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**STATE OF IOWA**

**Senate Journal**

**MONDAY, JANUARY 26, 2009**

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# JOURNAL OF THE SENATE

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FIFTEENTH CALENDAR DAY  
NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, January 26, 2009

The Senate met in regular session at 1:07 p.m., President Kibbie presiding.

Prayer was offered by Reverend Don Cox, pastor of the Celebration First Assembly of God Church in Waterloo, Iowa. He was the guest of Senator Danielson.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Evan Burger.

The Journal of Thursday, January 22, 2009, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hartsuch, until he arrives, on request of Senator Behn; and Senator Wieck, until he arrives, on request of Senator McKinley.

## SPECIAL GUEST

Senator Gronstal introduced to the Senate Chamber his daughter, Kate.

The Senate rose and expressed its welcome.

## BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that [Senate File 31](#) be referred to the committee on **Ways and Means**.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:22 p.m. until 8:45 a.m., Tuesday, January 27, 2009.

## 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 HUMAN RIGHTS

Division of Criminal and Juvenile Justice Planning Iowa Sex Offender Research Council 2009 Report, pursuant to 2005 Iowa Acts, [HF 619](#). Report received on January 22, 2009.

Division of Criminal and Juvenile Justice Planning Advisory Council's 2008 Legislative Monitoring Report, pursuant to 2001 Iowa Acts, [SF 543](#). Report received on January 23, 2009.

#### DEPARTMENT OF NATURAL RESOURCES

Mercury Containing Lamp Recycling Program Study, pursuant to 2008 Iowa Acts, [SF 2321](#). Report received on January 23, 2009.

#### DEPARTMENT OF REVENUE

2008 Annual Report of the Iowa Capital Investment Board, pursuant to Iowa Code section 15E.46. Report received on January 23, 2009.

#### DEPARTMENT OF TRANSPORTATION

Recycled Content Plastic Bag and Soy Inks Report for FY 2008, pursuant to Iowa Code section 307.21(4)(c). Report received on January 22, 2009.

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northwest Senate gallery:

FFA students from Sibley-Ocheyedan High School, accompanied by adviser Mike Earll. Senator Johnson.

## CERTIFICATES OF RECOGNITION

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

Joe Herschburg, Lohrville—For celebrating his 100<sup>th</sup> birthday. Senator Beall (1/26/09).

Twin River Valley High School—For receiving a bronze medal in the second annual list of America's Best High Schools in *U.S. News & World Report*. Senator Kibbie (1/26/09).

## REPORTS OF COMMITTEE MEETINGS

### EDUCATION

**Convened:** Monday, January 26, 2009, 2:10 p.m.

**Members Present:** Schmitz, Chair; Schoenjahn, Vice Chair; Boettger, Ranking Member; Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Sodders, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Presentation from the Department of Education.

**Adjourned:** 3:00 p.m.

### HUMAN RESOURCES

**Convened:** Thursday, January 22, 2009, 2:05 p.m.

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

**Members Absent:** Hatch and Johnson (both excused).

**Committee Business:** Presentation by the Director of the Iowa Medicaid Enterprise.

**Adjourned:** 2:45 p.m.

### JUDICIARY

**Convened:** Monday, January 26, 2009, 4:05 p.m.

**Members Present:** Kreiman, Chair; Hogg, Vice Chair; Kettering, Ranking Member; Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Sodders, Ward, Warnstadt, and Zaun.

**Members Absent:** None.

**Committee Business:** Passed [SF 15](#).

**Adjourned:** 4:15 p.m.

#### LOCAL GOVERNMENT

**Convened:** Monday, January 26, 2009, 3:10 p.m.

**Members Present:** Quirnbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Hamerlinck, Houser, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn.

**Members Absent:** None.

**Committee Business:** Discussion of SFs 28 and 30.

**Adjourned:** 3:25 p.m.

#### REBUILD IOWA

**Convened:** Thursday, January 22, 2009, 3:05 p.m.

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

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

**Committee Business:** Considered [SSB 1065](#).

**Adjourned:** 3:20 p.m.

#### WAYS AND MEANS

**Convened:** Monday, January 26, 2009, 4:30 p.m.

**Members Present:** Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Passed [SF 31](#), as amended.

**Adjourned:** 5:00 p.m.

## INTRODUCTION OF BILLS

[Senate File 31](#), by committee on Rebuild Iowa, a bill for an act relating to the imposition of a local option sales tax after a disaster and providing an effective date.

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

[Senate File 32](#), by McCoy, a bill for an act granting the right-of-way to public transit buses reentering the flow of traffic and providing penalties.

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

[Senate File 33](#), by McCoy, a bill for an act relating to the hours of service for regional transit system drivers.

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

[Senate File 34](#), by McCoy, Bolcom, and Dotzler, a bill for an act relating to the operation of bicycles on a street or highway, providing requirements for motor vehicle operators encountering other vehicles or bicycles, and providing penalties.

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

[Senate File 35](#), by Danielson, a bill for an act relating to the state and local hotel and motel tax by making taxable certain transactions exempt from the sales tax.

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

[Senate File 36](#), by McKinley, a bill for an act establishing a value-added assessment system to calculate annually the academic growth of students enrolled in school districts at grade levels three through eleven.

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

[Senate File 37](#), by McKinley, a bill for an act authorizing school districts to pay certain teachers a mathematics or science teacher salary supplement.

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

[Senate File 38](#), by Ragan, Warnstadt, Beall, Wilhelm, Olive, Schoenjahn, Heckroth, Stewart, and Dotzler, a bill for an act relating to transfer procedures for and compensation of health care providers not participating in IowaCare.

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

[Senate File 39](#), by Danielson, a bill for an act providing for the modification of property divisions made pursuant to a dissolution of marriage.

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

[Senate File 40](#), by McKinley, a bill for an act relating to deer hunting on farm units by nonresidents who are active duty military and on leave.

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

[Senate File 41](#), by McKinley, a bill for an act allowing the use of a dog to retrieve a wounded deer and providing a penalty.

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

[Senate File 42](#), by McKinley and Noble, a bill for an act modifying the criminal offense of indecent exposure, and providing penalties.

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

[Senate File 43](#), by committee on Local Government, a bill for an act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions.

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

[Senate File 44](#), by committee on Ways and Means, a bill for an act relating to the imposition of a local option sales tax after a disaster and providing an effective date.

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

[Senate File 45](#), by committee on Local Government, a bill for an act relating to issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.

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

#### STUDY BILLS RECEIVED

[SSB 1091](#)      **Human Resources**

Establishing a shaken baby syndrome prevention program in the department of public health.

[SSB 1092](#)      **Human Resources**

To allow medical or osteopathic physicians, physician assistants, and nurse practitioners to form limited liability companies or professional corporations.

**SSB 1093 Human Resources**

Relating to the administration of programs under the jurisdiction of the department of public health and increasing a penalty.

**SSB 1094 Judiciary**

Relating to the admissibility of medical records and bills in civil cases.

**SSB 1095 Judiciary**

Relating to alcoholic beverage possession or consumption including underage possession or consumption and destruction of operating while intoxicated records, and providing a penalty.

**SSB 1096 Judiciary**

Providing a minimum annual salary for a county attorney, requiring a county to use certain funds to ensure that the minimum salary requirement for a county attorney is satisfied, and providing an effective date.

**SSB 1097 Judiciary**

Relating to the commission of a criminal offense classified as murder in the first degree, and providing a penalty.

**SSB 1098 Judiciary**

Relating to elections or appointments to a county magistrate appointing commission.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 20**

LOCAL GOVERNMENT: Olive, Chair; Kapucian and Rielly

**Senate File 26**

HUMAN RESOURCES: Bolkom, Chair; Hatch and Seymour

[SSB 1091](#)

HUMAN RESOURCES: Ragan, Chair; Bartz and Bolkcom

[SSB 1092](#)

HUMAN RESOURCES: Dotzler, Chair; Hartsuch and Schmitz

[SSB 1093](#)

HUMAN RESOURCES: Wilhelm, Chair; Bolkcom and Johnson

[SSB 1094](#)

JUDICIARY: Kreiman, Chair; Hancock and Kettering

[SSB 1095](#)

JUDICIARY: Kreiman, Chair; Hancock and Noble

[SSB 1096](#)

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

[SSB 1097](#)

JUDICIARY: Kreiman, Chair; Horn and Kettering

[SSB 1098](#)

JUDICIARY: Kreiman, Chair; Schoenjahn and Ward

## FINAL COMMITTEE REPORTS OF BILL ACTION

### REBUILD IOWA

**Bill Title:** [SENATE FILE 31 \(SSB 1065\)](#), a bill for an act relating to the imposition of a local option sales tax after a disaster and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Hogg, Heckroth, Appel, Dandekar, Dvorsky, Hahn, Horn, Jochum, and Stewart. Nays, 3: Hamerlinck, Feenstra, and Reynolds. Absent, 1: Houser.

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

**LOCAL GOVERNMENT**

**Bill Title:** \*[SENATE FILE 43](#) (formerly [SF 30](#)), a bill for an act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Quirnbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. 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 Local Government Committee on [Senate File 43](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 45](#) (formerly [SF 28](#)), a bill for an act relating to issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Quirnbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. 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 Local Government Committee on [Senate File 45](#), and they were attached to the committee report.

**WAYS AND MEANS**

**Bill Title:** \*[SENATE FILE 44](#) (formerly [SF 31](#)), a bill for an act relating to the imposition of a local option sales tax after a disaster and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Bolkcom, McCoy, Dandekar, Dotzler, Hogg, Jochum, Quirnbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 6: Zaun, Bartz, Feenstra, Hamerlinck, Houser, and Ward. 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 Ways and Means Committee on [Senate File 44](#), and they were attached to the committee report.