

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 2, 2009

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JOURNAL OF THE SENATE

TWENTY-SECOND CALENDAR DAY
THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 2, 2009

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

Prayer was offered by Father Eugene Koch of the Assumption Catholic Church in Granger, Iowa. He was the guest of Senator Behn.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Taylor Edgar.

The Journal of Thursday, January 29, 2009, was approved.

HOUSE MESSAGE RECEIVED

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 January 29, 2009, **passed** the following bill in which the concurrence of the House was asked:

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

ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 1:15 p.m. until 8:45 a.m., Tuesday, February 3, 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 ADMINISTRATIVE SERVICES

2008 Annual Report of the Capitol Planning Commission, pursuant to Iowa Code section 8A.373. Report received on January 30, 2009.

DEPARTMENT OF ECONOMIC DEVELOPMENT

IDED Consolidated Annual Report for 2008, pursuant to Iowa Code section 15.104(9). Report received on January 30, 2009.

Quarterly Report of the Workforce Development Fund for calendar quarter ending December 31, 2008, pursuant to 2008 Iowa Acts, [HF 2450](#), section 6. Report received on January 30, 2009.

Report on the Activities of the Iowa Commission on Volunteer Service, pursuant to Iowa Code section 15H.3(h). Report received on January 30, 2009.

DEPARTMENT OF HUMAN SERVICES

Analysis of Employee Turnover in Nursing Facilities, pursuant to 2008 Iowa Acts, [HF 2539](#), section 71. Report received on January 29, 2009.

IOWA JUDICIAL BRANCH

Report on Enhanced Court Collections Fund and Court Technology Fund, pursuant to 2007 Iowa Acts, [HF 2647](#), section 1(9). Report received on January 30, 2009.

DEPARTMENT OF NATURAL RESOURCES

Working for Clean Water: 2008 Watershed Improvement Successes in Iowa, pursuant to Iowa Code section 466A.3(4)(e). Report received on January 30, 2009.

DEPARTMENT OF REVENUE

Iowa Tax Expenditures Study for 2005. Report received on January 30, 2009.

DEPARTMENT OF TRANSPORTATION

Flex Fuel Vehicles Registration Report, pursuant to Iowa Code section 452A.33(3). Report received on January 30, 2009.

Status Report on Midwest Regional Rail Passenger Initiative and Passenger Rail Service in Iowa, pursuant to Iowa Code section 327J.3(5). Report received on January 30, 2009.

CERTIFICATES OF RECOGNITION

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

Erma Dorfler, Charter Oak—For celebrating her 95th birthday. Senator Seymour (2/2/09).

Buzz and Judy Messenbrink—For celebrating their 50th wedding anniversary. Senator Seymour (2/2/09).

Erwin and Margie Moeller, Denison—For celebrating their 50th wedding anniversary. Senator Seymour (2/2/09).

Milfred Nemitz, Denison—For celebrating her 80th birthday. Senator Seymour (2/2/09).

Leslie and Luella Neubauer, Battle Creek—For celebrating their 65th wedding anniversary. Senator Seymour (2/2/09).

Verna Pieper, Denison—For celebrating her 90th birthday. Senator Seymour (2/2/09).

Shirley Schneider—For celebrating her 75th birthday. Senator Seymour (2/2/09).

Evelyn Staller, Denison—For celebrating her 95th birthday. Senator Seymour (2/2/09).

Nadine Stender, Denison—For celebrating her 75th birthday. Senator Seymour (2/2/09).

Ina Ulmer—For celebrating her 85th birthday. Senator Seymour (2/2/09).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Monday, February 2, 2009, 3:05 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: Approved Governor's appointments.

Adjourned: 3:10 p.m.

LOCAL GOVERNMENT

Convened: Monday, February 2, 2009, 2:10 p.m.

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

Members Absent: None.

Committee Business: Presentation by the Iowa League of Cities.

Adjourned: 2:35 p.m.

STATE GOVERNMENT

Convened: Monday, February 2, 2009, 2:10 p.m.

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

Members Absent: None.

Committee Business: LEAN enterprises presentation by the Department of Management. Approved SSBs 1047 and 1060.

Adjourned: 2:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, January 22, 2009, 10:05 a.m.

Members Present: Ragan, Vice Chair; Hartsuch and Schmitz.

Members Absent: Hatch, Chair; and Johnson, Ranking Member (both excused).

Committee Business: Organizational meeting.

Adjourned: 10:30 a.m.

ALSO:

Convened: Tuesday, January 27, 2009, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Hartsuch and Schmitz.

Members Absent: None.

Committee Business: FY 2009 budget overview.

Adjourned: 10:50 a.m.

ALSO:

Convened: Thursday, January 29, 2009, 10:30 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; and Schmitz.

Members Absent: Hartsuch (excused).

Committee Business: Presentation by the Department of Public Health.

Adjourned: 11:55 a.m.

INTRODUCTION OF RESOLUTIONS

[Senate Resolution 9](#), by Hatch, Bolkcom, Olive, Hancock, Seng, Wilhelm, Horn, Warnstadt, Dvorsky, Heckroth, Dotzler, Danielson, Soddors, Rielly, Schoenjahn, Kreiman, Ragan, Schmitz, Stewart, Beall, Black, Kibbie, Gronstal, Courtney, Appel, Fraise, Dearden, Dandekar, Quirnbach, Jochum, McCoy, and Hogg, a resolution encouraging a federal state collaboration to achieve quality, affordable health care for all.

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

[Senate Resolution 10](#), by Hatch, Dotzler, Appel, Bolkcom, Olive, Hancock, Seng, Wilhelm, Horn, Dvorsky, Heckroth, Soddors, Rielly, Schoenjahn, Kreiman, Ragan, Schmitz, Beall, Black, Kibbie, Gronstal, Fraise, Dearden, Dandekar, Quirnbach, Jochum, McCoy, and Hogg, a resolution urging the Governor of the State of Iowa to declare a state of economic emergency relating to real estate mortgage foreclosures.

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

INTRODUCTION OF BILLS

[Senate File 82](#), by committee on Economic Growth, a bill for an act adding four nonvoting members to the Iowa workforce development board.

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

[Senate File 83](#), by Johnson, a bill for an act exempting the use of self-service washers and dryers from state sales taxes.

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

[Senate File 84](#), by Kibbie, a bill for an act relating to the adoption of small wind energy system ordinances by cities and counties.

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

[Senate File 85](#), by Hogg, a bill for an act relating to the release of taxpayer debt information by the department of revenue and to the assessment of penalties and interest on taxes due by active duty military personnel and providing a retroactive applicability date.

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

[Senate File 86](#), by Hogg, a bill for an act directing the Iowa climate change advisory council to conduct an assessment and prepare a report regarding the state's vulnerability to climatic change.

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

[Senate File 87](#), by Warnstadt, a bill for an act relating to representation of the department of human services in juvenile court.

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

[Senate File 88](#), by Hatch, a bill for an act relating to the amount of county hospital tax levy proceeds available for a specified period for distribution for the IowaCare program, and providing effective and retroactive applicability dates.

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

STUDY BILLS RECEIVED

SSB 1133 **Ways and Means**

Updating the Code references to the Internal Revenue Code, providing for decoupling from a certain bonus depreciation provision in the Internal Revenue code, and including effective and retroactive applicability date provisions.

SSB 1134 **Ways and Means**

Relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, fees for new vehicle registrations, and property taxes and including a retroactive applicability date provision.

SSB 1135 **Commerce**

Prohibiting declaration of value forms for the conveyance of real estate to include social security numbers.

SSB 1136 **Judiciary**

Relating to the detention of a person taken into immediate custody in an involuntary hospitalization proceeding and providing a penalty.

SSB 1137 **Judiciary**

Relating to automobile or motor vehicle insurance coverage of liability arising from uninsured, underinsured, or hit-and-run motorists.

SSB 1138 **Judiciary**

Relating to calculating earned time for inmates required to participate in a sex offender treatment program.

SSB 1139 **Judiciary**

Relating to the assessment of city and county fines.

SSB 1140 **Judiciary**

Relating to the penalties for the unlawful manufacture, delivery, or possession with intent to deliver of marijuana or related substances and the solicitation of such offenses.

SSB 1141 **Judiciary**

Relating to the authorized uses of local exchange service information by specified individuals and entities.

SUBCOMMITTEE ASSIGNMENTS**Senate File 35**

WAYS AND MEANS: Dotzler, Chair; Bolkcom and Hamerlinck

SSB 1133

WAYS AND MEANS: Jochum, Chair; Bartz and Wilhelm

SSB 1134

WAYS AND MEANS: Jochum, Chair; Bartz and Dandekar

SSB 1135

COMMERCE: Schmitz, Chair; Behn and Heckroth

SSB 1136

JUDICIARY: Kreiman, Chair; Hancock and Ward

SSB 1137

JUDICIARY: Hogg, Chair; Quirnbach and Zaun

SSB 1138

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

[SSB 1139](#)

JUDICIARY: Schoenjahn, Chair; Boettger and Hancock

[SSB 1140](#)

JUDICIARY: Sodders, Chair; Kreiman and Noble

[SSB 1141](#)

JUDICIARY: Schoenjahn, Chair; Noble and Quirmbach

FINAL COMMITTEE REPORT OF BILL ACTION

ECONOMIC GROWTH

Bill Title: [SENATE FILE 82 \(SSB 1043\)](#), a bill for an act adding four nonvoting members to the Iowa workforce development board.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Stewart, Olive, Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm. Nays, none. Absent, 2: Houser and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 2nd day of February, 2009:

[Senate File 44.](#)

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 2, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 44](#) – Relating to the imposition of a local option sales and services tax after a disaster and providing an effective date.

**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:

EDUCATION

Laura Stevens – Board of Educational Examiners

Greta Johnson – State Board of Regents