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**STATE OF IOWA**

**Senate Journal**

**MONDAY, FEBRUARY 23, 2009**

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# JOURNAL OF THE SENATE

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FORTY-THIRD CALENDAR DAY  
TWENTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 23, 2009

The Senate met in regular session at 12:58 p.m., President Kibbie presiding.

Prayer was offered by Pastor Brian McCracken of the Church of Christ in Osceola, Iowa. He was the guest of Senator Reynolds.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Mia Korneli.

The Journal of Thursday, February 19, 2009, was approved.

## RECESS

On motion of Senator Ragan, the Senate recessed at 1:05 p.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 1:08 p.m., President Kibbie presiding.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:10 p.m. until 8:45 a.m., Tuesday, February 24, 2009.

## APPENDIX

### 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:

#### DEPARTMENT FOR THE BLIND

Recycled Content Products and Soy-Based Inks Report for FY 2008, pursuant to Iowa Code section 216B.3(12d). Report received on February 23, 2009.

#### BOARD OF REGENTS

Annual Report on University of Iowa Hospitals and Clinics for 2007-2008, pursuant to Iowa Code section 263A.13. Report received on February 20, 2009.

#### DEPARTMENT OF EDUCATION

PSEO and Supplemental Weighting Report for 2008, pursuant to Iowa Code section 260C.14. Report received on February 20, 2009.

### CERTIFICATES OF RECOGNITION

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

Coach Rick Caldwell, his assistant coaches, and the Waverly-Shell Rock High School Wrestlers—For winning their second consecutive Class 3A IHSAA State Tournament Championship. Senator Heckroth (2/23/09).

Robert and Sharon Deggendorf, Burlington—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Courtney (2/23/09).

Ruth Hingst, Burlington—For celebrating her 96<sup>th</sup> birthday. Senator Courtney (2/23/09).

Marvin and Phyllis Loynachan—For celebrating their 60<sup>th</sup> wedding anniversary. Senator Gronstal (2/23/09).

Paul and Phyllis Roxlau, Burlington—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Courtney (2/23/09).

Robert Starr, Charles City—For achieving the rank of Eagle Scout, Troop 1087. Senator Ragan (2/23/09).

Stephen Starr, Charles City—For achieving the rank of Eagle Scout, Troop 1087. Senator Ragan (2/23/09).

Paul T. Votaw, West Burlington—For achieving the rank of Eagle Scout, Troop 214. Senator Courtney (2/23/09).

Neil and Wanda Watts, Burlington—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Courtney (2/23/09).

## REPORTS OF COMMITTEE MEETINGS

### EDUCATION

**Convened:** Monday, February 23, 2009, 5:15 p.m.

**Members Present:** Schmitz, Chair; Schoenjahn, Vice Chair; Boettger, Ranking Member; Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Soddors, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Approved SSBs 1246 and 1247.

**Adjourned:** 6:00 p.m.

### HUMAN RESOURCES

**Convened:** Monday, February 23, 2009, 4:05 p.m.

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

**Members Absent:** None.

**Committee Business:** Passed [SF 38](#) and approved [SSB 1200](#).

**Adjourned:** 4:45 p.m.

### JUDICIARY

**Convened:** Monday, February 23, 2009, 2:20 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 104](#) and approved [SSB 1098](#).

**Adjourned:** 2:45 p.m.

**RULES AND ADMINISTRATION**

**Convened:** Monday, February 23, 2009, 1:10 p.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:** Approved governor's appointees.

**Adjourned:** 1:15 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** Thursday, February 19, 2009, 10:35 a.m.

**Members Present:** Danielson, Chair; Jochum, Vice Chair; Behn and Kreiman.

**Members Absent:** Bartz, Ranking Member (excused).

**Committee Business:** Presentation by the Secretary of State.

**Adjourned:** 11:35 a.m.

**INTRODUCTION OF BILLS**

[Senate File 204](#), by committee on Human Resources, a bill for an act relating to the department of elder affairs and services provided to older Iowans.

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

[Senate File 205](#), by committee on Judiciary, a bill for an act relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services.

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

[Senate File 206](#), by committee on Economic Growth, a bill for an act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision.

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

[Senate File 207](#), by committee on Economic Growth, a bill for an act relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

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

[Senate File 208](#), by committee on Environment and Energy Independence, a bill for an act relating to the membership and administration of the Iowa propane education and research council, increasing an assessment, and providing an effective date.

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

[Senate File 209](#), by committee on Judiciary, a bill for an act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

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

[Senate File 210](#), by Rielly, Bolkcom, McCoy, Hogg, Dvorsky, Kibbie, Danielson, and Black, a bill for an act concerning the manufacture and sale of native distilled spirits, and establishing a related permit fee and excise tax.

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

[Senate File 211](#), by Kreiman, a bill for an act relating to certain business taxes by requiring combined corporate tax returns for unitary businesses, providing property tax relief for small businesses, and including retroactive applicability and other applicability date provisions.

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

[Senate File 212](#), by Bolkcom, a bill for an act providing for public financing in state legislative campaigns, making an appropriation, making penalties applicable, and including an effective date provision.

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

[Senate File 213](#), by Hatch, a bill for an act requiring testing and abatement of lead hazards in certain residential dwellings and child care facilities, requiring inspections of certain residential housing for lead hazards prior to sale, establishing a childhood lead poisoning prevention and control committee, and providing a penalty.

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

[Senate File 214](#), by Rielly, a bill for an act relating to property tax exemption eligibility for methane gas conversion property and including an effective date and applicability date provision.

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

[Senate File 215](#), by Kettering, McKinley, Behn, Boettger, Seymour, Ward, Hartsuch, Johnson, Feenstra, Hahn, Hamerlinck, Reynolds, Kapucian, Noble, and Zaun, a bill for an act relating to state revenues to be deposited in the TIME-21 fund and providing an appropriation.

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

[Senate File 216](#), by committee on Environment and Energy Independence, 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 **placed on calendar**.

[Senate File 217](#), by committee on Education, a bill for an act providing for the establishment of the categorical 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**.

[Senate File 218](#), 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 1239](#)      **Rebuild Iowa**

Relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities in response to a natural disaster, designating certain activities as essential corporate purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, and including effective date and retroactive applicability date provisions.

##### [SSB 1240](#)      **Rebuild Iowa**

Relating to loan forgiveness under the jumpstart housing assistance program.



**SSB 1241 Economic Growth**

Relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

**SSB 1242 State Government**

Providing for the regulation of commercial establishments that house animals by the department of agriculture and land stewardship.

**SSB 1243 Judiciary**

Providing for unincorporated nonprofit associations, and providing for fees and penalties.

**SSB 1244 Judiciary**

Relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

**SSB 1245 Local Government**

Providing for the recognition and promotion of certified retirement communities.

**SSB 1246 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 1247 Education**

Providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

## SUBCOMMITTEE ASSIGNMENTS

[Senate Joint Resolution 4](#)

WAYS AND MEANS: Bolkcom, Chair; Hamerlinck and McCoy

[Senate File 169](#)

COMMERCE: Warnstadt, Chair; Bolkcom and Ward

[Senate File 170](#)

COMMERCE: Bolkcom, Chair; Warnstadt and Wieck

[Senate File 179](#)

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Schmitz

[Senate File 183](#)

WAYS AND MEANS: Quirnbach, Chair; Dandekar and Zaun

[Senate File 184](#)

COMMERCE: Olive, Chair; Bolkcom and Kettering

[Senate File 188](#)

COMMERCE: Warnstadt, Chair; Behn and Courtney

[Senate File 193](#)

WAYS AND MEANS: Quirnbach, Chair; Bolkcom and Hamerlinck

[Senate File 196](#)

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Hartsuch

[Senate File 200](#)

WAYS AND MEANS: Quirnbach, Chair; Dotzler and Ward

[Senate File 210](#)

COMMERCE: Warnstadt, Chair; Behn and Courtney

[Senate File 212](#)

STATE GOVERNMENT: Dearden, Chair; Black and Feenstra

[House File 45](#)

HUMAN RESOURCES: Bolkcom, Chair; Bartz and Schmitz

[House File 256](#)

WAYS AND MEANS: Hogg, Chair; Bartz and Bolkcom

[House File 311](#)

COMMERCE: Rielly, Chair; Courtney and Hartsuch

[SSB 1239](#)

REBUILD IOWA: Hogg, Chair; Dvorsky and Hamerlinck

[SSB 1240](#)

REBUILD IOWA: Horn, Chair; Feenstra and Jochum

[SSB 1241](#)

ECONOMIC GROWTH: Olive, Chair; Dotzler, Houser, Stewart, and Wieck

[SSB 1242](#)

STATE GOVERNMENT: Jochum, Chair; Appel and Wieck

[SSB 1243](#)

JUDICIARY: Fraise, Chair; Hogg and Ward

[SSB 1244](#)

JUDICIARY: Jochum, Chair; Kreiman and Ward

[SSB 1245](#)

LOCAL GOVERNMENT: Beall, Chair; Kreiman and Reynolds

[SSB 1246](#)

EDUCATION: Schmitz, Chair; Appel, Beall, Boettger, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Schoenjahn, Soddors and Wilhelm

[SSB 1247](#)

EDUCATION: Schmitz, Chair; Appel, Beall, Boettger, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Schoenjahn, Soddors, and Wilhelm

## FINAL COMMITTEE REPORTS OF BILL ACTION

## ECONOMIC GROWTH

**Bill Title:** \*[SENATE FILE 206 \(SSB 1176\)](#), a bill for an act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Stewart, Olive, Beall, Dandekar, Dotzler, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm. Nays, 1: Hamerlinck. Absent, 2: Houser and Wieck.

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

## ALSO:

**Bill Title:** \*[SENATE FILE 207 \(SSB 1165\)](#), a bill for an act relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Stewart, Olive, Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm. Nays, none. Absent, 2: Houser and Wieck.

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

## EDUCATION

**Bill Title:** [SENATE FILE 217 \(SSB 1247\)](#), a bill for an act providing for the establishment of the categorical 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: Schmitz, Schoenjahn, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, Quirnbach, Sodders, and Wilhelm. Nays, 1: Boettger. Absent, 1: McKinley.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [Senate File 218 \(SSB 1246\)](#), 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, 10: Schmitz, Schoenjahn, Appel, Beall, Dvorsky, Heckroth, Kreiman, Quirnbach, Sodders, and Wilhelm. Nays, 5: Boettger, Feenstra, Hamerlinck, Johnson, and McKinley. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### ENVIRONMENT AND ENERGY INDEPENDENCE

**Bill Title:** [\\*SENATE FILE 208](#) (formerly [SF 135](#)), a bill for an act relating to the membership and administration of the Iowa propane education and research council, increasing an assessment, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Black, Hogg, Bolkcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, 1: Behn. 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 Environment and Energy Independence Committee on [Senate File 208](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** [\\*SENATE FILE 216](#) (formerly [SF 79](#)), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Black, Hogg, Behn, Bolkcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, 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 Environment and Energy Independence Committee on [Senate File 216](#), and they were attached to the committee report.

#### HUMAN RESOURCES

**Bill Title:** \*[SENATE FILE 204 \(SSB 1160\)](#), a bill for an act relating to the department of elder affairs and services provided to older Iowans.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, 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 Human Resources Committee on [Senate File 204](#), and they were attached to the committee report.

#### JUDICIARY

**Bill Title:** \*[SENATE FILE 205 \(SSB 1062\)](#), a bill for an act relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun. 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 205](#), and they were attached to the committee report.

#### ALSO:

**Bill Title:** \*[SENATE FILE 209 \(SSB 1124\)](#), a bill for an act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun. 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 209](#), and they were attached to the committee report.

### GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar without recommendation for confirmation:

#### VETERANS AFFAIRS

Cecelia Schroeder – Commission of Veterans Affairs

#### APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

#### BY THE GOVERNOR

#### TERM

ADJUTANT GENERAL OF THE STATE OF IOWA (Sec. 29A.11)	
Colonel Timothy Orr, Johnston	03/26/2009 – Pleasure of the Governor
EXECUTIVE DIRECTOR OF THE IOWA FINANCE AUTHORITY (Sec. 16.6)	
Bret Mills, Johnston	05/01/09 – Pleasure of the Governor
COMMISSIONER OF INSURANCE (Sec. 505.2)	
Susan E. Voss, Des Moines	05/01/09 – 04/30/13
CEO OF THE IOWA LOTTERY AUTHORITY (Sec. 99G.5)	
Terry Rich, Urbandale	02/16/09 – 04/30/13
COMMISSIONER OF WORKERS' COMPENSATION (Sec. 86.1)	
Christopher Godfrey, Des Moines	05/01/09 – 04/30/15

REPORT OF THE COMMITTEE ON  
RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on February 23, 2009:

**COMMERCE**

Susan E. Voss – Commissioner of Insurance

**LABOR AND BUSINESS RELATIONS**

Christopher Godfrey – Workers' Compensation Commissioner

**STATE GOVERNMENT**

Terry Rich – Chief Executive Officer of the Iowa Lottery Authority

**VETERANS AFFAIRS**

Timothy Orr – Adjutant General of the State of Iowa

**WAYS AND MEANS**

Bret Mills – Executive Director of the Iowa Finance Authority

**AMENDMENT FILED**

[S-3025](#)

[S.R. 6](#)

Gene Fraise