

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 5, 2007

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JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 5, 2007

The Senate met in regular session at 1:04 p.m., President Kibbie presiding.

Prayer was offered by Reverend Al Henderson, pastor of the St. Paul Lutheran Church in Fort Dodge, Iowa. He was the guest of Senator Beall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Natalie Gilkenson.

The Journal of Thursday, February 1, 2007, was approved.

INTRODUCTION OF RESOLUTION

[Senate Resolution 10](#), by Dvorsky and Lundby, a resolution honoring Senator Wally Horn as he begins his thirty-fifth year of service as a member of the Iowa General Assembly representing the Cedar Rapids area.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Courtney, until he arrives, on request of Senator Gronstal; and Senator Houser, until he arrives, on request of Senator Angelo.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 95](#).

[Senate File 95](#)

On motion of Senator Warnstadt, [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, was taken up for consideration.

Senator McKibben offered amendment [S-3021](#), filed by Senators McKibben and Angelo from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-3021](#) 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. 95](#)), 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	Hatch	Mulder	Ward
Connolly	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Courtney

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 95](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:48 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:50 p.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 10](#), a resolution honoring Senator Wally Horn as he begins his thirty-fifth year of service as a member of the Iowa General Assembly representing the Cedar Rapids area.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Lundby, Angelo, Courtney, Danielson, Dearden, Dvorsky, Mulder, Ragan, and Wieck. 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 10](#).

Senate Resolution 10

On motion of Senator Dvorsky, Senate Resolution 10, a resolution honoring Senator Wally Horn as he begins his thirty-fifth year of service as a member of the Iowa General Assembly representing the Cedar Rapids area, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 10, which motion prevailed by a voice vote.

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 1, 2007, **passed** the following bill in which the concurrence of the Senate is asked:

House File 5, a bill for an act relating to the maximum finance charge allowed for consumer loans secured by a certificate of title to a motor vehicle and making penalties applicable.

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:57 p.m. until 8:45 a.m., Tuesday, February 6, 2007.

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

Iowa Medical Drug Utilization Review Assistance Commission Annual Report, pursuant to Iowa Code section 249A.24. Report received on February 2, 2007.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, February 1, 2007, 9:55 a.m.

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

Members Absent: Black (excused).

Committee Business: Presentation by the Department of Natural Resources.

Adjourned: 10:45 a.m.

HUMAN RESOURCES

Convened: Monday, February 5, 2007, 4:05 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Seymour, Ranking Member; Behn, Boettger, Bolkcom, Dotzler, Johnson, Mulder, Quirmbach, and Wood.

Members Absent: Hatch and Kreiman (both excused).

Committee Business: Approved Governor's appointments and subcommittee assignments.

Adjourned: 4:10 p.m.

JUDICIARY

Convened: Monday, February 5, 2007, 3:10 p.m.

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

Members Absent: None.

Committee Business: Approved Governor's appointments and approved [SSB 1095](#).

Adjourned: 3:20 p.m.

LOCAL GOVERNMENT

Convened: Monday, February 5, 2007, 2:30 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 58](#).

Adjourned: 2:35 p.m.

RULES AND ADMINISTRATION

Convened: Monday, February 5, 2007, 1:50 p.m.

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

Members Absent: None.

Committee Business: Approved [SR 10](#).

Adjourned: 1:55 p.m.

STATE GOVERNMENT

Convened: Monday, February 5, 2007, 2:25 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: Presentation by the Iowa Freedom of Information Council.

Adjourned: 3:00 p.m.

TRANSPORTATION

Convened: Monday, February 5, 2007, 4:05 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 [SF 34](#).

Adjourned: 4:15 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 11](#), by Gronstal, Warnstadt, and Lundby, a resolution designating February 6, 2007, as Iowa Insurance Day.

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

INTRODUCTION OF BILLS

[Senate File 97](#), by Boettger, a bill for an act relating to information regarding deceased persons, including notifying surviving family members about the death of a family member and prohibiting the dissemination of the name of a deceased person over a radio broadcasting system under certain circumstances.

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

[Senate File 98](#), by committee on Economic Growth, a bill for an act relating to historic preservation and cultural and entertainment district tax credits, making appropriations, and providing applicability date provisions.

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

[Senate File 99](#), by Bolckcom, a bill for an act relating to reporting requirements for delayed deposit services and making penalties applicable.

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

[Senate File 100](#), by Bolckcom, a bill for an act requiring certain Iowa national pollutant discharge elimination system program permit holders to post signs at discharge points and providing a penalty.

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

[Senate File 101](#), by Bolkcom, a bill for an act creating a bicycle traffic safety fund and a special share-the-road motor vehicle registration plate, establishing fees, and making an appropriation.

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

[Senate File 102](#), by Heckroth, a bill for an act to allow an ambulance manufacturer to act as an ambulance dealer.

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

[Senate File 103](#), by Bolkcom, a bill for an act relating to offenses against identity by providing a procedure to secure credit information and providing a penalty.

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

[Senate File 104](#), by Bolkcom, a bill for an act relating to the age at which an elector is eligible to register to vote and to vote in a school district election.

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

[Senate File 105](#), by Zieman, a bill for an act providing a property tax exemption for certain recreational property and including effective date and retroactive applicability date provisions.

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

[Senate File 106](#), by Connolly, a bill for an act relating to the sales and use taxes on the operation of bingo games.

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

[Senate File 107](#), by Dearden, a bill for an act relating to the issuance of permits to carry weapons.

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

[Senate File 108](#), by Danielson, a bill for an act relating to the operation of an all-terrain vehicle on the highway for the purpose of plowing snow on private driveways.

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

[Senate File 109](#), 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 1159](#) **Transportation**

Requiring the posting of close-clearance warning devices by railroads and providing a penalty.

[SSB 1160](#) **Transportation**

Establishing preclicensing and continuing education requirements for used motor vehicle dealers.

[SSB 1161](#) **Local Government**

Relating to local governments by creating a local government innovation commission and fund, creating a center for governing excellence, and including an effective date.

SSB 1162 Local Government

Relating to local regulation of smoking.

SSB 1163 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 1164 Judiciary

Relating to the time period for which peace officers' investigative reports and specific portions of electronic mail and telephone billing records are to be kept confidential.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 1**

WAYS AND MEANS: Bolkcom, Chair; Connolly and McKibben

Senate File 37

TRANSPORTATION: McCoy, Chair; Hancock and Houser

Senate File 73

JUDICIARY: Quirmbach, Chair; Kreiman and Noble

Senate File 80

TRANSPORTATION: Warnstadt, Chair; Heckroth and Noble

Senate File 83

WAYS AND MEANS: Appel, Chair; Quirmbach and Wieck

Senate File 92

WAYS AND MEANS: Quirmbach, Chair; Hogg and Wieck

Senate File 94

WAYS AND MEANS: Seng, Chair; Putney and Stewart

[SSB 1059](#)

TRANSPORTATION: Warnstadt, Chair; Heckroth and Putney

[SSB 1160](#)

TRANSPORTATION: Danielson, Chair; Hancock and Zaun

[SSB 1161](#)

LOCAL GOVERNMENT: Quirmbach, Chair; Heckroth and Zaun

[SSB 1162](#)

LOCAL GOVERNMENT: Quirmbach, Chair; Kreiman and Zaun

[SSB 1163](#)

EDUCATION: Schoenjahn, Chair; Appel and Mulder

[SSB 1164](#)

JUDICIARY: Schoenjahn, Chair; Behn and Kreiman

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH

Bill Title: *[SENATE FILE 98 \(SSB 1082\)](#), a bill for an act relating to historic preservation and cultural and entertainment district tax credits, making appropriations, and providing 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.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth Committee on [Senate File 98](#), and they were attached to the committee report.

EDUCATION

Bill Title: [SENATE FILE 109 \(SSB 1163\)](#), 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, 13: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Johnson, Kreiman, Quirmbach, Schmitz, Wood, and Zieman. Nays, none. Absent, 2: Angelo and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: [SENATE FILE 58](#), a bill for an act relating to the number of signatures required on nomination papers for the office of mayor in certain cities.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Quirmbach, 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: [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.

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.

AMENDMENTS FILED

S-3021	S.F. 95	Larry McKibben
		Jeff Angelo
S-3022	S.F. 70	Brian Schoenjahn