

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 8, 2007

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JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 8, 2007

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

Prayer was offered by Dr. Robert W. Wallace of the Nazareth Evangelical Lutheran Church in Cedar Falls, Iowa. He was the guest of Senator Danielson.

The Journal of Wednesday, February 7, 2007, was approved.

The Senate stood at ease at 8:48 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:47 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 February 8, 2007, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 95](#), a bill for an act making supplemental appropriations for the home ownership assistance and injured veterans grant programs for Iowa residents who are eligible members or military veterans of the armed forces of the United States and providing an effective date.

ALSO: That the House has on February 7, 2007, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 61, a bill for an act relating to the establishment of state and school antiharassment and antibullying policies, providing data collection and reporting requirements, and providing for immunity and other related matters. (**S-3024**)

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:48 a.m. until 3:00 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

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

Pastor Isaiah A. Brown, Des Moines—For his 12th pastoral anniversary at Our Saviour's Baptist Church. Senator Hatch (2/8/07).

Stephen J. Frese, Marshalltown—For receiving the National History Day David Van Tassel Founders Award. Senator McKibben (2/8/07).

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 RIGHTS

Annual Report of the Iowa Commission on the Status of Women. Report received on February 8, 2007.

REPORTS OF COMMITTEE MEETINGS

LOCAL GOVERNMENT

Convened: Wednesday, February 7, 2007, 3:10 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 22](#) and approved SSBs 1125 and 1161 (as amended).

Adjourned: 4:00 p.m.

STATE GOVERNMENT

Convened: Wednesday, February 7, 2007, 3:05 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: Approved SSBs 1029 and 1030 (as amended), approved Governor's appointments, and presentation by Iowa State Association of Counties.

Adjourned: 4:00 p.m.

VETERANS AFFAIRS

Convened: Wednesday, February 7, 2007, 4:00 p.m.

Members Present: Beall, Chair; Black, Horn, McKibben, and McKinley.

Members Absent: Warnstadt, Vice Chair; Seymour, Ranking Member; Danielson, Hartsuch, Kibbie, and Ragan (all excused).

Committee Business: Presentation by Protocol Driven Healthcare, Inc.

Adjourned: 5:00 p.m.

COMMERCE

Convened: Thursday, February 8, 2007, 11:35 a.m.

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

Members Absent: Angelo and McCoy (both excused).

Committee Business: Presentation by Iowa Insurance Commissioner Susan Voss.

Adjourned: 12:00 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, February 8, 2007, 9:30 a.m.

Members Present: Courtney, Chair; Connolly, Vice Chair; and Schmitz.

Members Absent: Wieck, Ranking Member; and Lundby (both excused).

Committee Business: Presentations by the Department of Administrative Services and the Citizens' Aide Ombudsman.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, February 8, 2007, 9:55 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Department of Commerce.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, February 8, 2007, 9:30 a.m.

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

Members Absent: None.

Committee Business: Presentation by Iowa State University.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, February 8, 2007, 9:30 a.m.

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

Members Absent: Boettger, Ranking Member; and Quirnbach (both excused).

Committee Business: Presentations by the Department for the Blind and Iowa Public Television.

Adjourned: 11:30 a.m.

INTRODUCTION OF BILLS

[Senate File 128](#), by committee on Ways and Means, a bill for an act relating to an increase in the taxes on cigarettes and tobacco products, imposing an inventory tax on tobacco products, creating a health care trust fund, and providing an effective date and providing an applicability provision.

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

[Senate File 129](#), by committee on State Government, a bill for an act relating to the racing and gaming commission by modifying provisions regulating horses involved in horse racing and providing an effective date.

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

[Senate File 130](#), by committee on Local Government, a bill for an act relating to commissions that oversee memorial buildings and monuments.

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

[Senate File 131](#), by committee on Local Government, a bill for an act relating to publication of property assessment equalization orders.

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

[Senate File 132](#), by Bolkcom, a bill for an act relating to delayed deposit services including fees, notices, transaction amounts, and reporting requirements.

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

[Senate File 133](#), by Bolkcom, a bill for an act creating a greenhouse gas registry.

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

[Senate File 134](#), by Putney, a bill for an act relating to legal actions involving disputed boundaries.

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

[Senate File 135](#), by Seng, Horn, Hatch, Kreiman, Bolkcom, Black, Kibbie, Dearden, Gaskill, Lundby, Johnson, and McKibben, a bill for an act regulating dangerous wild animals, including their ownership and possession, requiring registration, providing for fees and appropriations, and providing penalties.

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

[Senate File 136](#), by Putney and Kibbie, a bill for an act relating to registration fees for certain motor trucks and providing effective and applicability dates.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

LOCAL GOVERNMENT

Bill Title: [SENATE FILE 130](#) (formerly [SF 22](#)), a bill for an act relating to commissions that oversee memorial buildings and monuments.

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 131 \(SSB 1125\)](#), a bill for an act relating to publication of property assessment equalization orders.

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.

STATE GOVERNMENT

Bill Title: [SENATE FILE 129 \(SSB 1029\)](#), a bill for an act relating to the racing and gaming commission by modifying provisions regulating horses involved in horse racing and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *[SENATE FILE 128 \(SSB 1055\)](#), a bill for an act relating to an increase in the taxes on cigarettes and tobacco products, imposing an inventory tax on tobacco products, creating a health care trust fund, and providing an effective date and providing an applicability provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkom, McCoy, Appel, Connolly, Dotzler, Hogg, Lundby, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, and Ward. Nays, 3: McKibben, Angelo, and Wieck. 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 128](#), and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 3:00 p.m., President Kibbie presiding.

QUORUM CALL

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

The vote revealed 44 present, 6 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gaskill, until he arrives, on request of Senator Putney; Senator Boettger, until she arrives, on request of Senator Angelo; and Senator Connolly, 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 25, 34, and 41.

[Senate File 25](#)

On motion of Senator Hancock, [Senate File 25](#), a bill for an act relating to the payment of victim restitution by a person convicted of a criminal offense, was taken up for consideration.

Senator Quirnbach asked and received unanimous consent to withdraw amendment [S-3020](#), filed by Senators Quirnbach and Kreiman on January 31, 2007, to page 1 of the bill.

Senator Lundby asked and received unanimous consent that action on [Senate File 25](#) be **deferred**.

[Senate File 34](#)

On motion of Senator Hancock, [Senate File 34](#), a bill for an act requiring the use of child restraint systems or seat belts by motor

vehicle passengers under eighteen years of age and making a penalty applicable, with report of committee recommending passage, 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. 34](#)), the vote was:

Yeas, 39:

Appel	Gronstal	Kreiman	Schmitz
Beall	Hahn	McCoy	Schoenjahn
Black	Hancock	McKibben	Seng
Bolkcom	Hartsuch	Mulder	Seymour
Courtney	Hatch	Noble	Stewart
Danielson	Heckroth	Olive	Ward
Dearden	Hogg	Putney	Warnstadt
Dotzler	Horn	Quirnbach	Wieck
Dvorsky	Johnson	Ragan	Wood
Fraise	Kibbie	Rielly	

Nays, 8:

Angelo	Houser	Lundby	Zaun
Behn	Kettering	McKinley	Zieman

Absent, 3:

Boettger	Connolly	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 41](#)

On motion of Senator Hancock, [Senate File 41](#), a bill for an act relating to the disposition of unclaimed property concerning minerals, was taken up for consideration.

Senator Lundby asked and received unanimous consent that action on [Senate File 41](#) be **deferred**.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 74 and 75.

Senate File 74

On motion of Senator Wood, **Senate File 74**, a bill for an act renaming health-related examining boards as licensing boards, 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. 74**), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Boettger	Connolly	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 75

On motion of Senator Schmitz, **Senate File 75**, a bill for an act relating to the registration of pharmacy technicians, 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. 75](#)), the vote was:

Yeas, 30:

Appel	Dvorsky	Kibbie	Schmitz
Beall	Fraise	Kreiman	Schoenjahn
Black	Gronstal	McCoy	Seng
Bolkcom	Hancock	McKibben	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	
Dotzler	Horn	Rielly	

Nays, 17:

Angelo	Johnson	Noble	Zaun
Behn	Kettering	Putney	Zieman
Hahn	Lundby	Seymour	
Hartsuch	McKinley	Ward	
Houser	Mulder	Wieck	

Absent, 3:

Boettger	Connolly	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 Files 34, 74, and 75** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:30 p.m. until 1:00 p.m., Monday, February 12, 2007.

APPENDIX—2**REPORTS OF COMMITTEE MEETINGS****ECONOMIC GROWTH**

Convened: Thursday, February 8, 2007, 1:40 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 Iowa State University Department of Research and Economic Development.

Adjourned: 2:30 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Thursday, February 8, 2007, 1:40 p.m.

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

Members Absent: Gaskill, Ranking Member; Bolkom (excused), and Lundby.

Committee Business: Presentation by Agronomy Professor Dr. Rick Cruse from Iowa State University.

Adjourned: 2:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, February 8, 2007, 10:00 a.m.

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

Members Absent: None.

Committee Business: Passed LSB 1043ja (as amended).

Recessed: 10:10 a.m.

Reconvened: 10:20 a.m.

Adjourned: 10:55 a.m.

INTRODUCTION OF BILL

[Senate File 137](#), by committee on State Government, a bill for an act providing for the registration of associate real estate appraisers, prohibiting improper influence over an appraiser's evaluation opinion, and imposing a penalty.

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

STUDY BILLS RECEIVED

[SSB 1190](#) **Commerce**

Increasing proof of financial responsibility and insurance coverage requirements for damages resulting from motor vehicle accidents.

[SSB 1191](#) **Local Government**

Relating to documents recorded with the county recorder.

[SSB 1192](#) **Labor and Business Relations**

Relating to asbestos removal and encapsulation regulations as enforced by the labor commissioner.

[SSB 1193](#) **Appropriations**

Relating to and making appropriations to the justice system.

[SSB 1194](#) **Appropriations**

Relating to and making appropriations to the judicial branch.

[SSB 1195](#) **Human Resources**

Relating to entities and activities regulated by the Iowa department of public health, including the practices of optometry and mortuary science, establishment of a state public health dental director and an oral health bureau, membership on the child death review team, and immunity for emergency response, and providing for the revision of fees.

SSB 1196 Local Government

Relating to certain overpayments of moneys to a county.

SUBCOMMITTEE ASSIGNMENTS

Senate File 108

TRANSPORTATION: Danielson, Chair; Heckroth and Noble

Senate File 113

APPROPRIATIONS: Dvorsky, Chair; Gaskill and Hogg

Senate File 120

APPROPRIATIONS: Dvorsky, Chair; and Angelo

Senate File 121

APPROPRIATIONS: Dvorsky, Chair; and Angelo

Senate File 124

HUMAN RESOURCES: Quirnbach, Chair; Boettger and Bolkcom

SSB 1190

COMMERCE: Olive, Chair; Rielly and Ward

SSB 1191

LOCAL GOVERNMENT: Quirnbach, Chair; Kreiman and Zaun

SSB 1192

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

SSB 1193

APPROPRIATIONS: Hancock, Chair; Angelo and Dvorsky

SSB 1194

APPROPRIATIONS: Hancock, Chair; Angelo and Dvorsky

SSB 1195

HUMAN RESOURCES: Schmitz, Chair; Boettger and Hatch

SSB 1196

LOCAL GOVERNMENT: Olive, Chair; Hartsuch and Stewart

FINAL COMMITTEE REPORT OF BILL ACTION

STATE GOVERNMENT

Bill Title: SENATE FILE 137 (SSB 1030), a bill for an act providing for the registration of associate real estate appraisers, prohibiting improper influence over an appraiser's evaluation opinion, and imposing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 137, and they were attached to the committee report.

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

Melody Higgins – Board of Athletic Training Examiners

Michael Steele – Child Advocacy Board

Theresa Legg – Commission on the Deaf

Daniel Ernst – Commission of Elder Affairs

Leroy Plasier – Commission of Elder Affairs

Shirley Sorenson – Commission of Elder Affairs

Ruth Krueger – Iowa Empowerment Board

Marguerite Macek – Iowa Empowerment Board

Cathy Ryba – Iowa Empowerment Board

John White – Iowa Empowerment Board

Cyndi Chen – Administrator to the Division on the Status of Iowans of Asian and Pacific Islander Heritage

Vinh Nguyen – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Ilima Young-Dunn – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

David Johnson – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Steven Soddors – Commission on Tobacco Use Prevention and Control

STATE GOVERNMENT

Todd Christensen – Elevator Safety Board

Yogesh Shah – Board of Medical Examiners

Tom Colvin – Iowa Board of Veterinary Medicine

AMENDMENT FILED

S-3024

S.F. 61

House