

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 4, 2009

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JOURNAL OF THE SENATE

TWENTY-FOURTH CALENDAR DAY
FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 4, 2009

The Senate met in regular session at 8:48 a.m., President Kibbie presiding.

Prayer was offered by Reverend Mario Lora, pastor of the Lifebridge Christian Church in Carlisle, Iowa. He was the guest of Senator Appel.

The Journal of Tuesday, February 3, 2009, was approved.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that [Senate File 97](#) be referred from the Regular Calendar to the committee on **Appropriations**.

The Senate stood at ease at 8:57 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:17 a.m., President Pro Tempore Danielson presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 52 and 9.

[Senate File 52](#)

On motion of Senator Kibbie, [Senate File 52](#), a bill for an act relating to ethics regulations for the executive branch, legislative

branch, and local officials and employees, was taken up for consideration.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 52](#)), the vote was:

Yeas, 50:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Seymour
Black	Hamerlinck	Kreiman	Sodders
Boettger	Hancock	McCoy	Stewart
Bolkcom	Hartsuch	McKinley	Ward
Courtney	Hatch	Noble	Warnstadt
Dandekar	Heckroth	Olive	Wieck
Danielson	Hogg	Quirnbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

[Senate File 9](#)

On motion of Senator Wilhelm, [Senate File 9](#), a bill for an act relating to the disposition of school property and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 9](#)), the vote was:

Yeas, 50:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Seymour
Black	Hamerlinck	Kreiman	Sodders
Boettger	Hancock	McCoy	Stewart
Bolkcom	Hartsuch	McKinley	Ward
Courtney	Hatch	Noble	Warnstadt
Dandekar	Heckroth	Olive	Wieck
Danielson	Hogg	Quirnbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 8](#).

[Senate Resolution 8](#)

On motion of Senator Gronstal, [Senate Resolution 8](#), a senate resolution relating to permanent rules of the senate for the eighty-third general assembly, was taken up for consideration.

Senator Gronstal moved the adoption of [Senate Resolution 8](#), which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Concurrent Resolution 2](#).

[Senate Concurrent Resolution 2](#)

On motion of Senator Gronstal, [Senate Concurrent Resolution 2](#), a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-third general assembly, was taken up for consideration.

Senator Gronstal moved the adoption of [Senate Concurrent Resolution 2](#), which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate Concurrent Resolution 2](#) and **Senate Files 9 and 52** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 51 and 50.

[Senate File 51](#)

On motion of Senator Courtney, [Senate File 51](#), a bill for an act relating to electronic filing of campaign finance disclosure statements and reports by certain political committees and providing an effective date, was taken up for consideration.

Senator Courtney moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 51](#)), the vote was:

Yeas, 50:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Seymour
Black	Hamerlinck	Kreiman	Sodders
Boettger	Hancock	McCoy	Stewart
Bolkcom	Hartsuch	McKinley	Ward
Courtney	Hatch	Noble	Warnstadt
Dandekar	Heckroth	Olive	Wieck
Danielson	Hogg	Quirnbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

[Senate File 50](#)

On motion of Senator Courtney, [Senate File 50](#), a bill for an act relating to the payment of a salary or other compensation to a candidate’s family member, and making a penalty applicable, was taken up for consideration.

Senator Courtney moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 50](#)), the vote was:

Yeas, 50:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Seymour
Black	Hamerlinck	Kreiman	Sodders
Boettger	Hancock	McCoy	Stewart
Bolkcom	Hartsuch	McKinley	Ward
Courtney	Hatch	Noble	Warnstadt

Dandekar	Heckroth	Olive	Wieck
Danielson	Hogg	Quirnbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 50 and 51** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:48 a.m. until 8:45 a.m., Thursday, February 5, 2009.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

IOWA COMMISSION ON THE STATUS OF WOMEN

2009 Annual Report, pursuant to Iowa Code section 216A.60. Report received on February 4, 2009.

CERTIFICATES OF RECOGNITION

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

Wesley James Farrington, Rockwell City—For achieving the rank of Eagle Scout, Troop 94. Senator Beall (2/4/09).

Jeff Peller and the staff of the Coralville Marriot Hotel and Convention Center, Coralville—For receiving the Iowa Lodging Association's Property of the Year Award. Senator Dvorsky (2/4/09).

Lettie Prell, Des Moines—For receiving the Lejins Research Award from the American Correctional Association. Senator Dvorsky (2/4/09).

Ian Andrew Schmit, Rockwell City—For achieving the rank of Eagle Scout, Troop 94. Senator Beall (2/4/09).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, February 4, 2009, 11:35 a.m.

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

Members Absent: Courtney and Sodders (both excused).

Committee Business: Presentation by the Dean of the Iowa State University College of Veterinary Medicine.

Adjourned: 11:55 a.m.

EDUCATION

Convened: Wednesday, February 4, 2009, 1:05 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: Core curriculum presentation.

Adjourned: 2:00 p.m.

REBUILD IOWA

Convened: Tuesday, February 3, 2009, 4:05 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: Presentations on conservation and flood mitigation.

Adjourned: 5:00 p.m.

STATE GOVERNMENT

Convened: Wednesday, February 4, 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: Governor's appointments.

Adjourned: 2:25 p.m.

TRANSPORTATION

Convened: Tuesday, February 3, 2009, 3:10 p.m.

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

Members Absent: Danielson, Warnstadt, and Zaun (all excused).

Committee Business: Presentations on city and county transportation issues.

Adjourned: 3:50 p.m.

INTRODUCTION OF BILLS

[Senate File 102](#), by McKinley, Hamerlinck, Reynolds, Wieck, Behn, Hartsuch, Kapucian, Feenstra, Hahn, Boettger, Noble, Ward, Bartz, Houser, and Seymour, a bill for an act relating to the establishment of a searchable budget database website for the public to access the details of the expenditure of state tax revenues and a searchable tax rate database for the public to access the details of each tax rate for all taxing districts in the state.

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

[Senate File 103](#), by Sodders, a bill for an act requiring automated external defibrillators in all physical exercise clubs, and providing an effective date.

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

[Senate File 104](#), by Soddors, a bill for an act relating to pseudoephedrine product sales by pharmacies and retailers, and providing penalties and contingent applicability.

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

[Senate File 105](#), by Soddors, a bill for an act enhancing criminal penalties for certain offenses committed against a child or person sixty-five years of age or older.

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

[Senate File 106](#), by Danielson, a bill for an act concerning civil service commissions, disciplinary procedures, leaves of absence, providing a civil penalty, and making a penalty applicable.

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

[Senate File 107](#), by committee on State Government, a bill for an act relating to express advocacy disseminated through mass media for campaign finance disclosure purposes.

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

[Senate File 108](#), by committee on Judiciary, a bill for an act relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision.

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

[Senate File 109](#), by committee on Veterans Affairs, a bill for an act waiving employer charges for unemployment claims stemming from temporary workers who have replaced active duty military employees.

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

[Senate File 110](#), by Warnstadt, Courtney, Fraise, Wieck, and Gronstal, a bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program.

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

[Senate File 111](#), by Zaun, Johnson, Reynolds, Hamerlinck, Kapucian, Hahn, Houser, McKinley, Behn, Noble, Boettger, Ward, Hartsuch, Wieck, and Seymour, a bill for an act requiring the adoption of internet filter policies by public libraries that receive state funds.

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

[Senate File 112](#), by Johnson, Reynolds, Kapucian, Ward, Bartz, Hartsuch, Kettering, McKinley, Noble, Boettger, Feenstra, Hahn, Wieck, Seymour, Hamerlinck, Zaun, Houser, Behn, Beall, Ragan, Kreiman, Hogg, Dotzler, Heckroth, Dvorsky, Warnstadt, Horn, Wilhelm, Seng, Hancock, Olive, Hatch, Dearden, Fraise, Appel, Courtney, Gronstal, Kibbie, Black, McCoy, Dandekar, Jochum, Stewart, Soddors, Danielson, Schoenjahn, Rielly, and Bolkcom, a bill for an act providing for presentation of flags flown at half-staff over the state capitol in recognition of the death of a member of the armed forces of the United States while serving on active duty.

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

STUDY BILLS RECEIVED

[SSB 1157](#) **Natural Resources**

Relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, and making penalties applicable.

SSB 1158 Natural Resources

Imposing a surcharge on automobile liability insurance policies for the benefit of deer herd population management, including the help us stop hunger program, and making an appropriation.

SSB 1159 Natural Resources

Regulating various hunting, fishing, and trapping activities under the jurisdiction of the department of natural resources, modifying fees, and making penalties applicable.

SSB 1160 Human Resources

Relating to the department of elder affairs and services provided to older Iowans.

SSB 1161 Local Government

Providing that a city may adopt an ordinance regulating the siting of certain confinement feeding operation structures within an unincorporated area adjacent to the city limits.

SSB 1162 Commerce

Allowing the waiver of certain administrative penalties for late annual reports concerning cemetery and funeral merchandise, and funeral services, upon a showing of good cause or financial hardship and providing an immediate effective date.

SSB 1163 Commerce

Relating to the regulation of the business of debt management and making penalties applicable.

SSB 1164 Commerce

Relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities act; insurance division; examination of insurance companies; articles of incorporation filing requirements; viatical

settlements contracts; life insurance companies and associations; long-term care insurance; long-term care asset disregard incentives; insurance other than life; insurance guaranty association; county mutual insurance associations; state mutual insurance associations; consolidation, merger, and reinsurance; and cemetery and funeral merchandise and funeral services; and providing for retroactive applicability.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 62](#)

WAYS AND MEANS: Stewart, Chair; Hamerlinck and Wilhelm

[Senate File 65](#)

WAYS AND MEANS: Quirnbach, Chair; Feenstra and Hogg

[Senate File 75](#)

EDUCATION: Dvorsky, Chair; Johnson and Quirnbach

[Senate File 76](#)

EDUCATION: Dvorsky, Chair; Feenstra and Quirnbach

[Senate File 83](#)

WAYS AND MEANS: Quirnbach, Chair; Jochum and Ward

[Senate File 89](#)

WAYS AND MEANS: Dotzler, Chair; Bartz and Bolkcom

[Senate File 92](#)

EDUCATION: Dvorsky, Chair; Boettger and Quirnbach

[Senate File 93](#)

EDUCATION: Dvorsky, Chair; Boettger and Quirnbach

[Senate File 97](#)

APPROPRIATIONS: Dvorsky, Chair; and Kettering

[Senate File 100](#)

HUMAN RESOURCES: Quirnbach, Chair; Bartz and Schmitz

[SSB 1157](#)

NATURAL RESOURCES: Black, Chair; Noble and Schoenjahn

[SSB 1158](#)

NATURAL RESOURCES: Dearden, Chair; Hancock and Noble

[SSB 1159](#)

NATURAL RESOURCES: Dearden, Chair; Fraise and Johnson

[SSB 1160](#)

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Ragan

[SSB 1161](#)

LOCAL GOVERNMENT: Beall, Chair; Kreiman and Reynolds

[SSB 1162](#)

COMMERCE: Schmitz, Chair; Behn and Rielly

[SSB 1163](#)

COMMERCE: Heckroth, Chair; Kettering and Stewart

[SSB 1164](#)

COMMERCE: Stewart, Chair; Heckroth and Wieck

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: *[SENATE FILE 108](#) (formerly [SF 19](#)), a bill for an act relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Soddors, 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 108](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: *[SENATE FILE 107 \(SSB 1047\)](#), a bill for an act relating to express advocacy disseminated through mass media for campaign finance disclosure purposes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck. 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 State Government Committee on [Senate File 107](#), and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: [SENATE FILE 109 \(SSB 1039\)](#), a bill for an act waiving employer charges for unemployment claims stemming from temporary workers who have replaced active duty military employees.

Recommendation: APPROVED COMMITTEE BILL.

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

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:

STATE GOVERNMENT

Vicky Boyington – Accountancy Examining Board

A'Lisa Walker – Commission on the Status of African-Americans

Janet Johnson – Board of Dietetics

James Kenkel – Electrical Examining Board

Ruth Ohde – Engineering and Land Surveying Examining Board

Marlee Walton – Engineering and Land Surveying Examining Board

Sarah Hinzman – Generation Iowa Commission

Dorothy Fowles – Interior Design Examining Board

Randall Nyberg – IowAccess Advisory Council

Judy Allen – Commission on Native American Affairs

Vicky Apala-Cuevas – Commission on Native American Affairs

Joe Coulter – Commission on Native American Affairs

Theresa Essmann Mahoney – Commission on Native American Affairs

Karen Mackey – Commission on Native American Affairs

Franklin Phillips – Commission on Native American Affairs

Greer Sisson – Commission on Native American Affairs

Judy Yellowbank – Commission on Native American Affairs

Paul Dayton – Board of Podiatry

Darshan Singh – Board of Psychology

Paul Hayes – State Racing and Gaming Commission