

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 6, 2007

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JOURNAL OF THE SENATE

FIFTY-EIGHTH CALENDAR DAY
THIRTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 6, 2007

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

Prayer was offered by The Most Reverend R. Walker Nickless, bishop of the diocese of Sioux City. He was the guest of Senator Johnson.

The Journal of Monday, March 5, 2007, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:00 a.m. until 8:00 a.m., Wednesday, March 7, 2007.

APPENDIX

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 74](#), the following correction was made:

1. Page 55, line 30: “NEW PARAGRAPH” was changed to “NEW UNNUMBERED PARAGRAPH”.
2. Page 58, line 18: “New Section” was changed to “New Subsection”.

MICHAEL E. MARSHALL
Secretary of the Senate

CERTIFICATES OF RECOGNITION

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

Alice Frentress, Waterloo—For celebrating her 90th birthday. Senator Dotzler (3/6/07).

Daisy Herr—For celebrating her 100th birthday. Senator Courtney (3/6/07).

Gary and Donna Horak, Waterloo—For celebrating their 50th wedding anniversary. Senator Dotzler (3/6/07).

Sister Mary Carla Koestner, SSND, formerly of Burlington—For celebrating her 97th birthday. Senator Courtney (3/6/07).

Tom Mashek—For being inducted into the Buena Vista University Hall of Fame. Senator Courtney (3/6/07).

Mark Miller—For being recognized as the Mississippi Athletic Conference Coach of the Year. Senator Courtney (3/6/07).

Delbert and Mildred Pilling—For celebrating their 70th wedding anniversary. Senator Courtney (3/6/07).

Kayla Riley, Burlington—For being named the Mississippi Athletic Conference Player of the Year. Senator Courtney (3/6/07).

Gary and Betty Sumpter—For celebrating their 50th wedding anniversary. Senator Courtney (3/6/07).

Adam Test—For achieving the rank of Eagle Scout, Boy Scout Troop 40. Senator McCoy (3/6/07).

Harold and Beverly Todd—For celebrating their 50th wedding anniversary.
Senator Courtney (3/6/07).

Carl and Mary Wolkenhauer—For celebrating their 50th wedding anniversary.
Senator Courtney (3/6/07).

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: Monday, March 5, 2007, 3:40 p.m.

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

Members Absent: None.

Committee Business: Passed [SF 184](#) (as amended) and approved [SSB 1177](#) (as amended).

Recessed: 5:05 p.m.

Reconvened: 6:25 p.m.

Adjourned: 6:30 p.m.

AGRICULTURE

Convened: Tuesday, March 6, 2007, 9:50 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 209](#) (as amended) and approved [SSB 1001](#) (as amended).

Recessed: 10:00 a.m.

Reconvened: 10:35 a.m.

Adjourned: 11:05 a.m.

COMMERCE

Convened: Tuesday, March 6, 2007, 1:05 p.m.

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

Members Absent: McCoy (excused).

Committee Business: Approved [SSB 1175](#).

Adjourned: 1:10 p.m.

VETERANS AFFAIRS

Convened: Tuesday, March 6, 2007, 11:10 a.m.

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

Members Absent: Black (excused).

Committee Business: Passed [SF 257](#) and approved SSBs 1116 and 1117.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, March 6, 2007, 8:10 a.m.

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

Members Absent: None.

Committee Business: Discussion of bills.

Adjourned: 8:25 a.m.

INTRODUCTION OF RESOLUTION

[Senate Joint Resolution 3](#), by Angelo, Boettger, Zieman, Hartsuch, Ward, Wieck, Zaun, McKinley, Seymour, Gaskill, Johnson, Putney, McKibben, and Hahn, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the repeal of state programs.

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

INTRODUCTION OF BILLS

[Senate File 358](#), by committee on Transportation, a bill for an act establishing preclicensing and continuing education requirements for used motor vehicle dealers.

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

[Senate File 359](#), by committee on Human Resources, a bill for an act relating to the personal needs allowance for residents of certain facilities.

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

[Senate File 360](#), by committee on Commerce, a bill for an act relating to the regulatory duties of the division of banking of the department of commerce regarding banking, debt management, mortgage banking, industrial loan companies, and professional licensing.

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

[Senate File 361](#), by committee on State Government, a bill for an act concerning investment of certain public funds in companies doing business in Sudan by the treasurer of state, public retirement systems in Iowa, and the state board of regents.

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

[Senate File 362](#), by Beall, a bill for an act relating to the funding for snowmobile and all-terrain vehicle programs by making appropriations to restore transferred funding from snowmobile and all-terrain vehicle fees.

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

[Senate File 363](#), by Beall and Dotzler, a bill for an act relating to assessment of certain recreational property for purposes of property taxation.

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

[Senate File 364](#), by Beall, a bill for an act relating to school nurse employment and the provision of health services by school districts and providing an effective date.

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

[Senate File 365](#), by Beall, a bill for an act relating to forgivable loans for individuals enrolled in approved nursing education programs.

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

[Senate File 366](#), by Boettger, a bill for an act relating to the election of county sheriff on a nonpartisan basis and providing an effective date.

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

[Senate File 367](#), by committee on Commerce, a bill for an act creating an interim commission on affordable health care plans for small businesses and families and a health care data research advisory council, and making an appropriation.

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

[Senate File 368](#), by committee on Commerce, a bill for an act relating to franchises for the provision of cable service or video service including providing for fees and providing an effective date.

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

[Senate File 369](#), by committee on State Government, a bill for an act relating to voting machines and optical scan voting systems.

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

[Senate File 370](#), by committee on Commerce, a bill for an act relating to the regulation of credit unions by revising and reorganizing the Iowa credit union Act, making conforming changes, and providing for taxes, fees, and penalties.

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

[Senate File 371](#), by Noble, a bill for an act providing for the placement of highway signs honoring members of the state patrol killed in the line of duty.

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

[Senate File 372](#), by Rielly, a bill for an act authorizing the use of advance directives for mental health care and providing penalties.

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

[Senate File 373](#), by committee on Judiciary, a bill for an act relating to the postsecondary education subsidy.

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

[Senate File 374](#), by Hancock, a bill for an act allowing regions within the state to participate in a pilot project for regional emergency response districts and providing for a district tax levy.

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

[Senate File 375](#), by Hancock, a bill for an act relating to a person under legal age submitting to a preliminary screening test for the detection of the presence of alcohol, and providing a penalty.

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

[Senate File 376](#), by Angelo, a bill for an act relating to the transferability of investment tax credits for an eligible business that is a biodiesel project located in an enterprise zone.

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

[Senate File 377](#), by McKinley, Zaun, Kettering, Boettger, Hartsuch, Behn, Noble, Gaskill, Johnson, Angelo, McKibben, Hahn, Seymour, Zieman, Ward, Wieck, and Mulder, a bill for an act requiring proof of citizenship or lawful presence in this country for issuance of a driver's license or nonoperator's identification card.

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

[Senate File 378](#), by Kettering, a bill for an act requiring certain health care providers and temporary nurse agencies to have or supply documentation that criminal record and abuse registry checks have been performed on individuals who provide nursing services on a temporary basis.

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

[Senate File 379](#), by Zieman, a bill for an act relating to the exemption from the individual income tax of active duty pay for certain military service, and including effective and retroactive applicability date provisions.

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

[Senate File 380](#), by Noble, a bill for an act eliminating the requirement of the commission of certain predatory acts prior to civil commitment as a sexually violent predator.

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

STUDY BILLS RECEIVED

SSB 1310 Local Government

Relating to the construction bidding procedures Act by modifying procedures and requirements for letting public improvement contracts, and making corrections.

SSB 1311 Agriculture

Relating to the state interagency Missouri river authority, by providing for the participation in or withdrawal from interstate associations, providing for the appointment of a vice chairperson, and providing for duties of member agencies.

SSB 1312 Agriculture

Relating to motor fuel by establishing standards for the sale of biodiesel fuel, making penalties applicable, and providing for an effective date.

SSB 1313 Commerce

Reorganizing Code chapter provisions relating to the authority to engage in the business of insurance other than life insurance by transferring provisions, eliminating outdated provisions, and amending corresponding provisions, as necessary.

SSB 1314 Commerce

Relating to the regulation of savings and loan associations by the division of banking of the department of commerce.

SSB 1315 Agriculture

Relating to maximum size and weight requirements for vehicles hauling crops during the annual period of harvest.

SSB 1316 Veterans Affairs

Relating to the home ownership assistance program for Iowa residents who are eligible members of the armed forces of the United States.

SSB 1317 Veterans Affairs

Creating a Vietnam Conflict veterans bonus for a certain period of active duty military service, making an appropriation, and providing a tax exemption and a penalty.

SSB 1318 Judiciary

Relating to civil liability for damages relating to the use of an automated external defibrillator in sudden cardiac arrest emergencies.

SSB 1319 Judiciary

Relating to mechanics' liens.

SSB 1320 Transportation

Providing for an agricultural-biomanufacturing initiative and making an appropriation.

SSB 1321 Agriculture

Relating to animal feeding operations, by providing for the enforcement of regulatory provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 3**

STATE GOVERNMENT: Black, Chair; Kibbie and McKibben

Senate File 312

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

[Senate File 315](#)

JUDICIARY: McKibben, Chair; Hogg and Kreiman

[Senate File 323](#)

WAYS AND MEANS: Connolly, Chair; Bolkcom and Wieck

[Senate File 325](#)

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

[Senate File 328](#)

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

[Senate File 329](#)

AGRICULTURE: Courtney, Chair; Black and Putney

[Senate File 330](#)

JUDICIARY: Kreiman, Chair; Dvorsky and Zieman

[Senate File 342](#)

HUMAN RESOURCES: Kreiman, Chair; Ragan and Seymour

[Senate File 371](#)

TRANSPORTATION: Noble, Chair; Hancock and Rielly

[Senate File 372](#)

HUMAN RESOURCES: Kreiman, Chair; Ragan and Seymour

[House File 432](#)

JUDICIARY: Fraise, Chair; Hartsuch and Quirmbach

[SSB 1310](#)

LOCAL GOVERNMENT: Quirmbach, Chair; Hartsuch and Olive

[SSB 1311](#)

AGRICULTURE: Mulder, Chair; Houser and Olive

[SSB 1312](#)

AGRICULTURE: Kibbie, Chair; Boettger and Rielly

[SSB 1313](#)

COMMERCE: McCoy, Chair; Olive and Wieck

[SSB 1314](#)

COMMERCE: Heckroth, Chair; Courtney and Kettering

[SSB 1315](#)

AGRICULTURE: Fraise, Chair; Gaskill and Kibbie

[SSB 1316](#)

VETERANS AFFAIRS: Beall, Chair; Black, Danielson, Hartsuch, Horn, Kibbie, McKibben, McKinley, Ragan, Seymour, and Warnstadt

[SSB 1317](#)

VETERANS AFFAIRS: Beall, Chair; Black, Danielson, Hartsuch, Horn, Kibbie, McKibben, McKinley, Ragan, Seymour, and Warnstadt

[SSB 1318](#)

JUDICIARY: Kreiman, Chair; Fraise and Hartsuch

[SSB 1319](#)

JUDICIARY: Kreiman, Chair; Fraise and Ward

[SSB 1320](#)

TRANSPORTATION: Rielly, Chair; Hancock and Putney

[SSB 1321](#)

AGRICULTURE: Black, Chair; Johnson and Rielly

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *[SENATE FILE 360 \(SSB 1178\)](#), a bill for an act relating to the regulatory duties of the division of banking of the department of commerce regarding banking, debt management, mortgage banking, industrial loan companies, and professional licensing.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Warnstadt, Heckroth, Wieck, Bolkcom, Courtney, Kettering, McCoy, McKibben, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 1: 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 360](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 367 \(SSB 1207\)](#), a bill for an act creating an interim commission on affordable health care plans for small businesses and families and a health care data research advisory council, and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Warnstadt, Wieck, Bolkcom, Courtney, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 5: Heckroth, Angelo, Kettering, McCoy, 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 367](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 368 \(SSB 1208\)](#), a bill for an act relating to franchises for the provision of cable service or video service including providing for fees and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Warnstadt, Wieck, Bolkcom, Courtney, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 5: Heckroth, Angelo, Kettering, McCoy, 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 368](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 370](#) (formerly [SF 38](#)), a bill for an act relating to the regulation of credit unions by revising and reorganizing the Iowa credit union Act, making conforming changes, and providing for taxes, fees, and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Warnstadt, Heckroth, Wieck, Bolkcom, Courtney, Kettering, McCoy, McKibben, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: *[SENATE FILE 359](#) (formerly [SF 123](#)), a bill for an act relating to the personal needs allowance for residents of certain facilities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Schmitz, Seymour, Behn, Boettger, Bolkcom, Dotzler, 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 359](#), and they were attached to the committee report.

JUDICIARY

Bill Title: [SENATE FILE 373](#) ([SSB 1281](#)), a bill for an act relating to the postsecondary education subsidy.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Kreiman, Hogg, McKibben, Behn, Dvorsky, Fraise, Hancock, Horn, Noble, Quirmbach, Schoenjahn, Ward, and Warnstadt. Nays, 1: Hartsuch. Present, 1: Zieman. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *[SENATE FILE 361](#) ([SSB 1106](#)), a bill for an act concerning investment of certain public funds in companies doing business in Sudan by the treasurer of state, public retirement systems in Iowa, and the state board of regents.

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

ALSO:

Bill Title: *[SENATE FILE 369 \(SSB 1104\)](#), a bill for an act relating to voting machines and optical scan voting systems.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Zieman, Appel, Behn, Black, Danielson, Gaskill, Hahn, Hatch, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, 1: Kettering.

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

TRANSPORTATION

Bill Title: *[SENATE FILE 358 \(SSB 1160\)](#), a bill for an act establishing prelicensing and continuing education requirements for used motor vehicle dealers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Rielly, Danielson, Noble, Beall, Dearden, Hancock, Heckroth, Houser, Warnstadt, and Zaun. Nays, none. Present, 1: Zieman. Absent, 2: McCoy 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 Transportation Committee on [Senate File 358](#), and they were attached to the committee report.

AMENDMENT FILED

[S-3065](#)

[S.F. 128](#)

Larry McKibben
Jeff Angelo