

PROOF

STATE OF IOWA

Senate Journal

MONDAY, JANUARY 25, 2010

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JOURNAL OF THE SENATE

FIFTEENTH CALENDAR DAY
NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 25, 2010

The Senate met in regular session at 1:05 p.m., President Kibbie presiding.

Prayer was offered by Father Richard Adam, priest of St. Mary's Church in Riverside, Iowa. He was the guest of Senator Schmitz.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Bailey Bishop.

The Journal of Thursday, January 21, 2010, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and Kettering, until they arrive, on request of Senator McKinley; and Senator Warnstadt, until he arrives, on request of Senator Beall.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:10 p.m. until 8:45 a.m., Tuesday, January 26, 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:

DEPARTMENT OF EDUCATION

Report on Community College Accreditation and Accountability, pursuant to 2008 Iowa Acts, [HF 2679](#). Report received on January 22, 2010.

DEPARTMENT OF COMMERCE (INSURANCE DIVISION)

2010 Annual Consumer Advocate Bureau Report, pursuant to Iowa Code section 505.8(6)(g). Report received on January 13, 2010.

DEPARTMENT OF TRANSPORTATION

FY 2009 Recycled Content Plastic Bag and Soy Inks Report, pursuant to Iowa Code section 307.21. Report received on January 22, 2010.

FY 2009 Annual Report of the Iowa Highway Research Board, pursuant to Iowa Code sections 310.36 and 312.3A. Report received on January 22, 2010.

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Thursday, January 21, 2010, 3:50 p.m.

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

Members Absent: Dandekar, Hamerlinck, Heckroth, and Wieck (all excused).

Committee Business: Governor's appointees. Approved [SSB 3062](#), as amended. Presentation by the Iowa Fund of Funds.

Adjourned: 4:55 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, January 21, 2010, 10:15 a.m.

Members Present: Olive, Chair; Courtney, Vice Chair; Soddors and Wieck.

Members Absent: Ward, Ranking Member (excused).

Committee Business: Presentations by the Department of Aging and the Department of Inspections and Appeals.

Adjourned: 11:05 a.m.

JUDICIARY

Convened: Monday, January 25, 2010, 3:05 p.m.

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

Members Absent: Kettering, Ranking Member; and Warnstadt (both excused).

Committee Business: Passed [SF 2027](#) and approved SSBs 3008, 3029, 3037, and 3038.

Adjourned: 3:40 p.m.

NATURAL RESOURCES

Convened: Monday, January 11, 2010, 3:35 p.m.

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

Members Absent: Black and Fraise (both excused).

Committee Business: Organizational meeting.

Adjourned: 3:45 p.m.

STATE GOVERNMENT

Convened: Monday, January 11, 2010, 2:30 p.m.

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

Members Absent: Black and Courtney (both excused).

Committee Business: Organizational meeting.

Adjourned: 2:40 p.m.

VETERANS AFFAIRS

Convened: Thursday, January 14, 2010, 11:10 a.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Noble, Ragan, and Soddors.

Members Absent: Kibbie and Wieck (both excused).

Committee Business: Introductions.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, January 21, 2010, 10:25 a.m.

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

Members Absent: None.

Committee Business: Budget presentation by the State Court Administrator.

Adjourned: 11:30 a.m.

INTRODUCTION OF BILLS

[Senate File 2073](#), by committee on Commerce, a bill for an act relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

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

[Senate File 2074](#), by committee on Ethics, a bill for an act relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions.

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

[Senate File 2075](#), by committee on Commerce, a bill for an act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

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

[Senate File 2076](#), by committee on Economic Growth, a bill for an act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

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

[Senate File 2077](#), by Sodders, a bill for an act relating to the use of a wireless telecommunications device to write, send, or read a text-based communication while operating a motor vehicle and making penalties applicable.

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

[Senate File 2078](#), by Sodders, a bill for an act relating to applications for major air contaminant sources regulated by the department of natural resources by providing for public participation.

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

[Senate File 2079](#), by Sodders, a bill for an act relating to body piercing, body modification, and tattooing, and providing penalties.

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

[Senate File 2080](#), by Bolkcom, a bill for an act relating to energy conservation requirements contained within the state building code.

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

[Senate File 2081](#), by Bolkcom, a bill for an act relating to application of fertilizer and pesticides to grass, providing penalties, and making appropriations.

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

[Senate File 2082](#), by Appel, a bill for an act relating to the income tax checkoff for the child abuse prevention program fund and including retroactive applicability provisions.

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

[Senate File 2083](#), by Johnson, a bill for an act relating to the use of public moneys by nongovernmental entities for lobbying purposes and making a penalty applicable.

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

[Senate File 2084](#), by Johnson, a bill for an act authorizing persons who are relatives, friends, or neighbors to provide child care as unregistered child care home providers under certain circumstances.

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

[Senate File 2085](#), by Beall and Kibbie, a bill for an act extending the time period for designating enterprise zones and including effective date provisions.

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

[Senate File 2086](#), by Appel, a bill for an act relating to sex offender residency restrictions, and making penalties applicable.

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

[Senate File 2087](#), by Beall, a bill for an act creating a brain injury services fund and task force, making appropriations from the fund, implementing a brain injury criminal surcharge, and making penalties applicable.

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

[Senate File 2088](#), by committee on State Government, a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions.

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

SUBCOMMITTEE ASSIGNMENTS

[Senate File 2039](#)

LOCAL GOVERNMENT: Olive, Chair; Hamerlinck and Rielly

[Senate File 2051](#)

LOCAL GOVERNMENT: Quirnbach Chair; Beall and Kapucian

[Senate File 2063](#)

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Ragan

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: [SENATE FILE 2073 \(SSB 3017\)](#), a bill for an act relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Wieck, Behn, Bolkcom, Courtney, Dandekar, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 2: Heckroth and Hartsuch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2075 \(SSB 3020\)](#), a bill for an act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Wieck, Behn, Bolkcom, Courtney, Dandekar, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 2: Heckroth and Hartsuch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH

Bill Title: *[SENATE FILE 2076 \(SSB 3062\)](#), a bill for an act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Stewart, Olive, Houser, Beall, Hatch, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm. Nays, none. Absent, 5: Dandekar, Dotzler, Hamerlinck, Heckroth, 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 2076](#), and they were attached to the committee report.

ETHICS

Bill Title: *[SENATE FILE 2074 \(SSB 3035\)](#), a bill for an act relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Kibbie, Dearden, Fraise, Kettering, and McKinley. Nays, none. Absent, 1: Behn.

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 Ethics Committee on [Senate File 2074](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: *[SENATE FILE 2088 \(SSB 3030\)](#), a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Soddors, Nays, 4: Feenstra, Hartsuch, Seymour, and Wieck. Absent, 1: Behn.

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 2088](#), and they were attached to the committee report.