

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 3, 2009

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JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 3, 2009

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by Dr. Frank Beaty, pastor of the Zion Evangelical and Reformed Church in Garner, Iowa. He was the guest of Senator Bartz.

The Journal of Monday, February 2, 2009, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:53 a.m. until 8:45 a.m., Wednesday, February 4, 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 REVENUE

Biofuel Retailers' Tax Credits Evaluation Study, pursuant to Iowa Code section 452A.33(2). Report received on February 3, 2009.

CERTIFICATES OF RECOGNITION

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

Jefferson Fink, Carlisle—For achieving the rank of Eagle Scout, Troop 133. Senator Appel (2/3/09).

Dan and Doris Kelley, Danville—For celebrating their 60th wedding anniversary. Senator Courtney (2/3/09).

Jerry “Mr. Baseball” Patterson, Fort Dodge—For being inducted into the Iowa High School Baseball Coaches Association Hall of Fame. Senator Beall (2/3/09).

George Suter, Burlington—For celebrating his 80th birthday. Senator Courtney (2/3/09).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Tuesday, February 3, 2009, 1:05 p.m.

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

Members Absent: None.

Committee Business: Approved [SSB 1085](#). Presentation by the Department of Cultural Affairs.

Adjourned: 1:45 p.m.

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Tuesday, February 3, 2009, 2:10 p.m.

Members Present: Black, Chair; Hogg, Vice Chair; Behn, Ranking Member; Hancock, Hartsuch, Reynolds, Rielly, Stewart, and Wilhelm.

Members Absent: Bolkom and Ward (both excused).

Committee Business: Presentations on wastewater and sewer problems.

Adjourned: 3:00 p.m.

HUMAN RESOURCES

Convened: Monday, February 2, 2009, 4:05 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Hartsuch, Ranking Member; Bartz, Boettger, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm.

Members Absent: Bolkcom (excused).

Committee Business: Discussion of [SSB 1091](#).

Adjourned: 4:15 p.m.

JUDICIARY

Convened: Monday, February 2, 2009, 5:05 p.m.

Members Present: Kreiman, Chair; Hogg, Vice Chair; Kettering, Ranking Member; Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun.

Members Absent: None.

Committee Business: Passed [SF 19](#) and approved SSBs 1027 and [SSB 1034](#).

Adjourned: 5:35 p.m.

NATURAL RESOURCES

Convened: Tuesday, February 3, 2009, 1:00 p.m.

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

Members Absent: Bolkcom (excused).

Committee Business: Approved governor's appointee. Presentation by the Department of Natural Resources.

Adjourned: 2:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, February 3, 2009, 10:25 a.m.

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

Members Absent: Behn (excused).

Committee Business: Presentation on governor's budget.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, February 3, 2009, 10:25 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Hartsuch and Schmitz.

Members Absent: None.

Committee Business: FY 2010 budget overview.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, February 3, 2009, 10:35 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Judicial Branch.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Tuesday, February 3, 2009, 10:25 a.m.

Members Present: McCoy, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Beall and Hamerlinck.

Members Absent: None.

Committee Business: Presentations by the Department of Natural Resources.

Adjourned: 12:00 p.m.

INTRODUCTION OF BILLS

[Senate File 89](#), by Danielson, a bill for an act relating to providing sales, use, and property tax exemptions for certain data center businesses.

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

[Senate File 90](#), by Danielson, a bill for an act allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system.

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

[Senate File 91](#), by Bartz, a bill for an act relating to allowable bingo occasions under a limited license to conduct social games and raffles.

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

[Senate File 92](#), by Zaun, a bill for an act expanding institutional eligibility for the Iowa tuition grant program.

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

[Senate File 93](#), by Zaun, a bill for an act requiring public libraries that receive state funding to adopt a policy restricting the content of video materials borrowed by children under seventeen years of age.

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

[Senate File 94](#), by Zaun, McKinley, Boettger, Hartsuch, and Hahn, a bill for an act imposing a moratorium on the issuance of licenses for gambling games and providing effective date and retroactive applicability provisions.

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

[Senate File 95](#), by McCoy and Black, a bill for an act providing for a study to determine the feasibility of leasing property associated with the Honey creek premier destination park.

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

[Senate File 96](#), by committee on Judiciary, a bill for an act granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date.

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

[Senate File 97](#), by committee on Judiciary, a bill for an act requiring a person convicted of an aggravated misdemeanor to submit a DNA sample and providing an effective date.

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

[Senate File 98](#), by committee on State Government, a bill for an act establishing a lean enterprise office within the department of management.

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

[Senate File 99](#), by Warnstadt, a bill for an act relating to reimbursement of hazardous substance cleanup costs.

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

[Senate File 100](#), by Hogg, a bill for an act relating to the disposition of a child with mental illness or mental retardation in juvenile court.

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

[Senate File 101](#), by committee on Human Resources, a bill for an act establishing a shaken baby syndrome prevention program in the department of public health.

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

STUDY BILLS RECEIVED

[SSB 1142](#) **Human Resources**

Relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties.

[SSB 1143](#) **Human Resources**

Relating to exemption from civil liability for certain participating entities under the Iowa drug donation program.

[SSB 1144](#) **State Government**

Relating to the responsibilities and duties of the auditor of state.

[SSB 1145](#) **Veterans Affairs**

Exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur.

[SSB 1146](#) **Veterans Affairs**

Relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators.

[SSB 1147](#) **Veterans Affairs**

Concerning the definition of veteran.

[SSB 1148](#) **Veterans Affairs**

Concerning preferential hiring treatment by government for veterans.

SSB 1149 Veterans Affairs

Making appropriations to the department of veterans affairs for the Iowa veterans home and providing an effective date.

SSB 1150 Veterans Affairs

Making appropriations to the department of veterans affairs and providing an effective date.

SSB 1151 Veterans Affairs

Relating to the criteria for involuntarily discharging a resident from the veterans home.

SSB 1152 Veterans Affairs

Exempting from the individual income tax all pay received for active duty military service and including a retroactive applicability date provision.

SSB 1153 Environment and Energy Independence

Relating to the collection and expenditure of storage tank management fees.

SSB 1154 Environment and Energy Independence

Relating to the recycling of electronic devices, providing for fees, making penalties applicable, and making appropriations.

SSB 1155 Environment and Energy Independence

Relating to open burning of residential waste in certain areas of the state and providing penalties.

SSB 1156 Environment and Energy Independence

Relating to the water quality protection fund by changing the calculation of operating fees assessed against public water supply systems.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 77](#)

STATE GOVERNMENT: Courtney, Chair; Behn and Jochum

[Senate File 79](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Behn and Hogg

[Senate File 80](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Behn and Hogg

[Senate File 84](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Behn and Hogg

[Senate File 86](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Hogg, Chair; Stewart and Ward

[Senate File 87](#)

HUMAN RESOURCES: Kreiman, Chair; Bartz and Schmitz

[Senate File 88](#)

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Johnson

[Senate File 90](#)

STATE GOVERNMENT: Danielson, Chair; Jochum and Seymour

[Senate File 91](#)

STATE GOVERNMENT: Courtney, Chair; Dearden and Feenstra

[Senate File 94](#)

STATE GOVERNMENT: Courtney, Chair; Dearden and Hartsuch

[Senate File 95](#)

NATURAL RESOURCES: Black, Chair; Dearden and Noble

[SSB 1142](#)

HUMAN RESOURCES: Dotzler, Chair; Boettger and Schmitz

[SSB 1143](#)

HUMAN RESOURCES: Schmitz, Chair; Hartsuch and Ragan

[SSB 1144](#)

STATE GOVERNMENT: Jochum, Chair; Feenstra and Horn

[SSB 1145](#)

VETERANS AFFAIRS: Danielson, Chair; Noble and Ragan

[SSB 1146](#)

VETERANS AFFAIRS: Ragan, Chair; Beall and Seymour

[SSB 1147](#)

VETERANS AFFAIRS: Danielson, Chair; Hartsuch and Kibbie

[SSB 1148](#)

VETERANS AFFAIRS: Black, Chair; Beall and Noble

[SSB 1149](#)

VETERANS AFFAIRS: Sodders, Chair; Beall and Hartsuch

[SSB 1150](#)

VETERANS AFFAIRS: Sodders, Chair; Beall and Seymour

[SSB 1151](#)

VETERANS AFFAIRS: Sodders, Chair; Black and Wieck

[SSB 1152](#)

VETERANS AFFAIRS: Kibbie, Chair; Black and Noble

[SSB 1153](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Hogg, Chair; Hartsuch and Stewart

[SSB 1154](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Wilhelm, Chair; Bolkom and Reynolds

[SSB 1155](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Rielly, Chair; Behn and Wilhelm

[SSB 1156](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Bolkcom, Chair; Rielly and Ward

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: *[SENATE FILE 101 \(SSB 1091\)](#), a bill for an act establishing a shaken baby syndrome prevention program in the department of public health.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, 1: Bolkcom.

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

JUDICIARY

Bill Title: *[SENATE FILE 96 \(SSB 1027\)](#), a bill for an act granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Kreiman, Hogg, Fraise, Hancock, Horn, Jochum, Quirnbach, Schoenjahn, Soddors, and Warnstadt. Nays, 5: Kettering, Boettger, Noble, Ward, and Zaun. 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 96](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 97 \(SSB 1034\)](#), a bill for an act requiring a person convicted of an aggravated misdemeanor to submit a DNA sample and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Present, 1: Quirnbach. 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 97](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: [SENATE FILE 98 \(SSB 1060\)](#), a bill for an act establishing a lean enterprise office within the department of management.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Soddors, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

NATURAL RESOURCES

Tammi Kircher – Natural Resource Commission