

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 9, 2009

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JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 9, 2009

The Senate met in regular session at 1:03 p.m., President Kibbie presiding.

Prayer was offered by Reverend Linda Livingston, pastor of the Ascension Lutheran Church in Marion, Iowa. She was the guest of Senator Dandekar.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Mary Ward.

The Journal of Thursday, February 5, 2009, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 5, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 180, a bill for an act providing for the development of a complaint response process by the superintendent of credit unions and relating to the confidentiality of information obtained during the course of that process.

Read first time and referred to committee on **Commerce**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Olive, until he arrives, on request of Senator Hancock.

The Senate stood at ease at 1:17 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:55 p.m., President Kibbie presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Vicky Boyington, Accountancy Examining Board

A'Lisa Walker, Commission on the Status of African-Americans

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

Danielle Sharpe, Iowa Autism Council

Barbara Stineman, Iowa Autism Council

Janet Johnson, Board of Dietetics

David Lorenzen, Iowa Drug Policy Advisory Council

Laura Stevens, Board of Educational Examiners

Frank Leu, Commission of Elder Affairs

James Kenkel, Electrical Examining Board

Ruth Ohde, Engineering and Land Surveying Examining Board

Marlee Walton, Engineering and Land Surveying Examining Board

Sarah Hinzman, Generation Iowa Commission

Dorothy Fowles, Interior Design Examining Board

Randall Nyberg, IowAccess Advisory Council

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

Judy Allen, Commission on Native American Affairs

Vicky Apala-Cuevas, Commission on Native American Affairs

Joe Coulter, Commission on Native American Affairs

Theresa Essmann Mahoney, Commission on Native American Affairs

Karen Mackey, Commission on Native American Affairs

Franklin Phillips, Commission on Native American Affairs

Greer Sisson, Commission on Native American Affairs

Judy Yellowbank, Commission on Native American Affairs

Tammi Kircher, Natural Resource Commission

Paul Dayton, Board of Podiatry

Cheryll Jones, Prevention of Disabilities Policy Council

Darshan Singh, Board of Psychology

Paul Hayes, State Racing and Gaming Commission

Greta Johnson, State Board of Regents

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schoenjahn
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward

Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Quirnbach	Wilhelm
Danielson	Hogg	Ragan	Zaun
Dearden	Horn	Reynolds	
Dotzler	Houser	Rielly	
Dvorsky	Jochum	Schmitz	

Nays, none.

Absent, 1:

Olive

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:03 p.m. until 8:45 a.m., Tuesday, February 10, 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 HUMAN SERVICES

Child Welfare Provider Growth Options Committee Final Report, pursuant to 2008 Iowa Acts, [SF 2425](#). Report received on February 9, 2009.

CERTIFICATES OF RECOGNITION

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

Larry Connelly, Epworth—For his 25 years of outstanding service to the Epworth Fire Department. Senator Hancock (2/9/09).

Frank Domitrovitch, Epworth—For his 25 years of outstanding service to the Epworth Fire Department. Senator Hancock (2/9/09).

Toby Hancock, Epworth—For being named Firefighter of the Year. Senator Hancock (2/9/09).

Maxine Taylor Green, Burlington—For celebrating her 80th birthday. Senator Courtney (2/9/09).

Junior Massey, Burlington—For celebrating his 80th birthday. Senator Courtney (2/9/09).

Lee and Darlene Meck, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (2/9/09).

REPORTS OF COMMITTEE MEETINGS

STATE GOVERNMENT

Convened: Monday, February 9, 2009, 2:10 p.m.

Members Present: Appel, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck.

Members Absent: None.

Committee Business: Presentation by the Iowa Commission on the Status of Women. Approved SSBs 1089 and 1050, both as amended.

Adjourned: 2:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Tuesday, February 3, 2009, 10:30 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Secretary of the Iowa Department of Agriculture and Land Stewardship.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

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

Members Present: Dotzler, Chair; Heckroth, Vice Chair; Kapucian, Ranking Member; and Dandekar.

Members Absent: Reynolds (excused).

Committee Business: Presentation by state college officials.

Adjourned: 11:20 a.m.

ALSO:

Convened: Tuesday, February 3, 2009, 10:30 a.m.

Members Present: Dotzler, Chair; Heckroth, Vice Chair; Kapucian, Ranking Member; Dandekar and Reynolds.

Members Absent: None.

Committee Business: Presentation by the Director of Iowa Workforce Development.

Adjourned: 11:05 p.m.

ALSO:

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

Members Present: Dotzler, Chair; Heckroth, Vice Chair; Kapucian, Ranking Member; Dandekar and Reynolds.

Members Absent: None.

Committee Business: Presentations by the Legislative Services Agency, Fiscal Services Division; and the Department of Economic Development Legislative Liaison.

Adjourned: 10:50 a.m.

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

Convened: Thursday, January 22, 2009, 10:05 a.m.

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

Members Absent: Beall (excused).

Committee Business: Presentation by the Department of Transportation.

Adjourned: 11:45 a.m.

ALSO:

Convened: Tuesday, January 27, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Legislative Services Agency.

Adjourned: 10:55 a.m.

ALSO:

Convened: Thursday, January 29, 2009, 10:45 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Office of the Treasurer; Director of Department of Transportation; and the Director of Planning, Programming, and Modal Division of Department of Transportation.

Adjourned: 12:00 p.m.

INTRODUCTION OF BILLS

[Senate File 119](#), by committee on Judiciary, a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases.

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

[Senate File 120](#), by Kibbie, a bill for an act allowing one member of the racing and gaming commission to be an owner of a dog or horse involved in a race meeting conducted in this state.

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

[Senate File 121](#), by Hancock, a bill for an act providing a credit against the individual income tax for volunteer fire fighters, certified reserve peace officers, and volunteer emergency medical services personnel and including effective and applicability date provisions.

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

[Senate File 122](#), by Schoenjahn, a bill for an act relating to the allocation of funds to the all Iowa opportunity foster care grant program and providing an effective date.

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

[Senate File 123](#), by Zaun, a bill for an act relating to interscholastic athletic academic eligibility.

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

[Senate File 124](#), by Kreiman, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

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

[Senate File 125](#), by Quirnbach, Danielson, Gronstal, Fraise, Appel, Kibbie, Black, McCoy, Bolkcom, Stewart, Ragan, Schmitz, Beall, Dotzler, Wilhelm, Soddors, Schoenjahn, Heckroth, Dvorsky, Horn, and Hatch, a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable.

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

STUDY BILLS RECEIVED

SSB 1168 **Veterans Affairs**

Requiring the state's community colleges and regents universities to include persons serving on active duty who are stationed at Rock Island arsenal, and their families, in the definition of resident for purposes of tuition and fees.

SSB 1169 **Veterans Affairs**

Correcting references in the Code relating to the United States department of veterans affairs.

SSB 1170 **Judiciary**

Relating to the uniform athlete agents Act and providing remedies and penalties.

SSB 1171 **Judiciary**

Relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty.

SSB 1172 **Judiciary**

Creating the uniform child abduction prevention Act.

SSB 1173 **Judiciary**

Relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions.

SSB 1174 **Natural Resources**

Providing for the issuance of special deer hunting licenses to residents who are nonambulatory.

SSB 1175 **Education**

Relating to the transportation school districts may provide to students participating in open enrollment when construction requires temporary alteration of a regular school bus route.

SSB 1176 Economic Growth

Relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program and providing effective and retroactive applicability date provisions.

SSB 1177 Judiciary

Making changes to the sex offender registry and to duties and requirements related to persons who commit sex offenses, making fees applicable, and providing penalties.

SSB 1178 Transportation

Relating to the civil penalty imposed when the department of transportation suspends or revokes a person's driver's license or nonresident operating privilege for failure to maintain proof of financial responsibility.

SUBCOMMITTEE ASSIGNMENTS**Senate File 106**

LOCAL GOVERNMENT: Rielly, Chair; Houser and Schoenjahn

Senate File 110

ECONOMIC GROWTH: Rielly, Chair; Hatch and Kapucian

SSB 1168

VETERANS AFFAIRS: Danielson, Chair; Hartsuch and Soddors

SSB 1169

VETERANS AFFAIRS: Beall, Chair; Kibbie and Seymour

SSB 1170

JUDICIARY: Jochum, Chair; Fraise and Zaun

SSB 1171

JUDICIARY: Kreiman, Chair; Jochum and Ward

[SSB 1172](#)

JUDICIARY: Sodders, Chair; Kreiman and Ward

[SSB 1173](#)

JUDICIARY: Quirnbach, Chair; Boettger and Schoenjahn

[SSB 1174](#)

NATURAL RESOURCES: Dearden, Chair; Hancock and Noble

[SSB 1175](#)

EDUCATION: Schmitz, Chair; Feenstra and Wilhelm

[SSB 1176](#)

ECONOMIC GROWTH: Dotzler, Chair; Reynolds and Schmitz

[SSB 1177](#)

JUDICIARY: Kreiman, Chair; Kettering, Ward, and Warnstadt

[SSB 1178](#)

TRANSPORTATION: Heckroth, Chair; Dandekar and Noble

FINAL COMMITTEE REPORT OF BILL ACTION

JUDICIARY

Bill Title: *[SENATE FILE 119](#) (formerly [SF 70](#)), a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases.

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