

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, JANUARY 29, 2009

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JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY
TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 29, 2009

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

Prayer was offered by the Honorable Gene Fraise, Senator from Lee County, Fort Madison, Iowa. He was the guest of Senator Kibbie.

The Journal of Wednesday, January 28, 2009, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 7](#).

[Senate Resolution 7](#)

On motion of Senator Dotzler, [Senate Resolution 7](#), a resolution to recognize the Iowa Small Business Development Centers and honor 2008 award winners Sally Nichols and John Lohman, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler moved the adoption of [Senate Resolution 7](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Dotzler introduced to the Senate chamber the 2008 Entrepreneur of the Year award winners, Sally Nichols and John Lohman, and the Program Director of the Small Business Development Center, Jim Heckmann.

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 9:20 a.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:21 a.m. until 1:00 p.m., Monday, February 2, 2009.

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 PUBLIC SAFETY

Statewide Interoperable Communications System Board Annual Report for 2008, pursuant to 2007 Iowa Acts, [HF 353](#). Report received on January 29, 2009.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Students from Iowa Central Community College Student Senate, accompanied by David Drissell and President Eric Niesen. Senator Beall.

Students from Hawkeye Community College, Waterloo. Senator Dotzler.

Students from Marshalltown Community College, Marshalltown, and Ellsworth Community College, Iowa Falls, accompanied by Cindy Schulte. Senator Sodders.

Students from Northeast Iowa Community College, Calmar. Senator Wilhelm.

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Thursday, January 29, 2009, 1:05 p.m.

Members Present: Stewart, Chair; Olive, Vice Chair; Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm.

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

Committee Business: Approved [SSB 1043](#). Presentations on biotechnology.

Adjourned: 1:50 p.m.

NATURAL RESOURCES

Convened: Thursday, January 29, 2009, 1:00 p.m.

Members Present: Dearden, Chair; Hancock, Vice Chair; Hahn, Ranking Member; Bartz, Black, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng.

Members Absent: Bolkcom and Fraise (both excused).

Committee Business: Presentation by the Department of Natural Resources.

Adjourned: 1:40 p.m.

REBUILD IOWA

Convened: Thursday, January 29, 2009, 2:10 p.m.

Members Present: Hogg, Chair; Heckroth, Vice Chair; Hamerlinck, Ranking Member; Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Jochum, Reynolds, and Stewart.

Members Absent: Houser (excused).

Committee Business: Presentations on small business flood recovery.

Adjourned: 3:10 p.m.

RULES AND ADMINISTRATION

Convened: Thursday, January 29, 2009, 9:05 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed [SCR 2](#) and [SR 8](#).

Adjourned: 9:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, January 29, 2009, 10:35 a.m.

Members Present: Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; Behn, and Kreiman.

Members Absent: None.

Committee Business: Discussion of Iowa Water Quality Loan Program. Legislative Services Agency's review of Governor's budget recommendations.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, January 29, 2009, 10:40 a.m.

Members Present: Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; and Wilhelm.

Members Absent: Houser (excused).

Committee Business: Presentation by the Department of Investigations and Appeals.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, January 29, 2009, 10:35 a.m.

Members Present: Schoenjahn, Chair; Quirnbach, Vice Chair; Boettger, Ranking Member; Feenstra and Horn.

Members Absent: None.

Committee Business: Presentations by the Board of Regents and Iowa Student Aid Commission.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON THE JUSTICE SYSTEM

Convened: Thursday, January 29, 2009, 10:35 a.m.

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

Members Absent: Fraise (excused).

Committee Business: Presentation by the Acting State Public Defender.

Adjourned: 11:35 a.m.

INTRODUCTION OF RESOLUTIONS

[Senate Concurrent Resolution 2](#), by the committee on Rules and Administration, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-third general assembly.

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

[Senate Resolution 8](#), by the committee on Rules and Administration, a senate resolution relating to permanent rules of the senate for the eighty-third general assembly.

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

INTRODUCTION OF BILLS

[Senate File 76](#), by Johnson, Kettering, Kapucian, Reynolds, Ward, McKinley, Boettger, Wieck, Seymour, Feenstra, Hahn, and Houser, a bill for an act relating to early school starts and providing effective and applicability dates.

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

[Senate File 77](#), by Zaun, a bill for an act establishing a multiple sclerosis support fund and authorizing lottery games to benefit persons with multiple sclerosis.

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

[Senate File 78](#), by Noble, a bill for an act relating to scrap metal transactions, prohibiting certain sales, and imposing criminal penalties.

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

[Senate File 79](#), by Kibbie, a bill for an act modifying wind energy production tax credit eligibility requirements, providing for a refund of sales and use taxes, and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and referred to committee on **Environment and Energy Independence**.

[Senate File 80](#), by Johnson, a bill for an act modifying wind energy production tax credit certification procedures and eligibility requirements, providing refund of the sales and use taxes, providing refund of sales and use taxes, and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and referred to committee on **Environment and Energy Independence**.

[Senate File 81](#), by committee on Education, a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

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

STUDY BILLS RECEIVED

[SSB 1125](#) **Economic Growth**

Relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

SSB 1126 Commerce

Relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates.

SSB 1127 State Government

Requiring the licensing of abstractors within the department of commerce, establishing fees, penalties, and judicial remedies, and providing an effective date.

SSB 1128 State Government

Relating to an agreement among the states to elect the president by national popular vote and providing an effective date.

SSB 1129 State Government

Providing compensatory time off for holiday work for peace officer supervisors employed by the department of public safety or the department of natural resources.

SSB 1130 State Government

Relating to the licensing of persons installing fire protection systems.

SSB 1131 State Government

Providing shift differential pay for peace officer supervisors employed by the department of public safety or the department of natural resources.

SSB 1132 Human Resources

Relating to the licensing and inspection of hospitals.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 47](#)

LOCAL GOVERNMENT: Beall, Chair; Hamerlinck and Rielly

[Senate File 72](#)

EDUCATION: Appel, Chair; Boettger and Sodders

[Senate File 73](#)

APPROPRIATIONS: Dvorsky, Chair; and Kettering

[Senate File 74](#)

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

[Senate File 78](#)

JUDICIARY: Schoenjahn, Chair; Hancock and Noble

[SSB 1125](#)

ECONOMIC GROWTH: Heckroth, Chair; Beall and Houser

[SSB 1126](#)

COMMERCE: Dandekar, Chair; Behn and Rielly

[SSB 1127](#)

STATE GOVERNMENT: Horn, Chair; Kibbie and Seymour

[SSB 1128](#)

STATE GOVERNMENT: Courtney, Chair; Feenstra and Jochum

[SSB 1129](#)

STATE GOVERNMENT: Sodders, Chair; Danielson and Wieck

[SSB 1130](#)

STATE GOVERNMENT: Danielson, Chair; Behn and Sodders

[SSB 1131](#)

STATE GOVERNMENT: Soddors, Chair; Danielson and Wieck

[SSB 1132](#)

HUMAN RESOURCES: Dotzler, Chair; Schmitz and Seymour

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: *[SENATE FILE 81 \(SSB 1013\)](#), a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Soddors, and Wilhelm. 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 81](#), and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: [SENATE CONCURRENT RESOLUTION 2](#), a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-third general assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 8](#), a senate resolution relating to permanent rules of the senate for the eighty-third general assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on January 29, 2009, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As a member of the Grape and Wine Development Commission:

SHARMAN WERSEN – Rielly, Chair; Seng and Boettger

ECONOMIC GROWTH

As a member of the Iowa Economic Development Board:

JOHN BICKEL – Rielly, Chair; Heckroth and Houser

EDUCATION

As a member of the Board of Educational Examiners:

LAURA STEVENS – Johnson, Chair; Sodders and Wilhelm

As a member of the State Board of Regents:

GRETA JOHNSON – Quirnbach, Chair; Dvorsky and Boettger

HUMAN RESOURCES

As members of the Iowa Autism Council:

KATHERINE BYERS – Hartsuch, Chair; Schmitz and Bolkcom
JOSHUA COBBS – Hartsuch, Chair; Schmitz and Bolkcom
KEITH GATROST – Bartz, Chair; Dotzler and Hatch
GHADA HAMDAN-ALLEN – Bartz, Chair; Dotzler and Hatch
JOHN KOHLES – Boettger, Chair; Wilhelm and Quirnbach
STEVEN MULLER – Boettger, Chair; Wilhelm and Quirnbach
PAMELA PARKER – Boettger, Chair; Wilhelm and Quirnbach
MARY PERCIVAL – Johnson, Chair; Ragan and Kreiman
DANIELLE SHARPE – Johnson, Chair; Ragan and Kreiman
BARBARA STINEMAN – Johnson, Chair; Ragan and Kreiman
CHARLES WADLE – Seymour, Chair; Hatch and Bolkcom

PATRICK WESTHOFF – Seymour, Chair; Hatch and Bolcom
CATHY YOUNG – Dotzler, Chair; Seymour and Ragan

As a member of the Board of Behavioral Science:

DANIEL HARKNESS – Seymour, Chair; Hatch and Bolcom

As a member of the Commission for the Blind:

STEVEN HAGEMOSER – Bartz, Chair; Hatch and Dotzler

As a member of the Commission of Elder Affairs:

FRANK LEU – Wilhelm, Chair; Kreiman and Johnson

As Director of the Department of Human Services:

EUGENE GESSOW – Hatch, Chair; Bolcom and Seymour

As a member of the Commission on Status of Iowans of Asian and Pacific Islander Heritage:

GEORGE YOUI SAYAVONG – Hartsuch, Chair; Schmitz and Bolcom

As a member of the Prevention of Disabilities Policy Council:

CHERYLL JONES – Kreiman, Chair; Ragan and Johnson

JUDICIARY

As a member of the Iowa Drug Policy Advisory Council:

DAVID LORENZEN – Fraise, Chair; Hancock and Noble

LABOR AND BUSINESS RELATIONS

As members of the Plumbing and Mechanical Systems Examining Board:

PATRICIA BROERMAN – Dearden, Chair; Hatch and Ward
CAROL CRANE – Horn, Chair; Dotzler and Wieck
THOMAS DAY – Horn, Chair; Courtney and Zaun
MICKEY GAGE – Dearden, Chair; Hatch and Houser
JANE HAGEDORN – Horn, Chair; Dotzler and Houser
RONALD MASTERS – Hatch, Chair; Jochum and Zaun
DENNIS MOLDEN – Jochum, Chair; Courtney and Wieck
SUSAN SALSMAN – Jochum, Chair; Horn and Ward
CHARLES THOMAS – Hatch, Chair; Dearden and Zaun

NATURAL RESOURCES

As members of the Environmental Protection Commission:

SHEARON ELDERKIN – Black, Chair; Hahn and Schoenjahn
MARTIN STIMSON – Black, Chair; Hahn and Schoenjahn
EUGENE VER STEEG – Black, Chair; Hahn and Schoenjahn

As a member of the Natural Resource Commission:

TAMMI KIRCHER – Dearden, Chair; Black and Hahn

STATE GOVERNMENT

As a member of the Accountancy Examining Board:

VICKY BOYINGTON – Sodders, Chair; Danielson and Feenstra

As a member of the Commission on the Status of African-Americans:

A'LISA WALKER – Horn, Chair; Hatch and Hartsuch

As a member of the Board of Dietetics:

JANET JOHNSON – Horn, Chair; Hatch and Hartsuch

As a member of the Electrical Examining Board:

JAMES KENKEL – Dearden, Chair; Black and Behn

As members of the Engineering and Land Surveying Examining Board:

RUTH OHDE – Dearden, Chair; Black and Behn
MARLEE WALTON – Sodders, Chair; Danielson and Feenstra

As a member of the Generation Iowa Commission:

SARAH HINZMAN – Horn, Chair; Hatch and Hartsuch

As a member of the Interior Design Examining Board:

DOROTHY FOWLES – Sodders, Chair; Danielson and Feenstra

As a member of the IowAccess Advisory Council:

RANDALL NYBERG – Dearden, Chair; Black and Behn

As members of the Commission on Native American Affairs:

JUDY ALLEN – Danielson, Chair; Sodders and Feenstra
VICKY APALA-CUEVAS – Danielson, Chair; Sodders and Feenstra
JOE COULTER – Danielson, Chair; Sodders and Feenstra

THERESA ESSMANN MAHONEY – Danielson, Chair; Sodders and Feenstra
JOHN JEWETT – Jochum, Chair; Kibbie and Wieck
LARRY LASLEY – Jochum, Chair; Kibbie and Wieck
GEORGE LEDUC – Jochum, Chair; Kibbie and Wieck
KAREN MACKEY – Black, Chair; Dearden and Seymour
FRANKLIN PHILLIPS – Black, Chair; Dearden and Seymour
GREER SISSON – Black, Chair; Dearden and Seymour
JUDY YELLOWBANK – Courtney, Chair; Appel and Feenstra

As a member of the Board of Podiatry:

PAUL DAYTON – Courtney, Chair; Appel and Feenstra

As a member of the Board of Psychology:

DARSHAN SINGH – Courtney, Chair; Appel and Feenstra

As a member of the State Racing and Gaming Commission:

PAUL HAYES – Courtney, Chair; Appel and Feenstra

VETERANS AFFAIRS

As members of the Commission of Veterans Affairs:

TODD JACOBUS – Noble, Chair; Black and Sodders
DARLENE MCMARTIN – Danielson, Chair; Wieck and Ragan
CECELIA SCHROEDER – Black, Chair; Seymour and Kibbie

WAYS AND MEANS

As members of the Iowa Finance Authority:

DARLYS BAUM – Dandekar, Chair; Dotzler and Ward
WILFRED JOHNSON – Dandekar, Chair; Dotzler and Ward