 Amend Senate File 2424, as passed by the Senate, as
2 follows:
3 1. Page 31, by inserting after line 20 the
4 following:
5 “Sec. __. Section 97B.80C, subsection 3, Code
6 2007, is amended by adding the following new
7 paragraph:
8 NEW PARAGRAPH. cc. For a member making
9 contributions for a purchase of permissive service
10 credit for qualified service as described in
11 subsection 1, paragraph “c”, subparagraph (1),
12 subparagraph subdivision (h), in which, prior to July
13 1, 1998, the member received a refund of the member’s
14 accumulated contributions and subsequently returned to
15 covered employment as a full-time employee for whom
16 coverage under this chapter was mandatory the member
17 shall receive a credit against the actuarial cost of
18 the service purchase equal to the amount of the
19 member’s employer’s accumulated contributions which
20 were not paid to the member as a refund pursuant to
21 section 97B.53 plus interest as calculated pursuant to
22 section 97B.70.”
23 2. Page 33, by inserting after line 13 the
24 following:
25 “4. The section of this Act enacting section
26 97B.80C, subsection 3, paragraph cc, takes effect
27 January 1, 2009.”
28 3. Page 36, by inserting after line 10 the

29 following:

30 “Sec. ___ Section 411.15, Code 2007, is amended to
31 read as follows:

32 411.15 HOSPITALIZATION AND MEDICAL ATTENTION.

33 Cities shall provide hospital, nursing, and medical
34 attention for the members of the police and fire
35 departments of the cities, when injured while in the
36 performance of their duties as members of such
37 department, and shall continue to provide hospital,
38 nursing, and medical attention for injuries or
39 diseases incurred while in the performance of their
40 duties for members receiving a retirement allowance
41 under section 411.6, subsection 6. Cities may ~~provide~~
42 fund the cost of the hospital, nursing, and medical
43 attention required by this section through the
44 purchase of insurance, by self-insuring the
45 obligation, or through payment of moneys into a local
46 government risk pool established for the purpose of
47 covering the costs associated with the requirements of
48 this section. ~~However, the cost of the hospital,~~
49 ~~nursing, and medical attention required by this~~
50 ~~section shall not be funded through an employee-paid~~

Page 2

1 health insurance policy. The cost of ~~providing~~ the
2 hospital, nursing, and medical attention required by
3 this section shall be paid from moneys held in a trust
4 and agency fund established pursuant to section 384.6,
5 or out of the appropriation for the department to
6 which the injured person belongs or belonged; provided
7 that any amounts received by the injured person ~~under~~
8 ~~the workers' compensation law of the state, or from~~
9 any other source for such specific purposes, shall be
10 deducted from the amount paid by the city under the
11 provisions of this section.”

12 4. By renumbering as necessary.

S-5452

1 Amend House File 2700, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 29, by inserting after line 22 the
4 following:

5 “Sec. ___. Section 252B.5, subsection 3, Code
6 Supplement 2007, is amended to read as follows:

7 3. Aid in enforcing through court or
8 administrative proceedings an existing court order for
9 support issued pursuant to chapter 252A, 252C, 252F,
10 598, or 600B, or any other chapter under which child
11 or medical support is granted. Enforcement shall
12 include the calculation and collection of interest

13 pursuant to section 535.3, with payments first applied
14 to accrued arrearages before being applied to
15 interest. Application of payments shall be to the
16 earliest arrearage first. The director may enter into
17 a contract with a private collection agency to collect
18 support payments for cases which have been identified
19 by the department as difficult collection cases if the
20 department determines that this form of collection is
21 more cost-effective than departmental collection
22 methods. The department shall utilize, to the maximum
23 extent possible, every available automated process to
24 collect support payments prior to referral of a case
25 to a private collection agency. A private collection
26 agency with whom the department enters a contract
27 under this subsection shall comply with state and
28 federal confidentiality requirements and debt
29 collection laws. The director may use a portion of
30 the state share of funds collected through this means
31 to pay the costs of any contract authorized under this
32 subsection.”
33 2. By renumbering as necessary.

JEFF ANGELO
HERMAN C. QUIRMBACH

S-5453

1 Amend House File 2700, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 45, by inserting before line 33 the
4 following:
5 “Sec. ____ 2008 Iowa Acts, House File 2689,
6 section 28, subsection 3, if enacted, is amended to
7 read as follows:
8 ~~3. In order to participate in the renewable fuel~~
9 ~~infrastructure program for retail motor fuel sites as~~
10 ~~provided in this section, a person must apply to the~~
11 ~~department of economic development as provided in~~
12 ~~section 15G.203, as amended by this Act, not later~~
13 ~~than December 31, 2008.”~~
14 2. Page 47, by inserting after line 22 the
15 following:
16 “Sec. ____ EFFECTIVE DATE. The section of this
17 division of this Act amending 2008 Iowa Acts, House
18 File 2689, being deemed of immediate importance, takes
19 effect upon enactment.”
20 3. By renumbering as necessary.

MARY A. LUNDBY

S-5454

1 Amend House File 2700, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 17, by inserting after line 28 the
4 following:
5 “Sec. ___. BONUS PAY — STUDY COMMITTEE.
6 1. As used in this section unless the context
7 otherwise requires, “bonus pay” means any additional
8 remuneration provided to an employee in the form of a
9 bonus, including but not limited to a retention bonus,
10 recruitment bonus, exceptional job performance pay,
11 extraordinary job performance pay, exceptional
12 performance pay, extraordinary duty pay, extraordinary
13 or special duty pay, advanced appointment rate,
14 incentive pay, and any extra benefit not otherwise
15 provided to other similarly situated employees.
16 2. Unless otherwise authorized by law or required
17 pursuant to a collective bargaining agreement, a state
18 employee shall not, in addition to a salary, receive
19 any bonus pay during or for work done during the
20 fiscal year beginning July 1, 2008.
21 3. The legislative council is requested to
22 establish a study committee for the 2008 legislative
23 interim to develop guidelines for the granting of
24 bonus pay. Membership of the committee should consist
25 of the following:
26 a. Five voting members from the senate.
27 b. Seven voting members from the house of
28 representatives.
29 c. One nonvoting member representing the
30 department of administrative services appointed by the
31 director of the department.
32 d. One nonvoting member representing the office of
33 governor appointed by the governor.”

JEFF ANGELO

S-5455

1 Amend House File 2700, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 17, by inserting after line 30 the
4 following:
5 “Sec. ___. Section 2.45, Code 2007, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 6. The legislative common sense
8 committee of the legislative council composed of
9 members designated by the legislative council to serve
10 as a joint committee of the general assembly. In
11 addition to the duties assigned by the legislative

12 council, the committee shall review bills, amendments,
 13 and other legislative proposals in order to recommend
 14 amendments or otherwise revise the items reviewed by
 15 applying sound and prudent judgment based on a simple
 16 perception of the situation or facts. The committee
 17 may submit bills or amendments for consideration by
 18 one or both chambers of the general assembly at any
 19 time a chamber is in session, notwithstanding any
 20 provision to the contrary.”
 21 2. By renumbering as necessary.

JEFF ANGELO

S-5456

1 Amend House File 2700, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 24, line 32, through page 25,
 4 line 18.
 5 2. By renumbering as necessary.

JACK HATCH
 JOE BOLKCOM

S-5457

1 Amend House File 2700, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 54, by inserting before line 22 the
 4 following:
 5 “DIVISION ____
 6 PERMITS TO CARRY WEAPONS
 7 Sec. ____ Section 229.24, subsection 1, Code 2007,
 8 is amended to read as follows:
 9 1. ~~All~~ Except as otherwise provided in this
 10 section, all papers and records pertaining to any
 11 involuntary hospitalization or application for
 12 involuntary hospitalization of any person under this
 13 chapter, whether part of the permanent record of the
 14 court or of a file in the department of human
 15 services, are subject to inspection only upon an order
 16 of the court for good cause shown. ~~Nothing in this~~
 17 This section shall not prohibit a hospital from
 18 complying with the requirements of this chapter and of
 19 chapter 230 relative to financial responsibility for
 20 the cost of care and treatment provided a patient in
 21 that hospital, ~~nor~~ or from properly billing any
 22 responsible relative or third-party payer for such
 23 care and treatment.
 24 Sec. ____ Section 229.24, Code 2007, is amended by
 25 adding the following new subsection:

26 NEW SUBSECTION. 4. The clerk of the district
27 court shall provide to the department of public safety
28 notice of all adjudications of persons involuntarily
29 committed to a mental institution for inpatient or
30 outpatient or other appropriate treatment by reason of
31 serious mental impairment under this chapter. Such
32 notice shall only be used by the department to submit
33 information to the national instant criminal
34 background system maintained by the federal bureau of
35 investigation and shall otherwise remain confidential.
36 Sec. ____ Section 724.7, Code 2007, is amended to
37 read as follows:
38 **724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.**
39 ~~Any~~ A person ~~who can reasonably justify going armed~~
40 ~~may~~ shall be issued a nonprofessional permit to carry
41 weapons. Such permits shall be on a form prescribed
42 and published by the commissioner of public safety,
43 which shall be readily distinguishable from the
44 professional permit, and shall identify the holder
45 thereof, and state the reason for the issuance of the
46 permit, and the limits of the authority granted by
47 such permit. All permits so issued shall be for a
48 definite period as established by the issuing officer,
49 but in no event shall exceed a period of twelve
50 months.

Page 2

1 Sec. ____ Section 724.8, Code 2007, is amended to
2 read as follows:
3 **724.8 PERSONS ELIGIBLE FOR PERMIT TO CARRY**
4 **WEAPONS.**
5 ~~No~~ A person shall ~~not~~ be issued a professional or
6 nonprofessional permit to carry weapons unless:
7 1. The person is eighteen years of age or older
8 for a professional permit or twenty-one years or older
9 for a nonprofessional permit.
10 2. The person has never been convicted of a
11 felony.
12 3. The person is not addicted to the use of
13 alcohol or any controlled substance.
14 4. The person has no history of repeated acts of
15 violence.
16 5. The issuing officer reasonably determines that
17 the applicant does not constitute a danger to any
18 person.
19 6. The person has never been convicted of any
20 crime defined in chapter 708, except "assault" as
21 defined in section 708.1 and "harassment" as defined
22 in section 708.7.
23 7. The person has not been committed to a mental
24 institution for purposes of 18 U.S.C. § 922 (g)(4).

25 8. The person is not subject to a protective order
 26 pursuant to 18 U.S.C. § 922(g)(8) and has not been
 27 convicted of a misdemeanor crime of domestic violence
 28 pursuant to 18 U.S.C. § 922(g)(9). It is the intent
 29 of the general assembly that violations of these
 30 federal laws be strictly enforced in the courts of
 31 this state.

32 Sec. ____ Section 724.9, Code 2007, is amended to
 33 read as follows:

34 724.9 ~~FIREARM~~ FIREARMS TRAINING PROGRAM.

35 A training program to qualify persons in the safe
 36 use of firearms shall be provided by the issuing
 37 officer of permits, as provided in section 724.11.

38 1. The commissioner of public safety shall
 39 establish minimum standards for a training program
 40 designed to qualify persons in the safe use of
 41 firearms and shall include a course of instruction
 42 designed to qualify a person on a firing range. The
 43 course of instruction shall be limited to a maximum of
 44 six hours in length. The course of instruction shall
 45 include all of the following:

46 a. Firearms safety in the classroom, at home, on
 47 the firing range, and while carrying the firearm.
 48 b. A physical demonstration performed by the
 49 applicant that demonstrates the applicant's ability to
 50 safely load and unload a revolver or a semiautomatic

Page 3

1 pistol and the applicant's marksmanship.
 2 c. The basic principles of marksmanship.
 3 d. The law relating to firearms pursuant to this
 4 chapter.
 5 e. The law relating to the justifiable use of
 6 force pursuant to chapter 704.
 7 f. A live fire shooting test administered to an
 8 applicant pursuant to section 724.9A.
 9 2. The commissioner of public safety shall approve
 10 the training program, and the county sheriff or the
 11 commissioner of public safety conducting the training
 12 program within their respective jurisdictions may
 13 contract with a private organization or use the
 14 services of other agencies, or may use a combination
 15 of the two, to provide ~~such~~ a training program that
 16 meets the standards specified in subsection 1. Any
 17 person eligible to be issued a permit to carry weapons
 18 may enroll in such course. A fee sufficient to cover
 19 the cost of the program may be charged to each person
 20 attending. Certificates of completion, on a form
 21 prescribed and published by the commissioner of public
 22 safety, shall be issued by a qualified firearms safety
 23 instructor subject to the restrictions of section

24 724.9B to each person who successfully completes the
 25 program. ~~No~~ A person shall not be issued either a
 26 professional or nonprofessional permit unless the
 27 person has received a certificate of completion or is
 28 a certified peace officer. ~~No~~ A peace officer or
 29 correctional officer, except a certified peace
 30 officer, shall not go armed with a pistol or revolver
 31 unless the officer has received a certificate of
 32 completion, provided that this requirement shall not
 33 apply ~~to persons who are employed in this state as~~
 34 ~~peace officers on January 1, 1978 until July 1, 1978,~~
 35 ~~or~~ to peace officers of other jurisdictions exercising
 36 their legal duties within this state.
 37 Sec. ____ NEW SECTION. 724.9A LIVE FIRE SHOOTING
 38 TEST.

39 1. A live fire shooting test shall be administered
 40 in the presence of a firearms safety instructor
 41 qualified under section 724.9C to an applicant for a
 42 nonprofessional permit to carry weapons. The live
 43 fire shooting test shall consist of thirty rounds
 44 fired from a standing position or its equivalent at a
 45 distance from a B-27 silhouette target or an FBI "Q"
 46 target, ten rounds fired from a distance of five
 47 yards, ten rounds fired from a distance of seven
 48 yards, and ten rounds fired from a distance of ten
 49 yards. Two sets of five rounds shall be fired
 50 consecutively at each designated distance and each

Page 4

1 five-round string shall be fired within thirty
 2 seconds. Twenty-one of the rounds fired must strike
 3 either the eight-ring on the B-27 target or the
 4 smallest FBI "Q" target to pass the live fire shooting
 5 test.

6 2. An applicant for a nonprofessional permit to
 7 carry weapons may attempt to pass the live fire
 8 shooting test administered pursuant to subsection 1 up
 9 to three times in one day but must pass the shooting
 10 test within two weeks of completing a firearms
 11 training program pursuant to section 724.9. An
 12 applicant who fails the live fire shooting test within
 13 the requisite two-week period shall be required to
 14 retake the firearms training program prior to again
 15 attempting to pass the live fire shooting test.

16 3. The provisions of this section shall be
 17 implemented uniformly throughout the state and shall
 18 constitute the statewide standard for the course of
 19 instruction qualifying a person to shoot on a firing
 20 range pursuant to section 724.9.

21 Sec. ____ NEW SECTION. 724.9B CERTIFICATE OF
 22 COMPLETION.

23 A qualified firearms safety instructor shall not
24 issue a certificate of completion to an applicant for
25 a permit to carry weapons who does any of the
26 following:
27 1. Fails to demonstrate the requisite knowledge
28 and technique regarding the proper handling of a
29 firearm.
30 2. Handles a firearm in a manner that, in the
31 judgment of the qualified firearms safety instructor,
32 poses a danger to the applicant or others.
33 3. Fails the live fire shooting test pursuant to
34 the requirements specified in section 724.9A.
35 Sec. ____ NEW SECTION. 724.9C QUALIFIED FIREARMS
36 SAFETY INSTRUCTOR.
37 A firearms safety instructor shall be considered to
38 be a qualified firearms safety instructor if the
39 instructor has any of the following qualifications:
40 1. Is a valid firearms safety instructor certified
41 by the national rifle association holding a rating as
42 a personal protection instructor or pistol
43 marksmanship instructor.
44 2. Submits a photocopy of a certificate of
45 completion of a firearms safety instructor course
46 offered by a local, state, or federal governmental
47 agency and approved by the department of public
48 safety.
49 3. Submits a photocopy of a certificate of
50 completion of a firearms safety instructor course

Page 5

1 approved by the department of public safety.
2 4. Has successfully completed a firearms safety
3 instructor course given by or under the supervision of
4 any state, county, municipal, or federal enforcement
5 agency.
6 5. Is a certified police officer firearms safety
7 instructor.
8 6. Is a certified law enforcement academy firearms
9 safety instructor.
10 Sec. ____ Section 724.11, Code 2007, is amended to
11 read as follows:
12 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.
13 1. Applications for permits to carry weapons shall
14 be made to the sheriff of the county in which the
15 applicant resides. Applications from persons who are
16 nonresidents of the state, or whose need to go armed
17 arises out of employment by the state, shall be made
18 to the commissioner of public safety. In either case,
19 the issuance of the permit shall be by and at the
20 discretion of the sheriff or commissioner, who shall,
21 before issuing the permit, determine that the

22 requirements of sections 724.6 to 724.10 have been
 23 satisfied. However, the training program requirements
 24 in section 724.9 ~~may shall~~ be waived for renewal
 25 permits. If the sheriff or the commissioner restricts
 26 or denies an application for a permit under this
 27 section, the sheriff or commissioner shall provide a
 28 written statement of the reasons for the restriction
 29 or the denial to the applicant by certified mail
 30 within fifteen working days of the filing of the
 31 application.

32 2. The issuing officer shall collect a fee of ten
 33 dollars, except from a duly appointed peace officer or
 34 correctional officer, for each permit issued. Renewal
 35 permits or duplicate permits shall be issued for a fee
 36 of five dollars. The issuing officer shall notify the
 37 commissioner of public safety of the issuance of any
 38 permit at least monthly and forward to the
 39 commissioner an amount equal to two dollars for each
 40 permit issued and one dollar for each renewal or
 41 duplicate permit issued. All such fees received by
 42 the commissioner shall be paid to the treasurer of
 43 state and deposited in the operating account of the
 44 department of public safety to offset the cost of
 45 administering this chapter. Any unspent balance as of
 46 June 30 of each year shall revert to the general fund
 47 as provided by section 8.33.

48 Sec. ____ NEW SECTION. 724.11A RECIPROACITY.
 49 A person possessing a valid permit issued by
 50 another state to carry a weapon shall be entitled to

Page 6

1 the privileges and subject to the restrictions
 2 prescribed in this chapter provided the state that
 3 issued the license has eligibility and training
 4 requirements that are equal to or greater than the
 5 eligibility and training requirements prescribed by
 6 this chapter. The department of public safety shall
 7 determine which states qualify as reciprocal states,
 8 shall maintain an up-to-date list of such states, and
 9 shall post such information on the department's
 10 internet site.

11 Sec. ____ NEW SECTION. 724.14 IMMUNITY.
 12 The sheriff or the commissioner of public safety
 13 shall not be liable for damages in any civil action
 14 arising from the alleged wrongful issuance, renewal,
 15 or failure to revoke a permit to carry weapons
 16 provided that the sheriff or the commissioner acted
 17 reasonably and in good faith and in accordance with
 18 the provisions of this chapter in carrying out the
 19 sheriff's or the commissioner's official duties.

20 Sec. ____ EFFECTIVE DATE. The sections of this

21 division of this Act amending section 229.24 take
 22 effect January 1, 2009.”
 23 2. By renumbering as necessary.

RON WIECK
 DAVID JOHNSON
 JERRY BEHN
 JOHN PUTNEY
 NANCY J. BOETTGER
 PAUL McKINLEY
 DAVID L. HARTSUCH
 STEVE KETTERING
 JAMES F. HAHN
 BRAD ZAUN
 JAMES A. SEYMOUR

S-5458

1 Amend House File 2700, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 31, by striking the figure
 4 “8,604,714” and inserting the following: “8,948,903”.

BRAD ZAUN
 PAUL McKINLEY
 NANCY J. BOETTGER
 JERRY BEHN
 DAVID JOHNSON
 JEFF ANGELO
 RON WIECK
 MARK ZIEMAN
 JAMES F. HAHN
 STEVE KETTERING
 JOHN PUTNEY
 LARRY NOBLE
 PAT WARD
 DAVID L. HARTSUCH

S-5459

1 Amend House File 2700, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 26, by inserting after line 16 the
 4 following:
 5 “Sec. ____ Section 142D.3, subsection 2, paragraph
 6 b, as enacted by 2008 Iowa Acts, House File 2212,
 7 section 3, is amended by striking the paragraph.
 8 Sec. ____ Section 142D.4, as enacted by 2008 Iowa
 9 Acts, House File 2212, section 4, is amended by adding
 10 the following new subsection:
 11 NEW SUBSECTION. 12. Public and private golf

12 courses.”

13 2. By renumbering as necessary.

BRAD ZAUN
 PAT WARD
 DAVID JOHNSON
 MARK ZIEMAN
 RON WIECK
 JERRY BEHN
 JOHN PUTNEY
 JAMES F. HAHN
 STEVE KETTERING
 PAUL McKINLEY

S-5460

1 Amend House File 2700, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 17 the
 4 following:

5 “Sec. ___. IOWA LOTTERY AUTHORITY FISCAL YEAR
 6 2008–2009 BUDGET — MONITOR VENDING MACHINE LITIGATION
 7 COSTS. Notwithstanding any provision of chapter 99G
 8 to the contrary, the Iowa lottery authority budget for
 9 the fiscal year beginning July 1, 2008, shall be
 10 reduced by the amount of moneys expended by the state
 11 to owners of monitor vending machines pursuant to
 12 settlement agreements with the owners arising out of
 13 litigation relating to the prohibition on monitor
 14 vending machines. The attorney general shall provide
 15 the Iowa lottery authority with the total dollar
 16 amount of moneys agreed to be paid to owners of
 17 monitor vending machines pursuant to the settlement
 18 agreements.”

19 2. Page 7, by inserting after line 8 the
 20 following:

21 “Sec. ___. EFFECTIVE DATE. The section of this
 22 division of this Act relating to the Iowa lottery
 23 authority budget, being deemed of immediate
 24 importance, takes effect upon enactment.”

25 3. By renumbering as necessary.

BRAD ZAUN
 PAT WARD
 DAVID JOHNSON
 NANCY J. BOETTGER
 MARK ZIEMAN
 RON WIECK
 JERRY BEHN
 JAMES A. SEYMOUR
 STEVE KETTERING
 JAMES F. HAHN

S-5461

- 1 Amend House File 2700, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 48, line 8, through page 51,
4 line 19, and inserting the following:
5 Sec. ____ ANALYSIS OF COMPETENT HOME SCHOOL
6 SUPPORT. The department of education shall perform a
7 comprehensive analysis of the expenses and indirect
8 costs relating to providing competent private
9 instruction, services under school districts' home
10 school assistance programs, and other state and
11 district support provided to children who are being
12 home schooled. The department shall report the
13 results of the study along with findings and
14 recommendations to the governor and general assembly
15 on or before January 15, 2009.”
16 2. By renumbering as necessary.

NANCY J. BOETTGER
PAUL MCKINLEY
MARK ZIEMAN
MARY A. LUNDBY
DAVID JOHNSON
JEFF ANGELO
BRAD ZAUN
RON WIECK
MARK ZIEMAN
STEVE KETTERING
JERRY BEHN
JAMES F. HAHN
PAT WARD
DAVID L. HARTSUCH
JOHN PUTNEY

S-5462

- 1 Amend House File 2700, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 42, line 15, by inserting after the word
4 “cases.” the following: “In addition, a retrieval fee
5 of up to twenty-five dollars per request may be
6 charged for up to two requests.”

DAVID L. HARTSUCH
PAT WARD
DAVID JOHNSON

S-5463

1 Amend House File 2700, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 43, by inserting after line 24 the
4 following:

5 “Sec. ____ Section 669.14, Code 2007, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 16. Any claim based upon or
8 arising out of the condition of a street or highway,
9 as defined in section 321.1, by a person participating
10 in a statewide touring event when the person knew or
11 reasonably should have known that participation in the
12 statewide touring event created the likelihood of
13 exposure to a variety of road surfaces and conditions,
14 unless the claim is based upon an act or omission of
15 an officer or employee of the state and the act or
16 omission constitutes actual malice or a criminal
17 offense. For purposes of this subsection, “statewide
18 touring event” means a major group bicycle ride across
19 Iowa, a group tractor ride, an antique car tour, or a
20 similar event that involves more than one area of the
21 state, attracts wide participation, and is likely to
22 contribute significantly to the economic well-being of
23 the state or areas of the state.

24 Sec. ____ Section 670.4, Code 2007, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 16. Any claim based upon or
27 arising out of the condition of a street or highway,
28 as defined in section 321.1, by a person participating
29 in a statewide touring event when the person knew or
30 reasonably should have known that participation in the
31 statewide touring event created the likelihood of
32 exposure to a variety of road surfaces and conditions,
33 unless the claim is based upon an act or omission of
34 an officer or employee of the municipality and the act
35 or omission constitutes actual malice or a criminal
36 offense. For purposes of this subsection, “statewide
37 touring event” means a major group bicycle ride across
38 Iowa, a group tractor ride, an antique car tour, or a
39 similar event that involves more than one area of the
40 state, attracts wide participation, and is likely to
41 contribute significantly to the economic well-being of
42 the state or areas of the state.”

43 2. By renumbering as necessary.

BRAD ZAUN
DAVID JOHNSON

S-5464

1 Amend House File 2700, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 12, by striking the figure
4 “1,439,884” and inserting the following: “1,400,261”.

5 2. Page 9, by striking lines 21 and 22 and
6 inserting the following: “director, and the Iowa”.

7 3. Page 12, lines 12 and 13, by striking the
8 words “secretary of the Iowa state fair board,”.

9 4. Page 17, by inserting after line 28 the
10 following:

11 “Sec. ____ Section 173.10, Code 2007, is amended
12 to read as follows:

13 173.10 SALARY OF SECRETARY.

14 ~~The secretary shall receive the salary fixed by the~~
15 ~~board. The compensation and employment terms of the~~
16 ~~secretary shall be set by the governor, taking into~~
17 ~~consideration the level of knowledge and experience of~~
18 ~~the secretary.”~~

19 5. Page 17, by inserting after line 30 the
20 following:

21 “Sec. ____ Section 8.7, Code 2007, is amended to
22 read as follows:

23 8.7 REPORTING OF GIFTS AND BEQUESTS RECEIVED.

24 All gifts, ~~and~~ bequests, ~~and grants~~ received by a
25 department or accepted by the governor on behalf of
26 the state shall be reported to the Iowa ethics and
27 campaign disclosure board and the government oversight
28 committees. The ethics and campaign disclosure board
29 shall, by January 31 of each year, submit to the
30 fiscal services division of the legislative services
31 agency a written report listing all gifts, ~~and~~
32 bequests, ~~and grants~~ received during the previous
33 calendar year with a value over one thousand dollars
34 and the purpose for each such gift, ~~or~~ bequest, ~~or~~
35 ~~grant~~. The submission shall also include a listing of
36 all gifts, ~~and~~ bequests, ~~and grants~~ received by a
37 department from a person if the cumulative value of
38 all gifts, ~~and~~ bequests, ~~and grants~~ received by the
39 department from the person during the previous
40 calendar year exceeds one thousand dollars, and the
41 ethics and campaign disclosure board shall include, if
42 available, the purpose for each such gift, ~~or~~ bequest,
43 ~~or grant~~. However, ~~the~~ reports on gifts, ~~grants~~, or
44 bequests filed by the state board of regents pursuant
45 to section 8.44 shall be deemed sufficient to comply
46 with the requirements of this section.

47 Sec. ____ Section 8.9, Code 2007, is amended to
48 read as follows:

49 8.9 GRANTS ENTERPRISE MANAGEMENT OFFICE.

50 1. The office of grants enterprise management is

Page 2

1 established in the department of management. The
2 function of the office is to develop and administer a
3 system to track, identify, advocate for, and
4 coordinate nonstate grants as defined in section 8.2,
5 subsections 1 and 3. Staffing for the office of
6 grants enterprise management shall be provided by a
7 facilitator appointed by the director of the
8 department of management. Additional staff may be
9 hired, subject to the availability of funding.
10 Funding for the office is from the appropriation to
11 the department pursuant to section 8A.505, subsection
12 2.

13 2. a. All grant applications submitted and grant
14 moneys received by a department on behalf of the state
15 shall be reported to the office of grants enterprise
16 management. The office shall by January 31 of each
17 year submit to the fiscal services division of the
18 legislative services agency a written report listing
19 all grants received during the previous calendar year
20 with a value over one thousand dollars and the funding
21 entity and purpose for each grant. However, the
22 reports on grants filed by the state board of regents
23 pursuant to section 8.44 shall be deemed sufficient to
24 comply with the requirements of this subsection.

25 b. The office of grants enterprise management
26 shall submit by July 1 and January 1 of each year to
27 the government oversight committees a written report
28 summarizing departmental compliance with the
29 requirements of this subsection.

30 Sec. ____. Section 12C.16, subsection 1, paragraph
31 b, subparagraph (4), Code Supplement 2007, is amended
32 to read as follows:

33 (4) To the extent of the guarantee, loans,
34 obligations, or nontransferable letters of credit upon
35 which the payment of principal and interest is fully
36 secured or guaranteed by the United States of America
37 or an agency or instrumentality of the United States
38 of America or the United States central credit union,
39 a corporate central credit union organized under
40 section 533.213, or a corporate credit union ~~organized~~
41 ~~under 12 C.F.R. § 704~~ whose activities are subject to
42 regulation by the national credit union
43 administration, and the rating of any one of such
44 credit unions remains within the two highest
45 classifications of prime established by at least one
46 of the standard rating services approved by the
47 superintendent of banking by rule pursuant to chapter
48 17A. The treasurer of state shall adopt rules
49 pursuant to chapter 17A to implement this section.

50 Sec. ____. Section 12C.17, subsection 1, paragraph

Page 3

1 c, Code Supplement 2007, is amended to read as
2 follows:

3 c. The securities shall be deposited with the
4 federal reserve bank, the federal home loan bank of
5 Des Moines, Iowa, or the United States central credit
6 union, a corporate central credit union organized
7 under section 533.213, or a corporate credit union
8 ~~organized under 12 C.F.R. § 704 whose activities are~~
9 subject to regulation by the national credit union
10 administration pursuant to a bailment agreement or a
11 pledge custody agreement.

12 Sec. ____ Section 12C.17, subsection 4, Code
13 Supplement 2007, is amended to read as follows:

14 4. Upon written request from the appropriate
15 public officer but not less than monthly, the federal
16 reserve bank, the federal home loan bank of Des
17 Moines, Iowa, the United States central credit union,
18 a corporate central credit union organized under
19 section 533.213, or a corporate credit union ~~organized~~
20 ~~under 12 C.F.R. § 704 whose activities are subject to~~
21 regulation by the national credit union administration
22 shall report a description, the par value, and the
23 market value of any pledged collateral by a credit
24 union.”

25 6. Page 19, line 13, by inserting after the word
26 “subsection” the following: “, or not otherwise
27 confidential.”

28 7. Page 20, by inserting after line 20 the
29 following:

30 “Sec. ____ Section 39A.5, subsection 1, paragraph
31 b, Code Supplement 2007, is amended by adding the
32 following new subparagraph:
33 NEW SUBPARAGRAPH. (4) As an employer, denying an
34 employee the privilege conferred by section 43.4A to
35 attend a precinct caucus, or subjecting an employee to
36 a penalty because of the exercise of that privilege.

37 Sec. ____ NEW SECTION. 43.4A EMPLOYEES ENTITLED
38 TO TIME TO PARTICIPATE IN PRESIDENTIAL PRECINCT
39 CAUCUSES.

40 1. Any person entitled to participate in a
41 precinct caucus held as part of the presidential
42 nominating process in this state who is required to be
43 present at work for an employer during the four-hour
44 period starting one hour prior to the time the
45 precinct caucus starts is entitled to take unpaid
46 leave for as much of that four-hour period as is
47 necessary to participate in the precinct caucus except
48 as provided by this section. Application by any
49 employee for such absence shall be made to the
50 employee’s employer individually and in writing at

Page 4

1 least fourteen days prior to the time the precinct
2 caucus is scheduled to start. The employee shall not
3 be liable for any loss of wages or salary or any other
4 penalty except for the loss of wages or salary for the
5 hours of unpaid leave actually used.

6 2. a. An application for an absence by an
7 employee may be denied by an employer if all the
8 following circumstances exist:

9 (1) The person is employed in an emergency
10 services position which shall include peace officer,
11 fire fighter, emergency medical personnel, and any
12 other position that seriously affects public health or
13 safety, or is employed by an entity that would
14 experience severe economic or operational disruption
15 due to the person's absence.

16 (2) The employer filed a written notice with the
17 commissioner at least seven days prior to the date of
18 the precinct caucus specifying exigent circumstances
19 justifying the denial of such leave for personnel
20 described in subparagraph (1) and declaring the
21 minimum number of such personnel, by position, needed
22 to protect public health and safety or maintain
23 minimum operational capacity, as applicable. A copy
24 of this written notice shall be provided to employees
25 of the employer.

26 (3) The number of persons employed in a position
27 that did not apply for an absence is less than the
28 minimum number of persons in that position needed by
29 the employer to protect public health and safety or
30 maintain minimum operational capacity, as applicable.

31 b. If the circumstances in paragraph "a" exist as
32 to a particular position of the employer, then the
33 employer may deny the minimum number of employees
34 applying for an absence in that position needed to
35 yield the minimum staffing level for that position as
36 specified in the written notice to the commissioner.
37 The selection of which employees applying for an
38 absence shall be denied shall be made without regard
39 to political party affiliation, political belief, or
40 affiliation with or support for any candidate, or for
41 any of the grounds for which employment discrimination
42 is prohibited in this state.

43 3. An employer may, in lieu of providing unpaid
44 leave to affected employees to attend a presidential
45 precinct caucus, do any of the following:

46 a. Authorize paid leave to all affected employees.

47 b. Allow all affected employees the option to work
48 additional compensatory hours, at a time designated by
49 the employer not in conflict with the time needed for
50 caucus participation, equal in number to the number of

Page 5

1 hours taken to participate in the presidential
2 precinct caucus. The option of working compensatory
3 hours may be exercised individually by each employee.
4 Work done during the compensatory hours shall be
5 compensated in the same manner as work during regular
6 hours.”

7 8. Page 22, by inserting before line 31 the
8 following:

9 “Sec. ____ Section 68B.32, subsection 1, Code
10 2007, is amended to read as follows:

11 1. An Iowa ethics and campaign disclosure board is
12 established as an independent agency. The board shall
13 administer this chapter and set standards for,
14 investigate complaints relating to, and monitor the
15 ethics of officials, employees, lobbyists, and
16 candidates for office in the executive branch of state
17 government. The board shall administer and set
18 standards for, investigate complaints relating to, and
19 monitor the campaign finance practices of candidates
20 for public office. The board shall administer and
21 establish standards for, investigate complaints
22 relating to, and monitor the reporting of gifts, and
23 ~~bequests, and grants~~ under section 8.7. The board
24 shall consist of six members and shall be balanced as
25 to political affiliation as provided in section 69.16.
26 The members shall be appointed by the governor,
27 subject to confirmation by the senate.

28 Sec. ____ Section 68B.32A, subsection 4, Code
29 Supplement 2007, is amended to read as follows:

30 4. Receive and file registration and reports from
31 lobbyists of the executive branch of state government,
32 client disclosure from clients of lobbyists of the
33 executive branch of state government, personal
34 financial disclosure information from officials and
35 employees in the executive branch of state government
36 who are required to file personal financial disclosure
37 information under this chapter, and gift, and bequest,
38 ~~and grant~~ disclosure information pursuant to section
39 8.7. The board, upon its own motion, may initiate
40 action and conduct a hearing relating to reporting
41 requirements under this chapter or section 8.7.

42 Sec. ____ Section 84A.5, subsection 1, paragraph
43 a, Code Supplement 2007, is amended to read as
44 follows:

45 a. The workforce development system shall strive
46 to provide high quality services to its customers
47 including workers, families, and businesses. The
48 department of workforce development shall maintain a
49 common intake, assessment, and customer tracking
50 system and to the extent practical provide one-stop

Page 6

1 services to customers at workforce development centers
2 and other service access points. The department of
3 workforce development shall administer a statewide
4 standard skills assessment to assess the employability
5 skills of adult workers statewide and shall instruct
6 appropriate department staff in the administration of
7 the assessment. The assessment shall be included in
8 the one-stop services provided to customers at
9 workforce development centers and other service access
10 points throughout the state.

11 Sec. ____ Section 85.1, subsection 6, Code
12 Supplement 2007, is amended to read as follows:

13 6. Employers may with respect to an employee or a
14 classification of employees exempt from coverage
15 provided by this chapter pursuant to subsection 1, 2,
16 or 3, other than the employee or classification of
17 employees with respect to whom a rule of liability or
18 a method of compensation is established by the
19 Congress of the United States, assume a liability for
20 compensation imposed upon employers by this chapter,
21 for the benefit of employees within the coverage of
22 this chapter, by the purchase of valid workers'
23 compensation insurance that does not specifically
24 exclude the employee or classification of employees.
25 In addition, an employer that assumed a liability for
26 compensation imposed upon employers by this chapter
27 pursuant to a collective bargaining agreement with
28 respect to an employee or a classification of
29 employees exempt from coverage provided by this
30 chapter pursuant to subsection 4 as of July 1, 2007,
31 may continue to assume liability for that compensation
32 pursuant to a subsequent collective bargaining
33 agreement, for the benefit of such employees, by the
34 purchase of valid workers' compensation insurance that
35 does not specifically exclude that employee or
36 classification of employees. The purchase of and
37 acceptance by an employer of valid workers'
38 compensation insurance applicable to the employee or
39 classification of employees constitutes an assumption
40 by the employer of liability without any further act
41 on the part of the employer, but only with respect to
42 the employee or classification of employees as are
43 within the coverage of the workers' compensation
44 insurance contract and only for the time period in
45 which the insurance contract is in force. Upon an
46 election of such coverage, the employee or
47 classification of employees shall accept compensation
48 in the manner provided by this chapter and the
49 employer shall be relieved from any other liability
50 for recovery of damage, or other compensation for

Page 7

1 injury.
2 Sec. ____ Section 96.3, subsection 5, Code 2007,
3 is amended to read as follows:
4 5. a. DURATION OF BENEFITS. The maximum total
5 amount of benefits payable to an eligible individual
6 during a benefit year shall not exceed the total of
7 the wage credits accrued to the individual's account
8 during the individual's base period, or twenty-six
9 times the individual's weekly benefit amount,
10 whichever is the lesser. The director shall maintain
11 a separate account for each individual who earns wages
12 in insured work. The director shall compute wage
13 credits for each individual by crediting the
14 individual's account with one-third of the wages for
15 insured work paid to the individual during the
16 individual's base period. However, the director shall
17 recompute wage credits for an individual who is laid
18 off due to the individual's employer going out of
19 business at the factory, establishment, or other
20 premises at which the individual was last employed, by
21 crediting the individual's account with one-half,
22 instead of one-third, of the wages for insured work
23 paid to the individual during the individual's base
24 period. Benefits paid to an eligible individual shall
25 be charged against the base period wage credits in the
26 individual's account which have not been previously
27 charged, in the inverse chronological order as the
28 wages on which the wage credits are based were paid.
29 However if the state "off indicator" is in effect and
30 if the individual is laid off due to the individual's
31 employer going out of business at the factory,
32 establishment, or other premises at which the
33 individual was last employed, the maximum benefits
34 payable shall be extended to thirty-nine times the
35 individual's weekly benefit amount, but not to exceed
36 the total of the wage credits accrued to the
37 individual's account.
38 b. TRAINING EXTENSION BENEFITS. An individual who
39 is in training with the approval of the director at
40 the time regular benefits are exhausted may be
41 eligible for training extension benefits. The
42 training extension benefit amount shall be twenty-six
43 times the individual's weekly benefit amount, and the
44 weekly benefit amount shall be equal to the
45 individual's weekly benefit amount for the claim in
46 which benefits were exhausted while in training. An
47 individual who is receiving training extension
48 benefits shall not be denied benefits due to
49 application of section 96.4, subsection 3, or section
50 96.5, subsection 3. However, an employer's account

Page 8

1 shall not be charged with benefits so paid. Relief of
2 charges under this paragraph applies to both
3 contributory and reimbursable employers.
4 notwithstanding section 96.8, subsection 5. In order
5 for the individual to be eligible for training
6 extension benefits the training must be for a
7 high-demand or high-technology occupation, including
8 fields of life sciences, advanced manufacturing,
9 biotechnology, alternative fuels, insurance, and
10 environmental technology. "High-demand occupation"
11 means an occupation in a labor market area in which
12 the department determines work opportunities are
13 available and there is a lack of qualified
14 applicants."

15 9. Page 26, by inserting after line 16 the
16 following:

17 "Sec. ____ Section 135C.40, subsection 1, Code
18 2007, is amended to read as follows:

19 1. If the director determines, based on the
20 findings of an inspection or investigation of a health
21 care facility, that the facility is in violation of
22 this chapter, ~~or~~ rules adopted under this chapter, or
23 the federal certification guidelines, the director
24 within ~~five ten~~ working days after ~~making the~~
25 ~~determination~~ completion of an on-site survey, may
26 ~~shall~~ issue a written citation all statements of
27 deficiencies, including any state citations issued to
28 the facility under rules adopted by the department.
29 The citation shall be served upon the facility
30 personally ~~or~~ by electronic mail, or by certified
31 mail, except that a citation for a Class III violation
32 may be sent by ordinary mail. Each citation shall
33 specifically describe the nature of the violation,
34 identifying the Code section or subsection or the rule
35 or standard violated, and the classification of the
36 violation under section 135C.36. Where appropriate,
37 the citation shall also state the period of time
38 allowed for correction of the violation, which shall
39 in each case be the shortest period of time the
40 department deems feasible. Failure to correct a
41 violation within the time specified, unless the
42 licensee shows that the failure was due to
43 circumstances beyond the licensee's control, shall
44 subject the facility to a further penalty of fifty
45 dollars for each day that the violation continues
46 after the time specified for correction.

47 a. If a facility licensed under this chapter
48 submits a plan of correction relating to a statement
49 of deficiencies or a response to a citation issued
50 under rules adopted by the department and the

Page 9

1 department elects to conduct an on-site revisit
2 survey, the department shall commence the revisit
3 survey within ten business days of the date that the
4 plan of correction is received, or the date specified
5 within the plan of correction alleging compliance,
6 whichever is later.

7 b. If the department recommends the issuance of
8 federal remedies pursuant to 42 C.F.R. § 488.406
9 (a)(2) or (a)(3), relating to a survey conducted by
10 the department, the department shall issue the
11 statement of deficiencies within twenty-four hours of
12 the date that the centers for Medicare and Medicaid
13 services of the United States department of health and
14 human services was notified of the recommendation for
15 the imposition of remedies.”

16 10. Page 26, by inserting after line 16 the
17 following:

18 “Sec. ____ . Section 135H.3, Code 2007, is amended
19 to read as follows:

20 135H.3 NATURE OF CARE.

21 1. A psychiatric medical institution for children
22 shall utilize a team of professionals to direct an
23 organized program of diagnostic services, psychiatric
24 services, nursing care, and rehabilitative services to
25 meet the needs of residents in accordance with a
26 medical care plan developed for each resident. Social
27 and rehabilitative services shall be provided under
28 the direction of a qualified mental health
29 professional.

30 2. A child who requires treatment for a
31 biologically based mental illness as defined in
32 section 514C.22, and meets the medical assistance
33 program criteria for admission to a psychiatric
34 medical institution for children shall be deemed to
35 meet the acuity criteria for inpatient benefits under
36 a group policy, contract, or plan providing for
37 third-party payment or prepayment of health, medical,
38 and surgical coverage benefits issued by a carrier, as
39 defined in section 513B.2, or by an organized delivery
40 system authorized under 1993 Iowa Acts, chapter 158,
41 that is subject to section 514C.22.”

42 11. Page 29, by inserting after line 22 the
43 following:

44 “Sec. ____ . NEW SECTION. 231C.20 CITATIONS —
45 MONITORING VISITS.

46 1. All results of state monitoring visits,
47 including complaint investigations or certification
48 inspections conducted by the department pursuant to
49 this chapter or rules adopted by the department shall
50 be submitted by the department personally, by

Page 10

1 electronic mail, or by certified mail to the program
2 no later than ten business days following completion
3 of an on-site monitoring visit, if findings of
4 noncompliance are cited.

5 2. If a program certified under this chapter
6 submits a plan of correction relating to the statement
7 of noncompliance or a response to a civil penalty
8 issued under rules adopted by the department, and the
9 department elects to conduct an on-site monitoring
10 revisit, the department shall commence the monitoring
11 revisit within ten business days of the date that the
12 plan of correction is received, or the date specified
13 within the plan of correction alleging compliance,
14 whichever is later.”

15 12. Page 29, by inserting after line 26 the
16 following:

17 “Sec. ____ Section 280.7A, as enacted by 2008 Iowa
18 Acts, Senate File 2251, section 1, is amended by
19 adding the following new subsections:

20 NEW SUBSECTION. 4. A comprehensive vision
21 screening by a certified vision screener provided by
22 the school district shall be given within the first
23 thirty days of the first day of the school year to
24 students entering kindergarten, first grade, third
25 grade, sixth grade, and eighth grade, and to transfer
26 students and students referred for screening by a
27 parent or teacher. A student shall be required to
28 receive a comprehensive vision screening only once
29 within a thirty-six month period.

30 NEW SUBSECTION. 5. A student who is not able to
31 pass the comprehensive vision screening, pursuant to
32 subsection 4, shall be required to have a
33 comprehensive eye examination performed by a licensed
34 optometrist, ophthalmologist, or physician trained in
35 providing comprehensive eye care. A student’s parent
36 or guardian shall be responsible for ensuring that a
37 student receives a comprehensive eye examination
38 pursuant to this subsection. No penalty shall be
39 imposed as a result of a student not receiving a
40 recommended comprehensive eye examination.”

41 13. Page 29, by inserting after line 26 the
42 following:

43 “Sec. ____ Section 321A.3, subsections 1, 5, and
44 6, Code Supplement 2007, are amended to read as
45 follows:

46 1. The department shall upon request furnish any
47 person a certified abstract of the operating record of
48 a person subject to chapter 321, 321J, or this
49 chapter. The abstract shall also fully designate the
50 motor vehicles, if any, registered in the name of the

Page 11

1 person. If there is no record of a conviction of the
2 person having violated any law relating to the
3 operation of a motor vehicle or of any injury or
4 damage caused by the person, the department shall so
5 certify. A fee of five dollars and fifty cents shall
6 be paid for each abstract except for state, county, or
7 city officials, court officials, public transit
8 officials, or other officials of a political
9 subdivision of the state or a nonprofit charitable
10 organization described in section 501(c)(3) of the
11 Internal Revenue Code. The department shall transfer
12 the moneys collected under this section to the
13 treasurer of state who shall credit to the general
14 fund all moneys collected.

15 ~~5. The department may permit any person to view~~
16 ~~the operating record of a person subject to chapter~~
17 ~~321 or this chapter through one of the department's~~
18 ~~computer terminals or through a computer printout~~
19 ~~generated by the department.~~ The department shall not
20 require a fee for a person to view their own operating
21 record, ~~but the department shall impose a fee of one~~
22 ~~dollar for each of the first five operating records~~
23 ~~viewed within a calendar day and two dollars for each~~
24 ~~additional operating record viewed within the calendar~~
25 ~~day.~~

26 6. Fees under ~~subsections~~ subsection 1 and 5 may
27 be paid by credit cards, as defined in section
28 537.1301, subsection 17, approved for that purpose by
29 the department of transportation. The department
30 shall enter into agreements with financial
31 institutions extending credit through the use of
32 credit cards to ensure payment of the fees. The
33 department shall adopt rules pursuant to chapter 17A
34 to implement the provisions of this subsection.

35 Sec. ____. Section 321A.3, Code Supplement 2007, is
36 amended by adding the following new subsection:
37 NEW SUBSECTION. 8. A person making a request for
38 a record or an abstract under this section that is
39 subject to a fee shall only use the record or abstract
40 requested one time, for one purpose, and it shall not
41 supply that record to more than one other person. Any
42 subsequent use of the same record or abstract shall
43 require that the person make a subsequent request for
44 the record or abstract and pay an additional fee for
45 the request in the same manner as provided for the
46 initial request. A person requesting a record or an
47 abstract pursuant to this section shall keep records
48 identifying who the record or abstract is provided to,
49 and the use of the record or abstract, for a period of
50 five years. Records maintained pursuant to this

Page 12

1 subsection shall be made available to the department
2 upon request. A person shall not sell, retain,
3 distribute, provide, or transfer any record or
4 abstract information or portion of the record or
5 abstract information acquired under this agreement
6 except as authorized by the department and the federal
7 Driver's Privacy Protection Act, 18 U.S.C. §
8 2721-2725.”

9 14. Page 32, by inserting after line 33 the
10 following:

11 “Sec. ___. Section 423B.1, subsection 6, Code
12 Supplement 2007, is amended by adding the following
13 new paragraph:

14 NEW PARAGRAPH. c. Notwithstanding any other
15 provision in this section, a change in use of the
16 local sales and services tax revenues for purposes of
17 funding an urban renewal project pursuant to section
18 423B.10 does not require an election.

19 Sec. ___. Section 423B.7, subsection 1, Code 2007,
20 is amended to read as follows:

21 1. a. The Except as provided in paragraph “b”.
22 the director shall credit the local sales and services
23 tax receipts and interest and penalties from a
24 county-imposed tax to the county’s account in the
25 local sales and services tax fund and from a
26 city-imposed tax under section 423B.1, subsection 2,
27 to the city’s account in the local sales and services
28 tax fund. If the director is unable to determine from
29 which county any of the receipts were collected, those
30 receipts shall be allocated among the possible
31 counties based on allocation rules adopted by the
32 director.

33 b. Notwithstanding paragraph “a”, the director
34 shall credit the designated amount of the increase in
35 local sales and services tax receipts, as computed in
36 section 423B.10, collected in an urban renewal area of
37 an eligible city that has adopted an ordinance
38 pursuant to section 423B.10, subsection 2, into a
39 special city account in the local sales and services
40 tax fund.

41 Sec. ___. Section 423B.7, Code 2007, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 5A. From each special city
44 account, the revenues shall be remitted to the city
45 council for deposit in the special fund created in
46 section 403.19, subsection 2, to be used by the city
47 as provided in section 423B.10. The distribution from
48 the special city account is not subject to the
49 distribution formula provided in subsections 3, 4, and
50 5.

Page 13

1 Sec. ____ NEW SECTION. 423B.10 FUNDING URBAN
2 RENEWAL PROJECTS.

3 1. For purposes of this section, unless the
4 context otherwise requires:

5 a. "Base year" means the fiscal year during which
6 an ordinance is adopted that provides for funding of
7 an urban renewal project by a designated amount of the
8 increased sales and services tax revenues.

9 b. "Eligible city" means a city in which a local
10 sales and services tax imposed by the county applies
11 or a city described in section 423B.1, subsection 2,
12 paragraph "a", and in which an urban renewal area has
13 been designated.

14 c. "Retail establishment" means a business
15 operated by a retailer as defined in section 423.1.

16 d. "Urban renewal area" and "urban renewal
17 project" mean the same as defined in section 403.17.

18 2. An eligible city may by ordinance of the city
19 council provide for the use of a designated amount of
20 the increased local sales and services tax revenues
21 collected under this chapter which are attributable to
22 retail establishments in an urban renewal area to fund
23 urban renewal projects located in the area. The
24 designated amount may be all or a portion of such
25 increased revenues.

26 3. To determine the revenue increase for purposes
27 of subsection 2, revenue amounts shall be calculated
28 by the department of revenue as follows:

29 a. Determine the amount of local sales and
30 services tax revenue collected from retail
31 establishments located in the area comprising the
32 urban renewal area during the base year.

33 b. Determine the current year revenue amount for
34 each fiscal year following the base year in the manner
35 specified in paragraph "a".

36 c. The excess of the amount determined in
37 paragraph "b" over the base year revenue amount
38 determined in paragraph "a" is the increase in the
39 local sales and services tax revenues of which the
40 designated amount is to be deposited in the special
41 city account created in section 423B.7, subsection 5A.

42 4. The ordinance adopted pursuant to this section
43 is repealed when the area ceases to be an urban
44 renewal area or twenty years following the base year,
45 whichever is the earlier.

46 5. In addition to the moneys received pursuant to
47 the ordinance authorized under subsection 2, an
48 eligible city may deposit any other local sales and
49 services tax revenues received by it pursuant to the
50 distribution formula in section 423B.7, subsections 3,

Page 14

1 4, and 5, to the special fund described in section
2 403.19, subsection 2.

3 6. For purposes of this section, the eligible city
4 shall assist the department of revenue in identifying
5 retail establishments in the urban renewal area that
6 are collecting the local sales and services tax. This
7 process shall be ongoing until the ordinance is
8 repealed.”

9 15. Page 34, by inserting after line 7 the
10 following:

11 “Sec. ____ Section 423F.3, subsection 3, paragraph
12 c, as enacted by 2008 Iowa Acts, House File 2663,
13 section 29, if enacted, is amended to read as follows:

14 c. The board secretary shall notify the county
15 commissioner of elections of the intent to take the
16 issue to the voters. The county commissioner of
17 elections shall publish the notices required by law
18 for special or general elections, and the election
19 shall be held ~~not sooner than thirty days nor later~~
20 ~~than forty days after notice from the school board on~~
21 a date specified in section 39.2, subsection 4,
22 paragraph “c”. A majority of those voting on the
23 question must favor approval of the revenue purpose
24 statement. If the proposal is not approved, the
25 school district shall not submit the same or new
26 revenue purpose statement to the electors for a period
27 of six months from the date of the previous election.”

28 16. Page 35, by inserting after line 20 the
29 following:

30 “Sec. ____ Section 441.38, subsection 1, Code
31 2007, is amended to read as follows:

32 1. Appeals may be taken from the action of the
33 local board of review with reference to protests of
34 assessment, to the district court of the county in
35 which the board holds its sessions within twenty days
36 after its adjournment or May 31, whichever date is
37 later. Appeals may be taken from the action of the
38 property assessment appeal board to the district court
39 of the county where the property which is the subject
40 of the appeal is located within twenty days after the
41 letter of disposition of the appeal by the property
42 assessment appeal board is postmarked to the
43 appellant. No new grounds in addition to those set
44 out in the protest to the local board of review as
45 provided in section 441.37, or in addition to those
46 set out in the appeal to the property assessment
47 appeal board, if applicable, can be pleaded, ~~but~~
48 ~~additional~~, Additional evidence to sustain those
49 grounds may be introduced in an appeal from the local
50 board of review to the district court. However, no

Page 15

1 new evidence to sustain those grounds may be
2 introduced in an appeal from the property assessment
3 appeal board to the district court. The assessor
4 shall have the same right to appeal and in the same
5 manner as an individual taxpayer, public body, or
6 other public officer as provided in section 441.42.
7 Appeals shall be taken by filing a written notice of
8 appeal with the clerk of district court. Filing of
9 the written notice of appeal shall preserve all rights
10 of appeal of the appellant.”

11 17. Page 45, by inserting before line 6 the
12 following:

13 “Sec. ____ 2007 Iowa Acts, chapter 206, section 6,
14 unnumbered paragraph 3, is amended to read as follows:
15 Notwithstanding section 8.33, moneys appropriated
16 in this section that remain unencumbered or
17 unobligated at the close of the fiscal year shall not
18 revert but shall remain available for expenditure for
19 the purposes designated until the close of the
20 ~~preceding~~ fiscal year beginning July 1, 2008.”

21 18. Page 45, by inserting after line 19 the
22 following:

23 “Sec. ____ MEDICAL ASSISTANCE — APPROPRIATION.

24 There is appropriated from the general fund of the
25 state to the department of human services for the
26 fiscal year beginning July 1, 2008, and ending June
27 30, 2009, the following amount, or so much thereof as
28 is necessary, for the purpose designated:

29 Notwithstanding the reimbursement provisions in
30 2008 Iowa Acts, Senate File 2425, if enacted, or any
31 other provision requiring budget neutrality in setting
32 hospital reimbursement rates, as additional funding
33 for the medical assistance program to be used for the
34 rebasing of hospital reimbursement rates under the
35 medical assistance program:

36 \$ 5,500,000”

37 19. Page 46, by inserting after line 7 the
38 following:

39 “Sec. ____ 2008 Iowa Acts, House File 2699,
40 section 4, subsection 3, if enacted, is amended by
41 adding the following new paragraph:

42 NEW PARAGRAPH. e. The department of economic
43 development shall coordinate with the department of
44 natural resources, the Iowa finance authority, and the
45 United States department of agriculture in maximizing
46 community development block grants and loans available
47 for water, wastewater, and unsewered communities. It
48 is the intent of the general assembly that the
49 department recognize and provide the appropriate level
50 of funding needed for wastewater and sewer projects in

1 communities with populations of 200 persons or less.
 2 Sec. ____ 2008 Iowa Acts, House File 2699, section
 3 16, subsection 4, if enacted, is amended by striking
 4 the subsection and inserting in lieu thereof the
 5 following:

6 4. STATEWIDE STANDARD SKILLS ASSESSMENT

7 For development and administration of a statewide
 8 standard skills assessment to assess the employability
 9 skills of adult workers statewide and to provide
 10 instruction to department staff in the administration
 11 of the assessment in accordance with section 84A.5,
 12 subsection 1, as amended by the Eighty-second General
 13 Assembly, 2008 Session:

14 \$ 500,000”

15 20. Page 46, by inserting after line 7 the
 16 following:

17 “Sec. ____ HEALTHY IOWANS TOBACCO TRUST —
 18 APPROPRIATION — TOBACCO USE PREVENTION AND TREATMENT.

19 There is appropriated from the healthy Iowans tobacco
 20 trust created in section 12.65 to the department of
 21 public health for the fiscal year beginning July 1,
 22 2008, and ending June 30, 2009, the following amount,
 23 or so much thereof as is necessary, for the purpose
 24 designated:

25 For tobacco use prevention, cessation, and
 26 treatment, in addition to other appropriations made
 27 for this purpose:

28 \$ 1,000,000

29 Sec. ____ DEPARTMENT OF HUMAN SERVICES — SHELTER
 30 CARE. There is appropriated from the general fund of

31 the state to the department of human services for the
 32 fiscal year beginning July 1, 2008, and ending June
 33 30, 2009, the following amount, or so much thereof as
 34 is necessary, to be used for the purposes designated:

35 For supplementing the appropriation made for child
 36 and family services in 2008 Iowa Acts, Senate File
 37 2425, if enacted, to be used to increase the amount
 38 allocated in that appropriation for shelter care to
 39 \$8,072,215:

40 \$ 1,000,000

41 Sec. ____ INTERPRETERS FOR THE DEAF. There is
 42 appropriated from the general fund of the state to the
 43 department of education for the fiscal year beginning
 44 July 1, 2008, and ending June 30, 2009, the following
 45 amount, or so much thereof as is necessary, to be used
 46 for the purpose designated:

47 Due to the high numbers of articulation agreements
 48 between the state school for the deaf and Iowa western
 49 community college, for allocation for arrangements
 50 made between the state school for the deaf and Iowa

Page 17

1 western community college for deaf interpreters:
 2 \$ 200,000
 3 Sec. ____ UNITED STATES CENTER FOR CITIZEN
 4 DIPLOMACY. There is appropriated from the general
 5 fund of the state to the office of the secretary of
 6 state for the fiscal year beginning July 1, 2008, and
 7 ending June 30, 2009, the following amount, or so much
 8 thereof as is necessary, to be used for the purpose
 9 designated:
 10 For a grant to support the United States center for
 11 citizen diplomacy:
 12 \$ 150,000
 13 Sec. ____ DEPARTMENT OF NATURAL RESOURCES. There
 14 is appropriated from any interest or earning moneys in
 15 the federal economic stimulus and jobs holding fund to
 16 the department of natural resources for the fiscal
 17 year beginning July 1, 2008, and ending June 30, 2009,
 18 the following amounts, or so much thereof as is
 19 necessary, to be used for the purposes designated:
 20 For the abatement, control, and prevention of
 21 ambient air pollution in this state, including
 22 measures as necessary to assure attainment and
 23 maintenance of ambient air quality standards from
 24 particulate matter:
 25 \$ 195,000”
 26 21. Page 46, by inserting after line 12 the
 27 following:
 28 “Sec. ____ DEPARTMENT OF CULTURAL AFFAIRS —
 29 BATTLE FLAG EMPLOYEES. The department of cultural
 30 affairs is authorized an additional 1.50 full-time
 31 equivalent positions for a conservation assistant and
 32 a part-time historian for work related to the
 33 stabilization and preservation of the battle flag
 34 collection.”
 35 22. Page 47, by inserting after line 18 the
 36 following:
 37 “Sec. ____ EFFECTIVE DATE. The section of this
 38 division of this Act amending 2007 Iowa Acts, chapter
 39 206, section 6, being deemed of immediate importance,
 40 takes effect upon enactment.”
 41 23. Page 56, by inserting after line 2 the
 42 following:
 43 “Sec. ____ Section 100C.6, subsection 3, as
 44 enacted by 2008 Iowa Acts, House File 2646, section 1,
 45 is amended to read as follows:
 46 3. Relieve any person engaged in fire sprinkler
 47 installation, maintenance, repair, service, or
 48 inspection as defined in section 100D.1 from obtaining
 49 a fire sprinkler installer ~~or fire sprinkler and~~
 50 maintenance worker license as required pursuant to

1 chapter 100D.”

2 24. Page 58, line 25, by striking the words and
3 figure “Sec. 106. NEW SECTION.”.

4 25. Page 61, by inserting after line 24 the
5 following:

6 “Sec. ____ 2008 Iowa Acts, House File 2689,
7 section 35, if enacted, is amended by striking the
8 section and inserting in lieu thereof the following:
9 SEC. ____ EFFECTIVE DATE. This division of this
10 Act takes effect January 1, 2009.”

11 26. Page 62, by inserting after line 29 the
12 following:

13 “Sec. ____ 2008 Iowa Acts, Senate File 2432,
14 section 1, subsection 5, paragraph c, if enacted, is
15 amended to read as follows:

16 “c. For equal distribution to regional sports
17 authority districts certified by the department
18 pursuant to section 15E.321, notwithstanding section
19 8.57, subsection 6, paragraph “c”:

20 \$ 500,000

21 Sec. ____ 2008 Iowa Acts, Senate File 2432,
22 section 1, subsection 9, paragraph a, if enacted, is
23 amended to read as follows:

24 a. For purposes of supporting a water trails
25 development program and a lowhead dam public hazard
26 improvement program, notwithstanding section 8.57,
27 subsection 6, paragraph “c”:

28 \$ 1,000,000

29 The department shall award grants to dam owners
30 including counties, cities, state agencies,
31 cooperatives, and individuals, to support projects
32 approved by the department.

33 The department shall require each dam owner
34 applying for a project grant to submit a project plan
35 for the expenditure of the moneys, and file a report
36 with the department regarding the project, as required
37 by the department.

38 The funds can be used for signs, posts, and related
39 cabling, and the department shall only award money on
40 a matching basis, pursuant to the dam owner
41 contributing at least 20 cents for every 80 cents
42 awarded by the department, in order to finance the
43 project. For the remainder of the funds, including
44 any balance of money not awarded for signs, posts, and
45 related cabling, the department shall only award
46 ~~moneys to a dam owner on a matching basis. A dam~~
47 ~~owner shall contribute one dollar for each dollar~~
48 ~~awarded by the department in order to finance a~~
49 ~~project moneys for the water trails development~~
50 ~~program or to the lowhead dam public hazard~~

Page 19

1 improvement program on a matching basis according to
2 departmental rules.”

3 27. Page 62, by inserting after line 29 the
4 following:

5 “DIVISION ____
6 ANIMAL AGRICULTURE

7 Sec. ____ Section 459.102, subsection 4, Code
8 2007, is amended to read as follows:

9 4. “Animal feeding operation” means a lot, yard,
10 corral, building, or other area in which animals are
11 confined and fed and maintained for forty-five days or
12 more in any twelve-month period, and all structures
13 used for the storage of manure from animals in the
14 operation. ~~As~~ Except as required for a national
15 pollutant discharge elimination system permit required
16 pursuant to the federal Water Pollution Control Act,
17 33 U.S.C. ch. 26, as amended, an animal feeding
18 operation does not include a livestock market.

19 Sec. ____ Section 459A.103, subsection 3, Code
20 2007, is amended to read as follows:

21 3. a. In calculating the animal unit capacity of
22 an open feedlot operation, the animal unit capacity
23 shall not include the animal unit capacity of any
24 confinement feeding operation building as defined in
25 section 459.102, which is part of the open feedlot
26 operation.

27 b. Notwithstanding paragraph “a”, only for
28 purposes of determining whether an open feedlot
29 operation must obtain an operating permit, the animal
30 unit capacity of the animal feeding operation includes
31 the animal unit capacities of both the open feedlot
32 operation and the confinement feeding operation if the
33 animals in the open feedlot operation and the
34 confinement feeding operation are all in the same
35 category or type of animals as used in the definitions
36 of large and medium concentrated animal feeding
37 operations in 40 C.F.R. pt. 122. In all other
38 respects the confinement feeding operation shall be
39 governed by chapter 459 and the open feedlot operation
40 shall be governed by this chapter.

41 Sec. ____ Section 459A.401, subsection 2,
42 paragraph a, unnumbered paragraph 1, Code Supplement
43 2007, is amended to read as follows:

44 An open feedlot operation in compliance with the
45 inspection and recordkeeping requirements of 40 C.F.R.
46 pt. 122 and 40 C.F.R. pt. 412 applicable to the
47 operation may discharge open feedlot effluent into any
48 waters of the United States due to a precipitation
49 event, if any of the following apply:

50 Sec. ____ COMPLIANCE EDUCATION EFFORT. The

Page 20

1 department of natural resources shall provide for a
2 compliance education effort. In administering the
3 effort, the department, in cooperation with
4 associations that represent livestock producers and
5 organizations that represent farmers generally, shall
6 provide information on a statewide basis to persons
7 involved with maintaining animals in a confinement
8 feeding operation or open feedlot operation regarding
9 methods and practices to ensure compliance with this
10 Act.

11 Sec. ____. APPLICABILITY AND ENFORCEMENT.

12 1. A person required to obtain an operating permit
13 for an animal feeding operation by the department of
14 natural resources pursuant to 567 IAC ch. 65, and
15 section 459.102, subsection 4, as amended by this
16 division of this Act, or section 459A.103, subsection
17 3, as amended by this division of this Act, shall
18 submit an application for the operating permit to the
19 department of natural resources on or before December
20 31, 2008. The application for the operating permit
21 must be complete, including all information required
22 to be included in the application according to rules
23 adopted by the department.

24 2. a. The state shall not take an enforcement
25 action against a person arising from the person's
26 failure to obtain an operating permit by the
27 department of natural resources as required pursuant
28 to this division of this Act if the person's
29 application for the operating permit application is
30 pending in accordance with subsection 1.

31 b. The state shall not take an enforcement action
32 against a person arising from the person's failure to
33 obtain an operating permit as required pursuant to
34 this division of this Act for the period beginning on
35 the day when the department of natural resources
36 denies the person's application for the operation
37 permit and ending on the thirtieth day after the
38 person receives written notice that such application
39 has been denied.

40 Sec. ____. EFFECTIVE DATE.

41 1. Except as provided in subsection 2, this
42 division of this Act takes effect on December 31,
43 2008.

44 2. The section of this division of this Act
45 establishing a compliance education effort takes
46 effect upon enactment.

47 DIVISION ____
48 RETIREMENT FOR SENIOR JUDGES

49 Sec. ____. Section 602.9202, Code 2007, is amended
50 by adding the following new subsection:

Page 21

1 NEW SUBSECTION. 3A. “Senior judge retirement age”
2 means seventy-eight years of age or, if the senior
3 judge is reappointed as a senior judge for an
4 additional two-year term upon attaining seventy-eight
5 years of age pursuant to section 602.9203, eighty
6 years of age.

7 Sec. ____ Section 602.9203, subsection 5, Code
8 2007, is amended to read as follows:

9 5. a. A senior judge may be reappointed to
10 additional two-year terms, at the discretion of the
11 supreme court, if the judicial officer meets the
12 requirements of subsection 2.

13 b. A senior judge may be reappointed to an
14 additional two-year term upon attaining seventy-eight
15 years of age, at the discretion of the supreme court,
16 if the judicial officer meets the requirements of
17 subsection 2.

18 Sec. ____ Section 602.9204, subsection 1, Code
19 2007, is amended to read as follows:

20 1. A judge who retires on or after July 1, 1994,
21 and who is appointed a senior judge under section
22 602.9203 shall be paid a salary as determined by the
23 general assembly. A senior judge or retired senior
24 judge shall be paid an annuity under the judicial
25 retirement system in the manner provided in section
26 602.9109, but computed under this section in lieu of
27 section 602.9107, as follows: The annuity paid to a
28 senior judge or retired senior judge shall be an
29 amount equal to the applicable percentage multiplier
30 of the basic senior judge salary, multiplied by the
31 judge’s years of service prior to retirement as a
32 judge of one or more of the courts included under this
33 article, for which contributions were made to the
34 system, except the annuity of the senior judge or
35 retired senior judge shall not exceed an amount equal
36 to the applicable specified percentage of the basic
37 senior judge salary used in calculating the annuity.
38 However, following the twelve-month period during
39 which the senior judge or retired senior judge attains
40 ~~seventy-eight years of senior judge retirement age,~~
41 the annuity paid to the person shall be an amount
42 equal to the applicable percentage multiplier of the
43 basic senior judge salary cap, multiplied by the
44 judge’s years of service prior to retirement as a
45 judge of one or more of the courts included under this
46 article, for which contributions were made to the
47 system, except that the annuity shall not exceed an
48 amount equal to the applicable specified percentage of
49 the basic senior judge salary cap. A senior judge or
50 retired senior judge shall not receive benefits

Page 22

1 calculated using a basic senior judge salary
2 established after the twelve-month period in which the
3 senior judge or retired senior judge attains
4 ~~seventy eight years of~~ senior judge retirement age.

5 The state shall provide, regardless of age, to an
6 active senior judge or a senior judge with six years
7 of service as a senior judge and to the judge's
8 spouse, and pay for medical insurance until the judge
9 attains ~~the senior judge retirement age of~~
10 ~~seventy eight years.~~

11 Sec. ____ Section 602.9204, subsection 2,
12 paragraphs d and e, Code 2007, is amended to read as
13 follows:

14 d. "Basic senior judge salary cap" means the basic
15 senior judge salary, at the end of the twelve-month
16 period during which the senior judge or retired senior
17 judge attained ~~seventy eight years of~~ senior judge
18 retirement age, of the office in which the person last
19 served as a judge before retirement as a judge or
20 senior judge.

21 e. "Escalator" means the difference between the
22 current basic salary, as of the time each payment is
23 made up to and including the twelve-month period
24 during which the senior judge or retired senior judge
25 attains ~~seventy eight years of~~ senior judge retirement
26 age, of the office in which the senior judge last
27 served as a judge before retirement as a judge or
28 senior judge, and the basic annual salary which the
29 judge is receiving at the time the judge becomes
30 separated from full-time service as a judge of one or
31 more of the courts included in this article, as would
32 be used in computing an annuity pursuant to section
33 602.9107 without service as a senior judge.

34 Sec. ____ Section 602.9207, subsection 1, Code
35 2007, is amended to read as follows:

36 1. A senior judge shall cease to be a senior judge
37 upon completion of the twelve-month period during
38 which the judge attains ~~seventy eight years of~~ senior
39 judge retirement age. The clerk of the supreme court
40 shall make a notation of the retirement of a senior
41 judge in the roster of senior judges, at which time
42 the senior judge shall become a retired senior judge.

43 Sec. ____ Section 602.9208, subsection 1, Code
44 2007, is amended to read as follows:

45 1. A senior judge, at any time prior to the end of
46 the twelve-month period during which the judge attains
47 ~~seventy eight years of~~ senior judge retirement age,
48 may submit to the clerk of the supreme court a written
49 request that the judge's name be stricken from the
50 roster of senior judges. Upon the receipt of the

Page 23

1 request the clerk shall strike the name of the person
2 from the roster of senior judges, at which time the
3 person shall cease to be a senior judge. A person who
4 relinquishes a senior judgeship as provided in this
5 subsection may be assigned to temporary judicial
6 duties as provided in section 602.1612.

7 DIVISION ____

8 CORE CURRICULUM FOR SCHOOLS

9 Sec. ____ Section 256.7, subsection 26, Code
10 Supplement 2007, as amended by 2008 Iowa Acts, Senate

11 File 2216, section 1, is amended to read as follows:

12 26. a. Adopt rules that establish a core
13 curriculum and requiring, beginning with the students
14 in the 2010–2011 school year graduating class, high
15 school graduation requirements for all students in
16 school districts and accredited nonpublic schools that
17 include at a minimum satisfactory completion of four
18 years of English and language arts, three years of
19 mathematics, three years of science, and three years
20 of social studies. The core curriculum adopted shall
21 address the core content standards in subsection 28
22 and the skills and knowledge students need to be
23 successful in the twenty-first century. The core
24 curriculum shall include social studies and
25 twenty-first century learning skills which include but
26 are not limited to civic literacy, health literacy,
27 technology literacy, financial literacy, and
28 employability skills; and shall address the curricular
29 needs of students in kindergarten through grade twelve
30 in those areas. ~~For purposes of this subsection,~~
31 ~~“financial literacy” shall include but not be limited~~
32 ~~to financial responsibility and planning skills; money~~
33 ~~management skills, including setting financial goals,~~
34 ~~creating spending plans, and using financial~~
35 ~~instruments; applying decision making skills to~~
36 ~~analyze debt incurrence and debt management;~~
37 ~~understanding risk management, including the features~~
38 ~~and functions of insurance; and understanding saving~~
39 ~~and investing as applied to long term financial~~
40 ~~security and asset building. The department shall~~
41 ~~further define the twenty-first century learning~~
42 ~~skills components by rule.~~

43 b. Continue the inclusive process begun during the
44 initial development of a core curriculum for grades
45 nine through twelve including stakeholder involvement,
46 including but not limited to representatives from the
47 private sector and the business community, and
48 alignment of the core curriculum to other recognized
49 sets of national and international standards. The
50 state board shall also recommend quality assessments

Page 24

1 to school districts and accredited nonpublic schools
2 to measure the core curriculum.
3 ~~The state board shall not require school districts~~
4 ~~or accredited nonpublic schools to adopt a specific~~
5 ~~textbook or textbook series to meet the core~~
6 ~~curriculum requirements of~~ Neither the state board nor
7 the department shall require school districts or
8 accredited nonpublic schools to adopt a specific
9 textbook, textbook series, or specific instructional
10 methodology, or acquire specific textbooks, curriculum
11 materials, or educational products from a specific
12 vendor in order to meet the core curriculum
13 requirements of this subsection or the core content
14 standards adopted pursuant to subsection 28.
15 Sec. ____ Section 256.9, subsection 57, as enacted
16 by 2008 Iowa Acts, section 2, is amended to read as
17 follows:
18 57. a. Develop and distribute, in collaboration
19 with the area education agencies, core curriculum
20 technical assistance and implementation strategies
21 that school districts and accredited nonpublic schools
22 ~~may~~ shall utilize, including but not limited to the
23 development and delivery of formative and
24 end-of-course model assessments classroom teachers ~~can~~
25 may use to measure student progress on the core
26 curriculum adopted pursuant to section 256.7,
27 subsection 26. The department shall ~~continue to~~
28 ~~collaborate with Iowa testing programs on the~~
29 ~~development of,~~ in collaboration with the advisory
30 group convened in accordance with paragraph "b" and
31 educational assessment providers, identify and make
32 available to school districts end-of-course and
33 additional model end-of-course and additional
34 assessments to align with the expectations included in
35 the Iowa core curriculum. The model assessments shall
36 be suitable to meet the multiple assessment measures
37 requirement specified in section 256.7, subsection 21,
38 paragraph "c".
39 b. Convene an advisory group comprised of
40 education stakeholders including but not limited to
41 school district and accredited nonpublic school
42 teachers, school administrators, higher education
43 faculty who teach in the subjects for which the
44 curriculum is being adopted, private sector employers,
45 members of the boards of directors of school
46 districts, and individuals representing the
47 educational assessment providers. The task force
48 shall review the national assessment of educational
49 progress standards and assessments used by other
50 states, and shall consider standards identified as

Page 25

1 best practices in the field of study by the national
2 councils of teachers of English and mathematics, the
3 national council for the social studies, the national
4 science teachers association, and other recognized
5 experts.

6 Sec. ____. Section 257.11, Code Supplement 2007, is
7 amended by adding the following new subsection:

8 NEW SUBSECTION. 8A. A school district shall
9 ensure that any course made available to a student
10 through any sharing agreement between the school
11 district and a community college or any other entity
12 providing course programming pursuant to this section
13 to students enrolled in the school district meets the
14 expectations contained in the core curriculum adopted
15 pursuant to section 256.7, subsection 26. The school
16 district shall ensure that any course that has the
17 capacity to generate college credit shall be
18 equivalent to college-level work.

19 Sec. ____. Section 280.2, Code 2007, is amended to
20 read as follows:

21 280.2 DEFINITIONS.

22 The term “public school” means any school directly
23 supported in whole or in part by taxation. The term
24 “nonpublic school” means any other school which is
25 accredited ~~or which uses licensed practitioners as~~
26 ~~instructors pursuant to section 256.11.~~

27 Sec. ____. 2008 Iowa Acts, Senate File 2216,
28 section 6, is amended to read as follows:

29 SEC. 6. DEPARTMENT OF EDUCATION — CORE CURRICULUM

30 STUDY. The department of education shall conduct a
31 study of the measures necessary for the successful
32 adoption by the state’s school districts and
33 accredited nonpublic schools of core curriculums and
34 core content standards established by rule pursuant to
35 section 256.7, subsections 26 and 28. The study shall
36 include an examination of the possible future
37 expansion of the core curriculum to include content
38 areas not currently included under section 256.7,
39 subsection 26, including but not limited to fine arts,
40 applied arts, humanities, and world languages. The
41 department shall submit its findings and
42 recommendations, including recommendations for
43 statutory and administrative rule changes necessary,
44 to the general assembly by November 14, 2008.

45 DIVISION ____

46 PUBLIC INFORMATION BOARD — APPROPRIATION

47 Sec. ____. Section 21.6, subsection 3, paragraph a,
48 subparagraph (3), Code 2007, is amended to read as
49 follows:

50 (3) Reasonably relied upon a decision of a court,

Page 26

1 ~~or~~ a formal opinion of the Iowa public information
2 board, the attorney general, or the attorney for the
3 governmental body, given in writing, or as
4 memorialized in the minutes of the meeting at which a
5 formal oral opinion was given, or an advisory opinion
6 of the Iowa public information board, the attorney
7 general, or the attorney for the governmental body,
8 given in writing.

9 Sec. ____ Section 21.6, subsection 3, paragraph d,
10 Code 2007, is amended to read as follows:

11 d. Shall issue an order removing a member of a
12 governmental body from office if that member has
13 engaged in a prior violation of this chapter for which
14 damages were assessed against the member during the
15 member's term. In making this determination, the
16 court shall recognize violations for which damages
17 were assessed by the Iowa public information board
18 created in section 23.3.

19 Sec. ____ Section 22.10, subsection 3, paragraphs
20 b and d, Code 2007, are amended to read as follows:

21 b. Shall assess the persons who participated in
22 its violation damages in the amount of not more than
23 five hundred dollars nor less than one hundred
24 dollars. These damages shall be paid by the court
25 imposing them to the state of Iowa if the body in
26 question is a state government body, or to the local
27 government involved if the body in question is a local
28 government body. A person found to have violated this
29 chapter shall not be assessed such damages if that
30 person proves that the person either voted against the
31 action violating this chapter, refused to participate
32 in the action violating this chapter, or engaged in
33 reasonable efforts under the circumstances to resist
34 or prevent the action in violation of this chapter;
35 had good reason to believe and in good faith believed
36 facts which, if true, would have indicated compliance
37 with the requirements of this chapter; or reasonably
38 relied upon a decision of a court ~~or an a formal~~
39 opinion of the Iowa public information board, the
40 attorney general or the attorney for the government
41 body, given in writing or as memorialized in the
42 minutes of the meeting at which a formal oral opinion
43 was given, or an advisory opinion of the Iowa public
44 information board, the attorney general, or the
45 attorney for the government body, given in writing.

46 d. Shall issue an order removing a person from
47 office if that person has engaged in a prior violation
48 of this chapter for which damages were assessed
49 against the person during the person's term. In
50 making this determination, the court shall recognize

Page 27

1 violations for which damages were assessed by the Iowa
2 public information board created in section 23.3.

3 Sec. ____ NEW SECTION. 23.1 CITATION AND
4 PURPOSE.

5 This chapter may be cited as the “Iowa Public
6 Information Board Act”. The purpose of this chapter
7 is to provide an alternative means by which to secure
8 compliance with and enforcement of the requirements of
9 chapters 21 and 22 through the provision by the Iowa
10 public information board to all interested parties of
11 an efficient, informal, and cost-effective process for
12 resolving disputes.

13 Sec. ____ NEW SECTION. 23.2 DEFINITIONS.

14 1. “Board” means the Iowa public information board
15 created in section 23.3.

16 2. “Complainant” means a person who files a
17 complaint with the board.

18 3. “Complaint” means a written and signed document
19 filed with the board alleging a violation of chapter
20 21 or 22.

21 4. “Custodian” means a government body, government
22 official, or government employee designated as the
23 lawful custodian of a government record pursuant to
24 section 22.1.

25 5. “Government body” means the same as defined in
26 section 22.1.

27 6. “Person” means an individual, partnership,
28 association, corporation, legal representative,
29 trustee, receiver, custodian, government body, or
30 official, employee, agency, or political subdivision
31 of this state.

32 7. “Respondent” means any agency or other unit of
33 state or local government, custodian, government
34 official, or government employee who is the subject of
35 a complaint.

36 Sec. ____ NEW SECTION. 23.3 BOARD APPOINTED.

37 1. An Iowa public information board is created
38 consisting of five members appointed by the governor,
39 subject to confirmation by the senate. Membership
40 shall be balanced as to political affiliation as
41 provided in section 69.16 and gender as provided in
42 section 69.16A. Members appointed to the board shall
43 serve staggered, four-year terms, beginning and ending
44 as provided by section 69.19. A quorum shall consist
45 of three members.

46 2. A vacancy on the board shall be filled by the
47 governor by appointment for the unexpired part of the
48 term. A board member may be removed from office by
49 the governor for good cause. The board shall select
50 one of its members to serve as chair and shall employ

Page 28

1 a director who shall serve as the executive officer of
2 the board.

3 Sec. ____ NEW SECTION. 23.4 COMPENSATION AND
4 EXPENSES.

5 Board members shall be paid a per diem as specified
6 in section 7E.6 and shall be reimbursed for actual and
7 necessary expenses incurred while on official board
8 business. Per diem and expenses shall be paid from
9 funds appropriated to the board.

10 Sec. ____ NEW SECTION. 23.5 ELECTION OF
11 REMEDIES.

12 1. An aggrieved person, any taxpayer to or citizen
13 of this state, the attorney general, or any county
14 attorney may seek enforcement of the requirements of
15 chapters 21 and 22 by electing either to file an
16 action pursuant to section 17A.19, 21.6, or 22.10,
17 whichever is applicable, or in the alternative, to
18 file a timely complaint with the board.

19 2. If more than one person seeks enforcement of
20 chapter 21 or 22 with respect to the same incident
21 involving an alleged violation, and one or more of
22 such persons elects to do so by filing an action under
23 section 17A.19, 21.6, or 22.10 and one or more of such
24 persons elects to do so by filing a timely complaint
25 with the board, the court in which the action was
26 filed shall dismiss the action without prejudice,
27 authorizing the complainant to file a complaint with
28 respect to the same incident with the board without
29 regard to the timeliness of the filing of the
30 complaint at the time the action in court is
31 dismissed.

32 3. If a person files an action pursuant to section
33 22.8 seeking to enjoin the inspection of a public
34 record, the respondent or person requesting access to
35 the record which is the subject of the request for
36 injunction may remove the proceeding to the board for
37 its determination by filing, within thirty days of the
38 commencement of the judicial proceeding, a complaint
39 with the board alleging a violation of chapter 22 in
40 regard to the same matter.

41 Sec. ____ NEW SECTION. 23.6 BOARD POWERS AND
42 DUTIES.

43 The board shall have all of the following powers
44 and duties:

45 1. Employ such employees as are necessary to
46 execute its authority, including administrative law
47 judges, and attorneys to prosecute respondents in
48 proceedings before the board and to represent the
49 board in proceedings before a court. Notwithstanding
50 section 8A.412, all of the board's employees, except

Page 29

1 for the executive director and attorneys, shall be
2 employed subject to the merit system provisions of
3 chapter 8A, subchapter IV.

4 2. Adopt rules with the force of law pursuant to
5 chapter 17A calculated to implement, enforce, and
6 interpret the requirements of chapters 21 and 22 and
7 to implement any authority delegated to the board by
8 this chapter.

9 3. Issue, consistent with the requirements of
10 section 17A.9, declaratory orders with the force of
11 law determining the applicability of chapter 21 or 22
12 to specified fact situations and issue informal advice
13 to any person concerning the applicability of chapters
14 21 and 22.

15 4. Receive complaints alleging violations of
16 chapter 21 or 22, seek resolution of such complaints
17 through informal assistance or through mediation and
18 settlement, formally investigate such complaints,
19 decide after such an investigation whether there is
20 probable cause to believe a violation of chapter 21 or
21 22 has occurred, and if probable cause has been found
22 prosecute the respondent before the board in a
23 contested case proceeding conducted according to the
24 provisions of chapter 17A.

25 5. Request and receive from a government body
26 assistance and information as necessary in the
27 performance of its duties. The board may examine a
28 record of a government body that is the subject matter
29 of a complaint, including any record that is
30 confidential by law. Confidential records provided to
31 the board by a governmental body shall continue to
32 maintain their confidential status. Any member or
33 employee of the board is subject to the same policies
34 and penalties regarding the confidentiality of the
35 document as an employee of the government body.

36 6. Issue subpoenas enforceable in court for the
37 purpose of investigating complaints and to facilitate
38 the prosecution and conduct of contested cases before
39 the board.

40 7. After appropriate board proceedings, issue
41 orders with the force of law, determining whether
42 there has been a violation of chapter 21 or 22,
43 requiring compliance with specified provisions of
44 those chapters, imposing civil penalties equivalent to
45 and to the same extent as those provided for in
46 section 21.6 or 22.10, as applicable, on a respondent
47 who has been found in violation of chapter 21 or 22,
48 and imposing any other appropriate remedies calculated
49 to declare, terminate, or remediate any violation of
50 those chapters.

Page 30

1 8. Represent itself in judicial proceedings to
2 enforce or defend its orders and rules through
3 attorneys on its own staff, through the office of the
4 attorney general, or through other attorneys retained
5 by the board, at its option.

6 9. Make training opportunities available to lawful
7 custodians, government bodies, and other persons
8 subject to the requirements of chapters 21 and 22 and
9 require, in its discretion, appropriate persons who
10 have responsibilities in relation to chapters 21 and
11 22 to receive periodic training approved by the board.

12 10. Disseminate information calculated to inform
13 members of the public about the public's right to
14 access government information in this state including
15 procedures to facilitate this access and including
16 information relating to the obligations of government
17 bodies under chapter 21 and lawful custodians under
18 chapter 22 and other laws dealing with this subject.

19 11. Prepare and transmit to the governor and to
20 the general assembly, at least annually, reports
21 describing complaints received, board proceedings,
22 investigations, hearings conducted, decisions
23 rendered, and other work performed by the board.

24 12. Make recommendations to the general assembly
25 proposing legislation relating to public access to
26 government information deemed desirable by the board
27 in light of the policy of this state to provide as
28 much public access as possible to government
29 information as is consistent with the public interest
30 and the need to protect individuals against undue
31 invasions of personal privacy.

32 Sec. ____ NEW SECTION. 23.7 FILING OF COMPLAINTS
33 WITH THE BOARD.

34 1. The board shall adopt rules with the force of
35 law and pursuant to chapter 17A providing for the
36 timing, form, content, and means by which any
37 aggrieved person, any taxpayer or citizen of this
38 state, the attorney general, or any county attorney
39 may file a complaint with the board alleging a
40 violation of chapter 21 or 22. The complaint must be
41 filed within sixty days from the time the alleged
42 violation occurred or the complainant could have
43 become aware of the violation with reasonable
44 diligence.

45 2. All board proceedings in response to the filing
46 of a complaint shall be conducted as expeditiously as
47 possible.

48 3. The board shall not charge a complainant any
49 fee in relation to the filing of a complaint, the
50 processing of a complaint, or any board proceeding or

Page 31

1 judicial proceeding resulting from the filing of a
2 complaint.

3 Sec. ____ NEW SECTION. 23.8 INITIAL PROCESSING
4 OF COMPLAINT.

5 Upon receipt of a complaint alleging a violation of
6 chapter 21 or 22, the board shall do either of the
7 following:

8 1. Determine that, on its face, the complaint is
9 within the board's jurisdiction, appears legally
10 sufficient, and could have merit. In such a case the
11 board shall accept the complaint, and shall notify the
12 parties of that fact in writing.

13 2. Determine that, on its face, the complaint is
14 outside its jurisdiction, is legally insufficient, is
15 frivolous, is without merit, involves harmless error,
16 or relates to a specific incident that has previously
17 been finally disposed of on its merits by the board or
18 a court. In such a case the board shall decline to
19 accept the complaint. If the board refuses to accept
20 a complaint, the board shall provide the complainant
21 with a written order explaining its reasons for the
22 action.

23 Sec. ____ NEW SECTION. 23.9 INFORMAL ASSISTANCE
24 — MEDIATION AND SETTLEMENT.

25 1. After accepting a complaint, the board shall
26 promptly work with the parties through its employees
27 to reach an informal, expeditious resolution of the
28 complaint. If an informal resolution satisfactory to
29 the parties cannot be reached, the board or the
30 board's designee shall offer the parties an
31 opportunity to resolve the dispute through mediation
32 and settlement.

33 2. The mediation and settlement process shall
34 enable the complainant to attempt to resolve the
35 dispute with the aid of a neutral mediator employed
36 and selected by the board, in its discretion, from
37 either its own staff or an outside source.

38 3. Mediation shall be conducted as an informal,
39 nonadversarial process and in a manner calculated to
40 help the parties reach a mutually acceptable and
41 voluntary settlement agreement. The mediator shall
42 assist the parties in identifying issues and shall
43 foster joint problem solving and the exploration of
44 settlement alternatives.

45 Sec. ____ NEW SECTION. 23.10 ENFORCEMENT.

46 1. If any party declines mediation or settlement
47 or if mediation or settlement fails to resolve the
48 matter to the satisfaction of all parties, the board
49 shall initiate a formal investigation concerning the
50 facts and circumstances set forth in the complaint.

Page 32

1 The board shall, after an appropriate investigation,
2 make a determination as to whether the complaint is
3 within the board's jurisdiction and whether there is
4 probable cause to believe that the facts and
5 circumstances alleged in the complaint constitute a
6 violation of chapter 21 or 22.

7 2. If the board finds the complaint is outside the
8 board's jurisdiction or there is no probable cause to
9 believe there has been a violation of chapter 21 or
10 22, the board shall issue a written order explaining
11 the reasons for the board's conclusions and dismissing
12 the complaint, and shall transmit a copy to the
13 complainant and to the party against whom the
14 complaint was filed.

15 3. a. If the board finds the complaint is within
16 the board's jurisdiction and there is probable cause
17 to believe there has been a violation of chapter 21 or
18 22, the board shall issue a written order to that
19 effect and shall commence a contested case proceeding
20 under chapter 17A against the respondent. An attorney
21 selected by the director of the board shall prosecute
22 the respondent in the contested case proceeding. At
23 the termination of the contested case proceeding the
24 board shall, by a majority vote of its members, render
25 a final decision as to the merits of the complaint.
26 If the board finds that the complaint has merit, the
27 board may issue any appropriate order to ensure
28 enforcement of chapter 21 or 22 including but not
29 limited to an order requiring specified action or
30 prohibiting specified action and any appropriate order
31 to remedy any failure of the respondent to observe any
32 provision of those chapters.

33 b. If the board determines, by a majority vote of
34 its members, that the respondent has violated chapter
35 21 or 22, the board may also do any or all of the
36 following:

37 (1) Require the respondent to pay damages as
38 provided for in section 21.6 or 22.10, whichever is
39 applicable, to the extent that provision would make
40 such damages payable if the complainant had sought to
41 enforce a violation in court instead of through the
42 board.

43 (2) Void any action taken in violation of chapter
44 21 if a court would be authorized to do so in similar
45 circumstances pursuant to section 21.6.

46 c. The board shall not have the authority to
47 remove a person from public office for a violation of
48 chapter 21 or 22. The board may file an action under
49 chapter 21 or 22 to remove a person from office for
50 violations that would subject a person to removal

1 under those chapters.

2 d. A final board order resulting from such
3 proceedings may be enforced by the board in court and
4 is subject to judicial review pursuant to section
5 17A.19.

6 Sec. ____ NEW SECTION. 23.11 DEFENSES IN A
7 CONTESTED CASE PROCEEDING.

8 A respondent may defend against a proceeding before
9 the board charging a violation of chapter 21 or 22 on
10 the ground that if such a violation occurred it was
11 only harmless error or that clear and convincing
12 evidence demonstrated that grounds existed to justify
13 a court to issue an injunction against disclosure
14 pursuant to section 22.8.

15 Sec. ____ NEW SECTION. 23.12 JURISDICTION.

16 The board shall not have jurisdiction over the
17 judicial or legislative branches of state government
18 or any entity, officer, or employee of those branches,
19 or over the governor or the office of the governor.

20 Sec. ____ IOWA PUBLIC INFORMATION BOARD —
21 TRANSITION PROVISIONS.

22 1. The initial members of the Iowa public
23 information board established pursuant to this
24 division of this Act shall be appointed by September
25 1, 2008.

26 2. Notwithstanding any provision of this division
27 of this Act to the contrary, the director of the board
28 and employees of the board shall not be hired prior to
29 July 1, 2009.

30 3. Prior to July 1, 2009, the board shall submit a
31 report to the governor and the general assembly. The
32 report shall include a job description for the
33 executive director of the board, goals for board
34 operations, and performance measures to measure
35 achievement of the board's goals.

36 Sec. ____ APPROPRIATION — IOWA PUBLIC INFORMATION
37 BOARD. There is appropriated from the general fund of
38 the state to the department of management for the
39 fiscal year beginning July 1, 2008, and ending June
40 30, 2009, the following amount, or so much thereof as
41 is necessary, to be used for the following purpose:

42 For the initial expenses of the Iowa public
43 information board as established in this division of
44 this Act:

45 \$ 6,000

46 Sec. ____ LEGISLATIVE INTENT — OPEN MEETINGS AND
47 PUBLIC RECORDS LAWS. It is the intent of the general
48 assembly to provide as much transparency in government
49 operations as possible consistent with the need to
50 avoid undue invasions of personal privacy and the need

Page 34

1 to avoid significant interference with the achievement
 2 of other important and legitimate state objectives.
 3 To these ends, the general assembly will continue to
 4 consider and make any necessary technical, practical,
 5 and policy revisions to Iowa's open meetings law,
 6 chapter 21, and Iowa's public records law, chapter 22.

7 DIVISION ____

8 WAGE-BENEFITS TAX CREDIT PROGRAM

9 Sec. ____ Section 15.335A, subsection 2,
 10 paragraphs b and c, Code 2007, are amended by striking
 11 the paragraphs and inserting in lieu thereof the
 12 following:

13 b. "Average county wage" means the annualized,
 14 average hourly wage based on wage information compiled
 15 by the department of workforce development.

16 c. "Benefits" means all of the following:

17 (1) Medical and dental insurance plans. If an
 18 employer offers medical insurance under both single
 19 and family coverage plans, the employer shall be given
 20 credit for providing medical insurance under family
 21 coverage plans to all new employees.

22 (2) Pension and profit sharing plans.

23 (3) Child care services.

24 (4) Life insurance coverage.

25 (5) Other benefits identified by rule of the
 26 department of revenue.

27 Sec. ____ Section 15.336, Code 2007, is amended to
 28 read as follows:

29 15.336 OTHER INCENTIVES.

30 An eligible business may receive other applicable
 31 federal, state, and local incentives and credits in
 32 addition to those provided in this part. ~~However, a~~
 33 ~~business which participates in the program under this~~
 34 ~~part shall not receive any wage benefits tax credits~~
 35 ~~under chapter 15I.~~

36 Sec. ____ Section 15G.112, subsection 1, Code
 37 2007, is amended to read as follows:

38 1. In order to receive financial assistance from
 39 the department from moneys appropriated from the grow
 40 Iowa values fund, the average annual wage, including
 41 benefits, of new jobs created must be equal to or
 42 greater than one hundred thirty percent of the average
 43 county wage. For purposes of this section, "average
 44 county wage" and "benefits" mean the same as defined
 45 in section ~~15I.1~~ 15.335A.

46 Sec. ____ Section 422.33, subsection 18, Code
 47 Supplement 2007, is amended by striking the
 48 subsection.

49 Sec. ____ Section 422.60, subsection 10, Code
 50 Supplement 2007, is amended by striking the

Page 35

1 subsection.

2 Sec. ____ Section 533.329, subsection 2, paragraph

3 m, Code Supplement 2007, is amended by striking the

4 subsection.

5 Sec. ____ Sections 15I.2, 15I.3, and 422.11L, Code

6 Supplement 2007, are repealed.

7 Sec. ____ Sections 15I.1, 15I.4, 15I.5, and

8 432.12G, Code 2007, are repealed.

9 Sec. ____ CONTINUATION OF TAX CREDITS. The repeal

10 of chapter 15I in this division of this Act does not

11 affect the availability of tax credits for qualified

12 new jobs in existence on June 30, 2008. Qualified new

13 jobs in existence on June 30, 2008, shall continue to

14 be eligible to receive the tax credits for the

15 remainder of the five-year period. However, a

16 business is not entitled to a tax credit for a

17 qualified new job created on or after July 1, 2008.”

18 28. By renumbering as necessary.

ROBERT E. DVORSKY

S-5465

1 Amend the amendment, S-5464, to House File 2700, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, line 16, by inserting after the word

5 “by” the following: “the Iowa state fair board with

6 the approval of”.

JOHN PUTNEY

S-5466

1 Amend the amendment, S-5464, to House File 2700, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 17, by striking lines 3 through 12 and

5 inserting the following:

6 “Sec. ____ UNITED STATES CENTER FOR CITIZEN

7 DIPLOMACY. There is appropriated from the general

8 fund of the state to the department of economic

9 development for the fiscal year beginning July 1,

10 2008, and ending June 30, 2009, the following amount,

11 or so much thereof as is necessary, to be used for the

12 purposes designated:

13 For a grant to support the United States center for

14 citizen diplomacy:

15

\$ 150,000

16 The director of the department of economic
17 development shall condition the grant upon the grantee
18 submitting all of the following: evidence of a
19 matching amount from nongovernmental sources received
20 during calendar year 2008, a financial plan for
21 program sustainability, evidence that the center's
22 principal place of business is in this state, and
23 agreement to submit quarterly reports demonstrating
24 that the center's programs are directed to assisting
25 the citizens of this state and beyond in promoting
26 citizen diplomacy through individual, educational,
27 business, and cultural efforts. The director shall
28 submit the reports required under this section to the
29 governor and the legislative council."

ROBERT E. DVORSKY

S-5467

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2700

- 1 Amend the Senate amendment, H-8728, to House File
2 2700, as amended, passed, and reprinted by the House,
3 as follows:
- 4 1. By striking page 4, line 31, through page 5,
5 line 21.
 - 6 2. By striking page 5, line 22, through page 6,
7 line 34.
 - 8 3. Page 8, by striking lines 9 through 34.
 - 9 4. Page 15, by inserting after line 48 the
10 following:
11 "____. Page 50, by striking lines 3 through 30."
12 5. By striking page 24, line 3, through page 32,
13 line 12.
 - 14 6. By renumbering as necessary.

REPORTS OF CONFERENCE COMMITTEES

Senate Files

SENATE FILE 2308

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2308, a bill for an Act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties, respectfully make the following report:

1. That the Senate recedes from it amendment, H-8465.

2. That the House recedes from its amendment, S-5272.

3. That Senate File 2308, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. Page 1, line 5, by inserting after the word "maintained" the following: "in computerized form".

2. Page 1, by striking lines 13 through 21 and inserting the following: "integrity of the personal information."

3. Page 2, lines 27 and 28, by striking the words "voice print or recording,".

4. Page 3, by striking line 1 and inserting the following: "than five digits of a social security number or the last four digits of other".

5. Page 3, line 6, by striking the words "owns, maintains, or otherwise possesses" and inserting the following: "owns or licenses computerized".

6. Page 3, line 9, by striking the word "who" and inserting the following: "that".

7. Page 4, line 3, by inserting after the word "notice" the following: "to the last available address the person has in the person's records".

8. Page 5, line 2, by inserting before the word "harm" the following: "financial".

9. Page 5, by inserting after line 32 the following:

"Sec. __. DISCLOSURE OF PERSONAL INFORMATION BY PUBLIC OFFICIALS, ENTITIES, OR AFFILIATED ORGANIZATIONS — INTERIM STUDY COMMITTEE REQUESTED.

The legislative council is requested to establish an interim study committee to assess and review the extent to which public officials, entities, and affiliated organizations in possession of or with access to personal identifying information of a resident of this state which could, if disclosed, render the resident vulnerable to identity theft, are disclosing or selling such information for compensation. Based upon this assessment and review, the committee shall develop recommendations relating to these practices. The committee shall be composed of ten members representing both political parties and both houses of the general assembly. Five members shall be members of the senate, three of whom shall be appointed by the majority leader of the senate and two of whom shall be appointed by the minority leader of the senate. The other five members shall be members of the house or representatives, three of whom shall be appointed by the speaker of the house of representatives and two of whom shall be appointed by the minority leader of the house of representatives. The committee shall issue a report of its recommendations to the general assembly by January 15, 2009."

10. Title page, line 3, by inserting after the word “information,” the following: “requesting the establishment of an interim study committee relating to the disclosure of personal information by public officials, entities, and affiliated organizations.”

11. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the part of the Senate:

STEVE WARNSTADT, Chair
 JERRY BEHN
 THOMAS G. COURTNEY
 WILLIAM HECKROTH
 STEVE KETTERING

On the part of the House:

DORIS KELLEY, Chair
 GERI HOUSER
 LIBBY JACOBS
 DAVE JACOBY
 DAVID TJEKES

SENATE FILE 2425

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2425, a bill for an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, respectfully make the following report:

1. That the House recedes from its amendment, S-5401.

2. That Senate File 2425, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. Page 1, line 24, by striking the figure “4,851,698” and inserting the following: “5,251,698”.

2. Page 2, by inserting after line 21 the following:

“___ Of the funds appropriated in this section, \$200,000 shall be used to replace federal funding for the aging and disability resource center.

___ Of the funds appropriated in this section, \$200,000 shall be used to expand the elder abuse initiative program established pursuant to section 231.56A to additional counties.”

3. Page 2, line 34, by striking the figure “1,532,149” and inserting the following: “3,082,149”.

4. Page 3, line 1, by striking the word “The” and inserting the following: “a. The”.

5. Page 3, by inserting after line 3, the following:

“b. Of the funds appropriated in this subsection, \$1,550,000 shall be used for tobacco use prevention, cessation, and treatment.”

6. Page 4, by striking lines 9 through 13.

7. Page 5, lines 30 and 31, by striking the words and figures “pursuant to sections 135.102 and 135.103”.

8. Page 6, line 1, by striking the figure “1,701,974” and inserting the following: “1,858,286”.

9. Page 6, line 4, by striking the figure “43,688” and inserting the following: “200,000”.

10. Page 6, line 13, by striking the figure “2,798,513” and inserting the following: “3,161,013”.

11. Page 6, line 24, by striking the figure “100,000” and inserting the following: “262,500”.

12. Page 6, by inserting after line 31, the following:

“dd. Of the funds appropriated in this subsection, \$200,000 shall be used for startup costs to implement licensing of plumbers and mechanical professionals in accordance with 2007 Iowa Acts, chapter 198.”

13. Page 7, line 25, by striking the figure “4,678,000” and inserting the following: “1,690,000”.

14. Page 7, line 26, by striking the words “a. It” and inserting the following: “It”.

15. Page 7, by striking lines 32 through 34 and inserting the following:

“2. In addition to the appropriation made in subsection 1, there is appropriated from funds available in the gambling treatment fund created in section 135.150 to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be utilized for the benefit of substance abuse treatment for persons with addictions:

..... \$ 525,000

The amount appropriated in this subsection is one-time funding from moneys remaining in the gambling treatment fund from the carry forward of appropriations made for addictive disorders in previous fiscal years.”

16. Page 7, line 35, by striking the figure “2.” and inserting the following: “3.”

17. Page 8, by striking line 1 and inserting the following: “after the appropriations are made in subsections 1 and 2, is appropriated”.

18. Page 8, by inserting after line 10 the following:

“4. Notwithstanding any provision to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of gambling and substance abuse treatment services statewide, the department shall implement a process to create a system for delivery of the treatment services. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the gambling and substance abuse treatment services in an area may be provided either by a single agency or by separate agencies submitting a joint proposal. The process shall be completed by July 1, 2010.

a. The process shall include the establishment of joint licensure for gambling and substance abuse treatment programs that includes one set of standards, one licensure survey, comprehensive technical assistance, and appropriately credentialed counselors to support the following goals:

(1) Gambling and substance abuse treatment services are available to Iowans statewide.

(2) To the greatest extent possible, outcome measures are uniform statewide for both gambling and substance abuse treatment services and include but are not limited to prevalence indicators, service delivery areas, financial accountability, and longitudinal clinical outcomes.

(3) The costs to deliver gambling and substance abuse treatment services in the system are based upon best practices and are uniform statewide.

b. From the amounts appropriated in this section and from other funding sources available for gambling and substance abuse treatment, the department may allocate up to \$100,000 for administrative costs to develop and implement the process in accordance with this subsection.”

19. Page 10, by inserting after line 32 the following:

“Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or obligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the

succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2009, the moneys shall revert.”

20. Page 10, line 34, by striking the figure “17,707,495” and inserting the following: “18,507,495”.

21. Page 10, by inserting after line 34 the following:

“Of the funds appropriated in this subsection, \$800,000 is allocated for additional income maintenance workers and social workers.”

22. Page 14, by striking lines 30 through 34.

23. Page 15, by inserting after line 19 the following:

“The department shall amend the food stamp employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the fifty-fifty match provisions for the claiming of allowable federal matching funds from the United States department of agriculture pursuant to the federal food stamp employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses.”

24. Page 19, line 10, by striking the figure “646,401,453” and inserting the following: “649,629,269”.

25. Page 24, line 35, by inserting after the word “Act,” the following: “beginning January 1, 2009.”

26. Page 25, line 3, by inserting after the word “Act,” the following: “beginning January 1, 2009.”

27. Page 25, by striking lines 12 and 13 and inserting the following:

“(5) For Medicaid services provided under the children’s mental health waiver, \$750,000.”

28. Page 25, by inserting after line 25 the following:

“____. Of the funds appropriated in this section, \$250,000 shall be used to implement the provisions in 2007 Iowa Acts, chapter 218, section 124, as amended by the Eighty-second General Assembly, 2008 Session, relating to eligibility for certain persons with disabilities under the medical assistance program.

____. The department of human services shall conduct a review of the impact of broadening the list of drugs prescribed for the treatment of diabetes on the preferred drug list under the medical assistance program in order to promote drugs that are appropriate and therapeutically effective for persons with diabetes. The review shall include, at a minimum, a comparison of the effectiveness of drugs prescribed for the treatment of diabetes and a cost analysis. The department shall report its findings and recommendations to the individuals specified in this Act to receive reports by December 15, 2008.

____. The department of human services shall conduct a review of the medical assistance home and community-based services waivers, including but not limited to the upper limit of reimbursement for each waiver and the services provided under each waiver, and shall make recommendations to the individuals specified in this Act to receive reports by December 15, 2008, regarding revising the upper limits of reimbursement and services provided.”

29. Page 26, line 26, by striking the figure “18,310,335” and inserting the following: “18,611,385”.

30. Page 27, line 27, by striking the figure “15,873,103” and inserting the following: “13,868,885”.

31. Page 28, line 32, by striking the figure “39,298,895” and inserting the following: “41,345,381”.

32. Page 28, line 33, by striking the figure “36,043,083” and inserting the following: “37,589,569”.

33. Page 29, line 15, by striking the figure “1,180,288” and inserting the following: “1,680,288”.

34. Page 31, line 13, by striking the figure “88,557,565” and inserting the following: “89,326,628”.

35. Page 31, line 34, by striking the figure “36,441,744” and inserting the following: “35,841,744”.

36. Page 37, by inserting after line 21 the following:

“25. Of the funds appropriated in this section, \$152,440 shall be used for continuation of the funding of one or more child welfare diversion and mediation pilot projects as provided in 2004 Iowa Acts, chapter 1130, section 1.

26. The department shall review the processes for drug testing of persons responsible for the care of a child in child abuse cases to evaluate the effectiveness of the testing, whether it is applied in the same manner in all service areas, identify how the funding designated for drug testing is utilized, and address other issues associated with the testing. The department shall report on or before December 1, 2008, concerning the review to the persons designated by this Act to receive reports.

27. Of the funds appropriated in this section, \$100,000 shall be used for a grant to support a satellite project associated with a child protection center in a county with a population between 189,000 and 196,000 to be operated in a hospital in a county in northeast Iowa with a population between 120,000 and 135,000. The pilot project shall provide immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and the victims’ nonoffender family members. Population numbers used in this subsection are from the latest preceding certified federal census.”

37. Page 37, line 29, by striking the figure “32,568,872” and inserting the following: “34,168,872”.

38. Page 39, line 35, by striking the figure “7,023,073” and inserting the following: “7,323,073”.

39. Page 40, line 1, by striking the figure “109.95” and inserting the following: “114.95”.

40. Page 40, by inserting after line 1 the following:

“Of the funds appropriated in this section, \$300,000 shall be used to establish and operate an Alzheimer’s patient mobile consultation and assessment program.”

41. Page 44, by striking lines 2 through 13 and inserting the following:

“6. Of the funds appropriated in this section, \$260,000 shall be used for a grant to a statewide association of counties for development and implementation of the community services network to replace the county management information system.”

42. Page 44, line 29, by striking the figure “6,492,008” and inserting the following: “6,720,268”.

43. Page 45, line 13, by striking the figure “66,852,732” and inserting the following: “67,852,732”.

44. Page 46, by inserting after line 20 the following:

“Sec. ____ PREGNANCY COUNSELING AND SUPPORT SERVICES PROGRAM — APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount or so much thereof as is necessary for the purpose designated:

For a pregnancy counseling and support services program as specified in this section:

..... \$ 200,000

The department of human services shall establish a pregnancy counseling and support services program to provide core services consisting of information, education,

counseling, and support services to women who experience unplanned pregnancies by supporting childbirth, assisting pregnant women in remaining healthy and maintaining a healthy pregnancy while deciding whether to keep the child or place the child for adoption, and assisting women after the birth of a child. The services provided may include but are not limited to: counseling and mentoring; pregnancy, childbirth, and parenting classes; fostering of a statewide pregnancy and parenting support system; assistance with physical and mental well-being of a woman during pregnancy and post delivery; assistance with the physical well-being of the woman during pregnancy and the newborn; assistance with food, shelter, clothing, health care, child care, and employment; and other supportive programs and services. The department shall award grants to service providers that have been in existence for at least one year prior to the awarding of the grant, are qualified and experienced in providing core pregnancy support services that support childbirth and parenting support services, including qualified Medicaid providers, social service agencies, and adoption agencies. Actual provision and delivery of services and counseling shall be dependent on client needs and not otherwise prioritized by agency or agencies administering the program.

Sec. ___. CIVIL MONETARY PENALTIES — DIRECT CARE WORKERS. Of the funds received by the department of human services through federal civil monetary penalties from nursing facilities, during the fiscal year beginning July 1, 2008, and ending June 30, 2009, \$70,000 shall be used to provide conference scholarships to direct care workers, subject to approval by the centers for Medicare and Medicaid services of the United States department of health and human services.”

45. Page 46, line 32, by striking the figure “2007.” And inserting the following: “2007, plus 1 percent. Nursing facility rates calculated in accordance with this subparagraph shall in no instance exceed the rate component limits as defined in 441 IAC 81.6(16).”

46. Page 47, line 23, by striking the figure “4.52” and inserting the following: “4.57”.

47. Page 47, by striking lines 25 through 33, and inserting the following:

“c. (1) (a) For the fiscal year beginning July 1, 2008, reimbursement rates for inpatient and outpatient hospital services shall be increased by 1 percent over the rates in effect on June 30, 2008.

(b) If the centers for Medicare and Medicaid services of the United States department of health and human services does not approve the increased reimbursement for hospitals provided pursuant to subparagraph subdivision (a), of the funds appropriated to the department for reimbursement to medical assistance providers for the fiscal year beginning July 1, 2008, \$1,700,000 shall be used as nonmedical assistance payments to hospitals paid under the prospective payment system methodology under the medical assistance program for the purposes of addressing health care workforce shortages by increasing salaries for registered nurses who are permanent employees, eligible for benefits, and who provide direct care to patients.

(c) Hospitals paid under the prospective payment system methodology under the medical assistance program shall report to the department the total amount of nurse salary increases compared to the total amount of the medical assistance payment increase for the fiscal year beginning July 1, 2008. Nurse salary information shall only include information for registered nurses who are permanent employees, eligible for benefits, and who provide direct care to patients. Reports submitted shall be a public record.

(d) The department shall continue the outpatient hospital reimbursement system based upon ambulatory patient groups implemented pursuant to 1994 Iowa Acts,

chapter 1186, section 25, subsection 1, paragraph “f”, unless the department adopts the Medicare ambulatory payment classification methodology authorized in subparagraph (2).”

48. Page 48, line 16, by striking the words “remain at” and inserting the following: “be increased by 1 percent over”.

49. Page 48, line 21, by striking the figure “2008” and inserting the following: “2009”.

50. Page 48, line 27, by striking the words “remain at” and inserting the following: “be increased by 1 percent over”.

51. Page 48, line 31, by striking the figure “160.71” and inserting the following: “167.19”.

52. Page 48, line 34, by striking the words “remain at” and inserting the following: “be increased by 1 percent over”.

53. Page 49, by inserting after line 3 the following: “ii. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2008, the reimbursement rate for anesthesiologists shall be increased by 1 percent over the medical assistance rate for anesthesiologists in effect on July 1, 2007.”

54. Page 49, line 8, by striking the words “remain at” and inserting the following: “be increased by 1 percent over”.

55. Page 50, line 16, by striking the words “remain at” and inserting the following: “be increased by 1 percent over”.

56. Page 50, line 34, by striking the words “remain at” and inserting the following: “be increased by 1 percent over”.

57. Page 51, line 11, by inserting after the word “costs” the following: “plus 1 percent”.

58. Page 51, line 19, by striking the figure “91.45” and inserting the following: “92.36”.

59. Page 51, line 27, by striking the words “remain at” and inserting the following: “be increased by \$0.91 over”.

60. Page 52, line 3, by inserting after the figure “2004.” the following: “Effective October 1, 2008, the child care provider reimbursement rates shall be increased by 2 percent over the rates in effect on September 30, 2008.”

61. Page 52, line 5, by inserting after the word “registered” the following: “by applying the increase only to registered and licensed providers”.

62. Page 54, by striking line 27 and inserting the following: “provider entities, the state and local offices of the long-term care resident’s advocate, the older Iowans’ legislature, area agencies on aging, the”.

63. Page 55, by inserting before line 26 the following:

“Sec. __. VISUAL ASSESSMENTS AND REPAIR OF LEAD HAZARDS. The department of human services and the department of education shall adopt rules to require programs and facilities under the purview of the respective department to conduct visual assessments for lead hazards and to repair lead hazards identified.”

64. Page 58, line 19, by striking the figure “67,500,000” and inserting the following: “111,753,195”.

65. Page 63, line 7, by striking the figure “500,000” and inserting the following: “1,000,000”.

66. Page 63, by striking lines 32 through 35.

67. Page 64, by striking lines 1 through 19.

68. Page 67, by striking lines 24 and 25 and inserting the following:

2. a. The division shall implement an emergency mental health crises services system in consultation with counties, and community mental health centers and other mental health and social service providers, in accordance with this section.”

69. Page 79, line 25, by inserting after the figure “2007” the following: “, and a levy rate will be required for the fiscal year beginning July 1, 2009, that is at least 90 percent of the maximum allowed for the county’s mental health, mental retardation, and developmental disabilities services fund under section 331.424A”.

70. Page 81, line 23, by inserting after the word “districts.” the following: “The task force shall utilize a facilitator to assist the process.”

71. By striking page 82, line 10, through page 84, line 2, and inserting the following:

“Sec. ____ . COMMUNITY MENTAL HEALTH CENTER LAW UPDATE.

1. The division of mental health and disability services of the department of human services and the mental health, mental retardation, developmental disabilities, and brain injury commission, shall develop a proposal for updating and revising Code chapter 230A, relating to community mental health centers, and for revising the accreditation standards in rule that would result from the statutory revisions. An advisory committee shall be utilized in developing the proposal. In addition to interests represented on the commission, the advisory committee membership shall include but is not limited to representatives of the following: the child welfare advisory committee established pursuant to section 234.3, the coalition for family and children’s services in Iowa, the Iowa chapter of the national association of social workers, the Iowa psychological society, and the Iowa psychiatric society.

2. The proposal content shall include but is not limited to addressing Code chapter 230A requirements in the following areas: establishment and support of community mental health centers, services offered, consumer and family involvement, capability to address co-occurring disorders, forms of organization, board of directors, organization meetings, duties and powers of directors, center organization as a nonprofit entity, annual budget, financial support of centers through federal and state block grants, comprehensive community mental health programs, target populations to be served, emergency mental health crisis services, quality improvement programs, use of evidence-based practices, use of functional assessments and outcomes measures, establishment of standards, and review and evaluation processes.

3. The proposal, accompanied by findings and recommendations, shall be submitted to the governor and general assembly on or before December 1, 2008. Until that report has been considered and acted upon by the general assembly, the division administrator may defer consideration of requests for accreditation of a new community mental health center or for approval of a provider to fill the role of a community mental health center.”

72. Page 84, line 18, by striking the figure “2,955,164” and inserting the following: “3,195,164”.

73. Page 85, line 14, by striking the figure “682,000” and inserting the following: “922,000”.

74. Page 89, line 20, by striking the figure “113,690,856” and inserting the following: “114,943,296”.

75. Page 94, by striking lines 20 through 30 and inserting the following:

“TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM

Sec. ____ . 2007 Iowa Acts, chapter 218, section 7, subsection 3, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such

moneys are encumbered or obligated on or before September 30, 2008, the moneys shall revert.”

76. Page 98, by inserting after line 6 the following:
“MI/MR/DD STATE CASES
ADDICTIVE DISORDERS

Sec. ____ 2007 Iowa Acts, chapter 218, section 25, subsection 3, is amended to read as follows:

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. The first \$300,000 of such moneys shall be transferred to the appropriation made from the general fund of the state to the department of public health for addictive disorders for the fiscal year beginning July 1, 2008, to be used for substance abuse treatment activities.

MH/DD COMMUNITY SERVICES FUND
TRANSFER FOR ADDICTIVE DISORDERS

Sec. ____ 2007 Iowa Acts, chapter 218, section 26, subsection 6, is amended to read as follows:

6. Of the funds appropriated in this section, \$260,000 is allocated to the department for continuing the development of an assessment process for use beginning in a subsequent fiscal year as authorized specifically by a statute to be enacted in a subsequent fiscal year, determining on a consistent basis the needs and capacities of persons seeking or receiving mental health, mental retardation, developmental disabilities, or brain injury services that are paid for in whole or in part by the state or a county. The assessment process shall be developed with the involvement of counties and the mental health, mental retardation, developmental disabilities, and brain injury commission. Notwithstanding section 8.33, moneys allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall be transferred to the appropriation made from the general fund of the state to the department of public health for addictive disorders for the fiscal year beginning July 1, 2008, to be used for substance abuse treatment activities.”

77. Page 100, line 10, by striking the word “subsection” and inserting the following: “subsections”.

78. Page 100, by inserting after line 20 the following:

“NEW SUBSECTION. 9. For the medical assistance program only to the extent all other appropriations made for the program are insufficient:

..... \$ 2,500,000”

79. Page 107, line 26, by inserting after the word “policy” the following: “bodies”.

80. By striking page 119, line 35, through page 120, line 21.

81. Page 121, by inserting after line 21 the following:

“Sec. ____ Section 235B.19, subsection 3, paragraph c, Code 2007, is amended to read as follows:

c. Order the provision of other available services necessary to remove conditions creating the danger to health or safety, including the services of peace officers or emergency services personnel and the suspension of the powers granted to a guardian or conservator and the subsequent appointment of a new temporary guardian or new temporary conservator pursuant to subsection 4 pending a decision by the court on whether the powers of the initial guardian or conservator should be reinstated or whether the initial guardian or conservator should be removed.

Sec. ____ Section 235B.19, subsection 4, Code 2007, is amended to read as follows:

4. a. Notwithstanding ~~section~~ sections 633.552 and 633.573, upon a finding that there is probable cause to believe that the dependent adult abuse presents an

immediate danger to the health or safety of the dependent adult or is producing irreparable harm to the physical or financial resources or property of the dependent adult, and that the dependent adult lacks capacity to consent to the receipt of services, the court may order the appointment of a temporary guardian or temporary conservator without notice to the dependent adult or the dependent adult's attorney if all of the following conditions are met:

(1) It clearly appears from specific facts shown by affidavit or by the verified petition that a dependent adult's decision-making capacity is so impaired that the dependent adult is unable to care for the dependent adult's personal safety or to attend to or provide for the dependent adult's basic necessities or that immediate and irreparable injury, loss, or damage will result to the physical or financial resources or property of the dependent adult before the dependent adult or the dependent adult's attorney can be heard in opposition.

(2) The department certifies to the court in writing any efforts the department has made to give the notice or the reasons supporting the claim that notice should not be required.

(3) The department files with the court a request for a hearing on the petition for the appointment of a temporary guardian or temporary conservator.

(4) The department certifies that the notice of the petition, order, and all filed reports and affidavits will be sent to the dependent adult by personal service within the time period the court directs but not more than seventy-two hours after entry of the order of appointment.

b. An order of appointment of a temporary guardian or temporary conservator entered by the court under paragraph "a" shall expire as prescribed by the court but within a period of not more than thirty days unless extended by the court for good cause.

c. A hearing on the petition for the appointment of a temporary guardian or temporary conservator shall be held within the time specified in paragraph "b". If the department does not proceed with a hearing on the petition, the court, on the motion of any party or on its own motion, may dismiss the petition."

82. Page 123, by inserting after line 8 the following:

"Sec. ____ NEW SECTION. 249A.36 HEALTH CARE INFORMATION SHARING.

1. As a condition of doing business in the state, health insurers including self-insured plans, group health plans as defined in the federal Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, service benefit plans, managed care organizations, pharmacy benefits managers, and other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service, shall do all of the following:

a. Provide, with respect to individuals who are eligible for or are provided medical assistance under the state's medical assistance state plan, upon the request of the state, information to determine during what period the individual or the individual's spouse or dependents may be or may have been covered by a health insurer and the nature of the coverage that is or was provided by the health insurer, including the name, address, and identifying number of the plan, in accordance with section 505.25, in a manner prescribed by the department of human services or as agreed upon by the department and the entity specified in this section.

b. Accept the state's right of recovery and the assignment to the state of any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the medical assistance state plan.

c. Respond to any inquiry by the state regarding a claim for payment for any health care item or service that is submitted no later than three years after the date of the provision of such health care item or service.

d. Agree not to deny any claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, or a failure to present proper documentation at the point-of-sale that is the basis of the claim, if all of the following conditions are met:

(1) The claim is submitted to the entity by the state within the three-year period beginning on the date on which the item or service was furnished.

(2) Any action by the state to enforce its rights with respect to such claim is commenced within six years of the date that the claim was submitted by the state.

2. The department of human services may adopt rules pursuant to chapter 17A as necessary to implement this section. Rules governing the exchange of information under this section shall be consistent with all laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and regulations promulgated in accordance with that Act and published in 45 C.F.R. pts. 160 through 164.”

83. Page 126, by striking lines 18 through 24.

84. By striking page 128, line 32, through page 130, line 10.

85. Page 135, by inserting after line 32 the following:

“DIVISION ____
HEALTHY KIDS ACT

Sec. ____ SHORT TITLE. This Act shall be known and may be cited as the “Healthy Kids Act”.

Sec. ____ Section 256.7, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 29. Adopt rules establishing nutritional content standards for foods and beverages sold or provided on the school grounds of any school district or accredited nonpublic school during the school day exclusive of the food provided by any federal school food program or pursuant to an agreement with any agency of the federal government in accordance with the provisions of chapter 283A, and exclusive of foods sold for fundraising purposes and foods and beverages sold at concession stands. The standards shall be consistent with the dietary guidelines for Americans issued by the United States department of agriculture food and nutrition service.

Sec. ____ Section 256.9, Code Supplement 2007, is amended by adding the following new subsections:

NEW SUBSECTION. 57. Convene, in collaboration with the department of public health, a nutrition advisory panel to review research in pediatric nutrition conducted in compliance with accepted scientific methods by recognized professional organizations and agencies including but not limited to the institute of medicine. The advisory panel shall submit its findings and recommendations, which shall be consistent with the dietary guidelines for Americans published jointly by the United States department of health and human services and department of agriculture if in the judgment of the advisory panel the guidelines are supported by the research findings, in a report to the state board. The advisory panel may submit to the state board recommendations on standards related to federal school food programs if the recommendations are intended to exceed the existing federal guidelines. The state board shall consider the advisory panel report when establishing or amending the nutritional content standards required pursuant to section 256.7, subsection 29. The director shall convene the advisory panel by July 1, 2008, and every five years thereafter to review the report and make recommendations for changes as appropriate. The advisory panel shall include but is not limited to at least one Iowa state university extension nutrition and health field specialist and at least one representative from each of the following:

- a. The Iowa dietetic association.
- b. The school nutrition association of Iowa.
- c. The Iowa association of school boards.
- d. The school administrators of Iowa.
- e. The Iowa chapter of the American academy of pediatrics.
- f. A school association representing parents.
- g. The Iowa grocery industry association.
- h. An accredited nonpublic school.
- i. The Iowa state education association.
- j. The farm-to-school council established pursuant to section 190A.2.

NEW SUBSECTION. 58. Monitor school districts and accredited nonpublic schools for compliance with the nutritional content standards for foods and beverages adopted by the state board in accordance with section 256.7, subsection 29. School districts and accredited nonpublic schools shall annually make the standards available to students, parents, and the local community. A school district or accredited nonpublic school found to be in noncompliance with the nutritional content standards by the director shall submit a corrective action plan to the director for approval which sets forth the steps to be taken to ensure full compliance.

Sec. ____ Section 256.11, subsection 6, Code Supplement 2007, is amended to read as follows:

6. a. A pupil is not required to enroll in either physical education or health courses, or meet the requirements of paragraph "b" or "c", if the pupil's parent or guardian files a written statement with the school principal that the course or activity conflicts with the pupil's religious belief.

b. (1) All physically able students in kindergarten through grade five shall be required to engage in a physical activity for a minimum of thirty minutes per school day.

(2) All physically able students in grades six through twelve shall be required to engage in a physical activity for a minimum of one hundred twenty minutes per week. A student participating in an organized and supervised athletic program or non-school-sponsored extracurricular activity which requires the student to participate in physical activity for a minimum of one hundred twenty minutes per week is exempt from the requirements of this subparagraph.

(3) The department shall collaborate with stakeholders on the development of daily physical activity requirements and the development of models that describe ways in which school districts and schools may incorporate the physical activity requirement of this paragraph into the educational program. A school district or accredited nonpublic school shall not reduce instructional time for academic courses in order to meet the requirements of this paragraph.

c. Every student by the end of grade twelve shall complete a certification course for cardiopulmonary resuscitation. The administrator of a school may waive this requirement if the student is not physically able to successfully complete the training. A student is exempt from the requirement of this paragraph if the student presents satisfactory evidence to the school district or accredited nonpublic school that the student possesses cardiopulmonary resuscitation certification.

Sec. ____ Section 273.2, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The board of an area education agency or a consortium of two or more area education agencies shall contract with one or more licensed dietitians for the support of nutritional provisions in individual education plans developed in accordance with chapter 256B and to provide information to support school nutrition coordinators.

Sec. ____ DEPARTMENT OF EDUCATION — FITNESS WORKING GROUP. The department of education shall convene a working group comprised of elementary and secondary education and fitness professionals and stakeholders to assist the department in developing daily physical activity opportunities and requirements and developing models that describe ways in which school districts and schools may incorporate physical activities for students into the educational program as provided in section 256.11, subsection 6, paragraph “b”, as enacted by this Act. The working group shall also develop recommendations for a system of implementation that offers every student the opportunity to become physically active. The department of education shall submit its findings and recommendations, including any recommendations for changes in policy or statute, in a report to the general assembly by January 15, 2009.

Sec. ____ EFFECTIVE DATE. The section of this division of this Act that amends section 256.11, subsection 6, takes effect July 1, 2009.

DIVISION ____
MASS TRANSIT

Sec. ____ MASS TRANSIT INTERIM COMMITTEE. The legislative council is requested to establish a legislative interim study committee to conduct a comprehensive study of the ways in which mass transit might be employed to provide public transportation services among Iowa communities. The study should include but not be limited to an examination of the following:

1. The ways in which the availability of mass transit affects various populations within rural and urban communities. In particular, the study should examine the benefits of mass transit for poor, elderly, and disabled individuals who are unable to drive or cannot afford to own a motor vehicle.

2. Any impact that mass transit services among Iowa communities might have on population levels, quality of life, and economic development in urban job centers, smaller satellite communities, and rural towns.

3. The effect of mass transit on statewide greenhouse gas emissions and overall air quality, including the role that mass transit can play in meeting the goals of the Iowa energy independence plan.

4. The level of public need for mass transit among Iowa communities, including any specific areas of the state where the need is most immediate.

5. The feasibility of expanding mass transit services and the types and combinations of services that might comprise a mass transit system for Iowa.

6. The potential costs and possible funding mechanisms for developing and maintaining specific mass transit services.

7. The attitudes and habits of Iowans concerning personal transportation. The study should include a component for educating the public about the economic, social, and environmental advantages of mass transit. The committee membership should include ten members representing both political parties and both houses of the general assembly. The committee should consult with the department of transportation, the office of energy independence, the department of human services, local officials, members of the general public who are knowledgeable concerning intercity public transit and passenger rail service, and other interested parties as necessary to accomplish the work of the committee. The committee, if authorized, shall submit a written report of its findings and recommendations to the governor and the general assembly by December 31, 2008.”

86. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the part of the Senate:

JACK HATCH, Chair
JOE BOLKCOM
AMANDA RAGAN

On the part of the House:

RO FOEGE, Chair
ELESHA GAYMAN
MARK SMITH

RESOLUTIONS ADOPTED

EIGHTY-SECOND GENERAL ASSEMBLY 2008 REGULAR SESSION

SENATE JOINT RESOLUTIONS

SENATE JOINT RESOLUTION 2002: filed March 10, 2008; adopted by the Senate on March 19, 2008; adopted by the House on April 10, 2008; printed on Senate Journal page 696.

SENATE JOINT RESOLUTION 2003: filed April 8, 2008; adopted by the Senate on April 16, 2008; adopted by the House on April 21, 2008; printed on Senate Journal page 1108.

SENATE JOINT RESOLUTION 2005: filed April 14, 2008; adopted by the Senate on April 16, 2008; adopted by the House on April 21, 2008; printed on Senate Journal page 1106.

SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution 102: filed February 28, 2008; adopted by the Senate on March 10, 2008.

1 SENATE CONCURRENT RESOLUTION 102
2 By: Committee on Agriculture
3 (SUCCESSOR TO SSB 3230)
4 A concurrent resolution urging the United States
5 Environmental Protection Agency to take all actions
6 necessary to provide American consumers with the
7 opportunity to use higher ethanol blended gasoline
8 for general use in conventional engines.
9 WHEREAS, the State of Iowa is the leading producer
10 of corn in the United States, with over 2.5 billion
11 bushels harvested in 2007, the largest harvested crop
12 in the history of Iowa; and
13 WHEREAS, the State of Iowa is the leading producer
14 of ethanol in the United States, with nearly 2 billion
15 gallons produced in 2007, the largest annual ethanol
16 supply produced in the history of Iowa; and
17 WHEREAS, from 1991 it has been the policy of the
18 State of Iowa, as codified in Iowa Code chapter 159A,
19 to encourage the development and use of fuels and
20 coproducts derived from agricultural commodities in
21 order to increase the production and consumption of
22 renewable sources of energy, to reduce dependency upon

23 petroleum products, and to reduce atmospheric
24 contamination from the combustion of fossil fuels; and
25 WHEREAS, studies funded or supported by the Energy
26 Foundation, National Science Foundation, and Renewable
27 Fuels Association, as well as a literature review
28 commissioned by the Governor's Ethanol Coalition, all
29 confirm that ethanol is an environmentally sound
30 alternative to fossil fuels; and

Page 2

1 WHEREAS, a recent study cosponsored by the United
2 States Department of Energy and the American Coalition
3 for Ethanol, and conducted by the University of North
4 Dakota Energy and Environmental Research Center, and
5 the Minnesota Center for Automotive Research, provides
6 evidence that fuel mileage increases and motor fuel
7 emissions decrease when motor vehicles operate using
8 increased volumes of ethanol blended with gasoline;
9 and

10 WHEREAS, the Minnesota Department of Agriculture is
11 leading an effort to establish the scientific basis
12 required by the United States Environmental Protection
13 Agency to provide a waiver of relevant standards
14 promulgated by the agency under the federal Clean Air
15 Act, including but not limited to 42 U.S.C. § 7545 and
16 40 C.F.R. pt. 80 for the sale of gasoline containing a
17 higher than 10 percent volume of ethanol for general
18 use in gasoline-powered engines; NOW THEREFORE,
19 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
20 REPRESENTATIVES CONCURRING, That the Iowa General
21 Assembly urges the United States Environmental
22 Protection Agency to actively support all research and
23 development needed to make higher ethanol blended
24 gasoline, such as E-15, E-20, or E-30, immediately
25 available to American consumers; and
26 BE IT FURTHER RESOLVED, That the Iowa General
27 Assembly urges the United States Environmental
28 Protection Agency to immediately commission and
29 complete all studies needed to determine issues
30 regarding health, the environment, and engine

Page 3

1 performance using higher ethanol blended gasoline; and
2 BE IT FURTHER RESOLVED, That the Iowa General
3 Assembly urges the United States Environmental
4 Protection Agency to immediately review and approve an
5 application to be submitted by the State of Minnesota
6 and the Renewable Fuels Association for a waiver to
7 allow consumers to immediately use higher ethanol

8 blended gasoline for general use in conventional
9 engines; and
10 BE IT FURTHER RESOLVED, That a suitable copy of
11 this resolution be sent to the President of the United
12 States, and the Administrator of the United States
13 Environmental Protection Agency; and
14 BE IT FURTHER RESOLVED, That suitable copies of
15 this resolution be sent to the President of the United
16 States Senate; the Speaker of the United States House
17 of Representatives; the Chairperson of the United
18 States Senate Committee on Agriculture, Nutrition and
19 Forestry; the Chairperson of the United States House
20 of Representatives Committee on Agriculture; the
21 Secretary of the United States Department of
22 Agriculture; and the members of Iowa's congressional
23 delegation; and
24 BE IT FURTHER RESOLVED, That a suitable copy of
25 this resolution be sent to the Governor of the State
26 of Minnesota.

Senate Concurrent Resolution 105: filed April 8, 2008;
adopted by the Senate on April 14, 2008.

1 SENATE CONCURRENT RESOLUTION 105
2 By: Gronstal, Black, Stewart, Ragan, Schmitz,
3 Beall, Danielson, Dotzler, Dvorsky, Heckroth,
4 Warnstadt, Seng, Rielly, Hancock, Olive, Dearden,
5 Fraise, Quirmbach, Kibbie, Bolkcom, Schoenjahn,
6 Wood, Kreiman, and Horn
7 A concurrent resolution designating May 2008 as
8 Motorcycle Safety Awareness Month.
9 WHEREAS, motorcycle riding is a popular form of
10 recreation and transportation for thousands of people
11 across Iowa and the nation; and
12 WHEREAS, motorcycle riding can be an enjoyable
13 activity when safety is of paramount consideration and
14 all laws and regulations are observed; and
15 WHEREAS, the safe operation of a motorcycle
16 requires the use of special skills developed through a
17 combination of training and experience, the use of
18 good judgment, and a thorough knowledge of traffic
19 laws and licensing requirements; and
20 WHEREAS, the Motorcycle Safety Awareness Campaign
21 is intended to reduce the number of accidents,
22 injuries, and fatalities associated with motorcycling
23 by encouraging motorcycle operators to participate in
24 rider education programs, wear proper apparel, not
25 drink and ride, and operate their vehicles defensively
26 according to the rules of the road; and
27 WHEREAS, motorcycle organizations, clubs,
28 dealerships, and groups and highway safety officials

29 in our state should join Iowa motorcyclists in
 30 actively promoting safe motorcycle operation,

Page 2

1 increased rider training, improved licensing efforts,
 2 and motorist awareness of motorcycles; and
 3 WHEREAS, the Motorcycle Safety Awareness Campaign
 4 encourages operators of other motor vehicles to be
 5 cautious and observe these smaller vehicles,
 6 especially during the seasonal return of motorcycles
 7 to Iowa's streets and highways; and
 8 WHEREAS, a motorcycle is a vehicle with all of the
 9 privileges of any vehicle on the roadway, so a
 10 motorcyclist should be allowed the use of a full lane
 11 of travel; and
 12 WHEREAS, other motorists need to take a second look
 13 for motorcycles on the highway, at intersections, and
 14 when a motorcyclist may be changing lanes or making a
 15 left turn; and
 16 WHEREAS, other motorists should clearly signal
 17 their intentions, not follow motorcycles too closely,
 18 and allow enough room for motorcyclists to take
 19 evasive action by allowing plenty of space; and
 20 WHEREAS, obstructions that other motorists might
 21 ignore, such as debris and potholes, can be deadly for
 22 a motorcyclist, so other motorists should learn to
 23 predict when a motorcyclist might take evasive action;
 24 NOW THEREFORE,
 25 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 26 REPRESENTATIVES CONCURRING, That the General Assembly
 27 designates the month of May 2008 as Motorcycle Safety
 28 Awareness Month and encourages all Iowa motorists to
 29 strive to improve motorcycle safety in this state.

Senate Concurrent Resolution 106: filed April 26, 2008;
 adopted by the Senate on April 26, 2008; adopted by the House on
 April 26, 2008.

1 SENATE CONCURRENT RESOLUTION 106
 2 By: Committee on Rules and Administration
 3 A concurrent resolution to provide for
 4 adjournment sine die.
 5 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 6 That when adjournment is had on Saturday, April 26,
 7 2008, it be the final adjournment of the 2008 Regular
 8 Session of the Eighty-second General Assembly.

SENATE RESOLUTIONS

Senate Resolution 101: filed January 14, 2008; adopted by the Senate on April 16, 2008.

1 SENATE RESOLUTION 101
2 By: Ragan
3 A resolution to ensure that Iowans with developmental
4 disabilities are supported by a quality workforce.
5 WHEREAS, there are more than 115,000 Iowans with
6 developmental disabilities, which include those with
7 mental retardation, autism, cerebral palsy, Down
8 syndrome, epilepsy, and other related conditions; and
9 WHEREAS, individuals with developmental
10 disabilities have substantial limitations on their
11 functional capacities, including limitations in two or
12 more of the areas of self-care, receptive and
13 expressive language, learning, mobility,
14 self-direction, independent living, and economic
15 self-sufficiency, as well as the continuous need for
16 individually planned and coordinated services; and
17 WHEREAS, for the past two decades individuals with
18 developmental disabilities and their families have
19 increasingly expressed their desire to live and work
20 in their communities, joining the mainstream of
21 American life; and
22 WHEREAS, the United States Supreme Court, in
23 Olmstead v. L.C., 527 U.S. 581 (1999), affirmed the
24 right of individuals with developmental disabilities
25 to receive community-based services as an alternative
26 to institutional care; and
27 WHEREAS, the demand for community supports and
28 services is rapidly growing, as Iowa complies with the
29 Olmstead decision and continues to move more
30 individuals from institutions into the community; and

Page 2

1 WHEREAS, this demand will continue to grow as
2 family caregivers age, Iowans with developmental
3 disabilities live longer, waiting lists for services
4 grow, and services expand; and
5 WHEREAS, the state's and this nation's long-term
6 care delivery system is dependent on a disparate array
7 of public and private funding sources, and is not a
8 conventional industry, but rather is financed
9 primarily through third-party insurers; and
10 WHEREAS, disabilities vary considerably across the
11 state, causing significant disparities across
12 counties, among differing socioeconomic groups, and
13 between community and institutional supports; and

14 WHEREAS, outside of families, private providers
15 that employ direct-support professionals deliver the
16 majority of supports and services for individuals with
17 developmental disabilities in the community; and
18 WHEREAS, direct-support professionals provide a
19 wide range of supportive services to individuals with
20 mental retardation or other developmental disabilities
21 on a day-to-day basis, including habilitation, health
22 needs, personal care and hygiene, employment,
23 transportation, recreation, and housekeeping and other
24 home management-related supports and services so that
25 these individuals can live and work in their
26 communities; and
27 WHEREAS, direct-support professionals generally
28 assist Iowans with developmental disabilities in
29 leading a self-directed family, community, and social
30 life; and

Page 3

1 WHEREAS, private providers and the individuals for
2 whom they provide supports and services are in
3 jeopardy as a result of the growing crisis in
4 recruiting and retaining a direct-support workforce;
5 and
6 WHEREAS, providers of supports and services to
7 individuals with developmental disabilities typically
8 draw from a labor market that competes with other
9 entry-level jobs that provide less physically and
10 emotionally demanding work, and higher pay and other
11 benefits, and therefore these direct-support jobs are
12 not currently competitive in today's labor market; and
13 WHEREAS, turnover rates of direct-support workers
14 range from 40 to 75 percent; and
15 WHEREAS, high rates of employee vacancies and
16 turnover threaten the ability of providers to achieve
17 their core mission, which is the provision of safe and
18 high-quality supports to individuals with
19 developmental disabilities; and
20 WHEREAS, direct-support staff turnover is
21 emotionally difficult for the individuals being
22 served; and
23 WHEREAS, many parents are becoming increasingly
24 afraid that no one will be available to take care of
25 their children with developmental disabilities who are
26 living in the community; and
27 WHEREAS, this workforce shortage is the most
28 significant barrier to implementing the Olmstead
29 decision and undermines the expansion of community
30 integration as called for by President Bush's New

Page 4

1 Freedom Initiative, placing community support
 2 infrastructure at risk; NOW THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, That the Senate
 4 recognizes it is a priority to ensure a stable and
 5 quality direct-support workforce for individuals with
 6 developmental disabilities that advances our state's
 7 commitment to community integration for such
 8 individuals and to personal security for them and
 9 their families.

Senate Resolution 102: filed January 28, 2008; adopted by the Senate on February 5, 2008.

1 SENATE RESOLUTION 102
 2 By: Gronstal and Wieck
 3 A resolution designating February 5, 2008, as Iowa
 4 Insurance Day.
 5 WHEREAS, the Iowa insurance industry, through its
 6 employees and agents, has contributed significantly to
 7 the growth and strength of this state and our nation;
 8 and
 9 WHEREAS, Iowans benefit greatly from the financial
 10 protections provided by the Iowa insurance industry
 11 through the provision of mechanisms to insure the
 12 health, life, property, liability, and retirement
 13 income of Iowans; and
 14 WHEREAS, 208 insurance companies are headquartered
 15 in Iowa, including 63 property and casualty companies,
 16 25 life insurance companies, eight health insurance
 17 companies, and over 100 state and county mutual
 18 insurance companies; and
 19 WHEREAS, the Iowa insurance industry is directly or
 20 indirectly linked to the provision of over 88,000
 21 jobs; and
 22 WHEREAS, incomes supported by the Iowa insurance
 23 industry generate over \$309 million in major state and
 24 local taxes; and
 25 WHEREAS, the Iowa insurance industry accounts for
 26 2.6 percent of the state's jobs yet generates 5.6
 27 percent of the state's contribution to gross state
 28 product; and
 29 WHEREAS, the Iowa insurance industry accounts for
 30 2.6 percent of the state's jobs, which is more than

Page 2

1 double the percentage accounted for in 1990; and
 2 WHEREAS, Iowa's insurance workers are more
 3 productive than the national norm and account for 1.6

4 percent of the nation's insurance jobs, yet generate
 5 2.2 percent of the nation's gross domestic product;
 6 NOW THEREFORE,
 7 BE IT RESOLVED BY THE SENATE, That the Senate
 8 designates the day of February 5, 2008, as Iowa
 9 Insurance Day and invites the citizens of Iowa to
 10 discover and honor the important economic
 11 contributions made by the Iowa insurance industry.

Senate Resolution 103: filed February 5, 2008; adopted by the
 Senate on March 4, 2008.

1 SENATE RESOLUTION 103
 2 By: Appel
 3 A resolution designating March 2008 as Iowa Women's
 4 History Month.
 5 WHEREAS, Iowa women of every race, class, and
 6 ethnic background have made historic contributions to
 7 the growth and strength of our state and nation in
 8 countless recorded and unrecorded ways, including
 9 through the struggle for women's rights; and
 10 WHEREAS, Iowa women have played and continue to
 11 play a critical economic, cultural, and social role by
 12 constituting a significant portion of the labor force
 13 working inside and outside the home despite being
 14 underpaid; and
 15 WHEREAS, Iowa women were particularly important in
 16 the establishment of early charitable, philanthropic,
 17 and cultural institutions in our state and nation; and
 18 WHEREAS, Iowa women and men ratified the amendment
 19 to the Iowa Constitution, declaring that "All men and
 20 women are, by nature, free and equal, and have certain
 21 inalienable rights"; and
 22 WHEREAS, Iowa women have been leaders in the
 23 abolitionist movement, the emancipation movement, the
 24 industrial labor movement, the civil rights movement,
 25 the peace movement, and the women's suffrage movement,
 26 which created a more fair and just society for all
 27 people; and
 28 WHEREAS, despite these contributions, and those of
 29 women throughout the world, the role of women has been
 30 consistently overlooked and undervalued, in the

Page 2

1 literature, teaching, and study of history; NOW
 2 THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, That the Senate
 4 designates the month of March 2008 as Iowa Women's
 5 History Month and invites the citizens of Iowa to

6 continue to uncover, recognize, and honor the roles
7 women have played throughout history.

Senate Resolution 105: filed February 14, 2008; adopted by the
Senate on February 20, 2008.

1 SENATE RESOLUTION 105
2 By: Gaskill and Ragan
3 A resolution honoring Winnebago Industries on its 50th
4 anniversary.
5 WHEREAS, on February 12, 2008, Winnebago Industries
6 will mark a half century as an Iowa business,
7 celebrating a history of innovation and quality dating
8 back to 1958; and
9 WHEREAS, in 1958, businessman John K. Hanson and a
10 cadre of Winnebago County community leaders opened a
11 travel trailer factory; and
12 WHEREAS, by 1960 the company was christened as
13 “Winnebago Industries” and the travel trailer industry
14 would never be the same; and
15 WHEREAS, innovation has always been a key element
16 of Winnebago Industries, which began to manufacture
17 furniture and other components designed specifically
18 for its travel trailers; and
19 WHEREAS, the innovative “Thermo-Panel” was a
20 strong, lightweight sidewall that was a characteristic
21 of Winnebago products; and
22 WHEREAS, in 1966, Winnebago Industries manufactured
23 its first motor home, which soon became so popular
24 that the term Winnebago became synonymous with motor
25 homes; and
26 WHEREAS, the company reached a milestone in 1970
27 when Winnebago Industries “went public”, and was
28 listed on the New York Stock Exchange; and
29 WHEREAS, in its 50th year Winnebago Industries has
30 manufactured its 500,000th vehicle; and

Page 2

1 WHEREAS, both company Chairman and Chief Executive
2 Officer Bruce Hertzke and President Bob Olson are
3 career Winnebago employees, together completing almost
4 75 years of service; and
5 WHEREAS, in honor of its 50th anniversary,
6 Winnebago Industries’ representatives rang the closing
7 bell at the New York Stock Exchange on February 12,
8 2008; and
9 WHEREAS, today, Winnebago Industries remains one of
10 the largest manufacturers of motor homes within the
11 United States, with models sold under the Winnebago,

12 Rialta, Ultimate, Vectra, and Itasca brand names; NOW
 13 THEREFORE,
 14 BE IT RESOLVED BY THE SENATE, That the Senate
 15 honors Winnebago Industries on its 50th anniversary
 16 and thanks the company and its many employees for a
 17 dedication to excellence and innovation that brings
 18 credit to all of Iowa.

Senate Resolution 106: filed February 20, 2008; adopted by the Senate on February 20, 2008.

1 SENATE RESOLUTION 106
 2 By: Dotzler, Hartsuch, and Noble
 3 A resolution to recognize the Iowa Small Business
 4 Development Centers and honor 2007 award winners
 5 Anna Bradley and Marguerite White.
 6 WHEREAS, since 1981, the Iowa Small Business
 7 Development Centers have provided expert and
 8 confidential business counseling services and training
 9 workshops to entrepreneurs in all 99 Iowa counties;
 10 and
 11 WHEREAS, the Iowa Small Business Development
 12 Centers provide a wide variety of services to foster
 13 the growth of Iowa business, including one-to-one
 14 professional business counseling; learning
 15 opportunities — workshops, courses and classes,
 16 internet-based learning, telephone and e-based
 17 contact, and print and electronic materials; resource
 18 connections — financing sources, state and federal
 19 programs, associations, databases, local and regional
 20 programs, host institutions, and communities; and
 21 specialty programs and assistance — business
 22 succession, market research, strategic planning,
 23 MyEntreNet, introduction to international business,
 24 and community building; and
 25 WHEREAS, the Iowa Small Business Development
 26 Centers have announced the 2007 award winners for its
 27 two special entrepreneur of the year awards; and
 28 WHEREAS, Anna Bradley, Chief Executive Officer of
 29 Criterion 508 Solutions, Inc., is the 2007 Deb Dalziel
 30 Woman Entrepreneur Achievement Award winner, an award

Page 2

1 which honors an Iowa woman entrepreneur who has
 2 significantly changed or improved her life and the
 3 lives of others; and
 4 WHEREAS, Marguerite White has been selected to
 5 receive the Neal Smith Award, an award named in honor
 6 of the long-serving Iowa congressman, given to an Iowa
 7 entrepreneur who has been in business a minimum of

8 three years and has been significantly assisted by an
9 Iowa Small Business Development Center; NOW THEREFORE,
10 BE IT RESOLVED BY THE SENATE, That the Senate
11 honors award winners Anna Bradley and Marguerite White
12 and congratulates them on their success, and
13 recognizes and expresses its thanks to the Iowa Small
14 Business Development Centers for their ongoing work in
15 making Iowa a better place to live and work.

Senate Resolution 107: filed February 20, 2008; adopted by the
Senate on March 26, 2008.

1 SENATE RESOLUTION 107
2 By: McKibben, Putney, and Rielly
3 A resolution honoring the men's soccer team from
4 Marshalltown Community College for their third-place
5 finish in the National Junior College Athletic
6 Association National Soccer Tournament.
7 WHEREAS, the 2007 National Junior College Athletic
8 Association held its National Soccer Tournament in
9 Tyler, Texas; and
10 WHEREAS, at that competition the Marshalltown
11 Community College men's soccer team, the Tigers,
12 attended their first ever National Soccer Tournament;
13 and
14 WHEREAS, the Tigers defeated Mercer County
15 Community College of Trenton, New Jersey, and San
16 Jacinto College-South of Houston, Texas; and
17 WHEREAS, two members of the team, Arkenson Neckels
18 and Saulo Litterio, were named to the all-tournament
19 team; and
20 WHEREAS, with that finish the Tigers completed
21 their season with a 23-2-0 record, as Region XI
22 Champions and Iowa Community College Athletic
23 Conference champions under head coach Marcelo Serrano,
24 with one member of the team, Arkenson Neckels, being
25 recognized as an honorable mention for All-American;
26 NOW THEREFORE,
27 BE IT RESOLVED BY THE SENATE, That the Senate
28 honors the Marshalltown Community College Tigers for
29 their third-place finish in the 2007 National Junior
30 College Athletic Association National Soccer

Page 2

1 Tournament.

Senate Resolution 108: filed February 25, 2008; adopted by the Senate on March 17, 2008.

1 SENATE RESOLUTION 108
2 By: Johnson
3 A resolution recognizing the Uncommon Public Service
4 Award.
5 WHEREAS, Herbert Hoover was both a visionary and
6 dedicated public servant and through his tireless
7 efforts millions of lives were saved in the years
8 after World War I; and
9 WHEREAS, to honor that spirit of public service the
10 Herbert Hoover Presidential Library Association has
11 created the Uncommon Public Service Award; and
12 WHEREAS, the association will annually present the
13 Uncommon Public Service Award to Iowa legislators who
14 exemplify Hoover's humanitarian efforts and have gone
15 above and beyond the call of duty to demonstrate
16 uncommon service and commitment to the people of Iowa;
17 and
18 WHEREAS, recipients of the award will become
19 honorary members of the Herbert Hoover Presidential
20 Library Association for one year and a plaque for each
21 recipient will be hung on the "Wall of Uncommon
22 Iowans" which will be on permanent display in the
23 Herbert Hoover Presidential Library Museum; NOW
24 THEREFORE,
25 BE IT RESOLVED BY THE SENATE, That the Senate
26 recognizes the Herbert Hoover Presidential Library
27 Association and thanks its members for the creation of
28 the Uncommon Public Service Award.

Senate Resolution 109: filed February 25, 2008; adopted by the Senate on February 26, 2008.

1 SENATE RESOLUTION 109
2 By: Kettering
3 A resolution honoring Amy Peyton, a Distinguished
4 Finalist in the 2008 Prudential Spirit of Community
5 Awards Program.
6 WHEREAS, since 1995 the Prudential Financial
7 Corporation and the National Association of Secondary
8 School Principals have honored outstanding secondary
9 school students, on an annual basis, whose school or
10 community volunteer projects merit special recognition
11 as examples of outstanding civic initiatives; and
12 WHEREAS, the Senate's own Amy Peyton, a page from
13 Sac City, has been designated as a Distinguished
14 Finalist in the 2008 Prudential Spirit of Community
15 Awards Program; and

16 WHEREAS, Miss Peyton, a senior at East Sac County
 17 High School and a member of the Iowa State University
 18 Sac County 4-H program, helped in the development of a
 19 town-improvement program to boost tourism and increase
 20 civic pride; and
 21 WHEREAS, Miss Peyton organized a group of young
 22 people and adults to paint a mural at Sac City's
 23 eastern entrance, make improvements to the museum's
 24 historical village, develop a heritage walk at the Sac
 25 County Fairgrounds, and produce a book about Sac
 26 County attractions; NOW THEREFORE,
 27 BE IT RESOLVED BY THE SENATE, That the Senate
 28 honors one of its own, Amy Peyton, for her spirit of
 29 public service and her dedication to community
 30 betterment, and congratulates her as a 2008 Prudential

Page 2

- 1 Spirit of Community Award Distinguished Finalist.

Senate Resolution 111: filed March 10, 2008; adopted by the Senate on March 24, 2008.

1 SENATE RESOLUTION 111
 2 By: Mulder
 3 A resolution to honor Northwestern College as it
 4 celebrates its sesquicentennial.
 5 WHEREAS, in 1882, residents of northwest Iowa
 6 established the Northwestern Classical Academy, a
 7 preparatory school for college and the ministry; and
 8 WHEREAS, in 1894, Northwestern continued to grow
 9 and Zwemer Hall, now the college's administrative
 10 center, was erected; and
 11 WHEREAS, in 1928, a junior college was added to the
 12 academy, which junior college later became a four-year
 13 teacher training college, and in 1961 the college
 14 graduated its first class and the old academy closed
 15 its doors; and
 16 WHEREAS, today Northwestern College is a vibrant
 17 four-year Christian liberal arts college, affiliated
 18 with the Reformed Church in America and offering
 19 bachelor's degree programs in more than 40 major
 20 fields; and
 21 WHEREAS, Northwestern College contributes to Iowa's
 22 culture through its art, music, and theatre
 23 departments, and to Iowa's visibility through athletic
 24 teams that have captured national championships and
 25 records; and
 26 WHEREAS, each spring and summer many Northwestern
 27 College students are involved in public service

28 projects at sites around the nation and the world;
 29 and
 30 WHEREAS, Northwestern College maintains a tradition

Page 2

1 of excellence in a variety of areas with two
 2 Northwestern professors named as Iowa's Professor of
 3 the Year by the Carnegie Foundation, and the college
 4 itself is consistently cited as one of America's best
 5 colleges by the U.S. News and World Report; NOW
 6 THEREFORE,
 7 BE IT RESOLVED BY THE SENATE, That the Senate
 8 honors Northwestern College on its sesquicentennial
 9 and thanks the college's faculty and staff for their
 10 service to Iowa in educating generations of young men
 11 and women.

Senate Resolution 114: filed March 12, 2008; adopted by the Senate on April 14, 2008.

1 SENATE RESOLUTION 114
 2 By: Appel
 3 A resolution designating the second week in June as
 4 Home Education Week in Iowa.
 5 WHEREAS, the state of Iowa is committed to
 6 excellence in education and recognizes the importance
 7 of family participation and parental choice in this
 8 pursuit of excellence; and
 9 WHEREAS, teaching children at home was the
 10 predominant form of education during our nation's
 11 early years; and
 12 WHEREAS, many notable Americans benefited from home
 13 education, including George Washington, Martha
 14 Washington, Benjamin Franklin, John Quincy Adams,
 15 Patrick Henry, John Marshall, Robert E. Lee, Abraham
 16 Lincoln, Thomas "Stonewall" Jackson, Thomas Edison,
 17 Woodrow Wilson, and Franklin D. Roosevelt; and
 18 WHEREAS, it is important that parents take a strong
 19 role in the education of their children; and
 20 WHEREAS, the Network of Iowa Christian Home
 21 Educators is dedicated to academic excellence and
 22 holds a statewide convention for home educators on the
 23 second week of June each year that strengthens Iowa's
 24 pursuit of excellence in education; and
 25 WHEREAS, a growing number of parents in Iowa have
 26 chosen to teach their children at home; NOW THEREFORE,
 27 BE IT RESOLVED BY THE SENATE, That the Senate
 28 recognizes the second week of June in 2008 as Home

29 Education Week in Iowa and invites the citizens of
30 Iowa during this time to recognize the contributions

Page 2

1 to education excellence made by home educators.

Senate Resolution 117: filed March 18, 2008; adopted by the
Senate on April 14, 2008.

1 SENATE RESOLUTION 117
2 By: Lundby
3 A resolution celebrating the 100th birthday of the
4 United States Army Reserve, honoring the commitment,
5 dedication, and service to America, and wishing for
6 its continued support to our soldiers.
7 WHEREAS, in 1908, the nation's leaders, knowing
8 that the most up-to-date medical experience resided in
9 the civilian sector, created the first reservoir of
10 trained officers in a reserve status known as the
11 Medical Reserve Corps; and
12 WHEREAS, today, over 67 percent of the Army's
13 medical assets lie within the Army Reserve; and
14 WHEREAS, in 1916, Congress passed the National
15 Defense Act, creating the Officers' Reserve Corps, the
16 Enlisted Reserve Corps, and the Reserve Officers'
17 Training Corps, later named the Organized Reserve
18 Corps (ORC), all of which are forerunners of the
19 current Army Reserve; and
20 WHEREAS, in World War I, 89,500 reserve officers
21 were mobilized and during World War II, 200,000
22 members of the ORC participated, with reserve officers
23 providing 29 percent of the Army's officers; and
24 WHEREAS, in 1952, legislation renamed the ORC as
25 the Army Reserve and then divided it into three
26 reserves, a Ready Reserve, a Standby Reserve, and a
27 Retired Reserve, and also provided reserve units with
28 24 initial training days and up to 17 days of annual
29 training; and
30 WHEREAS, the Army Reserve has been an integral part

Page 2

1 of numerous conflicts with more than 70 Army Reserve
2 units deployed to the Korean Peninsula, more than
3 84,000 soldiers providing combat support and combat
4 service support during Operation Desert Shield/Storm,
5 and others providing support in Somalia, Haiti,
6 Bosnia, Kosovo, Operation Enduring Freedom, Operation
7 Noble Eagle, and Operation Iraqi Freedom; and
8 WHEREAS, the role of the Army Reserve has changed

9 over time, moving from a Strategic Reserve to an
 10 Operational Force, providing resources and training to
 11 first-responder organizations across the nation,
 12 training soldiers, implementing national objectives,
 13 keeping the Army mobile, and enabling the Army to do
 14 more with fewer resources; and
 15 WHEREAS, the Army Reserve makes up 20 percent of
 16 the Army's organized units, but provides one-half of
 17 the Army's combat support and one-fourth of its
 18 mobilization base expansion capabilities; NOW
 19 THEREFORE,
 20 BE IT RESOLVED BY THE SENATE, That the members of
 21 the Senate, by this resolution, celebrate the 100th
 22 birthday of the United States Army Reserve, honor its
 23 service to America, and wish them another century of
 24 continued support.

Senate Resolution 118: filed March 18, 2008; adopted by the
 Senate on March 19, 2008.

1 SENATE RESOLUTION 118
 2 By: Ward, Angelo, Appel, Beall, Behn, Black,
 3 Boettger, Bolkom, Connolly, Danielson, Dearden,
 4 Dotzler, Dvorsky, Fraise, Gaskill, Gronstal, Hahn,
 5 Hancock, Hartsuch, Hatch, Heckroth, Hogg, Horn,
 6 Houser, Johnson, Kettering, Kibbie, Kreiman, Lundby,
 7 McCoy, McKinley, Mulder, Noble, Olive, Putney,
 8 Quirnbach, Ragan, Rielly, Schmitz, Schoenjahn,
 9 Seng, Seymour, Stewart, Warnstadt, Wieck, Wood,
 10 Zaun, and Ziemann
 11 A resolution honoring the remarkable achievements of
 12 Iowa's own Shawn Johnson.
 13 WHEREAS, the life and career of Iowa high school
 14 student Shawn Johnson is a testament to the value of
 15 hard work and a dedication to excellence; and
 16 WHEREAS, Ms. Johnson began a career in gymnastics
 17 at the age of three and through more than a decade of
 18 perseverance and hard work is now an elite
 19 international gymnast at the age of 16, already being
 20 compared to the United States' first female all-around
 21 world champion gymnast, Kim Zmeskal; and
 22 WHEREAS, under the guidance of coaches Liang Qiao
 23 and Liwen Zhuang, Ms. Johnson first appeared on the
 24 national scene in 2005, placing third in the junior
 25 division at the 2005 U.S. Classic and in 2006 was the
 26 2006 U.S. Junior National All-Around Champion; and
 27 WHEREAS, in 2007, Ms. Johnson's fiery combination
 28 of power and skills catapulted her to world attention,
 29 winning the all-around at the 2007 Tyson American Cup,
 30 winning four gold medals and one silver medal at the

Page 2

1 2007 Pan American Games, and winning the 2007 Visa
2 National Championships; and
3 WHEREAS, in September 2007, along with teammates
4 Nastia Liukin, Shayla Worley, Alicia Sacramone, Ivana
5 Hong, and Samantha Peszek, Ms. Johnson placed first in
6 the team competition in the 40th World Artistic
7 Gymnastics Championships held in Stuttgart, Germany,
8 and individually placed first in the all-around and
9 the floor competition; and
10 WHEREAS, as the 2007 World All-Around Champion, Ms.
11 Johnson is now training in the hope of joining the
12 United States women's gymnastic team at the 2008
13 Beijing Olympics; NOW THEREFORE,
14 BE IT RESOLVED BY THE SENATE, That on behalf of all
15 Iowans, the Senate honors Shawn Johnson, a remarkable
16 young athlete whose dedication, skill, poise, and
17 grace have taken her to the world stage and will take
18 her farther still in the future.

Senate Resolution 121: filed March 25, 2008; adopted by the
Senate on March 25, 2008.

1 SENATE RESOLUTION 121
2 By: Boettger
3 A resolution recognizing the visit of five distinguished
4 women leaders from Nigeria.
5 WHEREAS, Iowa has long been a leader in promoting
6 the goals of international education and
7 cross-cultural learning, and is home to several
8 organizations that actively pursue such opportunities
9 to share knowledge and understanding; and
10 WHEREAS, Iowa also has a rich history of pioneering
11 women leaders and was active in the national women's
12 suffrage movement and other movements to bring about
13 social change; and
14 WHEREAS, five women leaders from Nigeria have
15 traveled to Iowa as part of a two-year project of the
16 United States Department of State called Women in
17 Northern Nigeria that organizes cultural exchanges in
18 an attempt to answer the question posed by First Lady
19 Laura Bush in 2006, "How do we nurture the development
20 of the next generation of women leaders in Africa and
21 worldwide?"; and
22 WHEREAS, in 2007, four women political leaders from
23 Iowa traveled to Nigeria, a democracy since 1999, to
24 learn about the issues facing Nigerian women as they
25 struggle for equality in education, the economy,
26 politics, health care delivery, and the social life of
27 that country; and

28 WHEREAS, Iowans have much to learn about the
 29 complexity of the global society of which we are a
 30 part and have much to teach about good governance and

Page 2

1 the involvement of women in education and civic life;
 2 NOW THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, That the Senate
 4 welcomes the Nigerian women to Iowa and expects that
 5 Iowa and Nigeria will both benefit from the Women in
 6 Northern Nigeria cultural exchange in terms of shared
 7 experiences and ideas between the two nations and that
 8 their visit can serve as a catalyst for the
 9 advancement of women who aspire to leadership
 10 positions in government, business, and other sectors
 11 of life in Nigeria.

Senate Resolution 122: filed March 25, 2008; adopted by the
 Senate on March 27, 2008.

1 SENATE RESOLUTION 122
 2 By: Dearden, Appel, Beall, Black, Bolkom,
 3 Connolly, Courtney, Danielson, Dotzler, Dvorsky,
 4 Fraise, Gronstal, Hancock, Hatch, Heckroth, Hogg,
 5 Horn, Kibbie, Kreiman, McCoy, Olive, Quirnbach,
 6 Ragan, Rielly, Schmitz, Schoenjahn, Seng, Stewart,
 7 Warnstadt, and Wood
 8 A resolution honoring the work and life achievements
 9 of retiring Iowa Federation of Labor President,
 10 Mark L. Smith.
 11 WHEREAS, Mark Smith has served the Iowa labor
 12 movement and the cause of worker education and
 13 economic justice for over 30 years as a labor educator
 14 at the University of Iowa, and as Secretary-Treasurer
 15 and then President of the Iowa Federation of Labor,
 16 AFL-CIO; and
 17 WHEREAS, Mr. Smith has traveled the length and
 18 breadth of this state communicating with Iowa union
 19 members and their elected leaders to promote education
 20 and fuller opportunities for all Iowa citizens; and
 21 WHEREAS, through his courageous and altogether
 22 unique personality and through his always eloquent and
 23 sometimes fearless use of the American vernacular, Mr.
 24 Smith has spoken truth to power in every setting of
 25 our political and economic landscape, making friends
 26 of those most in need of justice, and foes of those
 27 least willing to act justly; and
 28 WHEREAS, as a member of the Des Moines School Board
 29 and through his service on countless other
 30 governmental and nongovernmental boards and

Page 2

1 committees, Mr. Smith has carried his commitment to
 2 fight poverty, ignorance, and inequality beyond the
 3 labor movement, serving as a model of citizen
 4 involvement in the many other institutions of civil
 5 society; and
 6 WHEREAS, his work and life have made an indelible
 7 mark on the social, political, and economic history of
 8 our state; NOW THEREFORE,
 9 BE IT RESOLVED BY THE SENATE, That the Senate, on
 10 behalf of all Iowans, honors Mark L. Smith, a
 11 remarkable and altogether memorable citizen of our
 12 state, and wishes him a fulfilling and happy
 13 retirement.

Senate Resolution 125: filed March 31, 2008; adopted by the
 Senate on April 1, 2008.

1 SENATE RESOLUTION 125
 2 By: Angelo, Wieck, Ziemann, Kettering, Boettger,
 3 Ward, Mulder, Johnson, Zaun, McKinley, Noble,
 4 Putney, Gaskill, Lundby, Houser, Seymour, Wood,
 5 Heckroth, Rielly, Schoenjahn, Olive, Kreiman,
 6 Stewart, Quirnbach, Warnstadt, Ragan, Bolckcom,
 7 Fraise, Dotzler, Hatch, Dvorsky, Connolly, Seng,
 8 Appel, Hogg, Dearden, Gronstal, Courtney,
 9 Hancock, Kibbie, Danielson, Schmitz, and Horn
 10 A resolution honoring Iowa's Olympic athletes.
 11 WHEREAS, the tradition of the Olympic games was
 12 revived in 1896 in Athens, Greece, with 14 nations
 13 participating in 43 events; and
 14 WHEREAS, 112 years later the Olympics includes 35
 15 sports, nearly 400 events, and thousands of athletes;
 16 and
 17 WHEREAS, Iowa has a long and proud Olympic
 18 tradition, including many gold medal winners; and
 19 WHEREAS, in 2008, Iowa will be represented by the
 20 following nine athletes, serving as principal
 21 competitors or as alternates, competing in five
 22 Olympic sports:
 23 Haley Dunn, from Eddyville, competing in skeet
 24 shooting; Lee Fullhart, from Hesper, competing in
 25 wrestling; Kirk Hinrich, from Sioux City, competing in
 26 basketball; Shawn Johnson, from West Des Moines,
 27 competing in gymnastics; Sara McMann, from Iowa City,
 28 competing in wrestling; Doug Schwab, from Osage,
 29 competing in wrestling; Tolly Thompson, from
 30 Janesville, competing in wrestling; Joe Williams, from

Page 2

1 Iowa City, competing in wrestling; and Joey Woody,
2 from Iowa City, competing in track and field; NOW
3 THEREFORE,
4 BE IT RESOLVED BY THE SENATE, That the Senate
5 honors these young Iowans, whose efforts bring honor
6 not only to themselves, but also to their communities
7 and all Iowa, and wishes them the best of luck in the
8 XXIX Olympiad.

Senate Resolution 126: filed April 1, 2008; adopted by the
Senate on April 2, 2008.

1 SENATE RESOLUTION 126
2 By: Zaun
3 A resolution honoring the Dowling Catholic High
4 School cross country team.
5 WHEREAS, on October 27, 2007, the Dowling Catholic
6 High School cross country team, the Maroons, won the
7 class 4A Iowa High School State Cross Country
8 Championship in Fort Dodge, Iowa; and
9 WHEREAS, the Maroons, led by senior captains Betsy
10 Flood and Mary Lacy, posted a score of 32 points, one
11 of the best team scores ever recorded in Iowa; and
12 WHEREAS, team members Katie Flood and Ashlie Decker
13 finished first and second overall, both shattering the
14 course record, and Tanelle Berard finished seventh
15 overall; and
16 WHEREAS, Katie Flood claimed her second straight
17 individual state title and later finished eighth in
18 the Footlocker National Cross Country Championship,
19 earning All-American honors and being awarded the
20 Gatorade Player of the Year Award in Cross Country in
21 Iowa; and
22 WHEREAS, playing as a club team the Maroons
23 competed in post-season competition, winning the Nike
24 Team Heartland Championship and finishing fourteenth
25 in the country; NOW THEREFORE,
26 BE IT RESOLVED BY THE SENATE, That the Senate
27 congratulates the Dowling Catholic High School cross
28 country team and coach Father Jim Kirby on winning the
29 class 4A Iowa High School State Cross Country
30 Championship and for a remarkable season.

Senate Resolution 127: filed April 1, 2008; adopted by the Senate on April 3, 2008.

1 SENATE RESOLUTION 127

2 By: Quirmbach

3 A resolution congratulating Iowa State University of
4 Science and Technology for 150 years of leadership
5 and service to the State of Iowa, the United States,
6 and the world as Iowa's land-grant university.
7 WHEREAS, Iowa's seventh General Assembly adopted a
8 charter on March 22, 1858, predating the passage of
9 the federal Morrill Act by four years, to create the
10 "people's college" and thereby establish the Iowa
11 Agricultural College and Model Farm in response to the
12 State of Iowa's desire to provide higher education
13 opportunities to farm families and working classes in
14 Iowa; and

15 WHEREAS, on September 11, 1862, Iowa became the
16 first state in the United States to accept the terms
17 and conditions of the Morrill Act creating the
18 land-grant system of colleges and universities; and

19 WHEREAS, the Iowa Agricultural College and Model
20 Farm, known today as Iowa State University of Science
21 and Technology, received Iowa's land-grant charter on
22 March 29, 1864, making it one of the first land-grant
23 institutions in the United States; and

24 WHEREAS, Iowa State University was a pioneer in all
25 three parts of the land grant mission, including the
26 following:

27 1. Allowing access to all, regardless of race,
28 gender, or social class by being the first land-grant
29 institution to be coeducational from its opening, with
30 the first term enrollment including 16 women and the

Page 2

1 first graduating class in 1872 including 2 women among
2 the 24 graduates, with future suffragist Carrie
3 Chapman Catt being an 1880 graduate, and with George
4 Washington Carver being the first African-American
5 student, earning a bachelor's degree in 1894 and a
6 master's degree in 1896, and being the institution's
7 first African-American faculty member; and

8 2. Performing practical research by establishing
9 the United States' first Engineering Experiment
10 Station and domestic economy experimental kitchen and
11 one of the first agriculture experiment stations; and

12 3. Offering outreach services to the general
13 public by organizing the Farmers' Institutes in the
14 winter of 1869–1870 through the efforts of Iowa State
15 University's first president Adonijah Welch and

16 agriculture professor Isaac Roberts and by initiating
 17 many programs that became models for national
 18 extension programs including the Boys' Corn Club that
 19 evolved into 4-H and the nation's first county
 20 extension plan and county cooperative experimental
 21 farm in 1903 in Sioux County in northwest Iowa through
 22 the efforts of Professor Perry Holden; and
 23 WHEREAS, some of the most important technological
 24 advancements of the modern world were the result of
 25 research at Iowa State University, including the
 26 following:
 27 1. Developing hybrid seed corn in the 1920s;
 28 2. Pioneering soybean oil extraction and producing
 29 ethanol from corn and other plant materials by
 30 Professor Orland Sweeney in the 1930s; and

Page 3

1 3. Inventing the electronic digital computer in
 2 the late 1930s by Professor John Atanasoff and
 3 graduate student Clifford Berry, whose Atanasoff-Berry
 4 Computer was the first to incorporate the seven basic
 5 principles of modern computing; and
 6 4. Laying the foundation for the modern plastics
 7 industry through polyethylene research by Professor
 8 Henry Gilman; and
 9 5. Developing the process still used today to
 10 refine pure rare-earth materials, including
 11 reactor-grade uranium, by Professor Frank Spedding and
 12 Harley Wilhelm, as a result of Iowa State University's
 13 key role in the Manhattan Project in World War II; and
 14 6. Developing modern livestock breeding and animal
 15 genetics by Professor Jay Lush; and
 16 7. Inventing the round hay baler in the 1960s by
 17 agricultural engineering professor Wesley Buchele and
 18 a group of student researchers, and the first
 19 field-testing of a genetically altered woody plant
 20 (poplar) in 1989 by Professor Robert Thornburg; and
 21 WHEREAS, Iowa State University hired the first
 22 artist-in-residence, sculptor Christian Petersen, who
 23 held the position from 1934 to 1955 and provided
 24 hundreds of sculptures and other art objects to the
 25 university, expanding Iowa State University's Art on
 26 Campus collection today to more than 600 major public
 27 works of art, thereby making it the largest public
 28 campus art collection in the nation; and
 29 WHEREAS, Iowa State University, which has had a
 30 technology transfer office since 1935, longer than all

Page 4

1 but one other university in the United States, was

2 officially renamed Iowa State University of Science
 3 and Technology in 1959, with the resulting focus on
 4 technology leading to many research patents and
 5 inventions, to acknowledgment of the institution today
 6 as a leader in putting technology to work, and to
 7 being cited as a “model of economic development” and
 8 “licensing powerhouse” in a 2007 study commissioned by
 9 the National Science Foundation; and
 10 WHEREAS, Iowa State University is today
 11 spearheading new advances in science and technology,
 12 including new materials, information sciences, green
 13 architecture, biological research, and the development
 14 of biorenewable fuels and other resources to support
 15 the bioeconomy and the nation’s independence from
 16 nonrenewable petroleum resources; and
 17 WHEREAS, Iowa State University students hail from
 18 every state and more than 100 other nations, and Iowa
 19 State University in its 150 years has awarded more
 20 than 257,000 degrees and includes among its graduates
 21 heads of state, leaders of industry, great
 22 humanitarians, and gifted scientists, whose work has
 23 improved the quality of life and environment of people
 24 worldwide; NOW THEREFORE,
 25 BE IT RESOLVED BY THE SENATE, That the Senate
 26 congratulates Iowa State University of Science and
 27 Technology for 150 years of outstanding service to the
 28 State of Iowa, the United States, and the world in
 29 fulfilling its mission as a land-grant university and
 30 for its visionary leadership in beginning the

Page 5

1 land-grant movement in the United States.

Senate Resolution 128: filed April 1, 2008; adopted by the
 Senate on April 1, 2008.

1 SENATE RESOLUTION 128
 2 By: Horn, Ragan, Hatch, Black, McCoy,
 3 Connolly, Stewart, Beall, Danielson,
 4 Dotzler, Dvorsky, Warnstadt, Seng, Rielly,
 5 Olive, Hancock, Hogg, Dearden, Fraise,
 6 Appel, Schoenjahn, Quirnbach, Bolkcom,
 7 Gronstal, Kibbie, Heckroth, Schmitz,
 8 Kreiman, and Wood
 9 A resolution requesting the Iowa utilities board and
 10 Iowa’s energy utilities to voluntarily extend the
 11 moratorium on utility disconnection through April
 12 14, 2008.
 13 WHEREAS, Iowa’s rate-regulated utilities reported
 14 for February 2008 218,360 accounts that were past due

15 and owing \$36.5 million, which is the second-highest
 16 monthly total reported owing since 2000; and
 17 WHEREAS, in 2007, these utilities disconnected
 18 6,742 households in April, 8,119 in May, and 8,080 in
 19 June, and these statistics lead to an expectation that
 20 a record or near-record number of disconnections will
 21 occur in 2008; and
 22 WHEREAS, in 2007, Iowa's low-income home energy
 23 assistance program (LIHEAP) served 85,692 households
 24 and is projected to serve between 85,000 and 90,000
 25 households in 2008 through April 15, 2008, with an
 26 average assistance payment of approximately \$400; and
 27 WHEREAS, the extended forecast for early April is
 28 for continued cold weather, placing at risk the health
 29 and safety of low-income families whose home energy
 30 utilities are disconnected; NOW THEREFORE,

Page 2

1 BE IT RESOLVED BY THE SENATE, That the Senate
 2 requests the Iowa utilities board and Iowa's energy
 3 utilities to voluntarily extend the utility
 4 disconnection moratorium, which would otherwise end
 5 after April 1, 2008, through April 14, 2008.

Senate Resolution 131: filed April 2, 2008; adopted by the
 Senate on April 15, 2008.

1 SENATE RESOLUTION 131
 2 By: Kettering and Seymour
 3 A resolution to recognize the 2008 annual Donna Reed
 4 Festival for the Performing Arts.
 5 WHEREAS, Donna Belle Mullenger was born on January
 6 27, 1921, in Denison, Iowa; and
 7 WHEREAS, still a teenager, she left Iowa to attend
 8 Los Angeles City College, where she was named campus
 9 queen, and her striking beauty drew the attention of
 10 Hollywood producers; and
 11 WHEREAS, taking the stage name of Donna Reed, she
 12 rose to stardom in the 1946 classic "It's a Wonderful
 13 Life" and the 1953 "From Here to Eternity", for which
 14 she won the Oscar in 1954; and
 15 WHEREAS, turning to the medium of television in
 16 1958, Donna Reed won the hearts of millions of viewers
 17 as the quintessential TV mom in the "Donna Reed Show";
 18 and
 19 WHEREAS, the year 2008 marks the 50th anniversary
 20 of this popular 1950s TV show about a close family,
 21 starring Donna Reed as a loving mother and homemaker;
 22 and

23 WHEREAS, as a result of her outstanding performance
 24 on that show, Donna Reed was nominated four times for
 25 an Emmy award, and in 1963 received the Golden Globe
 26 award for best female television star; and
 27 WHEREAS, Donna Reed always remained an Iowan, often
 28 returning home to visit family and friends and to
 29 support local community projects; and
 30 WHEREAS, with her passing in 1986, friends and

Page 2

1 family created the Donna Reed Foundation for the
 2 Performing Arts, which awards scholarships to young
 3 people studying the arts; and
 4 WHEREAS, to honor her life, work, and memory the
 5 Donna Reed Festival for the Performing Arts began in
 6 1987, featuring student workshops by industry
 7 professionals and a scholarship program centered in
 8 Denison, Iowa; NOW THEREFORE,
 9 BE IT RESOLVED BY THE SENATE, That the Senate
 10 recognizes the 2008 annual Donna Reed Festival for the
 11 Performing Arts, held June 16 through 21, 2008, in
 12 Denison, and invites all Iowans to make a visit to
 13 this annual event part of their summer vacation plans.

Senate Resolution 132: filed April 2, 2008; adopted by the
 Senate on April 22, 2008.

1 SENATE RESOLUTION 132
 2 By: Hatch
 3 A resolution honoring the life and work of Professor
 4 R. Dean Wright.
 5 WHEREAS, Dr. Wright, Professor of Sociology at
 6 Drake University, not only taught generations of
 7 students about poverty, homelessness, and crime, he
 8 was and remains a tireless advocate and community
 9 activist for the poor, the homeless, and for juvenile
 10 justice; and
 11 WHEREAS, Dr. Wright has been a Fulbright Scholar to
 12 Delhi University in India, held a National Defense
 13 Foreign Language Fellowship in Hindi, and has been
 14 awarded fellowships from the National Science
 15 Foundation, National Endowment for the Humanities,
 16 Iowa House at the University of Iowa, and the
 17 Northwest Area Foundation; and
 18 WHEREAS, Dr. Wright is a dedicated activist in
 19 criminal justice, having chaired the Iowa Criminal and
 20 Juvenile Justice Advisory Council for 14 years,
 21 Attorney General Tom Miller's Task Force on Juvenile
 22 Justice, and Attorney General Bonnie Campbell's Blue
 23 Ribbon Task Force on Sentencing; and

24 WHEREAS, besides his academic work Dr. Wright has a
 25 long history in Des Moines, not only as a Drake
 26 University professor, but also as an engaged and
 27 contributing member of the community, including his
 28 work as an original board member of Urban Dreams; and
 29 WHEREAS, in recognition of his work, Dr. Wright was
 30 the first recipient of the Madelyn M. Levitt

Page 2

1 Distinguished Community Service Award, has received
 2 the Drake Medal of Service, the Public Service Award
 3 of the Iowa Corrections Association, and the Special
 4 Award from the Midwest Sociological Society, and has
 5 been inducted into the Iowa Volunteer Hall of Fame;
 6 and
 7 WHEREAS, Dr. Wright has conducted his life and work
 8 in partnership with his wife, Susan Wright, and with
 9 his son and daughter-in-law, Ehren and Michelle
 10 Stover-Wright, and grandchildren Aiden and Ella; NOW
 11 THEREFORE,
 12 BE IT RESOLVED BY THE SENATE, That the Senate
 13 honors Professor R. Dean Wright for a lifetime of
 14 achievement and for his dedication to social justice,
 15 which have made Iowa a better place for us all.

Senate Resolution 133: filed April 3, 2008; adopted by the
 Senate on April 24, 2008.

1 SENATE RESOLUTION 133
 2 By: Hartsuch, Seng, and Wood
 3 A resolution to recognize April 2008 as Fall Prevention
 4 Awareness Month for Older Iowans.
 5 WHEREAS, falls are a leading cause of injuries and
 6 their associated disabilities among the state's older
 7 population; and
 8 WHEREAS, the impact of a fall causes a significant
 9 reduction in a senior's quality of life and major
 10 costs to the health care system; and
 11 WHEREAS, the incidence of falls increases with age
 12 and one-third of older adults age 65 years and older
 13 fall each year; and
 14 WHEREAS, among other adults, falls are the leading
 15 cause of injury and death and the most common cause of
 16 nonfatal injuries and hospital admissions of trauma,
 17 with nine out of 10 hip fractures caused by falls; and
 18 WHEREAS, accidental injuries are the fifth leading
 19 cause of death, and falls account for two-thirds of
 20 accidental deaths; and
 21 WHEREAS, 75 percent of United States deaths related
 22 to falls occur with individuals who are 65 years or

23 older and more than 60 percent of persons who die from
 24 falls are age 75 years or older; and
 25 WHEREAS, persons with hip fractures are 5 to 20
 26 percent more likely to die in the first year after a
 27 fall, and following a fall, 15 to 25 percent of
 28 persons who were living at home will still be in
 29 long-term care facilities; and
 30 WHEREAS, hospitalization rates and associated

Page 2

1 complications increase steadily with age until they
 2 double at about age 75; and
 3 WHEREAS, the older American population is projected
 4 to increase from 34.8 million to 77.2 million between
 5 2000 and 2040, causing the number of fall-related
 6 injuries to significantly increase, but research
 7 supports that 40 percent or more of falls that occur
 8 are preventable; NOW THEREFORE,
 9 BE IT RESOLVED BY THE SENATE, That the Senate
 10 hereby proclaims the month of April 2008 to be "Fall
 11 Prevention Awareness Month for Older Iowans" in the
 12 state of Iowa; and
 13 BE IT FURTHER RESOLVED, That the Senate joins the
 14 policy board members of the Generations Area Agency on
 15 Aging, who have initiated a major local project with
 16 the Scott County Health Department, Genesis Visiting
 17 Nursing and Hospice, Trinity Visiting Nurse and Home
 18 Care, and Braaten Health, in promoting awareness and
 19 disseminating information regarding the high incidence
 20 and adverse impact of falls among older Iowans, and
 21 encourages Iowa's thirteen area agencies on aging to
 22 disseminate information regarding, and encourage the
 23 use of, the best possible practices intended to reduce
 24 the incidence of falls and their devastating
 25 consequences.

Senate Resolution 134: filed April 7, 2008; adopted by the
 Senate on April 7, 2008.

1 SENATE RESOLUTION 134
 2 By: McCoy, Appel, Fraise, Dearden, Quirmbach,
 3 Olive, Seng, Horn, Warnstadt, Dvorsky, Heckroth,
 4 Dotzler, Beall, Schmitz, Ragan, Stewart,
 5 Connolly, Kibbie, Gronstal, Courtney, Bolkcom,
 6 Rielly, Schoenjahn, Wood, Hancock, Danielson,
 7 and Hatch
 8 A resolution to honor Ms. Roxanne Barton Conlin for over
 9 four decades of service as an activist, community
 10 leader, and attorney advocate for the people.

11 WHEREAS, the life and career of Ms. Conlin are a
12 remarkable combination of dedication to public service
13 and hard work, which serve as a model to all young
14 people of this state; and

15 WHEREAS, at the age of sixteen, Ms. Conlin entered
16 Drake University, and five years later graduated with
17 honors from Drake University Law School, being one of
18 three women in her class and one of only 1,500 female
19 law students nationwide, later completing her formal
20 education with a degree in public administration; and

21 WHEREAS, from 1969 through 1976, Ms. Conlin served
22 with distinction as an Assistant Attorney General for
23 the state of Iowa, heading the civil rights section;
24 and

25 WHEREAS, in 1977, Ms. Conlin was one of the
26 nation's first two women to be appointed as a United
27 States Attorney, during which period she served as
28 president of the Federal Executive Council made up of
29 all federal agencies; and

30 WHEREAS, as a trial attorney, Ms. Conlin has

Page 2

1 compiled an enviable record — she was elected the
2 first female president of the Association of Trial
3 Lawyers of America, selected one of only two women
4 members to the Inner Circle of Advocates, and awarded
5 more than 15 verdicts of \$1 million or more in
6 discrimination cases; and

7 WHEREAS, in addition to a legal career, Ms. Conlin
8 has pursued a life of public service — she was the
9 Democratic Party's gubernatorial candidate in 1982,
10 she has served as president and general counsel of the
11 National Organization of Women's Legal Defense and
12 Education Fund, chair of the Iowa Democratic Party,
13 president of the Roscoe Pound Foundation, and she
14 founded and was the first chair of the Iowa Women's
15 Political Caucus; and

16 WHEREAS, Ms. Conlin is an advocate, supporter, and
17 foster caregiver for the Animal Rescue League of Iowa,
18 providing premium one-on-one care in her office and
19 home for numerous ill and needy animals, and serving
20 as an ambassador to ensure the financial stability of
21 the League; and

22 WHEREAS, while pursuing both her career and public
23 service, Ms. Conlin has been accorded wide
24 recognition, including induction into the Iowa Women's
25 Hall of Fame in 1981, selection to the Inner Circle of
26 Advocates, a group limited to the best 100 plaintiff
27 lawyers in America, selection as the 1997 Woman of the
28 Year by the Metro Women's Network, and receipt of the

29 Mary Louise Smith Award for Racial Justice from the
30 YWCA; and

Page 3

1 WHEREAS, in a remarkable victory for all Iowans,
2 Ms. Conlin waged a seven-year legal battle with the
3 giant Microsoft corporation, ultimately forcing a \$179
4 million settlement, the largest class action award to
5 date in Iowa; and

6 WHEREAS, with this settlement, hundreds of
7 thousands of Iowans who purchased Microsoft products
8 may claim generous refunds, with any unclaimed money
9 going to Iowa schools for the purchase of new

10 computers and to Iowa Legal Aid; NOW THEREFORE,

11 BE IT RESOLVED BY THE SENATE, That the Senate
12 honors Ms. Roxanne Barton Conlin for a lifetime of
13 public service and professional distinction, dedicated
14 to the goal of achieving equality for all persons.

Senate Resolution 135: filed April 7, 2008; adopted by the
Senate on April 25, 2008.

1 SENATE RESOLUTION 135

2 By: Noble, Zaun, Dearden, Hatch,
3 McCoy, and Ward

4 A resolution welcoming the new Iowa Barnstormers arena
5 football team to Iowa.

6 WHEREAS, in 1993, Iowan Jim Foster, the originator
7 of indoor football, returned home to begin his own
8 franchise in Des Moines; and

9 WHEREAS, the Iowa Barnstormers debuted in Des
10 Moines in 1995 as a member of the Arena Football
11 League, but left the state in 2000; and

12 WHEREAS, after eight years, a new Barnstormers team
13 has taken the field, as an arenafootball2 team; and

14 WHEREAS, the Iowa Barnstormers will compete as part
15 of a 29-team league; and

16 WHEREAS, the Iowa Barnstormers will play in the
17 six-team Midwest Division of the American Conference,
18 which also includes the Green Bay Blizzard, Lexington
19 Horsemen, Louisville Fire, Peoria Pirates, and Quad
20 City Steamwheelers; and

21 WHEREAS, the Iowa Barnstormers' home opener is
22 April 14, 2008, against Lexington at Wells Fargo Arena
23 in Des Moines; NOW THEREFORE,

24 BE IT RESOLVED BY THE SENATE, That the Senate
25 welcomes the Iowa Barnstormers back to Des Moines and
26 encourages all Iowans to attend the Iowa Barnstormers'
27 home opener and enjoy this latest addition to Iowa
28 sports.

Senate Resolution 136: filed April 7, 2008; adopted by the Senate on April 8, 2008.

1 SENATE RESOLUTION 136
2 By: Heckroth
3 A resolution honoring Wartburg College's wrestling team
4 for winning the National Collegiate Athletic Association
5 Division III Wrestling Championship.
6 WHEREAS, the Wartburg College wrestling team, the
7 Knights, has won its sixth National Collegiate
8 Athletic Association (NCAA) Division III wrestling
9 title; and
10 WHEREAS, led by Head Coach Jim Miller, the Knights
11 won the championship on March 8, 2008, with 147
12 points, clearing the rest of the field by 47 points;
13 and
14 WHEREAS, the Knights also added three more
15 individual title winners to the all-time total:
16 junior Jacob Naig of Emmetsburg, junior Aaron
17 Wernimont of Pocahontas, and junior Romeo Djoumessi of
18 Waverly each won individual national titles, pushing
19 the program total to 27; and
20 WHEREAS, the Knights' nine All-American team
21 members are a Wartburg tradition — in each of the
22 last six national championships, Wartburg has earned
23 at least five All-American honors, for a grand program
24 total of 140; and
25 WHEREAS, two team members, Jacob Naig and senior
26 T. J. Miller of Cedar Falls, picked up their third
27 All-American awards; three Knights, Romeo Djoumessi,
28 senior Jacob Helvey of Mitchellville, and Aaron
29 Wernimont, all recorded their second All-American
30 award; while senior Robert Struthers of Emmetsburg,

Page 2

1 sophomore Matt Kelly of Dubuque, and junior Justin
2 Hanson of Humboldt each earned his first All-American
3 award; and
4 WHEREAS, the Knights also had three runners-up in
5 Jacob Helvey, T. J. Miller, who was a 2007 national
6 champion, and senior Brian Borchers of Holstein; and
7 WHEREAS, in addition to their athletic prowess, the
8 Knights also placed in the top 10 of the 2007–2008
9 National Wrestling Coaches Association Division III
10 Scholar Team Top 25 and had six individuals earn
11 Scholar All-American awards; and
12 WHEREAS, those team members who were awarded
13 Scholar All-American honors were Aaron Wernimont,
14 Brian Borchers for the second time, junior Craig
15 Kreman of Tipton, sophomore Chris Sandy of Spirit

16 Lake, and sophomore Dustin Jaeger of Manchester; and
17 WHEREAS, the extraordinary success of the Wartburg
18 College Knights wrestling team of 2007–2008 is a
19 source of pride for all Iowans; NOW THEREFORE,
20 BE IT RESOLVED BY THE SENATE, That the Senate
21 congratulates the Wartburg College Knights wrestling
22 team and Coach Miller on the success of their
23 2007–2008 wrestling season and wishes them continued
24 success in all their future endeavors.

Senate Resolution 137: filed April 7, 2008; adopted by the Senate on April 24, 2008.

1 SENATE RESOLUTION 137
2 By: McKibben
3 A resolution recognizing the 50th anniversary of the
4 Iowa Rose Festival in State Center.
5 WHEREAS, in 1958, Mrs. W. A. Norcross, former
6 President of the Iowa Rose Society, visited State
7 Center, as well as other towns in Iowa; and
8 WHEREAS, after considerable investigation and
9 thought brought the matter before the Iowa Rose
10 Society asking that State Center be designated as the
11 Rose Capital because it was located in the heart of
12 Iowa on U.S. Highway 30; and
13 WHEREAS, the town of State Center was small enough
14 to be “literally covered with roses” and a new park
15 had not yet been landscaped for a formal rose garden;
16 and
17 WHEREAS, on November 23, 1958, several officers of
18 the Iowa Rose Society traveled to State Center to
19 confer the title of Iowa Rose Capital, asking that the
20 town be so designated; and
21 WHEREAS, the 50th year anniversary of the Iowa Rose
22 Festival will be held June 19 through June 22, 2008,
23 in State Center, celebrating a festival that is known
24 for an All-American Rose Society accredited garden of
25 roses with over 3,000 plants of various colors and
26 varieties; NOW THEREFORE,
27 BE IT RESOLVED BY THE SENATE, That the Senate
28 recognizes the 50th anniversary of the Iowa Rose
29 Festival and urges all Iowans to plan a visit to this
30 celebration as part of a great tradition in Iowa.

Senate Resolution 138: filed April 7, 2008; adopted by the Senate on April 16, 2008.

1 SENATE RESOLUTION 138
2 By: Beall and Black
3 A resolution supporting a free trade agreement between

4 the Republic of China on Taiwan and the United States.
 5 WHEREAS, the Republic of China on Taiwan and the
 6 United States enjoy one of the most important economic
 7 and strategic international relationships that exists
 8 today; and
 9 WHEREAS, together, Taiwan and the United States
 10 promote a shared belief in freedom, democracy, and
 11 market principles; and
 12 WHEREAS, the level of mutual investment between
 13 Taiwan and the United States is substantial; and
 14 WHEREAS, streamlined foreign investment procedures
 15 developed under a free trade agreement between Taiwan
 16 and the United States would create new business
 17 opportunities and new jobs; and
 18 WHEREAS, a free trade agreement between Taiwan and
 19 the United States would encourage greater innovations
 20 and manufacturing efficiencies by stimulating joint
 21 technological development, practical applications, and
 22 new cooperative ventures; and
 23 WHEREAS, a recent study by the United States
 24 International Trade Commission supports the
 25 negotiation of a free trade agreement between Taiwan
 26 and the United States; and
 27 WHEREAS, a free trade agreement between Taiwan and
 28 the United States would build on the existing strong
 29 relations between Taiwan and the United States to
 30 simultaneously boost Taiwan's security and democracy

Page 2

1 and serve the broader interests of the United States
 2 in the Asia-Pacific region; NOW THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, That the Senate
 4 supports the negotiation of a free trade agreement
 5 between the Republic of China on Taiwan and the United
 6 States of America; and
 7 BE IT FURTHER RESOLVED, That upon adoption, an
 8 official copy of this resolution be prepared and
 9 presented to the Taipei Economic and Cultural Office
 10 located in Chicago, Illinois.

Senate Resolution 139: filed April 7, 2008; adopted by the
 Senate on April 16, 2008.

1 SENATE RESOLUTION 139
 2 By: Beall, Ragan, Seymour, Hartsuch,
 3 McKinley, Warnstadt, Kibbie, Danielson,
 4 Horn, and Black
 5 A resolution honoring America's Vietnam veterans.
 6 WHEREAS, from 1961 through 1975, the men and women
 7 of America's armed forces fought on behalf of the

8 South Vietnamese people; and
9 WHEREAS, almost 3.5 million Americans served in the
10 Southeast Asia theater of war and more than 2.9
11 million served in Vietnam itself; and
12 WHEREAS, during that long conflict more than 58,000
13 Americans gave their lives for freedom's sake and
14 another 300,000 were wounded; and
15 WHEREAS, Vietnam veterans today continue to be
16 leaders in all walks of life and serve to make America
17 a better place to live; and
18 WHEREAS, Vietnam veterans can be proud of their
19 legacy of devotion to the cause of freedom and service
20 to America; and
21 WHEREAS, a day each year should be designated as a
22 day to especially remember our Vietnam veterans; NOW
23 THEREFORE,
24 BE IT RESOLVED BY THE SENATE, That the Senate, on
25 behalf of all Iowans, humbly thanks America's Vietnam
26 veterans and recognizes May 7, 2008, as Vietnam
27 Veterans Recognition Day in Iowa.

Senate Resolution 140: filed April 7, 2008; adopted by the
Senate on April 24, 2008.

1 SENATE RESOLUTION 140
2 By: Johnson
3 A resolution honoring the city of Paullina on its
4 quasiquicentennial anniversary.
5 WHEREAS, Paullina, Iowa, was founded in 1883 by
6 brothers Henry and D. Edward Paullin, who donated land
7 for a township; and
8 WHEREAS, nestled in the southern part of O'Brien
9 County, Paullina now has a population of over 1,100
10 Iowans; and
11 WHEREAS, today Paullina is the financial,
12 industrial, educational, recreational, employment,
13 shopping, and arts center of the surrounding area; and
14 WHEREAS, Paullina is home to a variety of
15 businesses, community organizations, churches,
16 schools, and a library, all combining to make Paullina
17 a vibrant, progressive community; and
18 WHEREAS, Paullina offers both scenic and
19 recreational opportunities, with camping and hiking at
20 beautiful Mill Creek State Park, and fishing and
21 boating on Lake Paullina; NOW THEREFORE,
22 BE IT RESOLVED BY THE SENATE, That the Senate
23 honors Paullina, Iowa, on completing its first 125
24 years and invites all Iowans to share in Paullina's
25 quasiquicentennial celebration to be held on July 3
26 through July 6, 2008.

27 BE IT FURTHER RESOLVED, That the Senate shall
 28 request the Secretary of the Senate to prepare an
 29 official copy of this resolution for presentation to
 30 the city of Paullina.

Senate Resolution 141: filed April 7, 2008; adopted by the
 Senate on April 14, 2008.

1 SENATE RESOLUTION 141
 2 By: Mulder
 3 A resolution honoring Deb Remmerde, the National
 4 Association of Intercollegiate Athletics Division
 5 II Women's Basketball Player of the Year.
 6 WHEREAS, Deb Remmerde, a 2003 graduate of Rock
 7 Valley High School, was Iowa's all-time leading
 8 five-player scorer with 2,756 points, taking Rock
 9 Valley to three state championships and was named
 10 "Miss Iowa Basketball" in 2003; and
 11 WHEREAS, Ms. Remmerde, now a 5-9 senior guard, led
 12 the Northwestern College women's basketball team to
 13 the 2008 National Association of Intercollegiate
 14 Athletics (NAIA) Women's Basketball National
 15 Championship; and
 16 WHEREAS, in the championship game Ms. Remmerde
 17 scored 41 points and garnered a tournament scoring
 18 record of 177, beating her own record set two years
 19 earlier; and
 20 WHEREAS, Ms. Remmerde has been named to the 2008
 21 Division II Women's Basketball All-America First Team,
 22 and has been named Division II Women's Basketball
 23 Player of the Year and has been named a
 24 Daktronics-NAIA Division II Women's Basketball
 25 All-American Scholar-Athlete; and
 26 WHEREAS, Ms. Remmerde finishes her college career
 27 with 3,854 points, 1,358 field goals, 481 three-point
 28 baskets, and a blistering 96 percent free-throw
 29 record; NOW THEREFORE,
 30 BE IT RESOLVED BY THE SENATE, That the Senate

Page 2

1 honors Deb Remmerde, an astonishing young athlete who
 2 has been breaking records since her basketball career
 3 began and whose style, skill, and determination offers
 4 the promise of even greater success in the future.

Senate Resolution 142: filed April 7, 2008; adopted by the Senate on April 14, 2008.

1 SENATE RESOLUTION 142
2 By: Mulder
3 A resolution honoring the Northwestern College women's
4 basketball team.
5 WHEREAS, the Northwestern College women's
6 basketball team, the Red Raiders, have won the
7 National Association of Intercollegiate Athletics
8 (NAIA) Division II Women's Basketball National
9 Championship; and
10 WHEREAS, in the championship game the Raiders, with
11 an all-senior starting lineup, defeated top-seeded
12 College of the Ozarks, 82-75, winning its second
13 national championship and ending the season with a
14 35-2 overall record; and
15 WHEREAS, the NAIA has named Red Raider senior Deb
16 Remmerde, who poured in 41 points in the championship
17 game, to the 2008 Division II Women's Basketball
18 All-America First Team and teammate Amy Larson, who
19 added 15 points, to the Third Team; and
20 WHEREAS, Crystal Algood, Deb Remmerde, and Amy
21 Larson were named 2008 Daktronics-NAIA Division II
22 Women's Basketball All-American Scholar-Athletes; and
23 WHEREAS, teammates Mandy Carr and Miranda Boekhout
24 were instrumental in the championship victory, with
25 Mandy adding 12 points and Miranda providing four
26 assists for a school career record of 628 assists; and
27 WHEREAS, Coach Earl Woudstra, with a 311-124 record
28 and two national championships, is the all-time
29 winningest coach at Northwestern College; NOW
30 THEREFORE,

Page 2

1 BE IT RESOLVED BY THE SENATE, That the Senate
2 congratulates the Northwestern College women's
3 basketball team and Coach Earl Woudstra on winning the
4 National Association of Intercollegiate Athletics
5 Division II Women's Basketball National Championship.

Senate Resolution 143: filed April 8, 2008; adopted by the Senate on April 16, 2008.

1 SENATE RESOLUTION 143
2 By: Angelo, Wieck, Ziemann, Kettering, Boettger,
3 Ward, Mulder, Johnson, Zaun, McKinley, Noble,
4 Putney, Gaskill, Lundby, Houser, Seymour, Wood,
5 Heckroth, Rielly, Schoenjahn, Olive, Kreiman,

6 Stewart, Quirnbach, Warnstadt, Ragan, Bolkcom,
 7 Fraise, Dotzler, Hatch, Dvorsky, Connolly, Seng,
 8 Appel, Hogg, Dearden, Gronstal, Courtney,
 9 Hancock, Kibbie, Danielson, Schmitz, and Horn
 10 A resolution recognizing and honoring Iowa's Olympic
 11 athletes.
 12 WHEREAS, the tradition of the Olympic games was
 13 revived in 1896 in Athens, Greece, with 14 nations
 14 participating in 43 events; and
 15 WHEREAS, 112 years later the Olympics includes 35
 16 sports, nearly 400 events, and thousands of athletes;
 17 and
 18 WHEREAS, Iowa has a long and proud Olympic
 19 tradition, including many gold medal winners; and
 20 WHEREAS, in 2008, Iowa will be represented by the
 21 following nine athletes, serving as principal
 22 competitors or as alternates, competing in five
 23 Olympic sports:
 24 Haley Dunn, from Eddyville, competing in skeet
 25 shooting; Lee Fullhart, from Hesper, competing in
 26 wrestling; Kirk Hinrich, from Sioux City, competing in
 27 basketball; Shawn Johnson, from West Des Moines,
 28 competing in gymnastics; Lolo Jones, from West Des
 29 Moines, competing in track and field; Sara McMann,
 30 from Iowa City, competing in wrestling; Doug Schwab,

Page 2

1 from Osage, competing in wrestling; Tolly Thompson,
 2 from Janesville, competing in wrestling; Joe Williams,
 3 from Iowa City, competing in wrestling; and Joey
 4 Woody, from Iowa City, competing in track and field;
 5 NOW THEREFORE,
 6 BE IT RESOLVED BY THE SENATE, That the Senate
 7 honors these young Iowans, whose efforts bring honor
 8 not only to themselves, but also to their communities
 9 and all Iowa, and wishes them the best of luck in the
 10 XXIX Olympiad.

Senate Resolution 144: filed April 9, 2008; adopted by the
 Senate on April 14, 2008.

1 SENATE RESOLUTION 144
 2 By: Hatch, McCoy, Zaun, Dearden, Appel, Courtney,
 3 Quirnbach, Olive, Warnstadt, Dvorsky, Dotzler,
 4 Rielly, Danielson, Hogg, Kreiman, Hancock, Seng,
 5 Schmitz, Ragan, Beall, Stewart, Bolkcom,
 6 Black, Kibbie, Horn, Wood, Schoenjahn, Connolly,
 7 Heckroth, Fraise, Gronstal, Noble, McKinley,
 8 Gaskill, Behn, Wieck, Ziemann, Seymour, Boettger,

9 Hartsuch, Mulder, Johnson, Hahn, Houser,
10 Kettering, and Putney
11 A resolution to honor Drake University's men's and
12 women's basketball teams.
13 WHEREAS, in 2007, Drake University's men's
14 basketball team, the Bulldogs, fought to its first
15 winning season in 20 years, and by 2008 had twice won
16 the Big Four Trophy, besting the University of Iowa,
17 the University of Northern Iowa, and Iowa State
18 University; and
19 WHEREAS, the Bulldogs are led by Coach Keno Davis,
20 a remarkable young man who came to Drake in 2003 and
21 became head coach in 2007, succeeding his own father,
22 Dr. Tom Davis, and
23 WHEREAS, the Bulldogs secured its first berth in
24 the National Collegiate Athletic Association (NCAA)
25 national tournament since 1971, defeating Illinois
26 State, with a first-ever 30-point win, in the Missouri
27 Valley Conference championship game; and
28 WHEREAS, with that victory in the Missouri Valley
29 tournament the Bulldogs, with a record of 28 wins and
30 four losses, became one of the top 20 basketball teams

Page 2

1 in the nation; and
2 WHEREAS, Bulldog guard Adam Emmenecker, initially a
3 walk-on player, was named the winner of the Larry Bird
4 Missouri Valley Conference Player of the Year Award
5 and, with a 3.97 grade-point average, was named the
6 Academic All-American University Division Basketball
7 Player of the Year and the Missouri Valley Conference
8 Men's Basketball Scholar-Athlete of the Year; and
9 WHEREAS, Mr. Emmenecker, along with sophomore
10 teammate Josh Young, was a first team All-Missouri
11 Valley Conference selection; and
12 WHEREAS, in an NCAA Tournament nail-biter, the
13 Bulldogs, playing Western Kentucky and forcing the
14 game into overtime, showed the skill, the tenacity,
15 and the courage that has marked the team throughout
16 the season; and
17 WHEREAS, at that same time, the Drake women's
18 basketball team, led by fifth-year head coach Amy
19 Stephens, continued its tradition of excellence with
20 the Bulldogs' first 20-win season since 2001–2002 and
21 by winning its first Missouri Valley Conference
22 regular season title since the 2000–2001 season; and
23 WHEREAS, senior forward Jill Martin was selected
24 four times as the State Farm/Missouri Valley
25 Conference Women's Player of the Week, and junior
26 guard/forward Lauren Dybing also shared that honor
27 once, while senior guard Lindsay Whorton, with a 4.0

28 grade-point average and a double major in English and
 29 education, was selected as the Prairie Farms Missouri
 30 Valley Conference Women's Basketball Scholar-Athlete

Page 3

1 of the Year; and
 2 WHEREAS, for the ninth time in school history, and
 3 the third time under coach Amy Stephens, the Bulldogs
 4 participated in the 48-team Women's National
 5 Invitational Tournament (WNIT); and
 6 WHEREAS, in the first round at the WNIT, led by Ms.
 7 Martin and Ms. Whorton, the Bulldogs bested Green Bay;
 8 NOW THEREFORE,
 9 BE IT RESOLVED BY THE SENATE, That the Senate
 10 honors those remarkably talented young men and women
 11 who make up the 2007–2008 Drake University men's and
 12 women's basketball teams and congratulates them for
 13 incredible seasons that have elevated the Bulldogs to
 14 rank among the best teams in the nation, with the hope
 15 for continued greatness in the future.

Senate Resolution 145: filed April 9, 2008; adopted by the
 Senate on April 14, 2008.

1 SENATE RESOLUTION 145
 2 By: Hatch, McCoy, Zaun, and Dearden
 3 A resolution to honor the Drake University men's basketball
 4 coach Keno Davis.
 5 WHEREAS, Coach Keno Davis began his career by
 6 serving six years as assistant coach at Southeast
 7 Missouri State University, and in 2003 joined his
 8 legendary father, Dr. Tom Davis, as part of the Drake
 9 men's basketball coaching staff; and
 10 WHEREAS, building on the work of his father, Keno
 11 Davis assumed the head coaching position in 2007 and
 12 immediately led the team to its first appearance in
 13 NCAA's national tournament since 1971, defeating
 14 Illinois State University 79–49 in the Missouri Valley
 15 Conference championship game; and
 16 WHEREAS, the Bulldogs, with that victory in the
 17 Missouri Valley Conference tournament, and with a
 18 record of 28 wins and 4 losses, became one of the top
 19 20 basketball teams in the nation; and
 20 WHEREAS, Coach Maury John, who took the Drake
 21 University men's basketball team to the NCAA Final
 22 Four in 1969 and the Midwest Regional final in 1970
 23 and 1971, would be proud to see the talent, the
 24 dedication, and the fire of today's team and the young
 25 coach who has taken them so far and so fast; and
 26 WHEREAS, just completing his first year as head

27 coach, Keno Davis has been named the Missouri Valley
 28 Conference Coach of the Year and The Sporting News
 29 College Basketball Coach of the Year and was given the
 30 Henry Iba Coach of the Year Award by the U.S.

Page 2

1 Basketball Writers Association; and
 2 WHEREAS, Keno Davis has been named the Associated
 3 Press National Coach of the Year for 2007–2008, only
 4 the third first-year coach to win that award; NOW
 5 THEREFORE,
 6 BE IT RESOLVED BY THE SENATE, That the Senate
 7 honors Coach Keno Davis, a worthy successor to his
 8 father and to the memory of Maury John, for being
 9 named coach of the year by both the Missouri Valley
 10 Conference and Sporting News; and
 11 BE IT FURTHER RESOLVED BY THE SENATE, That the
 12 Senate thanks Coach Davis for the honor he has brought
 13 to Drake University, to Bulldog fans everywhere, and
 14 to his home state of Iowa.

Senate Resolution 146: filed April 9, 2008; adopted by the
 Senate on April 17, 2008.

1 SENATE RESOLUTION 146
 2 By: Mulder
 3 A resolution to honor the athletic career of Vern
 4 Wayne Den Herder.
 5 WHEREAS, today Vern Wayne Den Herder is a
 6 hard-working Iowa farmer, but from the 1960s to the
 7 1980s was one of Iowa's top athletic talents who was
 8 named to both the Iowa High School Basketball Hall of
 9 Fame and College Football Hall of Fame; and
 10 WHEREAS, Den Herder was a star player in football,
 11 basketball, baseball, and track at Sioux Center High
 12 School, setting many records, some which still stand,
 13 and was a first-team all-state selection in basketball
 14 by the Des Moines Register when the school won the
 15 1967 State Basketball Championship; and
 16 WHEREAS, from 1967 through 1971 Den Herder attended
 17 Central College on a basketball scholarship, playing
 18 both football and basketball, and still holds the
 19 school record for most rebounds; and
 20 WHEREAS, Den Herder's football honors at Central
 21 College include All-Iowa Conference honors in 1968,
 22 1969, and 1970, team captain and the Iowa Conference's
 23 most valuable player, and also being named an
 24 All-American college division player by the NAIA, the
 25 Football Coaches Association, and the Associated Press
 26 in 1970; and

27 WHEREAS, in 1971 Den Herder was drafted by the
 28 Miami Dolphins football team, his professional home
 29 for 12 years, where he started 153 games as a player;
 30 and

Page 2

1 WHEREAS, in 1972 Den Herder led the National
 2 Football League (NFL) with 10.5 sacks as the Dolphins
 3 went on to a 17–0 season and a Super Bowl VII victory,
 4 the only team in the history of the NFL to go
 5 undefeated throughout the season, the playoffs, and
 6 then win the Super Bowl; and
 7 WHEREAS, in his 12-year career Den Herder won an
 8 American Football Conference (AFC) championship ring
 9 in his rookie season, 1971, a National Football League
 10 championship ring in his rookie season, 1971, NFL
 11 championship rings from the 1973 and 1974 Super Bowls,
 12 and an AFC championship ring in 1982, his final
 13 season; NOW THEREFORE,
 14 BE IT RESOLVED BY THE SENATE, That the Senate
 15 honors Vern Wayne Den Herder and his remarkable
 16 athletic career that spanned parts of three decades
 17 and two different sports.

Senate Resolution 147: filed April 10, 2008; adopted by the
 Senate on April 14, 2008.

1 SENATE RESOLUTION 147
 2 By: Appel, Courtney, Fraise, Dearden, Quirnbach,
 3 Olive, Hogg, Seng, Horn, Warnstadt, Dvorsky,
 4 Heckroth, Dotzler, Kreiman, Beall, Schmitz, Ragan,
 5 Stewart, Connolly, McCoy, Black, Kibbie, Gronstal,
 6 Bolkcom, Rielly, Schoenjahn, Wood, Hancock,
 7 Danielson, Hatch, Mulder, Putney, McKibben,
 8 Boettger, Gaskill, Kettering, Seymour, and Noble
 9 A resolution recognizing April 13 through 19, 2008, as
 10 the Week of the Young Child.
 11 WHEREAS, the Iowa Association for the Education of
 12 Young Children and other local organizations, in
 13 conjunction with the National Association for the
 14 Education of Young Children, is celebrating the Week
 15 of the Young Child, April 13–19, 2008; and
 16 WHEREAS, the week has been designated as a time to
 17 reflect on the needs and rights of young children and
 18 their families and to review commitments to improve
 19 the quality of programs and services for all children;
 20 and
 21 WHEREAS, by highlighting the need for high-quality
 22 early childhood services for all children and families
 23 within Iowa, these groups hope to improve both the

24 availability and quality of these services; and
25 WHEREAS, the future of Iowa in large part depends
26 on the quality of early childhood experiences provided
27 to young children today; and
28 WHEREAS, high-quality early childhood services
29 represent a worthy commitment to our children's
30 future; NOW THEREFORE,

Page 2

1 BE IT RESOLVED BY THE SENATE, That the Senate
2 recognizes April 13 through 19, 2008, as the Week of
3 the Young Child and urges Iowans to use this
4 opportunity to focus attention on the nurturing of
5 young children and their families as one of Iowa's
6 highest priorities.

Senate Resolution 148: filed April 10, 2008; adopted by the
Senate on April 10, 2008.

1 SENATE RESOLUTION 148
2 By: Danielson, Schoenjahn, Hancock, Kettering,
3 and Johnson
4 A resolution recognizing the lifesaving benefits of
5 automatic external defibrillator devices,
6 acknowledging the importance of raising public
7 awareness of their availability, and encouraging
8 persons to obtain appropriate training.
9 WHEREAS, more than 700 lives are lost each day as a
10 result of sudden cardiac arrest in the United States;
11 and
12 WHEREAS, two out of every three sudden cardiac
13 deaths occur before the victim is able to reach a
14 hospital; and
15 WHEREAS, more than 95 percent of cardiac arrest
16 victims will die, many because of a lack of readily
17 available lifesaving equipment; and
18 WHEREAS, up to 30 percent of cardiac arrest victims
19 could be saved if victims had access to immediate
20 medical response with current medical technology,
21 including defibrillation and cardiopulmonary
22 resuscitation; and
23 WHEREAS, once a victim has suffered a cardiac
24 arrest, every minute that passes before returning the
25 heart to a normal rhythm decreases the chance of
26 survival by 10 percent; and
27 WHEREAS, most cardiac arrests are caused by an
28 abnormal heart rhythm called ventricular fibrillation,
29 which occurs when the heart's electrical system
30 malfunctions, causing a chaotic rhythm that prevents

Page 2

1 the heart from pumping oxygen to the victim's brain
 2 and body; and
 3 WHEREAS, communities that have implemented programs
 4 ensuring widespread public access to automatic
 5 external defibrillators (AEDs), combined with
 6 appropriate training, maintenance, and coordination
 7 with local emergency medical systems, have
 8 dramatically improved the survival rates from cardiac
 9 arrest; and
 10 WHEREAS, AEDs have been demonstrated to be safe and
 11 effective, even when used by laypersons, because the
 12 devices are designed not to allow a user to administer
 13 a shock until after the device has analyzed a victim's
 14 heart rhythm and determined that an electric shock is
 15 required; and
 16 WHEREAS, increased awareness of AEDs greatly
 17 increases their usage when necessary; and
 18 WHEREAS, currently five AEDs are available in the
 19 state Capitol as well as other AEDs positioned
 20 throughout the Capitol complex; and
 21 WHEREAS, the chain of survival following a cardiac
 22 arrest specifies that 911 should be called
 23 immediately, cardiopulmonary resuscitation should be
 24 performed, and an automatic external defibrillator
 25 device should be attached and used if directed to do
 26 so by emergency personnel; NOW THEREFORE,
 27 BE IT RESOLVED BY THE SENATE, That the Senate
 28 recognizes the lifesaving benefits of AEDs,
 29 acknowledges the importance of raising public
 30 awareness of AED availability, and encourages persons

Page 3

1 to obtain AED training.

Senate Resolution 149: filed April 10, 2008; adopted by the Senate on April 24, 2008.

1 SENATE RESOLUTION 149
 2 By: Johnson
 3 A resolution honoring the city of Sutherland on its
 4 quasiqucentennial anniversary.
 5 WHEREAS, the city of Sutherland, Iowa, which was
 6 named for the Duke of Sutherland, was founded in 1883;
 7 and
 8 WHEREAS, located in O'Brien County, Sutherland is
 9 nestled amidst some of the most scenic territory in
 10 the midwest and is a hunters' paradise, with rough
 11 cover that offers a variety of game including wild

12 turkey, deer, fox, pheasant, partridge, and quail; and
13 WHEREAS, Sutherland is home to a variety of unique
14 businesses, schools, churches, and a library all
15 combining to make Sutherland a progressive, welcoming,
16 and diversified community; and

17 WHEREAS, in 2008, the city celebrates its
18 quasiquicentennial anniversary, celebrating on August
19 29 through September 1, 2008, with four days of events
20 that include a picnic, a talent show, a dance, a
21 parade, fireworks, and many community activities; NOW
22 THEREFORE,

23 BE IT RESOLVED BY THE SENATE, That the Senate
24 honors Sutherland on its quasiquicentennial anniversary
25 and invites all Iowans to share in the
26 quasiquicentennial celebration.

27 BE IT FURTHER RESOLVED, That, upon adoption, the
28 Secretary of the Senate shall prepare an official copy
29 of this resolution for presentation to the city of
30 Sutherland.

Senate Resolution 150: filed April 14, 2008; adopted by the
Senate on April 16, 2008.

1 SENATE RESOLUTION 150

2 By: Beall and Black

3 A resolution supporting a proposal to invite the
4 Republic of China (Taiwan) to participate in the
5 upcoming meeting of the World Health Assembly as an
6 observer.

7 WHEREAS, the sixty-first World Health Assembly
8 meeting is scheduled to take place May 19 through 24,
9 2008, in Geneva, Switzerland; and

10 WHEREAS, the Republic of China, commonly known as
11 Taiwan, was a founding member of the World Health
12 Organization and participated for 24 years as a full
13 member contributing to achieving the organization's
14 objectives; and

15 WHEREAS, in 1972, in the wake of the admission of
16 the People's Republic of China to the United Nations,
17 Taiwan's membership in the World Health Organization
18 was discontinued; and

19 WHEREAS, Taiwanese health officials and medical
20 professionals have been unable to participate in World
21 Health Organization forums and workshops regarding
22 technological advances in the diagnosis, monitoring,
23 and control of diseases since 1972, and have been
24 denied the right to maintain contact and coordination
25 with the World Health Organization in emergency
26 situations involving the containment and cure of
27 existing and newly emerging infectious diseases; and

28 WHEREAS, Taiwan's location at the juncture of
29 important maritime routes between northeast and
30 southeast Asia has resulted in extensive world trade

Page 2

1 with Taiwan, a thriving Taiwanese tourism industry,
2 and a large foreign migrant worker population in
3 Taiwan; and
4 WHEREAS, Taiwan's absence from the World Health
5 Organization system has become a missing link in the
6 global framework of providing health and medical care;
7 and
8 WHEREAS, the granting of observer status to Taiwan
9 would not constitute a challenge to representation by
10 the People's Republic of China in the World Health
11 Organization and would demonstrate that the
12 organization is inclusive with regard to Taiwan's 23
13 million inhabitants; and
14 WHEREAS, as a democratically elected government,
15 the government of Taiwan has a duty and responsibility
16 to ensure that the people of Taiwan are represented in
17 an organization which establishes and oversees an
18 international framework for the control of disease and
19 the promotion of universal health; and
20 WHEREAS, Taiwan has made substantial progress in
21 the health field, has one of the highest life
22 expectancy rates in Asia, has maternal and infant
23 mortality rates comparable to those in western
24 countries, has eradicated infectious diseases such as
25 cholera, smallpox, and the plague, and has been the
26 first country in the region to eradicate polio and
27 provide children with hepatitis B vaccinations; and
28 WHEREAS, Taiwan has expressed a willingness in
29 recent years to provide financial and technological
30 assistance in international aid and health activities

Page 3

1 supported by the World Health Organization; NOW
2 THEREFORE,
3 BE IT RESOLVED BY THE SENATE, That the Senate
4 supports the granting of observer status to Taiwan
5 during the World Health Assembly to be held in May
6 2008; and
7 BE IT FURTHER RESOLVED, That an official copy of
8 this resolution be prepared and forwarded by the
9 Secretary of the Senate to the governing authority and
10 member states of the World Health Organization, the
11 World Health Assembly, and the governments of Taiwan
12 and of the People's Republic of China.

Senate Resolution 151: filed April 14, 2008; adopted by the Senate on April 16, 2008.

1 SENATE RESOLUTION 151
2 By: Beall and Black
3 A resolution requesting the Congress of the United
4 States to give due consideration to the readiness
5 of the Republic of China on Taiwan for membership
6 in the United Nations.
7 WHEREAS, the Republic of China on Taiwan has
8 established a democratic, multiparty political system,
9 its diplomacy aimed at national unification
10 demonstrates its progressive spirit as a government
11 and a people, and its inclusion in the United Nations
12 would only further the universality of this essential
13 global forum; and
14 WHEREAS, already having provided many developing
15 nations with financial assistance, as well as overseas
16 aid, training, and disaster relief, Taiwan has amply
17 illustrated its concern for the welfare of the world;
18 and
19 WHEREAS, the government of Taiwan has accepted the
20 obligations contained in the United Nations Charter
21 and agrees to promote international peace and
22 security; and
23 WHEREAS, the fundamental right of the over 22
24 million citizens of Taiwan to be partners in the
25 community of nations should no longer be denied; NOW
26 THEREFORE,
27 BE IT RESOLVED BY THE SENATE, That the Senate
28 supports the membership of the Republic of China on
29 Taiwan in the United Nations and urges due
30 consideration by the Congress of the United States;

Page 2

1 and
2 BE IT FURTHER RESOLVED, That upon adoption, an
3 official copy of this resolution be prepared and
4 presented to the President of the United States
5 Senate, the Secretary of the United States Senate, the
6 Speaker of the United States House of Representatives,
7 the Clerk of the United States House of
8 Representatives, the members of Iowa's congressional
9 delegation, and the Secretary General of the United
10 Nations.

Senate Resolution 152: filed April 15, 2008; adopted by the Senate on April 25, 2008.

1 SENATE RESOLUTION 152
2 By: Beall
3 A resolution to honor the Meskwaki tribe members who
4 served as Code Talkers in North Africa during World
5 War II and to request that Congress and the President
6 of the United States honor all Code Talkers who served
7 in the United States armed forces.
8 WHEREAS, the languages of several Native American
9 tribes were developed for use as code during both
10 World War I and World War II and members of at least
11 18 tribes participated in the transmission of vital
12 information regarding the location of enemy troops and
13 numbers of enemy guns, including the tribes
14 Assiniboine, Cherokee, Cheyenne, Chippewa/Oneida,
15 Choctaw, Comanche, Hopi, Kiowa, Lakota and Dakota
16 Sioux, Menominee, Muscogee/Creek and Seminole, Navajo,
17 Osage, Pawnee, Sac and Fox/Meskwaki, and Yankton
18 Sioux; and
19 WHEREAS, this code was never broken and the Native
20 American Code Talkers who transmitted the messages are
21 credited with saving the lives of countless numbers of
22 American soldiers; and
23 WHEREAS, these Code Talkers worked under terrible
24 conditions, taking extreme risks to provide the
25 necessary military information for our military forces
26 and sworn to secrecy in the event they were captured;
27 and
28 WHEREAS, eight members of the Meskwaki tribe from
29 Tama County, including Frank Sanache, his brother
30 Willard Sanache, Dewey Youngbear, Edward Benson, Judie

Page 2

1 Wayne Wabaunasee, Mike Wayne Wabaunasee, Dewey
2 Roberts, and Melvin Twin, served as scouts and Code
3 Talkers for eight companies of their division in North
4 Africa during World War II; and
5 WHEREAS, the last of the Code Talkers from the
6 Meskwaki tribe, Frank Sanache, who endured terrible
7 hardships both while stationed in North Africa and
8 after being captured by the Germans and held prisoner
9 in a Nazi internment camp in Europe, died in August
10 2004; and
11 WHEREAS, Congress passed legislation in 2000
12 authorizing the issuance of Congressional Medals of
13 Honor to recognize the service of the Navajo Code
14 Talkers, which were presented by the President of the
15 United States in July of 2001, but members of other

16 tribes, such as Frank Sanache and the other Meskwaki
 17 Code Talkers, did not receive the same recognition;
 18 and
 19 WHEREAS, it is fitting and proper that the valiant
 20 efforts of all Native American Code Talkers be
 21 recognized and honored; NOW THEREFORE,
 22 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
 23 recognizes the bravery and dedicated service of the
 24 Meskwaki Code Talkers and expresses gratitude for the
 25 contribution these soldiers made to saving many
 26 American lives; and
 27 BE IT FURTHER RESOLVED, That the Iowa Senate
 28 requests and encourages Congress and the President of
 29 the United States to recognize the contributions,
 30 bravery, and dedicated service of all Code Talkers,

Page 3

1 including the eight soldiers from the Meskwaki tribe,
 2 in the same manner as the Navajo Code Talkers by
 3 awarding them the appropriate medals of honor; and
 4 BE IT FURTHER RESOLVED, That, upon adoption, copies
 5 of this resolution be sent to the President and
 6 Majority and Minority Leaders of the United States
 7 Senate, the Speaker, Majority Leader, and Minority
 8 Leader of the United States House of Representatives,
 9 to the members of the Iowa congressional delegation,
 10 and to the President of the United States; and
 11 BE IT FURTHER RESOLVED, That, upon adoption, copies
 12 of this resolution be sent to the families of Frank
 13 Sanache and the other Meskwaki tribe members who
 14 served as Code Talkers in World War II.

Senate Resolution 153: filed April 15, 2008; adopted by the
 Senate on April 17, 2008.

1 SENATE RESOLUTION 153
 2 By: Horn, Dvorsky, Hogg, Lundby, Bolkom,
 3 Schmitz, Rielly, Hancock, Putney, and Hahn
 4 A resolution honoring Kirkwood Community College's
 5 women's basketball team for winning the National
 6 Junior College Athletic Association Division II
 7 National Tournament.
 8 WHEREAS, the Kirkwood Community College women's
 9 basketball team, the Eagles, won its fourth National
 10 Junior College Athletic Association (NJCAA) National
 11 Tournament and second in two years on March 22, 2008;
 12 and
 13 WHEREAS, led by head coach Kim Muhl who, in his
 14 19th season as coach, was named the NJCAA Division II
 15 Coach of the Year; and

16 WHEREAS, Eagles' player Lauren Thomas-Johnson was
 17 named the tournament's most valuable player, and
 18 Eagles' players Allie Lindemann and Breann Hill were
 19 named to the all-tournament team; and
 20 WHEREAS, in the national title game, the Kirkwood
 21 Eagles posted a 78–53 win over the Kankakee Community
 22 College Lady Cavaliers, for a season record of 31 wins
 23 and six losses; and
 24 WHEREAS, the extraordinary success of the Kirkwood
 25 Community College Eagles women's basketball team of
 26 2007–2008 is a source of pride of all Iowans; NOW
 27 THEREFORE,
 28 BE IT RESOLVED BY THE SENATE, That the Senate
 29 congratulates the Kirkwood Community College Eagles
 30 women's basketball team, head coach Muhl, and

Page 2

1 assistant coaches Joe Hruska and Megan Ripperton on
 2 their successful 2007–2008 basketball season and
 3 wishes them continued success in all their future
 4 endeavors.

Senate Resolution 154: filed April 15, 2008; adopted by the Senate on April 15, 2008.

1 SENATE RESOLUTION 154
 2 By: Committee on Rules and Administration
 3 A resolution deferring action on the confirmation
 4 of an appointment submitted by the Governor.
 5 BE IT RESOLVED BY THE SENATE, That the Senate
 6 defers consideration of the following appointment
 7 submitted by the Governor under the provisions of
 8 section 2.32, subsection 3:
 9 Director of Public Health Thomas Newton

Senate Resolution 155: filed April 21, 2008; adopted by the Senate on April 23, 2008; printed on Senate Journal page 1212.

Senate Resolution 156: filed April 21, 2008; adopted by the Senate on April 23, 2008; printed on Senate Journal page 1211.

Senate Resolution 157: filed April 21, 2008; adopted by the Senate on April 21, 2008; printed on Senate Journal page 1156.

Senate Resolution 158: filed April 21, 2008; adopted by the Senate on April 23, 2008; printed on Senate Journal page 1209.

Senate Resolution 159: filed April 21, 2008; adopted by the Senate on April 22, 2008; printed on Senate Journal page 1173

Senate Resolution 160: filed April 21, 2008; adopted by the Senate on April 21, 2008; printed on Senate Journal page 1155

Senate Resolution 161: filed April 21, 2008; adopted by the Senate on April 21, 2008; printed on Senate Journal page 1157

Senate Resolution 162: filed April 22, 2008; adopted by the Senate on April 24, 2008.

1 SENATE RESOLUTION 162
2 By: Angelo
3 A resolution recognizing May 2008 as Salvation Army
4 Month.
5 WHEREAS, in 1865 William Booth left the
6 conventional Methodist church in London, England, to
7 minister to the poor, homeless, and lost multitudes
8 needing hope and salvation; and
9 WHEREAS, later named the Salvation Army, Booth's
10 organization has now expanded to more than 100
11 countries and is one of the world's largest providers
12 of social aid today; and
13 WHEREAS, the Salvation Army in Iowa provides much
14 more than spiritual counseling and basic human
15 necessities to the needy and hurting on a daily basis;
16 and
17 WHEREAS, the Salvation Army serves as a symbol of
18 compassion, but more so an active participant in the
19 provision of services to thousands of men, women, and
20 children, from the Galveston Hurricane of 1900 and the
21 San Francisco earthquake of 1906 to the Hurricane
22 Katrina disaster in 2005; and
23 WHEREAS, the Salvation Army has been providing
24 these programs to those in need for more than 140
25 years and stands ready to serve in the future; and
26 WHEREAS, the Salvation Army provides its services
27 to people in need without regard to race, color,
28 creed, sex, or age; NOW THEREFORE,
29 BE IT RESOLVED BY THE SENATE, That the Senate
30 recognizes the month of May 2008 as Salvation Army

Page 2

1 Month in Iowa and urges all citizens to join in
2 honoring the dedicated men and women who work or
3 volunteer for this fine organization and touch the
4 lives of so many.

Senate Resolution 163: filed April 23, 2008; adopted by the Senate on April 23, 2008.

1 SENATE RESOLUTION 163
2 By: Courtney and Angelo
3 A resolution recognizing May 2008 as Huntington's
4 Disease Awareness Month.
5 WHEREAS, Huntington's disease, first described in
6 1873, is a hereditary, progressive, neurodegenerative
7 disorder that gradually robs its victims of their
8 intellect, their emotional well-being, and their
9 control of movement; and
10 WHEREAS, the effects of Huntington's disease are
11 always tragic because as the disease progresses, its
12 victims suffer increasingly from such symptoms as
13 slurred speech, dementia, and writhing movements known
14 as chorea, and because victims in the later stages of
15 Huntington's disease invariably require total personal
16 care, and affected families often bear heavy financial
17 costs in addition to the heartache of watching the
18 health of a mother, father, sibling, or child slowly
19 deteriorate; and
20 WHEREAS, Huntington's disease affects males and
21 females equally and crosses all ethnic and racial
22 boundaries, and everyone who carries the gene will
23 develop the disease and will die; and
24 WHEREAS, the existence of this dreaded disease
25 presents a challenge to the love and humanitarianism
26 of the American people; and
27 WHEREAS, since the discovery of the genetic basis
28 for the disease in 1993, the pace of research into the
29 cause and nature of the disease has increased
30 dramatically; and

Page 2

1 WHEREAS, the Huntington's Disease Society of
2 America, Inc., has supported this research, bringing
3 new hope to those who bear the burden of this tragic
4 affliction; NOW THEREFORE,
5 BE IT RESOLVED BY THE SENATE, That the Senate
6 recognizes the month of May 2008 as Huntington's
7 Disease Awareness Month in Iowa, and urges the
8 citizens of this state to lend their support to
9 efforts to control this disease so that the suffering
10 it induces may be eliminated.

Senate Resolution 164: filed April 25, 2008; adopted by the Senate on April 25, 2008.

3 SENATE RESOLUTION 164
 4 By: Committee on Rules and Administration
 5 A resolution thanking those Senators retiring from the Senate
 6 for their service to the State of Iowa.
 7 BE IT RESOLVED BY THE SENATE, That on the occasion of the
 8 retirement from the Senate of Senators Jeff Angelo, Michael
 9 Connolly, Thurman Gaskill, Mary Lundby, Larry McKibben, Dave
 10 Mulder, and John Putney, the undersigned members of the Senate
 11 wish to give thanks to their retiring colleagues for their years
 12 of public service, for their dedication to the common good,
 13 and for their contributions to the work of the Iowa Senate.

14
 15
 16 STACI APPEL DARYL BEALL JERRY BEHN
 17
 18
 19 DENNIS H. BLACK NANCY J. BOETTGER JOE BOLKCOM
 20
 21
 22 THOMAS G. COURTNEY JEFF DANIELSON DICK L. DEARDEN
 23
 24
 25 WILLIAM DOTZLER ROBERT E. DVORSKY EUGENE S. FRAISE
 26
 27
 28 MICHAEL E. GRONSTAL JAMES F. HAHN TOM HANCOCK
 29
 30

Page 2

1 DAVID L. HARTSUCH JACK HATCH WILLIAM HECKROTH
 2
 3
 4 ROBERT M. HOGG WALLY E. HORN HUBERT HOUSER
 5
 6
 7 DAVID JOHNSON STEVE KETTERING JOHN P. KIBBIE
 8
 9
 10 KEITH A. KREIMAN MATT McCOY PAUL McKINLEY
 11
 12
 13 LARRY NOBLE RICH OLIVE HERMAN C. QUIRMBACH
 14
 15
 16 AMANDA RAGAN THOMAS RIELLY BECKY SCHMITZ
 17
 18

19 BRIAN SCHOENJAHN

JOE M. SENG

JAMES A. SEYMOUR

20

21

22 ROGER STEWART

PAT WARD

STEVE WARNSTADT

23

24

25 RON WIECK

FRANK B. WOOD

BRAD ZAUN

26

27

28 MARK ZIEMAN

JOURNAL INDEX

ADDRESSES TO SENATE — *See also* GUESTS; JOINT CONVENTIONS

- Democratic floor leader, Michael Gronstal — 3
- President of the Senate, John Kibbie — 1
- Republican floor leader, Ron Wieck — 4

ADJOURNMENT SINE DIE

- Regular session — 1307

AGRICULTURE, COMMITTEE ON

- Appointees, investigation of — 86, 94, 188, 712, 729, 804, 805, 828, 938
- Appointments to — 13
- Bills and resolutions introduced — 142, 211, 212, 316, 415, 426, 499, 500, 502, 503, 549, 574, 726
- Bills referred to — 31, 64, 73, 90, 144, 150, 253, 277, 331, 354, 404, 724, 785, 809, 935, 1147
- Committee meeting reports — 63, 127, 179, 209, 228, 295, 329, 395, 453, 546, 704, 790, 813, 886, 1190
- Committee reports — 145, 216, 323, 418, 429, 504, 505, 550, 576, 727, 815, 816, 1216
- Study bills — 32, 66, 268, 300, 335, 354, 428, 612
- Subcommittee assignments — 32, 49, 68, 92, 114, 160, 262, 269, 300, 301, 337, 355, 356, 428, 429, 612, 759, 803, 827, 1171

AMENDMENTS — *See also individual committees and senators; bill histories in Index volume*

Filed by House — *See* HOUSE AMENDMENTS IN SENATE

Printout of all amendments filed — 1323–2004

Ruled out of order — *See also* POINTS OF ORDER:

- Senate File 2137 — 401
- Senate File 2189 — 710
- Senate File 2216 — 386
- Senate File 2355 — 596
- Senate File 2377 — 836
- Senate File 2416 — 1054
- Senate File 2428 — 1183
- House File 901 — 1219
- House File 2212 — 412
- House File 2539 — 977
- House File 2555 — 892

ANGELO, JEFF — Senator, 48th District; Assistant Minority Leader, Republican

Amendments filed — 514, 522, 523, 544, 719, 720, 739, 1006, 1056, 1098, 1184, 1203, 1234, 1294–1297, 1299

Amendments offered — 514, 544, 723, 1056, 1064, 1065, 1234, 1295, 1297

Amendments withdrawn — 1098, 1296, 1299

Bills introduced — 11, 101, 170, 212, 252, 441

Presentations — 695, 889

Resolutions introduced — 682, 843, 879, 1004, 1191, 1205

Senate committee appointments — 16

ANNOUNCEMENTS

Gift received — 70

APPEL, STACI — Senator, 37th District; Democrat

Amendments filed — 398, 410, 661, 677, 1203

Amendments offered — 410, 438, 676, 677

Bills introduced — 64, 73, 99, 100, 113, 120, 121, 129, 131, 132, 143, 150, 156, 169, 182, 200, 456

Certificates of recognition — 109, 372, 439, 631, 980

Conference committee appointments & reports — 708, 999

Presentations — 448

Resolutions introduced — 169, 590, 682, 792, 843, 879, 888, 968, 1004, 1020, 1031

Senate committee appointments — 16

APPOINTEES

Accountancy Examining Board:

Engelmann, Thomas — 684, 715, 734, 828, 900

Mickelson, Marianne — 684, 715, 734, 828, 853

deferral — 691

African-Americans, Commission on the Status of:

Madlock, Krystal — 684, 715, 734, 829, 1038

Parson, Rosemary — 684, 715, 734, 829, 1022

Pearson, Stephan — 684, 715, 734, 829, 900

Thomas, Jerome — 684, 715, 734, 829, 853

deferral — 691

Agricultural Development Authority:

Delate, Kathleen — 684, 712, 729, 804, 900

Steelsmith, Gregory — 684, 712, 729, 804, 853

Townsley, Annette — 684, 712, 729, 828, 970

Alcoholic Beverages Commission:

Nashleanas, Greg — 684, 715, 734, 829, 853

Architectural Examining Board:

Allers, Terry — 684, 715, 734, 829, 853

Clause, Thomas — 684, 715, 734, 829, 900

- Jarboe, Sue — 684, 715, 734, 829, 900
- Asian and Pacific Islander Heritage, Commission on Status of Iowans of:
Osako, Frank — 687, 714, 732, 806, 1080
Reed, Alma — 687, 714, 732, 806, 855
Walters, Kristopher — 687, 714, 732, 806, 855
deferrals — 692
- Athletic Training, Board of:
Davis, Pamela — 684, 713, 731, 850, 853
Higgins, Melody — 684, 713, 731, 850, 853
Lindaman, Lynn — 684, 713, 731, 850, 853
- Barbering, Board of:
Kauffman, Clark — 684, 715, 734, 829, 853
Van Vooren, Robert — 684, 715, 734, 829, 853
- Behavioral Science, Board of:
Davis-Gage, Darcie — 684, 713, 731, 805, 853
Marshall, Lonnie — 684, 713, 731, 805, 853
Michaels, Marcia — 684, 713, 731, 805, 853
Wong, Siew-San — 684, 713, 731, 805, 1080
- Blind, Commission for the:
Ryan, Sandra — 79, 86, 94, 175, 193, 685, 713, 731, 850, 853
- Capital Investment Board, Iowa:
Garrett, Carol — 685, 712, 730, 805, 853
- Child Welfare Advisory Committee:
Belitsos, George — 239, 240, 241, 343
Cox, Cynthia — 239, 240, 303, 343
Estle, George — 239, 240, 303, 343
Foxhoven, Jerry — 239, 240, 303, 343
Kilnoski, Kathleen — 239, 240, 241, 303, 343
Landsman, Miriam — 239, 240, 241, 397, 435
Magnall, Nancy — 239, 240, 241, 397, 435
McAleer, Jean — 239, 240, 241, 303, 343
McDowell, Matthew — 239, 240, 241, 303, 435
Moore, Richard — 239, 240, 241, 303, 343
Penkert, Kathleen — 239, 240, 241, 303, 435
Peters, Randal — 239, 240, 241, 303, 343
Stehl, Ronald — 239, 240, 241, 303, 343
VanNingen, David — 239, 240, 241, 283
Wilson, Tiffany — 239, 240, 241, 397, 623
- Chiropractic, Board of:
Henderson, Karla — 685, 715, 734, 829, 853
Kraus, Steven — 685, 715, 734, 829, 853
Rammelsberg-Dvorak, Dori — 685, 715, 734, 829, 853
- City Development Board:
Niles, Claudia — 685, 715, 733, 828, 900
- Civil Rights Commission, Director of State:
Rosenberg, Ralph — 685, 714, 732, 908, 962

APPOINTEES — continued

- Civil Rights Commission, Iowa State:
 - Eychaner, Rich — 79, 86, 95, 205, 283
- Community Action Agencies, Commission on:
 - Amos, Amber Crystal — 685, 713, 731, 805, 853
 - Beauchamp, Kathy — 685, 713, 731, 805, 900
 - Hatfield, Michelle — 685, 713, 731, 805, 853
 - McFarlane, Merl — 685, 713, 731, 805, 962
 - Peiffer, Amy — 685, 713, 731, 805, 1022
- Corrections, Director of the Department of:
 - Baldwin, John — 79, 86, 95, 206, 344
- Cosmetology Arts and Sciences, Board of:
 - Atkins, Dana — 685, 715, 734, 829, 853
 - Brockmann, Becky — 685, 715, 734, 829, 853
 - Mosley, Richard — 685, 715, 734, 831, 958
 - Setzer, Kimberly — 685, 716, 734, 829, 900
 - Thomsen, Karen — 685, 716, 734, 829, 853
- Credit Union Review Board:
 - Hira, Tahira — 685, 712, 730, 849, 900
 - Oliver-Hall, Barbara — 685, 712, 730, 849, 1080
- Credit Unions, Superintendent of:
 - Forney, James — 685, 712, 729, 849, 962
- Deaf, Commission on the:
 - Fletcher, Jacquelyn — 685, 713, 731, 805, 854
 - Grover, James — 685, 713, 731, 805, 962
 - Westoff Gentry, Tammy — 685, 713, 731, 805, 900
- Dentistry, Board of:
 - Grimes, Perry — 685, 716, 735, 829, 854
 - Meier, Diane — 685, 716, 735, 829, 854
 - Parsons, VaLinda — 685, 716, 735, 829, 854
- Dietetics, Board of:
 - O'Brien, Christine — 685, 716, 735, 829, 1080
 - Schweers, Robert — 685, 716, 735, 829, 854
- Drug Policy Advisory Council:
 - Hughes, Jeffrey — 686, 714, 733, 908, 1080
 - Wilson, Christina — 686, 714, 733, 908, 962
- Economic Development Board, Iowa:
 - MacDonald, Ruth — 79, 86, 94, 175, 193
 - Riley, Robert — 79, 86, 94, 175, 220
- Economic Development, Director of the Department of:
 - Tramontina, Michael — 205, 241, 258
- Education, State Board of:
 - Fitzpatrick, Jude — 686, 713, 730, 805, 854
 - Jaimes, Joan — 686, 713, 730, 850, 900
 - Kruse, Valorie — 686, 713, 730, 805, 854

- Phillips, Max — 686, 713, 730, 805, 1038
Wynn, LaMetta — 686, 713, 730, 805, 854
- Elder Affairs, Commission of:
Larkin, Linda — 686, 713, 731, 805, 901
Reber, Gloria — 79, 86, 95, 175, 194, 686, 713, 731, 805, 854
- Electrical Examining Board:
Akin, Valynda — 80, 87, 95, 176, 343
Campion, Chad — 80, 87, 95, 176, 194, 686, 716, 735, 829, 854
Layland, Chad — 80, 87, 95, 176, 194
Mease, Lori — 80, 87, 95, 176, 343, 686, 716, 735, 831, 883, 959
Mentzer, Barbara — 80, 87, 95, 176, 194
Perley, K.G. — 80, 87, 95, 176, 194
Quirk, Duane — 80, 87, 95, 176, 194
Rivera-Harrison, Andrea — 80, 87, 95, 189, 343, 686, 716, 735, 829, 854
Van Wart, Rodrick — 80, 87, 95, 189, 283
VanVoorst, Randy — 80, 87, 95, 176, 343
- Elevator Safety Board:
Allen, Russell — 80, 87, 96, 176, 194
- Emergency Response Commission, Iowa:
Sievers, Sherry — 80, 87, 96, 176, 343
- Employment Appeal Board:
Kuester, Monique — 686, 714, 733, 850, 884, 1090
- Empowerment Board, Facilitator of the Iowa:
Wagler, Shanell — 686, 713, 730, 805, 962
- Empowerment Board, Iowa:
Calhoun, John — 686, 713, 730, 805, 854
Dotson, John — 686, 713, 730, 805, 854
deferral — 692
- Energy Independence, Director of the Office of:
Stanley, Roya — 239, 240, 241, 303, 435
- Engineering and Land Surveying Examining Board:
Benjamin, Gary — 686, 716, 735, 829, 854
Kalavala, Gowri — 686, 716, 735, 829, 854
Shellberg, Jerry — 686, 716, 735, 829, 962
- Environmental Protection Commission
Johnson, Paul — 80, 87, 95, 189, 223
Mahr, Scott — 686, 715, 733, 807, 960
deferral — 692
- Finance Authority, Iowa:
deferral — 692
- Generation Iowa Commission:
Carlson, Kyle — 80, 87, 96, 176, 194
Cote, Ragen — 686, 716, 735, 829, 854
Cummings, Erin — 80, 87, 96, 176, 194
Fong, Christian — 80, 87, 96, 176, 194, 686, 716, 735, 829, 854
Golden, Karris — 80, 87, 96, 176, 194

- APPOINTEES, *subhead* Generation Iowa Commission — continued
- Gross, Mitchell — 80, 87, 96, 176, 220
 - Grover, Jodi — 80, 87, 96, 176, 194
 - Harris, Jesse — 80, 87, 96, 176, 220
 - Judisch, Rachel — 80, 87, 96, 176, 194
 - Lerda, Emiliano — 80, 87, 96, 189, 194, 686, 716, 735, 829, 854
 - Magill, Sophia — 80, 87, 96, 176, 220, 686, 716, 735, 829, 854
 - Martin, Emilia — 80, 87, 96, 176, 194
 - McGee, Isaiah — 80, 87, 96, 176, 220
 - Morrow, Sara — 80, 87, 96, 176, 220
 - Oster, Jordan — 80, 87, 96, 189, 194
 - Schneider, Michael — 80, 87, 96, 176, 194
 - Schoneberg, Melissa — 686, 716, 735, 832
 - deferral* — 832
- Grain Indemnity Fund Board, Iowa:
- Simpson, Sandy — 686, 712, 729, 805, 854
 - Smith, Sharon — 686, 712, 729, 805, 854
- Grape and Wine Development Commission:
- Foster, Karen — 691, 712, 729, 938, 1091
 - Larson-Melin, Linda — 691, 712, 729, 805, 1080
- Great Places Advisory Board:
- Bernstein, David — 687, 712, 730, 805, 1080
 - Fritsch, Robert — 687, 712, 730, 805, 1022
 - Hanafan, Thomas — 687, 712, 730, 805, 1022
 - Heland-Embree, Dustin — 687, 712, 730, 805, 962
- Healthy and Well Kids in Iowa (hawk-i) Board:
- Carson, Kimberly — 686, 713, 731, 806, 854
 - Ortega, John — 686, 713, 731, 850, 901
- Hearing Aid Dispensers, Board of:
- Ricketts, Mary — 687, 716, 735, 829, 854
 - Rowen, Virginia — 687, 716, 735, 829, 854
- Higher Education Loan Authority, Iowa:
- Piller, Janet — 687, 713, 730, 850, 854
- Interior Design Examining Board:
- Malven, Frederic — 687, 716, 735, 829, 1039
 - deferrals* — 692
- IOWAccess Advisory Council:
- Castaneda, Sheila — 687, 716, 735, 829, 855
 - Hayworth, Kelly — 687, 716, 735, 829, 855
 - Neri, Richard — 687, 716, 735, 829, 901
 - Richardson, Kathleen — 687, 716, 735, 829, 855
 - Smith, Andrew — 80, 87, 96, 176, 194
- IPERS, Chief Executive Officer:
- Mueller, Donna — 687, 716, 735, 831, 960
- IPERS, Investment Board of:
- Ingram, James — 176, 194

- Judicial Nominating Commission, State:
Redenbaugh, Margaret — 687, 714, 733, 908, 962
- Landscape Architectural Examining Board:
Hawks, Laura — 687, 716, 736, 830, 901
Magnani, Carolyn — 687, 716, 736, 830, 901
Ripplinger, Mark — 687, 716, 736, 830, 1022
Seeger, Christopher — 81, 87, 96, 176, 194
- Law Enforcement Academy Council, Iowa:
Bonar, Angela — 687, 718, 738, 807, 855
Clemens, Regina — 687, 718, 738, 807, 901
- Lottery Authority Board of Directors:
Schroeder, Brad — 687, 716, 736, 830, 855
- Lottery Authority, Chief Executive Officer of:
deferral — 692
- Massage Therapy, Board of:
Dallenbach, Larry — 688, 716, 736, 830, 962
Spencer-Jensen, Kathy — 688, 716, 736, 830, 1080
Spina, Marilyn — 688, 716, 736, 830, 1104
deferrals — 693, 1104
- Medicine, Board of:
Galli, Janice — 688, 716, 736, 830, 901
Kennedy, Colleen — 81, 87, 96, 176, 194
Snyder, Jeffrey — 688, 716, 736, 830, 855
Thurlow, Paul — 688, 716, 736, 830, 855
Zeitler, Rodney — 81, 87, 96, 176, 194, 688, 716, 736, 830, 855
- Mental Health, Mental Retardation, Developmental Disabilities, & Brain Injury Commission:
Fidler Dixon, Julie — 688, 714, 732, 806, 855
Hecht, Rick — 688, 714, 732, 806, 855
Koch-Seehase, Susan — 688, 714, 732, 806, 901
Penning, Patricia — 688, 714, 732, 806, 855
Willey, John — 688, 714, 732, 806, 855
- Mental Health Risk Pool Board:
Eskildsen, Rebecca — 688, 715, 733, 828, 855
Grush, John — 688, 715, 733, 828, 901
deferral — 693
- Mortuary Science, Board of:
McClure, Judith — 688, 717, 736, 830, 855
Mitchell, Martin — 688, 717, 736, 830, 855
Orr, Tyrone — 688, 717, 736, 830, 1022
- Natural Resources Commission:
deferral — 693
- Nursing, Board of:
Connors, John — 688, 717, 736, 830, 855
Flanagan, Lisa — 688, 717, 736, 830, 855
Pothast, Lynne — 688, 717, 736, 830, 1080

APPOINTEES — continued

Nursing Home Administrators, Board of:

Hickey, Joseph — 688, 717, 736, 830, 855

Mishler, Richard — 688, 717, 736, 830, 855

Thorland, Cynthia — 688, 717, 736, 830, 855

Optometry, Board of:

Brown, Terry — 688, 717, 736, 830, 1080

Foreman, Jeffrey — 688, 717, 736, 830, 856

Warkentin, Carolyn — 688, 717, 736, 830, 856

Parole, Board of:

Bordwell, Richard — 688, 714, 733, 908, 962

Peace Officers' Retirement, Accident, and Disability System Trustee:

Lillis, Terrance — 688, 717, 736, 830, 1022

Pharmacy, Board of:

Benjamin, Vernon — 689, 717, 737, 830, 856

Diehl, Annabelle — 689, 717, 737, 830, 856

Maier, Edward — 689, 717, 737, 830, 856

Physical & Occupational Therapy, Board of:

Bork, Byron — 689, 717, 737, 830, 856

Furness, Jenifer — 689, 717, 737, 830, 856

Rosales, Armando — 689, 717, 737, 830, 901

Physician Assistants, Board of:

Gillette, Daniel — 689, 714, 732, 806, 856

Hegmann, Theresa — 81, 86, 95, 175, 194

Moore, Ronald — 689, 714, 732, 806, 962

Smith, Ted — 81, 86, 95, 175, 194

Podiatry, Board of:

Hastings, Patsy — 689, 717, 737, 830, 856

deferral — 693

Power Fund Board, Iowa:

Bilsten, John — 239, 240, 303, 435

Hemken, Peter — 80, 86, 94, 175, 435

Higby, Patricia — 80, 86, 94, 175, 194, 687, 712, 730, 805, 855

Hubbell, Fred — 80, 86, 94, 175, 194

LaSeur, Carrie — 80, 86, 94, 175, 194

Norton, Mary — 80, 86, 94, 175, 194

Wind, Thomas — 80, 86, 94, 175, 194, 687, 712, 730, 805, 855

Prevention of Disabilities Policy Council:

Bruhn, Joan — 689, 714, 732, 806, 962

Nehus, Marianne — 689, 714, 732, 806, 1022

Psychology, Board of:

Henderson, Sarah — 689, 717, 737, 830, 884, 1023

Payne, Brenda — 689, 717, 737, 830, 856

deferral — 693

- Public Defender, State:
deferral — 692
- Public Defense, Adjutant General of Department of:
Dardis, Ron — 689, 715, 734, 831, 957
- Public Employment Relations Board:
Barrick, Neil — 689, 715, 733, 806, 856
Warner, Sue — 689, 715, 733, 806, 856
- Public Health, Director of Department of:
Newton, Thomas — 81, 86, 95, 153, 1247
- Racing and Gaming Commission, State:
Cutler, Kathyryne — 689, 717, 737, 830, 856
deferral — 693
- Railway Finance Authority, Iowa:
Darold, Dianna — 689, 718, 738, 831, 1022
Dorweiler, Philip — 689, 718, 738, 831, 856
- Real Estate Appraiser Examining Board:
Lara, Michael — 689, 717, 737, 830, 856
Thorne, Amy — 689, 717, 737, 830, 901
deferral — 693
- Real Estate Commission:
Berry, Daniel — 689, 717, 737, 831, 856
Daniels, Patricia — 689, 717, 737, 831, 1080
Diehl, Laurel — 689, 717, 737, 831, 962
O'Neill, James — 689, 717, 737, 831, 1039
- Renewable Fuel Infrastructure Board
Dennler, Diane — 81, 87, 95, 189, 283
Grover, Cindi — 690, 715, 734, 850, 962
Pangburn, Kenneth — 81, 87, 95, 189, 194
Seuren, Eric — 81, 87, 95, 189, 220
Simpson, Sandy — 81, 87, 95, 189, 194
- Renewable Fuels and Coproducts Advisory Committee:
Dodds, Carrie — 690, 715, 733, 806, 856
Lewis, Kevin — 690, 715, 733, 850, 1104
Rowe, Laura — 690, 715, 733, 806, 1039
deferral — 1104
- Respiratory Care, Board of:
Mahadevia, Akshay — 690, 717, 737, 831, 856
Semke, Mary Kathelene — 690, 717, 737, 831, 1080
- School Budget Review Committee:
Hansen, Don — 690, 713, 731, 805, 901
- Sign Language Interpreters and Translitterators, Board of:
Cook, Amy — 690, 714, 732, 850, 856
Thiessen, Stuart — 690, 714, 732, 832
deferral — 832

APPOINTEES — continued

Social Work, Board of:

- Combs, LaMark — 690, 717, 737, 831, 856
- Harms, Beth — 690, 717, 737, 831, 856
- Westphal, Joyce — 690, 717, 737, 831, 1080
- deferral* — 693

Soil Conservation Committee, State:

- Hjelm, Susan — 81, 86, 94, 188, 195
- Leyda, Esther — 81, 86, 94, 188, 195

Speech Pathology & Audiology, Board of:

- Donner-Tiernan, Christine — 690, 717, 737, 831, 970
- Walton, Lori — 690, 717, 737, 831, 1080

Technology Governance Board:

- Gupta, Atul — 690, 713, 731, 850, 901

Telecommunications and Technology Commission, Iowa:

- Hardman, Robert — 690, 712, 730, 849, 901

Title Guaranty Division Board:

- Petersen, Deborah — 81, 86, 94, 175, 195

Tobacco Use Prevention and Control, Commission on :

- Kurtovic, Nora — 690, 714, 732, 806, 901
- Squier, Christopher — 690, 714, 732, 806, 856
- deferral* — 694

Transportation Commission, State:

- Blouin, Michael — 81, 88, 96, 146, 162, 195
- Durham, Deborah — 690, 718, 738, 807, 857
- Reasner, Amy — 690, 718, 738, 807, 857

Utilities Board:

- Hanson, Darrell — 81, 86, 94, 146, 153, 193

Veterans Affairs, Commission of:

- McAllister, Francis — 690, 718, 738, 850, 857
- Sickles, Saralee — 690, 718, 738, 850, 1104
- Williams, Mickey — 690, 718, 738, 850, 857
- deferrals* — 694, 1105

Veterinary Medicine, Iowa Board of:

- Colvin, Tom — 690, 718, 738, 831, 857
- Struve, Rexanne — 690, 718, 738, 831, 857

Vision Iowa Board:

- Graf, Charles — 691, 718, 738, 831, 857
- Odekirk, David — 691, 718, 738, 831, 1080
- Robinson, Tammy — 81, 87, 96, 176, 195, 691, 718, 738, 831, 857

Women, Administrator of the Division on the Status of:

- Scott, Rachel — 239, 240, 241, 303, 343

Women, Commission on the Status of:

- Amjed, Rizwana — 691, 714, 732, 806, 857
- Leonard, Chad — 691, 714, 732, 806, 1080

- Peters, Phyllis — 691, 714, 732, 806, 857
 Stafford, Judy — 691, 714, 732, 806, 857
 Ward, Marc — 691, 714, 732, 806, 884, 961
 Workforce Development Board, Iowa:
 Logan, Jean — 691, 715, 733, 806, 857
 Sagar, Ken — 691, 715, 733, 806, 1039
 Vanderhoef, Karen — 691, 715, 733, 850, 857
 Workforce Development, Director of:
 Buck, Elisabeth — 239, 240, 241, 326, 345

APPOINTMENTS BY GOVERNOR

- Deferrals — 691–694, 832, 1104, 1105
 En Bloc Confirmation Calendar:
 Confirmation — 193–195, 220, 283, 343, 435, 623, 853–857, 900, 901,
 962, 970, 1022, 1038, 1039, 1080
 Placement on — 146, 162, 175, 176, 188, 189, 205, 241, 303, 397,
 804–807, 828–831, 849, 850, 908
 Individual Confirmation Calendar:
 Confirmation — 193, 223, 258, 344, 345, 957–961, 1023, 1090, 1091,
 1247
 Placement on by senators — 153, 241, 883, 884
 Placement on by standing committees — 153, 189, 206, 326, 807, 831,
 938
 Investigating committees — *See individual committees*
 Referral to standing committees — 86–88, 239–240, 712–718
 Submission by governor — 79–81, 239, 684–691
 Withdrawals — 832, 1104

APPROPRIATIONS, COMMITTEE ON

- Amendments filed — 485, 719, 1073
 Appointments to — 13
 Appointments to subcommittees — 15, 16
 Bills and resolutions introduced by — 74, 441, 499, 590, 727, 952, 982,
 1027, 1086, 1122, 1123, 1150, 1151, 1202, 1215, 1276
 Bills referred to — 12, 99, 100, 101, 132, 142, 143, 157, 220, 263, 334,
 404, 405, 423, 494, 568, 572, 579, 658, 667, 708, 757, 852, 912, 979,
 986, 1001, 1078, 1175, 1194, 1214, 1223, 1285
 Committee meeting reports — 118, 424, 467, 563, 718, 906, 936, 1026,
 1040, 1070, 1122, 1268, 1308
 Committee reports — 78, 444, 485, 505, 591, 719, 728, 937, 952, 983,
 1028, 1042, 1073, 1087, 1123, 1151, 1152, 1191, 1202, 1216, 1217,
 1228, 1241, 1276, 1293
 Study bills — 48, 133, 172, 253, 298, 320, 355, 377, 417, 442, 458, 459,
 575, 632, 682, 880, 965, 983, 1072, 1143, 1170, 1269

APPROPRIATIONS COMMITTEE — continued

- Subcommittee assignments — 50, 134, 136, 144, 174, 254, 255, 278, 300, 323, 336, 356, 357, 378, 418, 428, 444, 460, 461, 564, 575, 576, 591, 633, 669, 682, 782, 881, 922, 965, 983, 1005, 1027, 1072, 1087, 1143, 1171, 1270
- Subcommittee meeting reports:
 - Administration and Regulation — 110, 111, 128, 140, 167, 181, 229, 261, 312, 314, 330, 373, 402, 425
 - Agriculture and Natural Resources — 98, 111, 128, 156, 167, 181, 198, 229, 250, 266, 330, 611
 - Economic Development — 99, 112, 139, 140, 167, 198, 229, 264
 - Education — 99, 112, 128, 141, 167, 181, 198, 230, 251, 266, 314, 331, 374, 414, 812, 842
 - Health and Human Services — 110, 119, 128, 141, 149, 168, 181, 199, 230, 251, 266, 315, 352, 402, 879, 921, 951
 - Justice System — 110, 112, 129, 141, 168, 197, 199, 230, 251, 266, 329, 331, 374, 402, 425
 - Transportation, Infrastructure, and Capitals — 118, 119, 149, 168, 230, 251, 266, 331, 414

ASSISTANT DEMOCRATIC LEADERS

- Bolkcom, Joe — Senator, 39th District
- Connolly, Mike — Senator, 14th District
- Courtney, Thomas — Senator, 44th District
- Dotzler, William — Senator, 11th District
- Hatch, Jack — Senator, 33rd District
- Ragan, Amanda — Senator, 7th District

ASSISTANT REPUBLICAN LEADERS

- Angelo, Jeff — Senator, 48th District
- Boettger, Nancy — Senator, 29th District
- Johnson, David — Senator, 3rd District
- McKibben, Larry — Senator, 22nd District
- Ward, Pat — Senator, 30th District
- Zieman, Mark — Senator, 8th District

BEALL, DARYL — Senator, 25th District; Democrat

- Amendments filed — 661, 985, 1203, 1238
- Amendments offered — 663
- Bills introduced — 12, 64, 74, 99–101, 113, 120, 121, 129, 131, 132, 143, 150, 156, 169, 232, 233, 252, 262, 278, 368, 403, 455, 456, 669
- Certificates of recognition — 109, 424, 498, 920, 1020, 1085, 1170, 1190, 1215
- Presentations — 328, 671, 942, 1205, 1283
- Resolutions introduced — 682, 726, 792, 888, 968, 982, 1004, 1020, 1031, 1071, 1086
- Senate committee appointments — 16

BEHN, JERRY — Senator, 24th District; Republican

Amendments filed — 522, 523, 544, 608, 699, 701, 739, 776, 807, 985,
1006, 1067, 1203, 1204, 1233, 1235, 1294, 1295, 1297, 1299, 1300
Amendments offered — 544, 699, 776, 1067, 1115, 1235
Bills introduced — 72, 113, 252, 316
Certificates of recognition — 790, 840, 1040
Conference committee appointments & reports — 1100, 1139
Resolutions introduced — 682, 1020
Senate committee appointments — 16

BILLS — *See also RESOLUTIONS; for complete bill histories, see Index volume*

Approved (signed by governor) — 162, 326, 447, 492, 592, 819, 883, 887,
937, 966, 1005, 1006, 1075, 1076, 1124, 1154, 1192, 1193, 1270, 1309,
1314–1317
Companion bills received and attached — 190, 242, 249, 327, 535, 786
Item veto messages — 1317–1319
Placed on Unfinished Business Calendar — 477, 839, 963
Referred to committee — (*See individual committees*)
Sent to governor — 153, 302, 406, 465, 564, 782, 796, 883, 887, 984, 1021,
1088, 1124, 1144, 1171, 1270, 1313
Sent to secretary of state — 1314
Similar bills received and attached — 249, 407, 476, 572, 820, 1194
Substitutions — 191, 346, 347, 349, 358, 450, 514, 526, 536, 566, 646,
647, 656, 745, 988, 1112, 1251
Veto message — 1320
Withdrawals — 70, 108, 192, 347, 348, 350, 359, 451, 515, 527, 537, 567,
647, 648, 657, 747, 989, 1113, 1254

BLACK, DENNIS H. — Senator, 21st District; Democrat

Amendments filed — 326, 602, 807, 930, 1006, 1076, 1105, 1203
Amendments offered — 602, 930
Amendments withdrawn — 602, 1115
Bills introduced — 64, 99, 120, 121, 131, 132, 143, 150, 156, 169, 182,
233, 331, 368, 456
Presentations — 207, 1205
Resolutions introduced — 682, 792, 888, 982, 1004, 1020, 1031, 1071
Senate committee appointments — 16

BOARDS — *See APPOINTEES; COMMUNICATIONS RECEIVED***BOETTGER, NANCY** — Senator, 29th District; Assistant Minority Leader,
Republican

Amendments filed — 517, 522, 523, 608, 674, 675, 699–701, 739, 772,
807, 1203, 1233, 1252, 1294, 1295, 1299, 1300
Amendments offered — 517, 675, 772, 1299

BOETTGER — continued

- Amendments withdrawn — 674
- Bills introduced — 72, 113, 131, 182, 212, 252, 253, 316, 334, 564
- Certificates of recognition — 165, 178, 179, 366, 573, 681, 840, 886
- Presentations — 788, 942, 1205
- Resolutions introduced — 682, 787, 843, 879, 1004, 1020, 1031
- Senate committee appointments — 17

BOLKCOM, JOE — Senator, 39th District, Assistant Majority Leader,
Democrat

- Amendments filed — 661, 908, 985, 1044, 1054, 1141, 1171, 1203, 1204, 1238, 1296
- Amendments offered — 664, 1054, 1141, 1197, 1238, 1260
- Amendments withdrawn — 1054, 1096
- Bills introduced — 44, 45, 64, 74, 90, 99, 100, 113, 120, 121, 131, 132, 143, 150, 156, 157, 169, 182, 200, 232–234, 253, 278, 333, 334, 353, 368, 374, 375, 404, 456
- Conference committee appointments & reports — 708, 999, 1195, 1218, 1273, 1274, 1279, 1292
- Resolutions introduced — 231, 498, 632, 682, 706, 781, 792, 843, 879, 888, 921, 968, 1004, 1020, 1031, 1086
- Senate committee appointments — 17

BUDGET MESSAGE — *See* CONDITION OF THE STATE AND BUDGET
MESSAGE

CERTIFICATES OF EXCELLENCE

- Senate Pages — 1284

CERTIFICATES OF RECOGNITION — *See individual senators*

CHIEF JUSTICE OF SUPREME COURT, The Honorable Marsha Ternus

- Condition of the Iowa Judiciary Message — 54

COMMERCE, COMMITTEE ON

- Appointees, investigation of — 86, 94, 146, 175, 712, 729, 730, 849
- Appointments to — 13
- Bills and resolutions introduced — 182, 184, 276, 375, 395, 396, 457, 458, 469, 481, 483, 500, 501, 503, 549, 574
- Bills referred to — 121, 143, 150, 157, 169, 170, 184, 252, 297, 316, 353, 374, 442, 477, 610, 724, 725, 786, 809, 935
- Committee meeting reports — 43, 110, 111, 139, 166, 265, 366, 452, 468, 704, 840
- Committee reports — 186, 187, 279, 378, 396, 461, 472, 485, 505, 506, 550, 577, 706, 843–845

- Study bills — 65, 76, 134, 185, 234, 235, 268, 300, 318, 335, 375, 376, 417, 459
- Subcommittee assignments — 67, 68, 78, 135, 136, 172, 185, 186, 203, 236, 269, 270, 301, 322, 336, 338, 356, 378, 405, 418, 443, 460, 461, 564, 627, 758, 759, 793, 814

COMMISSIONS — *See* APPOINTEES; COMMUNICATIONS RECEIVED

COMMITTEE ASSIGNMENTS — *See also individual senators*

Senators — 13–15

COMMITTEE MEETING REPORTS

- Agriculture — 63, 127, 179, 209, 228, 295, 329, 395, 453, 546, 704, 790, 813, 886, 1190
- Appropriations — 118, 424, 467, 563, 718, 906, 936, 1026, 1040, 1070, 1122, 1268, 1308
- Appropriations subcommittees:
- Administration & Regulation — 110, 111, 128, 140, 167, 181, 229, 261, 312, 314, 330, 373, 402, 425
 - Agriculture & Natural Resources — 98, 111, 128, 156, 167, 181, 198, 229, 250, 266, 330, 611
 - Economic Development — 99, 112, 139, 140, 167, 198, 229, 264
 - Education — 99, 112, 128, 141, 167, 181, 198, 230, 251, 266, 314, 331, 374, 414, 812, 842
 - Health & Human Services — 110, 119, 128, 141, 149, 168, 181, 199, 230, 251, 266, 315, 352, 402, 879, 921, 951
 - Justice System — 110, 112, 129, 141, 168, 197, 199, 230, 251, 266, 329, 331, 374, 402, 425
 - Transportation, Infrastructure, & Capitals — 118, 119, 149, 168, 230, 251, 267, 331, 414
- Commerce — 43, 110, 111, 139, 166, 265, 366, 452, 468, 704, 840
- Economic Growth — 43, 97, 127, 166, 197, 228, 265, 295, 329, 372, 453, 479, 681, 790, 841
- Education — 63, 98, 119, 140, 165, 179, 210, 250, 312, 313, 424, 454, 705, 790, 841
- Government Oversight — 140, 179, 250, 313, 631, 791, 920, 1002, 1215
- Human Resources — 72, 98, 126, 148, 165, 227, 228, 296, 395, 454, 479, 813, 841
- Judiciary — 44, 88, 127, 197, 313, 414, 467, 478, 791, 826
- Labor and Business Relations — 30, 118, 210, 313, 454, 468, 758, 791, 841
- Local Government — 89, 149, 210, 264, 275, 367, 452, 468, 589, 632, 813
- Natural Resources and Environment — 44, 127, 166, 198, 228, 265, 296, 330, 373, 454, 479, 547, 791, 842
- Rules and Administration — 31, 89, 156, 229, 314, 373, 440, 668, 681, 705, 781, 791, 801, 826, 887, 907, 981, 1002, 1003, 1040, 1071, 1086, 1150, 1190, 1215, 1269, 1308

COMMITTEE MEETING REPORTS — continued

- State Government — 89, 119, 156, 180, 260, 275, 367, 453, 468, 479, 705, 813, 826, 1102, 1150
- Transportation — 44, 111, 126, 149, 166, 227, 296, 373, 467, 480, 632, 801, 842
- Veterans Affairs — 89, 180, 260, 276, 425, 469, 480, 814
- Ways and Means — 72, 98, 180, 261, 296, 314, 425, 455, 726, 814, 907, 1003, 1026, 1102, 1191

COMMITTEE REPORTS

- Agriculture — 145, 216, 323, 418, 429, 504, 505, 550, 576, 727, 815, 816, 1216
- Appropriations — 78, 444, 485, 505, 591, 719, 728, 937, 952, 983, 1028, 1042, 1073, 1087, 1123, 1151, 1152, 1191, 1202, 1216, 1217, 1228, 1241, 1276, 1293
- Commerce — 186, 187, 279, 378, 396, 461, 472, 485, 505, 506, 550, 577, 706, 843–845
- Economic Growth — 217, 279, 357, 419, 462, 473, 485, 486, 507, 706, 793, 845
- Education — 174, 187, 236, 338, 444, 445, 473, 486, 794, 845, 846
- Government Oversight — 803, 804, 1005, 1242, 1257
- Human Resources — 124, 136, 137, 161, 188, 256, 270, 323, 324, 405, 406, 419, 420, 473, 486–488, 507, 551, 577, 816, 817, 846, 847
- Judiciary — 107, 217, 236, 324, 339, 420, 429, 445, 446, 474, 488, 489, 507–509, 551, 592, 794, 795, 827, 828
- Labor and Business Relations — 237, 340, 462, 489, 509, 551, 759, 795, 847
- Local Government — 152, 238, 397, 463, 490, 660
- Natural Resources and Environment — 238, 271, 325, 341, 357, 421, 430, 490, 491, 510, 552, 553, 848, 881
- Rules and Administration — 7, 9, 27, 28, 86, 161, 239, 305, 306, 370, 446, 628, 683, 712, 761, 787, 804, 828, 887, 898, 907, 968, 984, 987, 1032, 1042, 1049, 1051, 1061, 1073, 1074, 1084, 1087, 1088, 1099, 1102, 1152, 1153, 1172, 1206, 1264, 1265, 1287, 1306
- State Government — 107, 137, 175, 204, 217, 271, 301, 302, 369, 463, 464, 475, 510–512, 553, 554, 707, 817, 818, 823, 1103, 1168
- Transportation — 238, 256, 406, 421, 491, 512, 554, 577, 660, 804, 849, 881
- Veterans Affairs — 188, 204, 205, 218, 271, 430, 446, 475, 492, 512, 513, 818
- Ways and Means — 205, 272, 302, 325, 465, 728, 729, 882, 922, 923, 1021, 1028, 1043, 1074, 1103, 1104, 1192, 1259

COMMUNICATIONS RECEIVED

- Administrative Services, Department of — 23, 155, 1312
- Agriculture and Land Stewardship, Department of — 27, 42

- Attorney General — 27
Blind, Department for the — 789
Capitol Planning Commission — 155
Citizens' Aide/Ombudsman — 25
Civil Rights Commission — 27
Commerce, Department of — 117
County Engineers Association Service Bureau, Iowa — 24
County Real Estate Electronic Government Advisory Committee — 23
Drug Control Policy, Office of — 23
Economic Development, Department of — 23, 27, 42, 88
Educational Examiners, Board of — 27
Education, Department of — 23, 27, 42, 71, 81, 88, 117, 148, 209, 227, 311
Elder Affairs, Department of — 42, 227
Environmental Protection Commission — 88
Governor's Office on Drug Control Policy — 23
Higher Education Loan Authority — 42
Homeland Security and Emergency Management — 24
Human Rights, Department of — 27
Human Services, Department of — 24, 27, 71, 117, 178
Iowa Public Employees' Retirement System — 27, 71
Judicial Branch — 97
Justice, Department of — 24
Library, State — 27
Management, Department of — 72
Mental Health, Mental Retardation, Developmental Disabilities, and
Brain Injury Commission — 155
Municipal Fire and Police Retirement System of Iowa — 24
National Guard, Iowa — 27
Natural Resources, Department of — 25
Ombudsman — 25
Public Employment Relations Board — 25
Public Health, Department of — 42, 97, 117, 789
Public Safety, Department of — 25, 82
Racing & Gaming Commission — 920
Regents, Board of — 71, 139
Revenue, Department of — 25, 311, 439
Secretary of State — 26
State Library — 27
Tax Review, State Board of — 26
Technology Governance Board — 26
Telecommunications and Technology Commission — 26, 27
Transportation, Department of — 26, 43, 139, 164
Treasurer of State — 26
Utilities Board — 26
Veterans Affairs, Department of — 26, 63, 82
Veterans Home — 27

COMMUNICATIONS — continued

Women, Commission on the Status of — 812

Workforce Development — 72, 1085

COMPANION BILLS — *See Senate and House Companion Bills, listed in bill history section of Index volume*CONCURRENCE OF THE SENATE — *See HOUSE AMENDMENTS IN SENATE*

CONDITION OF THE IOWA JUDICIARY MESSAGE

Delivery by Chief Justice Marsha Ternus — 54

CONDITION OF THE IOWA NATIONAL GUARD ADDRESS

Delivery by Major General Ron Dardis — 285

CONDITION OF THE STATE AND BUDGET MESSAGE

Delivery by Governor Chet Culver — 34

CONFERENCE COMMITTEES AND REPORTS

Senate File 2308 — 1100, 1139, 1140, 2005

Senate File 2425 — 1195, 1273, 1274, 1279, 2006

House File 2197 — 1139, 1188

House File 2212 — 708, 999, 1000

House File 2539 — 1218, 1291, 1292

CONFIRMATION OF APPOINTEES — *See APPOINTEES*

CONNOLLY, MIKE — Senator, 14th District, Assistant Majority Leader, Democrat

Amendments filed — 719, 739, 943, 1006, 1076, 1105, 1299

Amendments offered — 943, 1067

Amendments withdrawn — 1199

Bills introduced — 64, 74, 99, 100, 113, 120, 121, 131, 132, 143, 156, 169, 200, 278

Certificates of recognition — 109, 312, 631, 781, 980, 981

Explanations of votes — 88

Presentations — 580

Presiding at session of Senate — 245, 1238

Resolutions introduced — 682, 792, 843, 879, 888, 968, 1004, 1020, 1031

Senate committee appointments — 17

COURTNEY, THOMAS G. — Senator, 44th District; Majority Whip, Democrat

Amendments filed — 627, 1063, 1105, 1203, 1238

Amendments offered — 1063, 1110

Amendments withdrawn — 672

Bills introduced — 64, 99, 100, 113, 120, 121, 131, 132, 143, 150, 156, 262, 278, 334, 368
Conference committee appointments & reports — 1100, 1139
Explanations of votes — 546
Resolutions introduced — 792, 843, 879, 968, 1004, 1020, 1031, 1205
Senate committee appointments — 17

DANIELSON, JEFF — Senator, 10th District; President Pro Tem, Democrat
Amendments filed — 475, 514, 555, 557, 568, 596, 624, 760, 777, 932, 938, 954, 1114, 1203, 1204, 1225, 1238
Amendments offered — 514, 562, 568, 596, 624, 777, 932, 949, 954, 955, 1114, 1208, 1225
Amendments withdrawn — 955
Bills introduced — 64, 99–101, 113, 120, 121, 131, 132, 143, 156, 169, 252, 262, 277, 278, 298, 368, 375
Resolutions introduced — 626, 682, 792, 843, 879, 888, 968, 982, 1004, 1020, 1031
Senate committee appointments — 17

DEARDEN, DICK L. — Senator, 34th District; Democrat
Amendments filed — 557, 661, 720, 739, 782, 783, 1076, 1105, 1159, 1180, 1203
Amendments offered — 750, 752, 800, 1115, 1159, 1180
Bills introduced — 64, 74, 99, 100, 113, 120, 121, 131, 132, 143, 150, 156, 169, 200, 233, 252, 278, 368, 416, 456
Certificates of recognition — 668
Resolutions introduced — 682, 792, 843, 879, 888, 968, 1004, 1020, 1031
Senate committee appointments — 17

DEFERRAL OF APPOINTMENTS — *See* GOVERNOR

DOTZLER, WILLIAM A., JR. — Senator, 11th District; Assistant Majority Leader, Democrat
Amendments filed — 410, 721, 807, 832, 1006, 1034, 1164, 1203, 1219, 1222
Amendments offered — 410, 836, 1016, 1034, 1164, 1219, 1222
Bills introduced — 64, 90, 99–101, 113, 120, 121, 131, 132, 143, 156, 169, 253, 262, 278, 367, 368, 375, 403, 404, 470
Certificates of recognition — 178
Conference committee appointments & reports — 708, 999
Presentations — 307
Resolutions introduced — 305, 403, 682, 792, 843, 879, 888, 968, 1004, 1020, 1031
Senate committee appointments — 17

DVORSKY, ROBERT E. — Senator, 15th District; Democrat

- Amendments filed — 613, 694, 721, 739, 954, 1171, 1177, 1178, 1183, 1199, 1203, 1235, 1238, 1256, 1300
- Amendments offered — 620, 954, 1177, 1183, 1235, 1256, 1300
- Amendments withdrawn — 954, 1256, 1301
- Bills introduced — 64, 100, 113, 121, 131, 132, 143, 150, 156, 169, 200, 201, 262, 278, 456
- Certificates of recognition — 109, 478, 589, 789, 1085, 1086
- Petitions presented — 78
- Presiding at session of Senate — 448, 449, 1118
- Resolutions introduced — 682, 781, 792, 843, 879, 888, 921, 968, 1004, 1020, 1031, 1086
- Senate committee appointments — 17

ECONOMIC GROWTH, COMMITTEE ON

- Amendments filed — 707
- Appointees, investigation of — 86, 94, 175, 205, 239, 240, 303, 712, 730, 805
- Appointments to — 13
- Bills and resolutions introduced — 211, 212, 276, 353, 416, 469, 470, 481, 482, 503
- Bills referred to — 130, 298, 318, 327, 368, 403, 572, 610, 820, 935
- Committee meeting reports — 43, 97, 127, 166, 197, 228, 265, 295, 329, 372, 453, 479, 681, 790, 841
- Committee reports — 217, 279, 357, 419, 462, 473, 485, 486, 507, 706, 793, 845
- Study bills — 91, 114, 151, 170, 171, 318, 335
- Subcommittee assignments — 92, 115, 145, 152, 173, 321, 322, 336, 338, 369, 377, 428, 612, 627, 827

EDUCATION, COMMITTEE ON

- Amendments filed — 845, 846
- Appointees, investigation of — 713, 730, 731, 805, 850
- Appointments to — 13
- Bills and resolutions introduced — 170, 183, 184, 234, 332, 440, 441, 469, 482
- Bills referred to — 90, 100, 102, 121, 131, 142, 143, 157, 182, 190, 212, 232, 261, 317, 342, 368, 375, 426, 470, 571, 670, 724
- Committee meeting reports — 63, 98, 119, 140, 165, 179, 210, 250, 312, 313, 424, 454, 705, 790, 841
- Committee reports — 174, 187, 236, 338, 444, 445, 473, 486, 794, 845, 846
- Study bills — 45, 46, 66, 102, 103, 133, 184, 213, 298, 471
- Subcommittee assignments — 49, 50, 68, 105, 114, 135, 151, 152, 159, 173, 186, 203, 215, 235, 269, 300, 336, 337, 356, 377, 428, 472, 612, 706, 758

EMPLOYEES OF THE SENATE

Oaths of office — 9

Pay grades and steps — 27–30

EN BLOC CONFIRMATION CALENDAR — *See* APPOINTEES

ENGROSSMENT AND ENROLLMENT OF BILLS, CORRECTIONS

Senate File 261 — 883

Senate File 2156 — 796

Senate File 2278 — 683

Senate File 2308 — 1312

Senate File 2317 — 882

Senate File 2320 — 882

Senate File 2328 — 984

Senate File 2361 — 1144

Senate File 2379 — 1144

Senate File 2392 — 759, 1312

Senate File 2417 — 1312

Senate File 2424 — 1312

Senate File 2425 — 1313

Senate File 2432 — 1313

ETHICS, COMMITTEE ON

Appointments to — 14

EXPLANATIONS OF VOTES — *See individual senators*

FRAISE, GENE — Senator, 46th District; Democrat

Amendments filed — 1203, 1252

Bills introduced — 64, 74, 99, 113, 120, 121, 131, 132, 150, 156, 169, 278,
334

Certificates of recognition — 275, 668

Resolutions introduced — 682, 792, 843, 879, 888, 968, 1004, 1020, 1031

Senate committee appointments — 18

GASKILL, E. THURMAN — Senator, 6th District; Republican

Amendments filed — 699, 701, 709, 985, 1203, 1233

Amendments offered — 709

Bills introduced — 132, 182, 232, 316, 404

Certificates of recognition — 110, 126, 626, 660, 1190

Explanations of votes — 1270

Presentations — 274, 306

Resolutions introduced — 267, 682, 726, 843, 879, 1004, 1020, 1031

Senate committee appointments — 18

GENERAL ASSEMBLY — *See* JOINT CONVENTIONS

GOVERNMENT OVERSIGHT, COMMITTEE ON

- Appointments to — 14
- Bills and resolutions introduced — 801, 1004, 1241
- Bills referred to — 1240
- Committee meeting reports — 140, 179, 250, 313, 631, 791, 920, 1002, 1215
- Committee reports — 803, 804, 1005, 1242, 1257
- Study bills — 201, 335, 417, 458, 880
- Subcommittee assignments — 203, 337, 418, 460, 881, 1269

GOVERNOR, Chet Culver

- Appointments by — 79–81, 239, 684–691
- Bills signed by — 162, 326, 447, 492, 592, 819, 883, 887, 937, 966, 1005, 1006, 1075, 1076, 1124, 1154, 1192, 1193, 1270, 1309, 1314–1317
- Condition of the State and Budget Message — 34
- Deferral of appointments — 691–694, 832, 1104, 1105
- Item veto messages — 1317–1319
- Veto message — 1320

GRONSTAL, MICHAEL E. — Senator, 50th District; Majority Leader, Democrat

- Address to the Senate — 3
- Amendments filed — 721, 754, 1203, 1227
- Amendments offered — 754, 1213, 1227
- Amendments withdrawn — 754, 1213
- Bills introduced — 64, 100, 131, 169, 278, 880, 1003, 1004, 1071, 1151
- Certificates of recognition — 118, 148, 164, 165, 264, 352, 372, 498, 563, 758, 879, 951, 1241
- Explanations of votes — 849
- Petitions presented — 683
- Resolutions introduced — 120, 682, 792, 843, 879, 888, 968, 1004, 1020, 1031
- Senate committee appointments — 18

GUESTS

- Senator Angelo introduced gymnast Shawn Johnson — 695
- Senator Angelo introduced Olympic athletes — 889
- Senator Appel welcomed winners of “Write Women Back Into History” contest — 448
- Senator Beall introduced visitors from Lithuania — 328
- Senator Beall welcomed former senator Mary Kramer — 671
- Senators Beall and Boettger introduced visiting Russian judges — 942
- Senator Beall introduced representatives of Meskwaki tribe — 1283
- Senator Black introduced members of Abraham Lincoln Bicentennial Commission — 207
- Senator Black welcomed former senator Bob Anderson — 1205

- Senator Boettger introduced visitors from Nigeria — 788
Senators Boettger and Beall introduced Nigerian political leaders — 1205
Senator Connolly welcomed former senator Tony Bisignano — 580
Senator Dotzler introduced Anna Bradley, winner of entrepreneur achievement award — 307
Senator Gaskill introduced family members — 274
Senator Gaskill introduced Bruce Hertzke of Winnebago Industries — 306
Senator Hatch introduced members of Drake University men's and women's basketball teams — 1062
Senator Heckroth welcomed Wartburg College wrestling team — 987
Senator Horn introduced visitors from Kirkwood Community College — 1127
Senator Johnson welcomed former governor Robert Ray — 629
Senator Kibbie welcomed Rep. Leonard Boswell — 1
Senator Kibbie welcomed former senator Richard Vande Hoef — 263
Senator Kibbie introduced St. Patrick's Day visitors — 558
Senator Kibbie welcomed former senator Maggie Tinsman — 621
Senator Lundby introduced members of U.S. Army Reserve — 1051
Senator McKinley welcomed representatives from Pella's tulip festival — 833
Senator Mulder introduced visitors from Orange City tulip festival — 967
Senator Mulder introduced members of Northwestern College women's basketball team — 1050
Senator Mulder introduced athlete Vern Den Herder — 1127
Senator Quirnbach introduced ISU president Dr. Gregory Geoffroy — 940
Senators Rielly and McKibben introduced members of Marshalltown Community College soccer team — 810
Senator Zaun introduced Dowling High School cross country team — 909

HAHN, JAMES F. — Senator, 40th District; Republican

- Amendments filed — 522, 523, 565, 608, 627, 699–701, 739, 917, 954, 966, 1006, 1203, 1233, 1294, 1295, 1297, 1299, 1300
Amendments offered — 565, 672, 917, 991
Bills introduced — 72, 113, 182, 212, 253, 334
Certificates of recognition — 109, 311, 589, 631, 1026, 1040, 1122, 1241, 1268
Resolutions introduced — 682, 1020, 1086
Senate committee appointments — 18

HANCOCK, TOM — Senator, 16th District; Democrat

- Amendments filed — 359, 397, 569, 613, 709, 985, 1199, 1203, 1252
Amendments offered — 359, 709, 1199
Bills introduced — 45, 100, 101, 113, 121, 131, 132, 143, 252, 253
Certificates of recognition — 155, 704, 812, 1308

HANCOCK — continued

- Resolutions introduced — 682, 792, 843, 879, 888, 968, 1004, 1020, 1031, 1086
- Senate committee appointments — 18

HARTSUCH, DAVID — Senator, 41st District; Republican

- Amendments filed — 363, 522, 523, 699–701, 739, 765, 769, 908, 975, 985, 1098, 1129, 1176, 1203, 1233, 1294, 1298–1300
- Amendments offered — 363, 765, 769, 949, 975, 1129, 1176, 1298
- Amendments withdrawn — 1098
- Bills introduced — 72, 113, 182, 252, 316, 317, 334
- Certificates of recognition — 965
- Resolutions introduced — 305, 682, 951, 982, 1020
- Senate committee appointments — 18

HATCH, JACK — Senator, 33rd District; Assistant Majority Leader, Democrat

- Amendments filed — 613, 943, 975, 976, 1076, 1130, 1132, 1133, 1145, 1203, 1296
- Amendments offered — 634, 943, 975, 976, 1130, 1132, 1133, 1296
- Amendments withdrawn — 973, 1198
- Bills introduced — 90, 99–101, 113, 120, 121, 129, 131, 132, 143, 150, 156, 169, 200, 253, 374, 441
- Certificates of recognition — 275, 886
- Conference committee appointments & reports — 1195, 1218, 1273, 1274, 1279, 1292
- Presentations — 1062
- Resolutions introduced — 563, 682, 792, 843, 879, 888, 937, 968, 1004, 1020, 1031
- Senate committee appointments — 18

HECKROTH, BILL — Senator, 9th District; Democrat

- Amendments filed — 569, 578, 985, 1203
- Amendments offered — 748
- Bills introduced — 64, 74, 90, 99–101, 113, 120, 121, 131, 132, 143, 156, 169, 183, 201, 252, 318, 426
- Certificates of recognition — 109, 329, 372, 704, 1170
- Conference committee appointments & reports — 1100, 1139
- Presentations — 987
- Resolutions introduced — 590, 682, 792, 843, 879, 888, 968, 981, 1004, 1020, 1031
- Senate committee appointments — 19

HOGG, ROB — Senator, 19th District; Democrat

- Amendments filed — 465, 661, 671, 694, 985, 990, 991, 1105, 1203
- Amendments offered — 519, 671, 743, 990, 991, 1112

Amendments withdrawn — 1112
Bills introduced — 64, 99, 100, 113, 120, 121, 129, 132, 143, 150, 156,
169, 200, 232, 261, 278, 297
Resolutions introduced — 682, 792, 843, 879, 888, 1004, 1020, 1031, 1086
Senate committee appointments — 19

HORN, WALLY E. — Senator, 17th District; Democrat

Amendments filed — 627, 1203
Bills introduced — 64, 99, 100, 113, 120, 121, 131, 132, 143, 232, 368
Presentations — 1127
Resolutions introduced — 682, 792, 843, 879, 888, 968, 982, 1004, 1020,
1031, 1086
Senate committee appointments — 19

HOUSE AMENDMENTS IN SENATE

Senate File 249, S-5033 — 407; concurred — 540
Senate File 261, S-5003 — 207; concurred — 350
Senate File 473, S-5245 — 889; concurred — 914
Senate File 505, S-5248 — 889; concurred — 913
Senate File 517, S-5389 — 1148; concurred — 1166
Senate File 572, S-5001 — 177; concurred — 246
Senate File 2089, S-5244 — 889; concurred — 917
Senate File 2108, S-5247 — 890; concurred — 916
Senate File 2111, S-5079 — 571; concurred — 653
Senate File 2123, S-5040 — 431; concurred — 545
Senate File 2124, S-5285 — 968; concurred — 1014
Senate File 2132, S-5446 — 1263; concurred — 1113
Senate File 2134, S-5329 — 1045; concurred — 1113
Senate File 2134, S-5384 — 1142; concurred — 1162
Senate File 2154, S-5111 — 630; concurred — 797
Senate File 2157, S-5216 — 784; concurred — 897
Senate File 2160, S-5444 — 1247; concurred — 1262
Senate File 2161, S-5273 — 940; concurred — 1013
Senate File 2203, S-5447 — 1271; concurred — 1272
Senate File 2212, S-5284 — 964; concurred — 1009
Senate File 2214, S-5246 — 890; concurred — 946
Senate File 2216, S-5430 — 1224; refused to concur — 1246
Senate File 2251, S-5297 — 978; concurred — 1024
Senate File 2281, S-5274 — 940; concurred — 996
Senate File 2289, S-5249 — 890; concurred — 915
Senate File 2308, S-5272 — 940; amended and concurred — 1012
Senate File 2325, S-5298 — 979; concurred — 995
Senate File 2337, S-5331 — 1045; concurred — 1092
Senate File 2348, S-5318 — 1030; concurred — 1082
Senate File 2349, S-5269 — 940; concurred — 994

HOUSE AMENDMENTS IN SENATE — continued

- Senate File 2350, S-5319 — 1030; concurred — 1081
- Senate File 2354, S-5270 — 940; concurred — 993
- Senate File 2361, S-5271 — 940; concurred — 971
- Senate File 2386, S-5385 — 1148; concurred — 1167
- Senate File 2392, S-5322 — 1030; concurred — 1035
- Senate File 2400, S-5330 — 1046; amended and concurred — 1225
- Senate File 2406, S-5410 — 1194; amended and concurred — 1227
- Senate File 2413, S-5428 — 1224; concurred — 1249
- Senate File 2415, S-5423 — 1224; concurred — 1248
- Senate File 2417, S-5362 — 1101; amended and concurred — 1198
- Senate File 2424, S-5451 — 1287; concurred — 1288
- Senate File 2425, S-5401 — 1172; refused to concur — 1187
- Senate File 2428, S-5439 — 1245; amended and concurred — 1256
- House File 2212, S-5087 — 593; refused to concur — 619
- House File 2628, S-5366 — 1125; concurred — 1163
- House File 2539, S-5414 — 1201; refused to concur — 1207
- House File 2679, S-5448 — 1273; concurred — 1275
- House File 2700, S-5467 — 1304; concurred — 1305

HOUSER, HUBERT — Senator, 49th District; Republican

- Amendments filed — 522, 523, 699, 701, 1029, 1202, 1203
- Bills introduced — 72, 113, 130, 316, 334
- Resolutions introduced — 682, 843, 879, 1004, 1020
- Senate committee appointments — 19

HUMAN RESOURCES, COMMITTEE ON

- Amendments filed — 816
- Appointees, investigation of — 86, 94, 95, 153, 175, 240, 241, 303, 397, 713, 714, 731, 732, 805, 806, 850
- Appointments to — 14
- Bills and resolutions introduced — 123, 130, 133, 157, 183, 252, 267, 268, 316, 317, 403, 415, 416, 470, 480, 481, 483, 484, 503, 549, 574
- Bills referred to — 90, 100, 113, 120, 129, 199, 201, 232, 234, 297, 379, 441, 455, 456, 571, 610, 723, 785, 786, 808, 839, 935
- Committee meeting reports — 72, 98, 126, 148, 165, 227, 228, 296, 395, 454, 479, 813, 841
- Committee reports — 124, 136, 137, 161, 188, 256, 270, 323, 324, 405, 406, 419, 420, 473, 486-488, 507, 551, 577, 816, 817, 846, 847
- Study bills — 32, 46, 47, 74, 75, 113, 133, 150, 151, 171, 172, 202, 268, 278, 299, 300, 319, 336, 354, 427
- Subcommittee assignments — 32, 50, 77, 105, 114, 135, 152, 173, 174, 203, 204, 215, 235, 269, 279, 301, 321, 322, 338, 356, 405, 428, 459, 460, 612, 627, 758, 793, 814, 843

INDIVIDUAL CONFIRMATION CALENDAR — *See* APPOINTEES

INTRODUCTIONS — *See* GUESTS

INVESTIGATIONS OF APPOINTEES — *See* APPOINTEES; *individual committees*

ITEM VETO MESSAGES

Senate File 2400 — 1317

Senate File 2417 — 1318

Senate File 2425 — 1319

Senate File 2432 — 1319

JOHNSON, DAVID — Senator, 3rd District; Assistant Minority Leader, Republican

Amendments filed — 191, 384, 386, 388, 397, 422, 522, 523, 525, 544, 557, 608, 613, 642, 654, 676, 720, 766, 783, 884, 938, 966, 973, 974, 1105, 1128, 1130, 1199, 1203, 1252, 1294, 1295, 1297–1300

Amendments offered — 191, 384, 386, 388, 525, 654, 676, 766, 973, 974, 1010, 1128, 1130, 1199

Amendments withdrawn — 544, 642, 955

Bills introduced — 72, 113, 142–144, 150, 182, 199, 200, 212, 252, 277, 316, 334

Certificates of recognition — 109, 126, 260, 275, 329, 546, 589, 611, 626, 1122, 1170, 1268

Conference committee appointments & reports — 1195, 1218, 1274, 1292
Presentations — 629

Resolutions introduced — 352, 590, 682, 843, 879, 982, 1004, 1020, 1031, 1041

Senate committee appointments — 19

JOINT CONVENTIONS

Condition of the Iowa Judiciary Message — 54

Condition of the Iowa National Guard address — 284

Condition of the State Address — 34

JOINT RULES — *See also* RULES

Rule 20 (Bills on Unfinished Business Calendar) — 963

JUDICIARY, COMMITTEE ON

Amendments filed — 555, 827

Appointees, investigation of — 86, 95, 205, 206, 714, 732, 733, 908

Appointments to — 14

Bills and resolutions introduced — 100, 211, 233, 318, 332, 427, 440, 470, 471, 481–484, 499–502, 549, 590

JUDICIARY COMMITTEE — continued

- Bills referred to — 45, 64, 74, 101, 102, 129, 132, 157, 170, 213, 232, 277, 304, 317, 441, 442, 534, 535, 630, 786, 821, 934, 935
- Committee meeting reports — 44, 88, 127, 197, 313, 414, 467, 478, 791, 826
- Committee reports — 107, 217, 236, 324, 339, 420, 429, 445, 446, 474, 488, 489, 507–509, 551, 592, 794, 795, 827, 828
- Study bills — 47, 48, 103, 104, 121, 122, 158, 159, 171, 213, 319, 320, 354, 376, 417, 471
- Subcommittee assignments — 50, 67, 92, 105, 106, 122, 160, 161, 173, 185, 214, 215, 235, 269, 321–323, 336, 337, 356, 378, 418, 442, 443, 460, 472, 576, 633, 793, 843

KETTERING, STEVE — Senator, 26th District; Republican

- Amendments filed — 522, 523, 608, 699–701, 739, 773, 807, 928, 938, 1063, 1097, 1136, 1171, 1177, 1178, 1183, 1203, 1233, 1294, 1295, 1297, 1299, 1300
- Amendments offered — 928, 1063, 1097, 1136, 1177, 1178
- Amendments withdrawn — 1178
- Bills introduced — 72, 90, 113, 130, 142, 157, 182, 212, 316, 334, 456, 457, 575
- Conference committee appointments & reports — 1100, 1139
- Resolutions introduced — 353, 682, 843, 879, 936, 1004, 1020, 1031
- Senate committee appointments — 19

KIBBIE, JOHN P. — Senator, 4th District; President of Senate, Democrat

- Address to Senate — 1
- Amendments filed — 272, 341, 578, 627, 908, 1029, 1037, 1202, 1203
- Amendments offered — 400, 679, 910, 1037, 1238
- Bills introduced — 31, 64, 74, 99, 100, 113, 120, 121, 131, 132, 143, 150, 156, 169, 211, 278
- Certificates of recognition — 109, 275, 295, 311, 312, 452, 478, 611, 704, 812, 1070, 1170
- Explanations of votes — 849
- Petitions presented — 447, 796
- Presentations — 1, 263, 558, 621
- Resolutions introduced — 682, 792, 843, 879, 888, 968, 982, 1004, 1020, 1031
- Senate committee appointments — 19

KREIMAN, KEITH A. — Senator, 47th District; Democrat

- Amendments filed — 422, 447, 451, 556, 627, 673, 694, 739, 760, 884, 925, 1203
- Amendments offered — 450, 451, 559, 560, 651, 665, 666, 698, 747, 903, 911, 925, 1299

Amendments withdrawn — 450, 925
 Bills introduced — 64, 99, 100, 113, 120, 121, 132, 150, 169, 231, 232,
 253, 317, 404
 Explanations of votes — 397
 Resolutions introduced — 682, 792, 843, 879, 888, 1004, 1020, 1031
 Senate committee appointments — 20

LABOR AND BUSINESS RELATIONS, COMMITTEE ON

Appointees, investigation of — 240, 241, 326, 714, 715, 733, 806, 850
 Appointments to — 14
 Bills and resolutions introduced — 233, 234, 332, 333, 457, 482, 499, 548
 Bills referred to — 12, 130, 277, 305, 404, 416, 470, 670, 725, 935
 Committee meeting reports — 30, 118, 210, 313, 454, 468, 758, 791, 841
 Committee reports — 237, 340, 462, 489, 509, 551, 759, 795, 847
 Study bills — 66, 67, 103, 202, 335, 427, 442
 Subcommittee assignments — 67–69, 105, 145, 204, 300, 321, 337, 428,
 444, 459, 484, 706, 719

LEGISLATIVE EMPLOYEES — *See* OFFICERS AND EMPLOYEES OF THE SENATE

LOCAL GOVERNMENT, COMMITTEE ON

Appointees, investigation of — 715, 733, 828
 Appointments to — 14
 Bills and resolutions introduced — 150, 233, 396, 456, 458, 482, 483
 Bills referred to — 31, 44, 169, 177, 182, 375, 404, 426, 934, 935
 Committee meeting reports — 89, 149, 210, 264, 275, 367, 452, 468, 589,
 632, 813
 Committee reports — 152, 238, 397, 463, 490, 660
 Study bills — 104, 113, 134, 151, 159, 185, 253, 268, 298, 335
 Subcommittee assignments — 106, 114, 136, 152, 161, 186, 202, 203, 255,
 269, 300, 338, 443, 459

LUNDBY, MARY — Senator, 18th District; Republican

Amendments filed — 398, 411, 522, 523, 694, 1006, 1203, 1204, 1299
 Amendments offered — 411
 Bills introduced — 130, 404
 Presentations — 1051
 Resolutions introduced — 668, 682, 843, 879, 1004, 1086
 Senate committee appointments — 20

MAJORITY LEADER, Senator Michael Gronstal — *See* GRONSTAL; *see also* ASSISTANT DEMOCRATIC LEADERS

McCOY, MATT — Senator, 31st District; Democrat

Amendments filed — 1006, 1203, 1277

Amendments offered — 1277

Bills introduced — 64, 99, 100, 113, 120, 121, 131, 132, 143, 169, 200

Resolutions introduced — 682, 792, 888, 968, 1020, 1031

Senate committee appointments — 20

McKIBBEN, LARRY — Senator, 22nd District; Assistant Minority Leader,
Republican

Amendments filed — 522, 523, 608, 739, 1066, 1128, 1184, 1203

Amendments offered — 522, 1066, 1128, 1184

Bills introduced — 72, 113, 182

Certificates of recognition — 209, 264, 402, 879, 1070

Presentations — 810

Resolutions introduced — 315, 981, 1031

Senate committee appointments — 20

McKINLEY, PAUL — Senator, 36th District; Republican

Amendments filed — 383, 386–388, 392, 517, 522, 523, 568, 570, 594,
596, 597, 606–608, 673, 677, 699–701, 739, 766, 767, 770–772, 774,
775, 832, 837, 903, 908, 977, 997, 1006, 1055, 1056, 1059, 1098, 1124,
1133, 1203, 1204, 1230, 1231, 1233, 1235, 1294, 1297, 1299, 1300

Amendments offered — 383, 387, 388, 392, 517, 568, 570, 594, 597, 606–
608, 673, 677, 701, 766, 767, 770–772, 774, 775, 837, 903, 948, 1016,
1055, 1056, 1059, 1133, 1230, 1231, 1235

Amendments withdrawn — 386, 606, 997, 1098, 1141, 1238

Bills introduced — 72, 113, 182, 212, 252, 316, 334, 368

Certificates of recognition — 275, 1070

Conference committee appointments & reports — 1139, 1188

Presentations — 833

Resolutions introduced — 682, 843, 879, 982, 1004, 1020

Senate committee appointments — 20

MESSAGES — *See also* COMMUNICATIONS RECEIVED

Condition of the Iowa Judiciary Message — 54

Condition of the Iowa National Guard — 285

Condition of the State and Budget Message — 34

Item vetoes — 1317–1319

Vetoes — 1320

MINORITY LEADER, Senator Ron Wieck — *See* WIECK; *see also*
ASSISTANT REPUBLICAN LEADERS

MOTIONS TO RECONSIDER AND RULINGS

- Senate File 2131, Senator Hatch — 803; adopted — 822
- Senate File 2134, S-5329, Senator Gronstal — 1144; adopted — 1161
- Senate File 2312, S-5126, Senator Ziemann — 680; withdrawn
- Senate File 2368, Senator Gronstal — 613; withdrawn — 621
- Senate File 2425, S-5369, Senator Hatch — 1133; adopted
- Senate File 2428, S-5393, Senator Dvorsky — 1183; adopted
- House File 2384, Senators Kettering and Schoenjahn — 938; withdrawn — 990
- House File 2645, Senator Gronstal — 782; withdrawn — 1303
- House File 2647, Senator Gronstal — 1044; withdrawn — 1285
- House File 2699, Senator Gronstal — 1281; withdrawn — 1303

MULDER, DAVID — Senator, 2nd District; Republican

- Amendments filed — 522, 523, 569, 671, 677, 721, 763, 985, 1186, 1203, 1230, 1233
- Amendments offered — 671, 763
- Amendments withdrawn — 677
- Bills introduced — 72, 113, 131, 132, 143, 182, 201, 212, 252, 316
- Certificates of recognition — 109, 118, 155, 546, 980, 981, 1070, 1085, 1143
- Conference committee appointments & reports — 1139, 1188
- Presentations — 967, 1050, 1127
- Resolutions introduced — 498, 682, 843, 879, 982, 1004, 1020, 1021, 1031
- Senate committee appointments — 20

NATURAL RESOURCES AND ENVIRONMENT, COMMITTEE ON

- Amendments filed — 881
- Appointees, investigation of — 87, 95, 189, 240, 241, 303, 715, 733, 734, 806, 807, 850
- Appointments to — 14
- Bills and resolutions introduced by — 315, 316, 333, 353, 415, 427, 481, 482, 501, 502, 547-549
- Bills referred to — 73, 74, 90, 120, 132, 142-144, 169, 182, 200, 201, 231-233, 252, 253, 273, 297, 316-318, 333, 334, 353, 368, 456, 572, 785, 820, 934, 963
- Committee meeting reports — 44, 127, 166, 198, 228, 265, 296, 330, 373, 454, 479, 547, 791, 842
- Committee reports — 238, 271, 325, 341, 357, 421, 430, 490, 491, 510, 552, 553, 848, 881
- Study bills — 171, 202, 213, 214, 254, 334, 336, 417, 427
- Subcommittee assignments — 91, 92, 135, 160, 172, 173, 186, 203, 204, 214, 215, 255, 256, 269, 300, 321, 336-338, 377, 405, 418, 428, 460, 792, 793, 827

NOBLE, LARRY — Senator, 35th District; Republican

- Amendments filed — 397, 522, 523, 569, 608, 768, 1077, 1137, 1171, 1203, 1294
- Amendments offered — 768, 1137
- Amendments withdrawn — 536, 1199
- Bills introduced — 72, 101, 113, 182, 252, 316, 590
- Certificates of recognition — 424, 789
- Resolutions introduced — 305, 682, 843, 879, 968, 1004, 1020, 1031
- Senate committee appointments — 20

OFFICERS AND EMPLOYEES OF THE SENATE

- Employee classifications, grades, and steps — 27–30
- Oaths of office — 9
- Pages, appointments — 9, 10
- Permanent officers, appointments — 7, 8

OLIVE, RICH — Senator, 5th District; Democrat

- Amendments filed — 569, 601, 627, 694, 720, 721, 851, 892, 966, 1016, 1203
- Amendments offered — 601, 663, 746, 1016
- Amendments withdrawn — 746, 875
- Bills introduced — 64, 99, 101, 113, 120, 121, 131, 132, 143, 150, 156, 169, 170, 201, 233, 252, 316, 331, 334, 426, 455
- Certificates of recognition — 109, 275, 452, 573, 1143, 1268
- Petitions presented — 421
- Resolutions introduced — 682, 792, 843, 879, 888, 968, 1004, 1020, 1031
- Senate committee appointments — 20

PAGES

- Appointment of — 9, 10
- Special presentation to — 1284

PETITIONS

- Placed on file — 78, 421, 447, 683, 796

POINTS OF ORDER AND RULINGS

- Senate File 2089, S–5260, Senator Quirmbach — 917; amendment out of order
- Senate File 2123, S–5056, Senator Appel — 523; amendment out of order
- Senate File 2123, S–5058, Senator Appel — 522; amendment in order
- Senate File 2123, S–5063, Senator Appel — 544; amendment out of order
- Senate File 2123, S–5067, Senator Appel — 544; amendment out of order
- Senate File 2123, S–5068, Senator Appel — 544; amendment out of order
- Senate File 2131, Senator Putney — 822; point well taken
- Senate File 2279, S–5131, Senator Connolly — 674; amendment out of order

Senate File 2279, S-5141, Senator Connolly — 678; amendment out of order
 Senate File 2338, S-5097, Senator Bolkcom — 603; amendment out of order
 Senate File 2347, S-5073, Senator Dvorsky — 565; amendment out of order
 Senate File 2416, S-5347, Senator Bolkcom — 1056; amendment out of order
 Senate File 2420, S-5355, Senator McCoy — 1097; amendment in order
 House File 2140, S-5002, Senator Gronstal — 191; amendment out of order
 House File 2164, S-5254, Senator Connolly — 948; amendment in order
 House File 2164, S-5263, Senator McKinley — 949; amendment out of order
 House File 2359, S-5054, Senator Gronstal — 514; amendment out of order
 House File 2539, S-5296, Senator Kreiman — 977; amendment out of order
 House File 2645, S-5189, Senator Dearden — 772; amendment out of order
 House File 2645, S-5205, Senator Connolly — 772; amendment out of order
 House File 2700, S-5457, Senator Dvorsky — 1300; amendment out of order
 House File 2700, S-5463, Senator Dvorsky — 1299; amendment out of order
 House File 2700, S-5464C, Senator Dvorsky — 1302; amendment out of order

PRESENTATIONS — *See* ADDRESSES TO THE SENATE; GUESTS

PRESIDENT OF SENATE, Senator John Kibbie — *See* KIBBIE

PRESIDENT PRO TEMPORE OF SENATE, Senator Jeff Danielson — *See* DANIELSON

PUTNEY, JOHN — Senator, 20th District; Republican

Amendments filed — 522, 523, 608, 642, 699-701, 739, 824, 985, 1203, 1233, 1294, 1297, 1299, 1300
 Amendments offered — 642, 824, 1300
 Amendments withdrawn — 1233
 Bills introduced — 31, 45, 102, 182, 252, 316, 334, 375
 Certificates of recognition — 452, 965, 1170
 Explanations of votes — 1005, 1217, 1270
 Resolutions introduced — 315, 682, 843, 879, 1004, 1020, 1031, 1086
 Senate committee appointments — 21

QUIRMBACH, HERMAN C. — Senator, 23rd District; Democrat

Amendments filed — 661, 672, 720, 721, 739, 800, 985, 1066, 1203, 1238, 1297
 Amendments offered — 672, 800, 873, 991, 1066, 1238
 Amendments withdrawn — 800
 Bills introduced — 64, 74, 99, 100, 113, 120, 121, 131, 132, 143, 150, 156, 169, 278, 426, 456
 Certificates of recognition — 311, 936, 1170
 Conference committee appointments & reports — 1139, 1188

QUIRMBACH — continued

Presentations — 940

Resolutions introduced — 682, 792, 843, 879, 888, 968, 1004, 1020, 1031

Senate committee appointments — 21

RAGAN, AMANDA — Senator, 7th District; Assistant Majority Leader, Democrat

Amendments filed — 422, 1203, 1242, 1252

Amendments offered — 1251, 1252

Bills introduced — 64, 99–101, 113, 120, 121, 129, 131, 132, 142, 143, 157, 169, 404

Certificates of recognition — 118, 352, 372, 1086, 1170

Conference committee appointments & reports — 1195, 1218, 1273, 1274, 1279, 1292

Resolutions introduced — 31, 267, 563, 682, 706, 792, 843, 879, 888, 968, 982, 1004, 1020, 1031

Senate committee appointments — 21

REPORTS RECEIVED — *See* COMMUNICATIONS RECEIVEDRESOLUTIONS — *See also Index volume for complete bill histories*

Printed after session — 2019–2070

Printed during session — 696, 1107, 1109, 1155–1157, 1173, 1209, 1211, 1212

Sent to Secretary of State — 1314

RIELLY, TOM — Senator, 38th District; Democrat

Amendments filed — 531, 569, 627, 666, 694, 807, 954, 985, 1077, 1203

Amendments offered — 531, 741, 1098

Amendments withdrawn — 666

Bills introduced — 45, 73, 101, 132, 143, 183, 184, 252, 426

Certificates of recognition — 372, 498, 611, 631, 704, 840, 906, 1002, 1020, 1070

Presentations — 810

Resolutions introduced — 315, 682, 792, 843, 879, 888, 968, 1004, 1020, 1031, 1086

Senate committee appointments — 21

RULES AND ADMINISTRATION, COMMITTEE ON

Appointments to — 14

Bills and resolutions introduced — 1092, 1149, 1286, 1304

Bills referred to — 31, 120, 169, 231, 267, 305, 315, 353, 403, 498, 563, 590, 626, 632, 669, 682, 706, 726, 781, 787, 792, 843, 880, 888, 921, 936, 937, 951, 968, 981, 982, 1003, 1004, 1020, 1021, 1031, 1041, 1071, 1086, 1191, 1205

- Committee meeting reports — 31, 89, 156, 229, 314, 373, 440, 668, 681, 705, 781, 792, 801, 826, 887, 907, 981, 1002, 1003, 1040, 1071, 1086, 1150, 1190, 1215, 1269, 1308
- Committee reports — 7, 9, 27, 28, 86, 161, 239, 305, 306, 370, 446, 628, 683, 712, 761, 787, 804, 828, 887, 898, 907, 968, 984, 987, 1032, 1042, 1049, 1051, 1061, 1073, 1074, 1084, 1087, 1088, 1099, 1102, 1152, 1153, 1172, 1206, 1264, 1265, 1287, 1306
- Subcommittee assignment — 983

RULES OF THE SENATE — *See also* JOINT RULES

- Rule 21 (Engrossment of Bills) — *See* SECRETARY OF THE SENATE, *subhead* Corrections in Engrossment
- Rule 59 (Appointments) — 94, 193, 220, 240, 283, 343, 435, 729, 853, 900, 962, 970, 1022, 1038, 1080

SCHMITZ, BECKY — Senator, 45th District; Democrat

- Amendments filed — 555, 557, 603, 627, 1203
- Amendments offered — 603, 643, 648
- Amendments withdrawn — 643
- Bills introduced — 64, 74, 99, 100, 113, 120, 121, 131, 132, 143, 150, 156, 169, 278
- Certificates of recognition — 668, 758
- Conference committee appointments & reports — 1139, 1188
- Resolutions introduced — 682, 781, 792, 843, 879, 888, 921, 968, 1004, 1020, 1031, 1086
- Senate committee appointments — 21

SCHOENJAHN, BRIAN H. — Senator, 12th District; Democrat

- Amendments filed — 386, 578, 613, 985, 1203
- Amendments offered — 386, 624, 646, 893
- Bills introduced — 64, 90, 91, 99, 100, 113, 120, 121, 131, 132, 143, 157, 169, 252, 353
- Certificates of recognition — 611, 1241
- Conference committee appointments & reports — 1139, 1188
- Resolutions introduced — 682, 792, 843, 879, 888, 968, 1004, 1020, 1031
- Senate committee appointments — 21

SECRETARY OF THE SENATE, Michael E. Marshall

- Communications received — *See* COMMUNICATIONS RECEIVED
- Corrections in engrossment, Senate Rule 21:
 - Senate File 261 — 883
 - Senate File 2156 — 796
 - Senate File 2278 — 683
 - Senate File 2308 — 1312
 - Senate File 2317 — 882
 - Senate File 2320 — 882

SECRETARY OF THE SENATE, *subhead* Corrections — continued

Senate File 2328 — 984

Senate File 2361 — 1144

Senate File 2379 — 1144

Senate File 2392 — 759, 1312

Senate File 2417 — 1312

Senate File 2424 — 1312

Senate File 2425 — 1313

Senate File 2432 — 1313

Resolution sent to Secretary of State — 1314

SECRETARY OF STATE, Chet Culver

Communications from — 26

Resolution sent to — 1314

SENATE CONCURRENCE — *See* HOUSE AMENDMENTS IN SENATESENATE EMPLOYEES — *See* OFFICERS AND EMPLOYEES OF THE SENATE

SENATE INSISTING ON SENATE AMENDMENT

Senate File 2308 — 1100

House File 2197 — 1138

SENATE RECEDING FROM SENATE AMENDMENT

House File 2177 — 1261

SENATE REFUSAL TO CONCUR — *See* HOUSE AMENDMENTS IN SENATE

SENG, JOE M. — Senator, 43rd District; Democrat

Amendments filed — 807, 1203

Amendments offered — 652, 1093

Bills introduced — 64, 99, 113, 120, 121, 131, 132, 143, 150, 156, 262, 368, 470

Certificates of recognition — 329, 631, 1070

Resolutions introduced — 682, 792, 843, 879, 888, 951, 968, 1004, 1020, 1031

Senate committee appointments — 21

SEYMOUR, JAMES A. — Senator, 28th District; Republican

Amendments filed — 522, 523, 608, 699–701, 739, 976, 985, 1131, 1132, 1204, 1295, 1300

Amendments offered — 976, 1131, 1132

Bills introduced — 72, 100, 113, 132, 143, 212, 252

Certificates of recognition — 109, 164, 165, 366, 372, 789, 886

Conference committee appointments & reports — 1195, 1218, 1274, 1292
Resolutions introduced — 563, 682, 843, 879, 936, 982, 1004, 1020, 1031
Senate committee appointments — 22

STANDING COMMITTEES — *See also individual committees*

Appointments — 13–15

Senators and respective committees — 16–23

Subcommittee appointments, Appropriations — 15, 16

STATE GOVERNMENT, COMMITTEE ON

Amendments filed — 369

Appointees, investigation of — 87, 95, 96, 176, 189, 715–718, 734–738,
828–831

Appointments to — 15

Bills and resolutions introduced — 100, 130, 169, 200, 211, 268, 297, 298,
455, 457, 470, 501–503, 548, 550

Bills referred to — 45, 64, 73, 101, 113, 121, 129, 130, 182, 201, 212, 232,
253, 277, 278, 298, 305, 317, 334, 367, 368, 374, 416, 426, 658, 659,
724, 725, 785, 822, 834, 934, 935, 963, 1004, 1126, 1151

Committee meeting reports — 89, 119, 156, 180, 260, 275, 367, 453, 468,
479, 705, 813, 826, 1102, 1150

Committee reports — 107, 137, 175, 204, 217, 271, 301, 302, 369, 463,
464, 475, 510–512, 553, 554, 707, 817, 818, 823, 1103, 1168

Study bills — 48, 49, 75, 76, 91, 121, 133, 158, 172, 185, 201, 202, 213,
319, 354, 376

Subcommittee assignments — 51, 76, 77, 92, 122, 135, 136, 144, 145, 160,
174, 186, 203, 204, 214, 215, 235, 321, 322, 337, 355, 356, 377, 378,
405, 443, 669, 758, 759, 793, 1072

STATE OF THE BUDGET MESSAGE

Delivery by Governor Chet Culver — 34

STEWART, ROGER — Senator, 13th District; Democrat

Amendments filed — 638, 985, 1204

Amendments offered — 638, 865

Bills introduced — 64, 90, 99–101, 113, 120, 121, 131, 132, 143, 156, 169,
200

Resolutions introduced — 682, 792, 843, 879, 888, 968, 1004, 1020, 1031

Senate committee appointments — 22

STUDY BILLS IN COMMITTEES

Agriculture — 32, 66, 268, 300, 335, 354, 428, 612

Appropriations — 48, 133, 172, 253, 298, 320, 355, 377, 417, 442, 458,
459, 575, 632, 682, 880, 965, 983, 1072, 1143, 1170, 1269

Commerce — 65, 76, 134, 185, 234, 235, 268, 300, 318, 335, 375, 376, 417,
459

STUDY BILLS IN COMMITTEES — continued

- Economic Growth — 91, 114, 151, 170, 171, 318, 335
- Education — 45, 46, 66, 102, 103, 133, 184, 213, 298, 471
- Government Oversight — 201, 335, 417, 458, 880
- Human Resources — 32, 46, 47, 74, 75, 113, 133, 150, 151, 171, 172, 202, 268, 278, 299, 300, 319, 336, 354, 427
- Judiciary — 47, 48, 103, 104, 121, 122, 158, 159, 171, 213, 319, 320, 354, 376, 417, 471
- Labor and Business Relations — 66, 67, 103, 202, 335, 427, 442
- Local Government — 104, 113, 134, 151, 159, 185, 253, 268, 298, 335
- Natural Resources and Environment — 171, 202, 213, 214, 254, 334, 336, 417, 427
- State Government — 48, 49, 75, 76, 91, 121, 133, 158, 172, 185, 201, 202, 213, 319, 354, 376
- Transportation — 104, 113, 159, 299, 416, 459
- Veterans Affairs — 65, 91, 114, 184, 234, 319, 471
- Ways and Means — 75, 104, 144, 159, 185, 214, 269, 299, 375, 376, 442, 471, 484, 575, 627, 633, 682, 802, 983, 1027

SUBCOMMITTEES

- Appropriations subcommittee members — 15, 16
- Bills assigned to subcommittees — *See individual committees*
- Investigation of governor's appointments — *See APPOINTEES*

SUBSTITUTION OF BILLS — *See BILLS*

SUPREME COURT OF IOWA

- Condition of Iowa Judiciary Message, The Honorable Marsha Ternus — 54

TRANSPORTATION, COMMITTEE ON

- Amendments filed — 882
- Appointees, investigation of — 88, 96, 162, 718, 738, 807
- Appointments to — 15
- Bills and resolutions introduced — 233, 252, 405, 415, 481, 483, 502, 547, 574
- Bills referred to — 31, 45, 73, 101, 102, 182, 262, 277, 278, 305, 375, 456, 659, 784, 809, 935
- Committee meeting reports — 44, 111, 126, 149, 166, 227, 296, 373, 467, 480, 632, 801, 842
- Committee reports — 238, 256, 406, 421, 491, 512, 554, 577, 660, 804, 849, 881
- Study bills — 104, 113, 159, 299, 416, 459
- Subcommittee assignments — 106, 114, 161, 300, 301, 405, 418, 460, 669, 792

UNFINISHED BUSINESS CALENDAR

Bills placed on — 477, 839, 963

VETERANS AFFAIRS, COMMITTEE ON

Appointees, investigation of — 718, 738, 850

Appointments to — 15

Bills and resolutions introduced — 200, 211, 268, 441, 442, 471, 483, 500, 501

Bills referred to — 91, 116, 120, 132, 183, 333, 403, 535

Committee meeting reports — 89, 180, 260, 276, 425, 469, 480, 814

Committee reports — 188, 204, 205, 218, 271, 430, 446, 475, 492, 512, 513, 818

Study bills — 65, 91, 114, 184, 234, 319, 471

Subcommittee assignments — 67, 92, 114, 135, 145, 186, 236, 255, 322, 355, 443, 472, 627

VETO MESSAGE — *See also* ITEM VETO MESSAGES

Senate File 2364 — 1320

WARD, PAT — Senator, 30th District; Assistant Minority Leader, Republican

Amendments filed — 522, 523, 556, 773, 832, 966, 1054, 1057, 1171, 1177, 1185, 1186, 1204, 1233, 1294, 1295, 1297–1299

Amendments offered — 773, 1054, 1057, 1179, 1185

Bills introduced — 72, 113, 182, 252, 316, 334

Explanations of votes — 796

Presiding at session of the Senate — 79

Resolutions introduced — 682, 843, 879, 968, 1004

Senate committee appointments — 22

WARNSTADT, STEVE — Senator, 1st District; Democrat

Amendments filed — 430, 447, 578, 583, 627, 637, 892, 938, 985, 1006, 1204

Amendments offered — 583, 637, 640, 779, 892, 1012

Amendments withdrawn — 637, 1096, 1161

Bills introduced — 64, 120, 131, 132, 297, 333, 416, 441, 442, 469

Certificates of recognition — 1143, 1170

Conference committee appointments & reports — 1100, 1139

Resolutions introduced — 682, 792, 843, 879, 888, 968, 982, 1004, 1020, 1031

Senate committee appointments — 22

WAYS AND MEANS, COMMITTEE ON

Amendments filed — 1259

Appointees, investigation of — 718, 738, 831

Appointments to — 15

WAYS AND MEANS COMMITTEE — continued

- Bills and resolutions introduced — 200, 267, 726, 727, 880, 910, 921, 1021, 1027, 1041, 1072, 1102
- Bills referred to — 12, 73, 90, 101, 131, 142, 143, 154, 183, 212, 220, 274, 282, 316, 343, 371, 423, 431, 456, 457, 470, 477, 548, 564, 568, 575, 579, 591, 660, 669, 839, 1025, 1046, 1147, 1175
- Committee meeting reports — 72, 98, 180, 261, 296, 314, 425, 455, 726, 814, 907, 1003, 1026, 1102, 1191
- Committee reports — 205, 272, 302, 325, 465, 728, 729, 882, 922, 923, 1021, 1028, 1043, 1074, 1103, 1104, 1192, 1259
- Study bills — 75, 104, 144, 159, 185, 214, 269, 299, 375, 376, 442, 471, 484, 575, 627, 633, 682, 802, 983, 1027
- Subcommittee assignments — 76, 77, 91, 92, 105, 106, 144, 145, 160, 161, 185, 186, 203, 215, 235, 270, 278, 301, 321, 355, 377, 378, 443, 444, 460, 472, 484, 564, 576, 591, 612, 627, 633, 669, 682, 781, 803, 881, 983, 1028, 1072, 1151, 1191

WIECK, RON — Senator, 27th District; Minority Leader, Republican

- Address to Senate — 4
- Amendments filed — 522, 523, 608, 699–701, 739, 760, 764, 770, 1204, 1233, 1294, 1295, 1297, 1299, 1300
- Amendments offered — 701, 764, 770, 835, 1300
- Bills introduced — 72, 182, 212, 252, 316, 1151
- Certificates of recognition — 295, 951, 1215
- Conference committee appointments & reports — 708
- Resolutions introduced — 120, 682, 843, 879, 1004, 1020
- Senate committee appointments — 22

WITHDRAWAL OF BILLS — *See* BILLS

WOOD, FRANK B. — Senator, 42nd District; Democrat

- Amendments filed — 369, 385, 569, 594, 613, 627, 644, 671, 677, 739, 851, 985, 1204, 1229, 1236
- Amendments offered — 385, 594, 644, 749, 988, 1229, 1236
- Amendments withdrawn — 385, 644
- Bills introduced — 64, 99, 113, 120, 121, 131, 132, 143, 169, 252, 354
- Certificates of recognition — 109, 178, 1143
- Presiding at session of the Senate — 466
- Resolutions introduced — 682, 792, 843, 879, 888, 951, 968, 1004, 1020, 1031
- Senate committee appointments — 22

“WRITE WOMEN BACK INTO HISTORY” ESSAY CONTEST

- Winners introduced — 448, 449

ZAUN, BRAD — Senator, 32nd District; Republican

Amendments filed — 303, 384–386, 522, 523, 569, 603, 608, 671, 674, 677, 694, 721, 739, 763, 768, 772, 773, 807, 832, 908, 966, 973, 977, 1057, 1058, 1176, 1186, 1204, 1230–1233, 1294, 1295, 1297, 1299, 1300

Amendments offered — 360–362, 384–386, 569, 603, 674, 677, 763, 768, 772, 773, 948, 973, 977, 1057, 1058, 1176, 1186, 1230, 1232, 1233, 1294, 1295, 1297, 1299

Amendments withdrawn — 750, 1057

Bills introduced — 72, 113, 182, 201, 212, 252, 277, 316–318, 334

Presentations — 909

Resolutions introduced — 682, 843, 879, 888, 936, 968, 1004, 1020

Senate committee appointments — 22

ZIEMAN, MARK — Senator, 8th District; Minority Whip, Republican

Amendments filed — 522, 523, 544, 565, 596, 608, 674, 699, 700, 739, 768, 770, 775, 807, 1093, 1132, 1135, 1137, 1204, 1234, 1294, 1295, 1297, 1299

Amendments offered — 523, 544, 596, 674, 699, 700, 768, 1093, 1135, 1137, 1234

Amendments withdrawn — 523, 544, 770, 775, 1132

Bills introduced — 72, 73, 100, 182, 212, 252, 253, 297, 316, 334, 368, 548, 660

Certificates of recognition — 275, 611, 965, 1190

Conference committee appointments & reports — 708

Resolutions introduced — 682, 843, 879, 1004, 1020

Senate committee appointments — 23