

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 5, 2009

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JOURNAL OF THE SENATE

TWENTY-FIFTH CALENDAR DAY
SIXTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 5, 2009

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

Prayer was offered by Reverend Jonathon Kosec, lead pastor of the Wayne Zion Lutheran Church in Monticello, Iowa. He was the guest of Senator Hancock.

The Journal of Wednesday, February 4, 2009, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:47 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:52 a.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:53 a.m. until 1:00 p.m., Monday, February 9, 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 ADMINISTRATIVE SERVICES

Annual Recycled Products Report for 2008, pursuant to Iowa Code section 8A.315(1)(d)(1). Report received on February 2, 2009.

CERTIFICATES OF RECOGNITION

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

Ben Blair, Everly—For achieving the rank of Eagle Scout, Troop 121. Senator Johnson (2/5/09).

Charles City Middle School—For being named a finalist team in the Lexus Eco Challenge. Senator Ragan (2/5/09).

Harlan Community Athletic Booster Club—For being named Iowa Class 3A Booster Club of the Year, 2008. Senator Boettger (2/5/09).

Myrna and Dutch Hedding, Emmetsburg—For celebrating their 50th wedding anniversary. Senator Kibbie (2/5/09).

Francis Holland, Mason City—For his years of service to the Boy Scouts of America. Senator Ragan (2/5/09).

Guthrie Center High School—For being named Best High School in Overall Academic Performance in Iowa, 2008. Senator Boettger (2/5/09).

David and Delores Kerkhoff, Templeton—For celebrating their 50th wedding anniversary. Senator Boettger (2/5/09).

Jim and Shirley Miller, Fontanelle—For celebrating their 50th wedding anniversary. Senator Boettger (2/5/09).

Dan Otto, Everly—For achieving the rank of Eagle Scout, Troop 121. Senator Johnson (2/5/09).

Mary and Larry Turner, Atlantic—For receiving the Iowa Distinguished Service Award. Senator Boettger (2/5/09).

Ella Wheeler, Spencer—For celebrating her 100th birthday. Senator Johnson (2/5/09).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Thursday, February 5, 2009, 3:10 p.m.

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

Members Absent: Olive, Vice Chair; Houser, Ranking Member; Heckroth and Wieck (all excused).

Committee Business: Presentation by the Executive Director of Iowa Finance Authority.

Adjourned: 3:45 p.m.

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Thursday, February 5, 2009, 1:05 p.m.

Members Present: Black, Chair; Behn, Ranking Member; Bolkcom, Hancock, Reynolds, Stewart, Ward, and Wilhelm.

Members Absent: Hogg, Vice Chair; Hartsuch and Rielly (all excused).

Committee Business: Government energy efficiency presentation by the Office of Energy Independence and the Department of Administrative Services.

Adjourned: 2:00 p.m.

HUMAN RESOURCES

Convened: Wednesday, February 4, 2009, 3:05 p.m.

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

Members Absent: Bolkcom (excused).

Committee Business: Governor's appointments. Cost of living presentation by the Iowa Policy Project

Adjourned: 4:00 p.m.

JUDICIARY

Convened: Wednesday, February 4, 2009, 4:05 p.m.

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

Members Absent: Warnstadt (excused).

Committee Business: Passed SFs 22 and 70. Approved [SSB 1032](#). Approved governor's appointee.

Adjourned: 4:40 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, February 4, 2009, 2:15 p.m.

Members Present: Quirmbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Hamerlinck, Houser, Kapucian, Kreiman, Olive, Rielly, and Schoenjahn.

Members Absent: McCoy (excused).

Committee Business: Presentation on age-friendly communities.

Adjourned: 2:45 p.m.

RULES AND ADMINISTRATION

Convened: Thursday, February 5, 2009, 8:50 a.m.

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

Members Absent: Dearden, Kettering, and Zaun (all excused).

Committee Business: Access and decorum.

Adjourned: 8:55 a.m.

TRANSPORTATION

Convened: Wednesday, February 4, 2009, 3:05 p.m.

Members Present: Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, and Reynolds.

Members Absent: Warnstadt and Zaun (both excused).

Committee Business: Passed [SF 34](#). Presentations on the Union Pacific Railroad and the Iowa Transportation Museum plans.

Adjourned: 4:15 p.m.

WAYS AND MEANS

Convened: Thursday, February 5, 2009, 2:00 p.m.

Members Present: Bolkcom, Chair; Bartz, Dandekar, Dotzler, Hamerlinck, Jochum, Quirnbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: McCoy, Vice Chair; Zaun, Ranking Member; Feenstra, Hogg, and Houser.

Committee Business: Presentation by the National Center on Budget and Policy Priorities.

Adjourned: 3:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, February 5, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Discussed budgetary issues with the State Auditor.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, February 5, 2009, 10:15 a.m.

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

Members Absent: Houser (excused).

Committee Business: Department of Natural Resources budget review.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, February 5, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Legislative Services Agency's analysis of the governor's recommendations for the FY 2010 education appropriations budget.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, February 5, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentations on child welfare by the Coalition for Family and Children's Services; Chief Juvenile Court Officer of the Fifth Judicial District; and the Department of Human Services, Division of Child and Family Services.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, February 5, 2009, 10:10 a.m.

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

Members Absent: Zaun.

Committee Business: Presentations by the Attorney General and the Board of Parole.

Adjourned: 11:35 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Thursday, February 5, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Discussion of governor's budget recommendations with Legislative Services Agency staff.

Adjourned: 11:05 a.m.

INTRODUCTION OF BILLS

[Senate File 113](#), by committee on Judiciary, a bill for an act relating to orders for postsecondary education subsidies.

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

[Senate File 114](#), by committee on Economic Growth, a bill for an act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

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

[Senate File 115](#), by Dvorsky, a bill for an act establishing a recreational therapy board, requiring the licensure of recreational therapists, and providing for fees and penalties.

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

[Senate File 116](#), by Beall, a bill for an act providing that the casual sales exemption under the state sales tax does not apply to the sales of all-terrain vehicles, snowmobiles, off-road motorcycles, and off-road utility vehicles.

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

[Senate File 117](#), by committee on Transportation, a bill for an act relating to the operation of bicycles on a street or highway, providing requirements for motor vehicle operators encountering other vehicles or bicycles, and providing penalties.

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

[Senate File 118](#), by committee on Judiciary, a bill for an act relating to the judicial branch including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

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

STUDY BILLS RECEIVED

[SSB 1165](#) **Economic Growth**

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.

[SSB 1166](#) **State Government**

Concerning the deferred retirement option plan under the municipal fire and police retirement system of Iowa and providing an effective date.

[SSB 1167](#) **Transportation**

Relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 85](#)

VETERANS AFFAIRS: Warnstadt, Chair; Danielson and Wieck

[Senate File 102](#)

STATE GOVERNMENT: Courtney, Chair; Feenstra and Kibbie

[Senate File 103](#)

STATE GOVERNMENT: Soddors, Chair; Dearden and Hartsuch

[Senate File 104](#)

JUDICIARY: Sodders, Chair; Noble and Quirnbach

[Senate File 105](#)

JUDICIARY: Sodders, Chair; Kettering and Kreiman

[Senate File 111](#)

EDUCATION: Dvorsky, Chair; Johnson and Quirnbach

[Senate File 115](#)

STATE GOVERNMENT: Jochum, Chair; Dearden and Wieck

[SSB 1165](#)

ECONOMIC GROWTH: Stewart, Chair; Olive and Wieck

[SSB 1166](#)

STATE GOVERNMENT: Sodders, Chair; Behn and Danielson

[SSB 1167](#)

TRANSPORTATION: Beall, Chair; Dandekar and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH

Bill Title: [SENATE FILE 114 \(SSB 1085\)](#), a bill for an act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: [SENATE FILE 113](#) (formerly [SF 22](#)), a bill for an act relating to orders for postsecondary education subsidies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Sodders, Ward, and Zaun. Nays, none. Absent, 1: Warnstadt.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 118 \(SSB 1032\)](#), a bill for an act relating to the judicial branch including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Sodders, Ward, and Zaun. Nays, none. Absent, 1: Warnstadt.

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

TRANSPORTATION

Bill Title: *[SENATE FILE 117](#) (formerly [SF 34](#)), a bill for an act relating to the operation of bicycles on a street or highway, providing requirements for motor vehicle operators encountering other vehicles or bicycles, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Rielly, Beall, Dandekar, Danielson, Hancock, Heckroth, and McCoy. Nays, 4: Noble, Hahn, Kapucian, and Reynolds. Absent, 2: Warnstadt and Zaun.

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

**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:

HUMAN RESOURCES

Katherine Byers – Iowa Autism Council
Joshua Cobbs – Iowa Autism Council
John Kohles – Iowa Autism Council
Steven Muller – Iowa Autism Council
Pamela Parker – Iowa Autism Council
Mary Percival – Iowa Autism Council
Danielle Sharpe – Iowa Autism Council
Barbara Stineman – Iowa Autism Council

Frank Leu – Commission of Elder Affairs

George Youi Sayavong – Commission on Status of Iowans of Asian and Pacific
Islander Heritage

Cheryll Jones – Prevention of Disabilities Policy Council

JUDICIARY

David Lorenzen – Iowa Drug Policy Advisory Council