

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 19, 2007

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY
TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 19, 2007

The Senate met in regular session at 1:00 p.m., President Kibbie presiding.

Prayer was offered by Reverend Dennis Johnson, pastor of the Lutheran Church of the Resurrection in Marion, Iowa. He was the guest of Senator Lundby.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Shauna Agan.

The Journal of Thursday, February 15, 2007, 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 13, 2007, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 109](#), 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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Ward, for the day, on request of Senator Lundby.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:35 p.m. until 8:45 a.m., Tuesday, February 20, 2007.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Agnes Weber, Sioux City—For celebrating her 80th birthday. Senator Warnstad (2/19/07).

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:

COUNTY REAL ESTATE ELECTRONIC GOVERNMENT ADVISORY COMMITTEE

Third supplemental report, pursuant to 2006 Iowa Acts, [House File 2794](#). Report received on February 15, 2007.

DEPARTMENT OF REVENUE

2006 report of the Iowa Streamlined Sales Tax Advisory Council, pursuant to 2006 Iowa Acts, [House File 683](#). Report received on February 19, 2007.

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Thursday, February 15, 2007, 2:35 p.m.

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

Members Absent: Houser, Ranking Member (excused).

Committee Business: Approved [SSB 1017](#) and presentation by the University of Iowa.

Adjourned: 3:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, February 15, 2007, 10:30 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: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

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

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

Members Absent: None.

Committee Business: Discussion of mental health issues.

Adjourned: 11:50 a.m.

STATE GOVERNMENT

Convened: Monday, February 19, 2007, 2:35 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 [SSB 1172](#).

Adjourned: 2:50 p.m.

INTRODUCTION OF BILLS

[Senate File 200](#), by committee on Judiciary, a bill for an act providing for the liability of a landowner of land where livestock are kept or an owner of adjoining land for erecting and maintaining a fence, and providing for the assessment of property taxes.

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

[Senate File 201](#), by committee on Local Government, a bill for an act relating to county recorder fees for certified copies of certain vital statistics records, and providing an effective date.

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

[Senate File 202](#), by committee on State Government, a bill for an act relating to the disposition of certain unclaimed property.

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

[Senate File 203](#), by committee on Natural Resources and Environment, a bill for an act requiring certain children to wear personal flotation devices while on board certain vessels operated on state waters and providing for a penalty and an effective date.

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

[Senate File 204](#), by committee on Judiciary, a bill for an act relating to the department of public safety practices and procedures.

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

[Senate File 205](#), by committee on Economic Growth, a bill for an act relating to the use of moneys in the Iowa cultural trust grant account by the board of trustees of the Iowa cultural trust.

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

[Senate File 206](#), by committee on Commerce, a bill for an act authorizing the formation of a professional corporation or a professional limited liability company by licensed real estate brokers.

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

[Senate File 207](#), by committee on Local Government, a bill for an act concerning local emergency management commission communications.

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

[Senate File 208](#), by committee on Local Government, a bill for an act relating to documents recorded with the county recorder.

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

[Senate File 209](#), by Bolkcom, a bill for an act providing for an Iowa farm-to-school program.

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

[Senate File 210](#), by Bolkcom, a bill for an act establishing a program for providing home visits for all families in the state with a newborn child.

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

[Senate File 211](#), by Bolkcom and Appel, a bill for an act establishing a task force to set state level nutrition standards for school districts and licensed preschools.

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

[Senate File 212](#), by committee on Local Government, a bill for an act relating to the salary of deputy officers in certain county offices and providing an applicability date.

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

[Senate File 213](#), by Danielson, a bill for an act relating to deficiencies in the repair or construction of residential real property.

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

[Senate File 214](#), by Danielson, a bill for an act requiring the dissemination of a medical assistance summary notice to all program recipients.

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

[Senate File 215](#), by Danielson, a bill for an act providing for the modification of property divisions made pursuant to a dissolution of marriage.

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

[Senate File 216](#), by Danielson and Horn, a bill for an act providing for candidate physical ability tests for fire fighter applicants under the statewide fire and police retirement system.

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

[Senate File 217](#), by Danielson, a bill for an act relating to emergency medical services training.

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

[Senate File 218](#), by Danielson, Zieman, Hahn, Bolkcom, Ragan, Hancock, Zaun, Kettering, Houser, Gaskill, Schoenjahn, Black, Courtney, Dearden, Lundby, Fraise, Mulder, Kreiman, Horn, Connolly, Stewart, Dotzler, Dvorsky, Warnstadt, McCoy, Rielly, Olive, Appel, Kibbie, Wood, Schmitz, and Beall, a bill for an act concerning the licensure, operation, and taxation of card game tournaments by organizations representing veterans and allowable prizes at annual game nights.

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

[Senate File 219](#), by Danielson, a bill for an act concerning social gambling by religious institutions.

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

[Senate File 220](#), by Danielson, a bill for an act allowing a resident deer hunter to use a first shotgun season deer hunting license during the second shotgun deer hunting season to fill an unused tag.

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

[Senate File 221](#), by Danielson, a bill for an act providing a sales tax exemption for the construction and operation of nonprofit organizations that receive and distribute food.

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

[Senate File 222](#), by Hogg, a bill for an act relating to the Iowa economic emergency fund and the cash reserve fund by increasing the maximum balances of the funds and authorizing a contingent appropriation.

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

STUDY BILLS RECEIVED

[SSB 1245](#) **Natural Resources and Environment**

Relating to the regulation of snowmobiles and all-terrain vehicles, and providing fees and penalties.

[SSB 1246](#) **Judiciary**

Concerning the recognition and enforcement of civil judgments, orders, and decrees issued by a tribal court of a federally recognized Indian tribe and including an applicability provision.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 112](#)

STATE GOVERNMENT: Horn, Chair; Kibbie and Ziemann

[Senate File 122](#)

WAYS AND MEANS: Quirnbach, Chair; Noble and Seng

[Senate File 158](#)

ECONOMIC GROWTH: Beall, Chair; Mulder and Schmitz

[Senate File 168](#)

WAYS AND MEANS: Connolly, Chair; Putney and Schmitz

[Senate File 171](#)

WAYS AND MEANS: Bolkcom, Chair; Connolly and Wieck

[Senate File 172](#)

WAYS AND MEANS: Bolkcom, Chair; Angelo and Connolly

[Senate File 178](#)

WAYS AND MEANS: Dotzler, Chair; Putney and Stewart

[Senate File 180](#)

JUDICIARY: Kreiman, Chair; Dvorsky and McKibben

[Senate File 183](#)

ECONOMIC GROWTH: Dotzler, Chair; Rielly and Zaun

[Senate File 190](#)

HUMAN RESOURCES: Kreiman, Chair; Bolkcom and Johnson

[Senate File 194](#)

JUDICIARY: Kreiman, Chair; Dvorsky and McKibben

[Senate File 195](#)

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

[Senate File 198](#)

JUDICIARY: Dvorsky, Chair; Quirnbach and Zieman

[House File 199](#)

JUDICIARY: Schoenjahn, Chair; Kreiman and Noble

[SSB 1245](#)

NATURAL RESOURCES AND ENVIRONMENT: Hancock, Chair; Gaskill and Schoenjahn

[SSB 1246](#)

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *[SENATE FILE 206 \(SSB 1174\)](#), a bill for an act authorizing the formation of a professional corporation or a professional limited liability company by licensed real estate brokers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Warnstadt, Heckroth, Wieck, Bolcom, McKibben, Olive, Putney, Schoenjahn, and Stewart. Nays, none. Absent, 6: Angelo, Courtney, Kettering, McCoy, Rielly, 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 206](#), and they were attached to the committee report.

ECONOMIC GROWTH

Bill Title: [SENATE FILE 205 \(SSB 1017\)](#), a bill for an act relating to the use of moneys in the Iowa cultural trust grant account by the board of trustees of the Iowa cultural trust.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Stewart, Olive, Beall, Danielson, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, Seymour, and Zaun. Nays, none. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *[SENATE FILE 200](#) (formerly [SF 14](#)), a bill for an act providing for the liability of a landowner of land where livestock are kept or an owner of adjoining land for erecting and maintaining a fence, and providing for the assessment of property taxes.

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 200](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 204 \(SSB 1188\)](#), a bill for an act relating to the department of public safety practices and procedures.

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 204](#), and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: *[SENATE FILE 201 \(SSB 1127\)](#), a bill for an act relating to county recorder fees for certified copies of certain vital statistics records, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Quirnbach, Beall, Zaun, Hartsuch, Heckroth, Kreiman, Olive, Rielly, Schoenjahn, and Stewart. Nays, none. Absent, 3: Angelo, Houser, 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 Local Government Committee on [Senate File 201](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 207](#) (formerly [SF 90](#)), a bill for an act concerning local emergency management commission communications.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 208](#) ([SSB 1191](#)), a bill for an act relating to documents recorded with the county recorder.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Quirnbach, Beall, Zaun, Hartsuch, Heckroth, Kreiman, Olive, Rielly, Schoenjahn, and Stewart. Nays, none. Absent, 3: Angelo, Houser, 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 Local Government Committee on [Senate File 208](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 212](#) ([SSB 1126](#)), a bill for an act relating to the salary of deputy officers in certain county offices and providing an applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Quirnbach, Beall, Zaun, Hartsuch, Heckroth, Kreiman, Olive, Rielly, Schoenjahn, and Stewart. Nays, none. Absent, 3: Angelo, Houser, 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 Local Government Committee on [Senate File 212](#), and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: [SENATE FILE 203](#) (formerly [SF 149](#)), a bill for an act requiring certain children to wear personal flotation devices while on board certain vessels operated on state waters and providing for a penalty and an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Black, Hancock, Gaskill, Behn, Bolkom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, and Seng. Nays, none. Absent, 2: Schoenjahn and Wood.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *[SENATE FILE 202](#) ([SSB 1086](#)), a bill for an act relating to the disposition of certain unclaimed property.

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 202](#), and they were attached to the committee report.

AMENDMENT FILED

S-3035	S.F. 169	Frank B. Wood
S-3036	S.F. 7	Tom Hancock