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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, MARCH 10, 2009**

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# JOURNAL OF THE SENATE

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FIFTY-EIGHTH CALENDAR DAY  
THIRTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 10, 2009

The Senate met in regular session at 8:46 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy Boettger, member of the Senate from Shelby County, Harlan, Iowa.

The Journal of Monday, March 9, 2009, was approved.

## BILLS REFERRED TO COMMITTEE

Senator Courtney asked and received unanimous consent that **Senate Files 344, 361, and 370** be referred from the Regular Calendar to the committee on **Appropriations**.

## ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 8:50 a.m. until 8:45 a.m., Wednesday, March 11, 2009.

**APPENDIX****CERTIFICATES OF RECOGNITION**

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

Amanda Berneman, Mason City—For being named a National Merit Finalist. Senator Ragan (3/10/09).

Merle and Fran Bettcher, Harlan—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Boettger (3/10/09).

Antoinette Bonderman, Sheldon—For celebrating her 100<sup>th</sup> birthday. Senator Johnson (3/10/09).

Bonard Christiansen, Schleswig—For celebrating his 80<sup>th</sup> birthday. Senator Seymour (3/10/09).

Guyla Cooper, Blencoe—For celebrating her 90<sup>th</sup> birthday. Senator Seymour (3/10/09).

Desmond Decker, Luana—For achieving the rank of Eagle Scout, Troop 64. Senator Wilhelm (3/10/09).

Denise Dolan, Dubuque—For receiving a Dubuque County Democrats Hall of Fame Lifetime Achievement Award. Senator Jochum (3/10/09).

Wayne and Rheta Dwyer, Manilla—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Boettger (3/10/09).

Kenneth and Diane Fenton, Audubon—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Boettger (3/10/09).

John Harris, Holstein—For achieving the rank of Eagle Scout. Senator Seymour (3/10/09).

Frances Heilman, Holstein—For celebrating her 80<sup>th</sup> birthday. Senator Seymour (3/10/09).

Stephen Henrich, Mason City—For being named a National Merit Finalist. Senator Ragan (3/10/09).

Mutia Herlina, Kirkwood Community College—For being a recipient of the Phi Theta Kappa Iowa Community Colleges 2009 All Academic Team. Senator Beall (3/10/09).

Rev. Anita Johnson, Friendship Haven in Fort Dodge—For serving as Chaplain of the Day. Senator Beall (3/10/09).

Pat Kelly, Dubuque—For receiving a Dubuque County Democrats Hall of Fame Lifetime Achievement Award. Senator Jochum (3/10/09).

Caitlin McAnally, Iowa Central Community College—For being a recipient of the Phi Theta Kappa Iowa Community Colleges 2009 All Academic Team. Senator Beall (3/10/09).

The McCauley Family (Sylvester, Mike, and JoAnn), Dubuque—For receiving a Dubuque County Democrats Hall of Fame Lifetime Achievement Award. Senator Jochum (3/10/09).

T.J. Mulgrew, Dubuque—For receiving a Dubuque County Democrats Hall of Fame Lifetime Achievement Award. Senator Jochum (3/10/09).

Royden and Gladys Putnam, Osage—For celebrating their 65<sup>th</sup> wedding anniversary. Senator Ragan (3/10/09).

Marifrances Stueve, Woodbine—For celebrating her 80<sup>th</sup> birthday. Senator Seymour (3/10/09).

Nellie Sundblad, Spencer—For celebrating her 94<sup>th</sup> birthday. Senator Johnson (3/10/09).

Oscar Sundblad, Spencer—For celebrating his 100<sup>th</sup> birthday. Senator Johnson (3/10/09).

Kathy Flynn Thurlow, Dubuque—For receiving a Dubuque County Democrats Hall of Fame Lifetime Achievement Award. Senator Jochum (3/10/09).

Theresa Elizabeth McHugh Topf, Charter Oak—For celebrating her 80<sup>th</sup> birthday. Senator Seymour (3/10/09).

Emi Wubben, Iowa Central Community College—For being a recipient of the Phi Theta Kappa Iowa Community Colleges 2009 All Academic Team. Senator Beall (3/10/09).

## REPORTS OF COMMITTEE MEETINGS

### AGRICULTURE

**Convened:** Tuesday, March 10, 2009, 9:05 a.m.

**Members Present:** Fraise, Chair; Olive, Vice Chair; Johnson, Ranking Member; Appel, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, Seng, and Sodders.

**Members Absent:** Behn (excused).

**Committee Business:** Passed SFs 174, 298, and 308.

**Adjourned:** 9:35 a.m.

**COMMERCE**

**Convened:** Tuesday, March 10, 2009, 11:00 a.m.

**Members Present:** Warnstadt, Chair; Heckroth, Vice Chair; Wieck, Ranking Member; Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward.

**Members Absent:** Behn (excused).

**Committee Business:** Passed SFs 170, 188, 317, 332, and 348.

**Adjourned:** 12:20 p.m.

**REBUILD IOWA**

**Convened:** Thursday, March 5, 2009, 9:50 a.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:** Approved SSBs 1194 and 1289, both as amended.

**Adjourned:** 5:20 p.m.

**TRANSPORTATION**

**Convened:** Wednesday, March 4, 2009, 3:05 p.m.

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

**Members Absent:** None.

**Committee Business:** Considered SSBs 1185 and 1266.

**Adjourned:** 3:40 p.m.

**VETERANS AFFAIRS**

**Convened:** Tuesday, March 10, 2009, 2:35 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved governor's appointment. Approved SSBs 1006 and 1151.

**Adjourned:** 3:05 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** Thursday, March 5, 2009, 10:10 a.m.

**Members Present:** Hatch, Chair; Johnson, Ranking Member; and Hartsuch.

**Members Absent:** Ragan, Vice Chair; and Schmitz (both excused).

**Committee Business:** Discussed budget.

**Adjourned:** 10:20 a.m.

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

**Convened:** Tuesday, February 24, 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 State Court Administrator.

**Adjourned:** 11:20 a.m.

**ALSO:**

**Convened:** Thursday, March 5, 2009, 10:20 a.m.

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

**Members Absent:** None.

**Committee Business:** Approved LSB 1008, as amended.

**Adjourned:** 11:05 a.m.

**INTRODUCTION OF RESOLUTIONS**

[Senate Concurrent Resolution 3](#), by Bolkcom, a concurrent resolution requesting the legislative council to establish a multigenerational and sustainable housing task force to address the barriers to citizens aging-in-place and to facilitate multigenerational or sustainable living arrangements in communities across the state.

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

[Senate Joint Resolution 7](#), by Zaun, a joint resolution proposing an amendment to the Constitution of the State of Iowa to change the length of term of office and limit the term of service of members of the general assembly.

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

#### INTRODUCTION OF BILLS

[Senate File 381](#), by Beall, a bill for an act relating to accommodations by employers for court-ordered visitation.

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

[Senate File 382](#), by McKinley, a bill for an act providing for the transfer of the administration of the loan and credit guarantee program and including an effective date.

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

[Senate File 383](#), by McKinley, a bill for an act establishing a pay-for-performance task force and demonstration program and an Iowa teacher excellence fund, and providing an effective date.

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

[Senate File 384](#), by McKinley, a bill for an act requiring the board of directors of a school district to adopt a student promotion policy and providing for related matters.

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

[Senate File 385](#), by McKinley, a bill for an act relating to alternative practitioner preparation pilot programs to prepare individuals to teach elementary and secondary students.

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

[Senate File 386](#), by McKinley, a bill for an act relating to the minimum hours of instructional time in a school day for school districts, charter schools, and accredited nonpublic schools and including an effective date and applicability provision.

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

[Senate File 387](#), by McKinley, a bill for an act relating to board of educational examiners testing requirements for applicants for teacher licensure or endorsement.

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

[Senate File 388](#), by committee on Natural Resources, a bill for an act relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, and making penalties applicable.

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

[Senate File 389](#), by committee on human resources, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates.

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

[Senate File 390](#), by Seymour, a bill for an act providing for fees for permits related to the withdrawal or diversion of water from natural sources, and providing an effective date and retroactive applicability.

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

[Senate File 391](#), by Johnson, a bill for an act authorizing issuance of group health insurance policies to health benefit purchasing cooperatives.

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

[Senate File 392](#), by Danielson, a bill for an act prohibiting landlords from imposing financial penalties against tenants for certain actions in violation of city ordinances and making penalties applicable.

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

[Senate File 393](#), by committee on Human Resources, a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting.

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

[Senate File 394](#), by committee on Human Resources, a bill for an act requiring a circulating nurse to be present in operating rooms during surgical procedures and providing an effective date.

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

[Senate File 395](#), by committee on Commerce, a bill for an act prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

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

[Senate File 396](#), by committee on Commerce, a bill for an act requiring a yearly review of legislation and current state laws that contain health care benefit mandates and providing an effective date.

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

[Senate File 397](#), by Hamerlinck, a bill for an act relating to air quality testing.

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

#### STUDY BILLS RECEIVED

##### [SSB 1296](#)      **Natural Resources**

Relating to sales and excise taxes imposed on the sales of bottled water with revenues deposited into a clean water fund in the department of natural resources.

##### [SSB 1297](#)      **Local Government**

Relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions.

##### [SSB 1298](#)      **Rebuild Iowa**

Relating to the issuance or approval of building plans, permits, licenses, certificates, and other documents by a local building department.

**SSB 1299      Rebuild Iowa**

Relating to the suspension of state or local building code provisions following a disaster.

**SSB 1300      Veterans Affairs**

Exempting from the computation of the state individual income tax certain benefits received from the veterans trust fund and including a retroactive applicability date provision.

**SUBCOMMITTEE ASSIGNMENTS****Senate Joint Resolution 7**

STATE GOVERNMENT: Courtney, Chair; Behn and Dearden

**Senate File 290**

APPROPRIATIONS: Appel, Chair; Feenstra and Hogg

**Senate File 310**

APPROPRIATIONS: Dotzler, Chair; Dvorsky and Feenstra

**Senate File 344**

APPROPRIATIONS: Dotzler, Chair; Kapucian and Warnstadt

**Senate File 353**

STATE GOVERNMENT: Courtney, Chair; Feenstra and Kibbie

**Senate File 361**

APPROPRIATIONS: Dvorsky, Chair; Fraise and Kettering

**Senate File 370**

APPROPRIATIONS: Dvorsky, Chair; Hogg and Kettering

**Senate File 381**

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

**Senate File 382**

ECONOMIC GROWTH: Stewart, Chair; Houser and Olive

[SSB 1296](#)

NATURAL RESOURCES: Dearden, Chair; Bartz and Bolkcom

[SSB 1297](#)

LOCAL GOVERNMENT: Quirnbach, Chair; Hamerlinck and McCoy

[SSB 1298](#)

REBUILD IOWA: Hogg, Chair; Hamerlinck and Heckroth

[SSB 1299](#)

REBUILD IOWA: Hogg, Chair; Hamerlinck and Heckroth

[SSB 1300](#)

VETERANS AFFAIRS: Kibbie, Chair; Ragan and Seymour

## FINAL COMMITTEE REPORTS OF BILL ACTION

### COMMERCE

**Bill Title:** [SENATE FILE 395](#) (formerly [SF 348](#)), a bill for an act prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Warnstadt, Heckroth, Bolkcom, Courtney, Dandekar, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, 3: Wieck, Hartsuch, and Kettering. Absent, 1: Behn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ALSO:

**Bill Title:** [SENATE FILE 396](#) (formerly [SF 317](#)), a bill for an act requiring a yearly review of legislation and current state laws that contain health care benefit mandates and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

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

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**HUMAN RESOURCES**

**Bill Title:** \*[SENATE FILE 389](#) (formerly [SF 48](#)), a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Ragan, Schmitz, Bolkcom, Dotzler, Hatch, Kreiman, Quirnbach, and Wilhelm. Nays, 5: Hartsuch, Bartz, Boettger, Johnson, and Seymour. 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 Human Resources Committee on [Senate File 389](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 393](#) (formerly [SF 271](#)), a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. 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 Human Resources Committee on [Senate File 393](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 394](#) ([SSB 1255](#)), a bill for an act requiring a circulating nurse to be present in operating rooms during surgical procedures and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. 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 Human Resources Committee on [Senate File 394](#), and they were attached to the committee report.

#### NATURAL RESOURCES

**Bill Title:** \*[SENATE FILE 388 \(SSB 1157\)](#), a bill for an act relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Dearden, Hancock, Hahn, Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng. 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 Natural Resources Committee on [Senate File 388](#), and they were attached to the committee report.

#### 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:

#### VETERANS AFFAIRS

Timothy Orr – Adjutant General of the State of Iowa

#### AMENDMENT FILED

[S-3066](#)      [S.F. 336](#)      Swati A. Dandekar