

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 12, 2009

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JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 12, 2009

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Reverend Allan Bridges, pastor of the Henderson Christian Church and the Nishna Church of Christ in Red Oak, Iowa. He was the guest of Senator Houser.

The Journal of Wednesday, February 11, 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 11, 2009, **adopted** the following resolution in which the concurrence of the Senate is asked:

[House Concurrent Resolution 3](#), a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-third General Assembly.

Read first time and referred to committee on **Rules and Administration**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:04 a.m. until 1:00 p.m., Monday, February 16, 2009.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****ECONOMIC GROWTH**

Convened: Thursday, February 12, 2009, 3:10 p.m.

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

Members Absent: Hatch, Schmitz, and Wieck (all excused).

Committee Business: Presentation by Vision Iowa, CAT, and RECAT.

Adjourned: 3:40 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, February 12, 2009, 10:25 a.m.

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

Members Absent: Ward, Ranking Member (excused).

Committee Business: Presentations on the banking industry bailout by the Superintendent of Banking and the Chairman/CEO of West Bank.

Adjourned: 11:40 a.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, Quirmbach, Seymour, and Wilhelm.

Members Absent: Bolkcom (excused).

Committee Business: Approved governor's appointees. Cost-of-living presentation by the Iowa Policy Project.

Adjourned: 4:00 p.m.

ALSO:

Convened: Wednesday, February 11, 2009, 3:10 p.m.

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

Members Absent: Hatch (excused).

Committee Business: Approved governor's appointees. Approved SSBs 1092 and 1104, as amended.

Adjourned: 4:00 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Monday, February 9, 2009, 3:05 p.m.

Members Present: Courtney, Chair; Jochum, Vice Chair; Ward, Ranking Member; Dearden, Dotzler, Hatch, Horn, Houser, Wieck, and Zaun.

Members Absent: Gronstal (excused).

Committee Business: Discussed [SSB 1119](#).

Adjourned: 4:00 p.m.

ALSO:

Convened: Wednesday, February 11, 2009, 1:00 p.m.

Members Present: Courtney, Chair; Jochum, Vice Chair; Ward, Ranking Member; Dearden, Dotzler, Gronstal, Horn, Houser, Wieck, and Zaun.

Members Absent: Hatch (excused).

Committee Business: Approved [SSB 1119](#).

Adjourned: 2:15 p.m.

JUDICIARY

Convened: Wednesday, February 11, 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, Warnstadt, and Zaun.

Members Absent: None.

Committee Business: Approved SSBs 1083 and 1141.

Adjourned: 4:15 p.m.

NATURAL RESOURCES

Convened: Thursday, February 12, 2009, 3:00 p.m.

Members Present: Dearden, Chair; Hahn, Ranking Member; Bartz, Black, Bolkcom, Fraise, Kettering, Noble, Ragan, Schoenjahn, and Seng.

Members Absent: Hancock, Vice Chair; and Johnson (both excused).

Committee Business: Presentation by the Department of Natural Resources on supplemental funding and agricultural leasing practices for state-owned and managed lands.

Adjourned: 3:50 p.m.

REBUILD IOWA

Convened: Thursday, February 12, 2009, 1:10 p.m.

Members Present: Hogg, Chair; Heckroth, Vice Chair; Hamerlinck, Ranking Member; Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart.

Members Absent: None.

Committee Business: Citizens' concerns on flood insurance.

Adjourned: 2:00 p.m.

TRANSPORTATION

Convened: Wednesday, February 11, 2009, 3:00 p.m.

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

Members Absent: McCoy (excused).

Committee Business: Approved [SSB 1167](#).

Adjourned: 3:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, February 12, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Department of Management and the Department of Revenue.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, February 12, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentations by the College Student Aid Commission and Community Empowerment.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, February 12, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Iowa National Guard and the Homeland Security Division.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Tuesday, February 10, 2009, 10:05 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: 10:30 a.m.

INTRODUCTION OF BILLS

[Senate File 145](#), by Hamerlinck, a bill for an act excluding from the individual income tax retirement benefits received for military service performed in the national guard and including a retroactive applicability date provision.

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

[Senate File 146](#), by Hamerlinck, a bill for an act exempting from the computation of the individual income tax all pay received for service in the national guard and including a retroactive applicability provision.

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

[Senate File 147](#), by committee on Veterans Affairs, a bill for an act relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators.

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

[Senate File 148](#), by committee on Commerce, 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 under Rule 28 and **placed on calendar**.

[Senate File 149](#), by Hamerlinck, a bill for an act requiring the budget submissions of state agencies to utilize a zero-base approach.

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

[Senate File 150](#), by committee on Judiciary, a bill for an act relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city.

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

[Senate File 151](#), by committee on Transportation, a bill for an act 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.

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

STUDY BILLS RECEIVED

[SSB 1201](#) **Judiciary**

Relating to the certificate of needs process including procedures for contested applications and applications relating to institutional health facilities in rural areas.

[SSB 1202](#) **Judiciary**

Relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing applicability provisions.

[SSB 1203](#) **Judiciary**

Relating to criminal law by making changes to existing criminal offenses, adding new criminal offenses, relating to deferred judgments and expunged records, and making penalties applicable.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 129](#)

TRANSPORTATION: Dandekar, Chair; Hancock and Zaun

[Senate File 135](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Bolkcom, Chair; Stewart and Ward

[Senate File 136](#)

TRANSPORTATION: Hancock, Chair; Dandekar and Kapucian

[Senate File 143](#)

JUDICIARY: Jochum, Chair; Kreiman and Zaun

[SSB 1201](#)

JUDICIARY: Kreiman, Chair; Boettger and Jochum

[SSB 1202](#)

JUDICIARY: Hogg, Chair; Horn and Ward

[SSB 1203](#)

JUDICIARY: Kreiman, Chair; Noble and Warnstadt

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: [SENATE FILE 148 \(SSB 1076\)](#), 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *[SENATE FILE 150 \(SSB 1083\)](#), a bill for an act relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 150](#), and they were attached to the committee report.

TRANSPORTATION

Bill Title: [SENATE FILE 151 \(SSB 1167\)](#), a bill for an act 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: [SENATE FILE 147 \(SSB 1146\)](#), a bill for an act relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Beall, Seymour, Danielson, Kibbie, Noble, Ragan, Sodders, and Wieck. Nays, none. Absent, 3: Warnstadt, Black, and Hartsuch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**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

Keith Gatrost – Iowa Autism Council
Ghada Hamdan-Allen – Iowa Autism Council
Charles Wadle – Iowa Autism Council
Patrick Westhoff – Iowa Autism Council
Cathy Young – Iowa Autism Council

Daniel Harkness – Board of Behavioral Science

Steven Hagemoser – Commission for the Blind

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

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

HUMAN RESOURCES

Eugene Gessow – Director of the Department of Human Services