

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JANUARY 20, 2010

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JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 20, 2010

The Senate met in regular session at 8:53 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Daryl Beall, member of the Senate from Webster County, Fort Dodge, Iowa.

The Journal of Tuesday, January 19, 2010, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:55 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:00 a.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:02 a.m. until 8:45 a.m., Thursday, January 21, 2010.

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:

IOWA DEPARTMENT OF HUMAN RIGHTS

Progress Report on the Long-range Justice System Plan, pursuant to Iowa Code sections 216A.133 and 216A.137. Report received on January 19, 2010.

Iowa Sex Offender Research Council 2010 Report to the Iowa General Assembly, pursuant to 2005 Iowa Acts, [HF 619](#). Report received on January 19, 2010.

CERTIFICATES OF RECOGNITION

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

Ronny Fike—In honor of his retirement from John Deere after 36 years of service. Senator Dotzler (1/20/10).

Andrew Fliss, Everly—For achieving the rank of Eagle Scout, Troop 121. Senator Johnson (1/20/10).

Roger and Dorothy Goldsberry—For celebrating their 40th wedding anniversary. Senator Dotzler (1/20/10).

Brian and Connie Jaspen, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (1/20/10).

Betty Kremer, Waterloo—For celebrating her 75th birthday. Senator Dotzler (1/20/10).

Betty Steege—In honor of her retirement. Senator Dotzler (1/20/10).

REPORTS OF COMMITTEE MEETINGS

ETHICS

Convened: Wednesday, January 20, 2010, 2:10 p.m.

Members Present: Kibbie, Chair; Dearden, Vice Chair; Fraise, Kettering, and McKinley.

Members Absent: Behn, Ranking Member (excused).

Committee Business: Approved [SSB 3035](#), as amended.

Adjourned: 2:25 p.m.

RULES AND ADMINISTRATION

Convened: Wednesday, January 20, 2010, 8:55 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Courtney, Danielson, Dearden, and Kettering.

Members Absent: McKinley, Ranking Member; Boettger, Dvorsky, Ragan, and Zaun (all excused).

Committee Business: Discussion of Governor's appointments. Discussion of access to Senate chamber for Governor's staff.

Adjourned: 9:00 a.m.

TRANSPORTATION

Convened: Tuesday, January 19, 2010, 4:00 p.m.

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

Members Absent: McCoy and Zaun (both excused).

Committee Business: Joint meeting with House for presentations on graduated driver licensing for teenagers.

Adjourned: 4:45 p.m.

INTRODUCTION OF BILLS

[Senate File 2062](#), by committee on State Government, a bill for an act providing for a retirement incentive program for state employees and including effective date provisions.

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

[Senate File 2063](#), by Ragan, a bill for an act relating to reimbursement for supported community living under the medical assistance home and community-based services waiver for intellectual disabilities.

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

[Senate File 2064](#), by Dandekar, a bill for an act relating to the development and adoption of a student acceleration policy for advanced learners.

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

[Senate File 2065](#), by Noble, a bill for an act relating to administration of a horizontal property regime.

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

[Senate File 2066](#), by Jochum, a bill for an act providing for the establishment of a school district reorganization workgroup to redraw school district boundaries following the 2010 federal decennial census.

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

[Senate File 2067](#), by committee on State Government, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions.

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

[Senate File 2068](#), by Jochum, a bill for an act relating to the use of genetic information and samples for genetic testing and providing for civil enforcement.

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

[Senate File 2069](#), by Jochum, a bill for an act relating to the regulation of wetlands, mitigation of adverse impacts to wetlands, providing penalties and fees, and making an appropriation.

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

[Senate File 2070](#), by Hatch, a bill for an act relating to the licensing of midwives and providing for a fee and a penalty, and including effective date provisions.

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

[Senate File 2071](#), by Hatch, a bill for an act relating to prescription drug costs and practices and making penalties applicable.

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

[Senate File 2072](#), by committee on Judiciary, a bill for an act relating to the detention of a person taken into immediate custody in an involuntary hospitalization proceeding and providing a penalty.

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

STUDY BILLS RECEIVED

[SSB 3100](#) **Transportation**

Relating to pilot projects for electronic registration and titling of vehicles.

SSB 3101 Agriculture

Relating to grape and wine development by providing for the elimination of a commission, programs, and duties of the department of agriculture and land stewardship and providing for the transfer of unexpended and unobligated moneys.

SSB 3102 Commerce

Relating to certain coverage provisions contained in uninsured and underinsured motor vehicle insurance coverage.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2037**

COMMERCE: Dandekar, Chair; Kettering and McCoy

Senate File 2055

TRANSPORTATION: Beall, Chair; Heckroth and Reynolds

Senate File 2056

TRANSPORTATION: Danielson, Chair; Kapucian and McCoy

Senate File 2060

TRANSPORTATION: Rielly, Chair; Hancock and Reynolds

SSB 3100

TRANSPORTATION: Warnstadt, Chair; McCoy and Reynolds

SSB 3101

AGRICULTURE: Olive, Chair; Kapucian and Rielly

SSB 3102

COMMERCE: Olive, Chair; Rielly and Wieck

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: [SENATE FILE 2072 \(SSB 1136\)](#), a bill for an act relating to the detention of a person taken into immediate custody in an involuntary hospitalization proceeding and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Soddors, Ward, and Warnstadt. Nays, none. Absent, 1: 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 Judiciary Committee on [Senate File 2072](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: *[SENATE FILE 2062 \(SSB 3002\)](#), a bill for an act providing for a retirement incentive program for state employees and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, and Soddors. Nays, 5: Feenstra, Behn, Hartsuch, Seymour, and Wieck. 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 State Government Committee on [Senate File 2062](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 2067 \(SSB 3006\)](#), a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions.

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.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on [Senate File 2067](#), and they were attached to the committee report.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on January 20, 2010, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 2045](#) – Delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

[Senate File 2046](#) – Delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

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

ACCOUNTANCY EXAMINING BOARD (Sec. 542.4) Evelyn Rank, Clarinda	10/14/2009 – 04/30/2012
COMMISSION ON THE STATUS OF AFRICAN-AMERICANS (Sec. 216A.142) Victoria Nwasike, Des Moines	11/23/2009 – 04/30/2012
BOARD OF ATHLETIC TRAINING (Sec. 147.14(1)(r)) Roger Huston, West Des Moines	09/08/2009 – 04/30/2012
IOWA AUTISM COUNCIL (Sec. 256.35A) Linda Louko, Iowa City	11/23/2009 – 04/30/2011
BOARD OF BEHAVIORAL SCIENCE (Sec. 147.14(1)(m)) Blaine Donaldson, Kingsley	10/14/2009 – 04/30/2012
BOARD OF CHIROPRACTIC (Sec. 147.14(1)(h)) Rex Jones, Spencer	08/14/2009 – 04/30/2011
IOWA STATE CIVIL RIGHTS COMMISSION (Sec. 216.3) Keith Johnson, Missouri Valley	10/14/2009 – 04/30/2013

PREVENTION OF DISABILITIES POLICY COUNCIL (Sec. 225B.3)
 Theresa Rasch, Spencer 09/08/2009 – 04/30/2011

DIRECTOR OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT (Sec. 15.105)
 Bret Mills, Johnston 01/08/2010 – Pleasure of the Governor

STATE BOARD OF EDUCATION (Sec. 256.3)
 Ana Lopez-Dawson, Pella 10/14/2009 – 04/30/2012

ELECTRICAL EXAMINING BOARD (Sec. 103.2)
 Kay Pence, Eldridge 04/20/2009 – 04/30/2011

IOWA EMPOWERMENT BOARD (Sec 28.3)
 Mikeal Cass, Fontanelle 11/23/2009 – 04/30/2011

ENVIRONMENTAL PROTECTION COMMISSION (Sec. 455A.6)
 Carrie La Seur, Mount Vernon 05/01/2009 – 04/30/2013
 Lorna Puntillo, Sioux City 08/14/2009 – 04/30/2013

EXECUTIVE DIRECTOR OF THE IOWA FINANCE AUTHORITY (Sec. 16.6)
 Joe O'Hern, Johnston 01/08/2010 – Pleasure of the Governor

GENERATION IOWA COMMISSION (Sec. 15.421)
 Khara Washington, Davenport 10/14/2009 – 04/30/2010

IOWA GREAT PLACES BOARD (Sec. 303.3C(2a))
 Ruth Smith, Lamoni 05/01/2009 – 04/30/2012

DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES (Sec. 217.5)
 Charles J. Krogmeier, Coralville 05/01/2009 – Pleasure of the Governor

COUNCIL ON HUMAN SERVICES (Sec. 217.2)
 Phyllis Hansell, Des Moines 10/14/2009 – 04/30/2015

INTERIOR DESIGN EXAMINING BOARD (Sec. 544C.2)
 Michele Rosenboom, Orange City 11/23/2009 – 04/30/2010

IOWACCESS ADVISORY COUNCIL (Sec. 8A.221)
 Herb Copley, Clear Lake 04/20/2009 – 04/30/2010

COMMISSION ON THE STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER
 HERITAGE (Sec. 216A.152)
 Ning Chia, Pella 11/23/2009 – 04/30/2012
 Arlene Samona, Mason City 11/23/2009 – 04/30/2012

IOWA JOBS BOARD (Sec. 16.191)
 Patrick Baird, Cedar Rapids 05/26/2009 – 04/30/2012
 Willard Boyd, Iowa City 05/26/2009 – 04/30/2011
 Joni Dittmer, Eldridge 05/26/2009 – 04/30/2011
 Kate Gronstal, Council Bluffs 05/26/2009 – 04/30/2010
 Jeffrey Pomeranz, West Des Moines 05/26/2009 – 04/30/2012
 Toi Sullivan, Sioux City 05/26/2009 – 04/30/2010

BOARD OF MASSAGE THERAPY (Sec. 147.14(1)(q))
 William Cameron, Bettendorf 11/23/2009 – 04/30/2011
 Bonni Leiserowitz, Council Bluffs 09/08/2009 – 04/30/2011

NATURAL RESOURCE COMMISSION (Sec. 455A.5)
 Dennis Schemmel, Grimes 10/14/2009 – 04/30/2015
 Margo Underwood, Mason City 10/14/2009 – 04/30/2011

BOARD OF NURSING HOME ADMINISTRATORS (Sec. 155.2)
 Mabel Mantel, Orange City 10/14/2009 – 04/30/2012

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUNK BOARD (Sec. 455G.4)
 Eric Johnson, Waterloo 08/14/2009 – 04/30/2013

PLUMBING AND MECHANICAL SYSTEMS EXAMINING BOARD (Sec. 105.3)
 Brita Van Horne, Cedar Rapids 10/14/2009 – 04/30/2010

IOWA POWER FUND BOARD (Sec. 469.6)
 Shearon Elderkin, Cedar Rapids 05/01/2009 – 04/30/2012

CHAIR OF THE PROPERTY ASSESSMENT APPEAL BOARD (Sec. 421.1A)
 Karen Oberman, Clive 05/01/2009 – 04/30/2011

PROPERTY ASSESSMENT APPEAL BOARD (Sec. 421.1A)
 Karen Oberman, Clive 05/01/2009 – 04/30/2015

STATE PUBLIC DEFENDER (Sec. 13B.2)
 Tomas Rodriguez, Des Moines 05/15/2009 – Pleasure of the Governor

SMALL BUSINESS ADVISORY COUNCIL (Sec. 15.108(7)(h)(1))
 Nancy Kasperek, Marion 08/14/2009 – 04/30/2013

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY (Sec. 147.14(1)(i))
 J. Michael Tysklind, West Des Moines 09/08/2009 – 04/30/2012

TECHNOLOGY GOVERNANCE BOARD (Sec. 8A.204)
 Glynis Coutee, Cedar Rapids 09/08/2009 – 04/30/2011

COMMISSION ON THE STATUS OF WOMEN (Sec. 216A.52)
 Joan Axel, Muscatine 11/23/2009 – 04/30/2010

IOWA WORKFORCE DEVELOPMENT BOARD (Sec. 84A.1A)
 Deborah Groene, Des Moines 04/20/2009 – 04/30/2010

The appointments were referred to the committee on Rules and Administration.

**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 January 20, 2010:

ECONOMIC GROWTH

Bret Mills – Director of the Department of Economic Development

Ruth Smith – Iowa Great Places Board

Patrick Baird – Iowa Jobs Board

Willard Boyd – Iowa Jobs Board

Joni Dittmer – Iowa Jobs Board

Kate Gronstal – Iowa Jobs Board

Jeffrey Pomeranz – Iowa Jobs Board

Toi Sullivan – Iowa Jobs Board

Shearon Elderkin – Iowa Power Fund Board

Nancy Kasparek – Small Business Advisory Council

EDUCATION

Linda Louko – Iowa Autism Council

Ana Lopez-Dawson – State Board of Education

Mikeal Cass – Iowa Empowerment Board

Glynis Coutee – Technology Governance Board

ENVIRONMENT AND ENERGY INDEPENDENCE

Carrie La Seur – Environmental Protection Commission

Lorna Puntillo – Environmental Protection Commission

Eric Johnson – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

HUMAN RESOURCES

Roger Huston – Board of Athletic Training

Blaine Donaldson – Board of Behavioral Science

Theresa Rasch – Prevention of Disabilities Policy Council

Charles J. Krogmeier – Director of the Department of Human Services

Phyllis Hansell – Council on Human Services

JUDICIARY

Keith Johnson – Iowa State Civil Rights Commission

Tomas Rodriguez – State Public Defender

LABOR AND BUSINESS RELATIONS

Brita Van Horne – Plumbing and Mechanical Systems Examining Board

Deborah Groene – Iowa Workforce Development Board

LOCAL GOVERNMENT

Karen Oberman – Chair of the Property Assessment Appeal Board

Karen Oberman – Property Assessment Appeal Board

NATURAL RESOURCES

Dennis Schemmel – Natural Resource Commission

Margo Underwood – Natural Resource Commission

STATE GOVERNMENT

Evelyn Rank – Accountancy Examining Board

Victoria Nwasike – Commission on the Status of African-Americans

Rex Jones – Board of Chiropractic

Kay Pence – Electrical Examining Board

Khara Washington – Generation Iowa Commission

Michele Rosenboom – Interior Design Examining Board

Herb Copley – IowAccess Advisory Council

Ning Chia – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Arlene Samona – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

William Cameron – Board of Massage Therapy

Bonni Leiserowitz – Board of Massage Therapy

Mabel Mantel – Board of Nursing Home Administrators

J. Michael Tysklind – Board of Speech Pathology and Audiology

Joan Axel – Commission on the Status of Women

WAYS AND MEANS

Joe O'Hern – Executive Director of the Iowa Finance Authority

AMENDMENT FILED

[S-5013](#)

[S.F. 2062](#)

Staci Appel