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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, FEBRUARY 17, 2009**

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# JOURNAL OF THE SENATE

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THIRTY-SEVENTH CALENDAR DAY  
TWENTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 17, 2009

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by Reverend Wayne Brinkman, pastor of the St. John's Lutheran Church in Clinton, Iowa. He was the guest of Senator Stewart.

The Journal of Monday, February 16, 2009, was approved.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:10 a.m. until 8:45 a.m., Wednesday, February 18, 2009.

## APPENDIX

### PRESENTATION OF VISITORS

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

Iowa Foster Parents Association and members of the Ames School Board, accompanied by Paul Sodders. Senator Sodders.

### CERTIFICATES OF RECOGNITION

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

Dorothy Dykstra, Sioux Center—For being inducted into the Iowa Volunteer Hall of Fame. Senator Feenstra (2/17/09).

John P. Lally, Jr., Denison—For celebrating his 90<sup>th</sup> birthday. Senator Seymour (2/17/09).

Chelsey Montgomery, Cedar Rapids—For being named one of two top youth volunteers in the Prudential Spirit of Community Awards. Senator Horn (2/17/09).

Jason Plourde—For receiving the 2008 Milken Family Foundation National Educator Award. Senator Gronstal (2/17/09).

Riceville Family Care and Therapy Center, Riceville—For receiving a five star ranking from the Centers for Medicare and Medicaid. Senator Ragan (2/17/09).

Frieda Schneider, Denison—For celebrating her 80<sup>th</sup> birthday. Senator Seymour (2/17/09).

Jeralyn Westercamp, Cedar Rapids—For being named one of two top youth volunteers in the Prudential Spirit of Community Awards. Senator Horn (2/17/09).

## REPORTS OF COMMITTEE MEETINGS

### COMMERCE

**Convened:** Tuesday, February 17, 2009, 2:00 p.m.

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

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

**Committee Business:** Passed [HR 180](#) and approved [SSB 1162](#).

**Adjourned:** 2:15 p.m.

### EDUCATION

**Convened:** Monday, February 16, 2009, 4:35 p.m.

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

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

**Committee Business:** Approved [SSB 1175](#), as amended, and passed [SF 122](#). Presentations by the Director of the Wallace Leadership Grant, the Director of the SAI, and the Department of Education.

**Adjourned:** 5:25 p.m.

**GOVERNMENT OVERSIGHT**

**Convened:** Tuesday, February 17, 2009, 10:10 a.m.

**Members Present:** Olive, Chair; Courtney, Vice Chair; Ward, Ranking Member; Sodders and Wieck.

**Members Absent:** None.

**Committee Business:** Policy discussion.

**Adjourned:** 11:35 a.m.

**JUDICIARY**

**Convened:** Monday, February 16, 2009, 6:10 p.m.

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

**Members Absent:** None.

**Committee Business:** Passed [SF 78](#) and approved [SSB 1037](#).

**Adjourned:** 6:30 p.m.

**REBUILD IOWA**

**Convened:** Tuesday, February 17, 2009, 1:05 p.m.

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

**Members Absent:** Hamerlinck, Ranking Member; and Jochum (both excused).

**Committee Business:** Presentation on managing future floods.

**Adjourned:** 1:55 p.m.

**STATE GOVERNMENT**

**Convened:** Monday, February 16, 2009, 3:40 p.m.

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

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

**Committee Business:** Introduced [SSB 1128](#).

**Adjourned:** 4:05 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** Tuesday, February 17, 2009, 10:05 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by the Department of Administrative Services.

**Adjourned:** 11:00 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** Tuesday, February 17, 2009, 10:10 a.m.

**Members Present:** Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; and Wilhelm.

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

**Committee Business:** Presentations by the Secretary of Agriculture and the Watershed Improvement Review Board.

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

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** Tuesday, February 17, 2009, 10:05 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by the Southwest Iowa Library Service Area, the Central Iowa Library Service Area, and the Iowa Afterschool Alliance.

**Adjourned:** 11:00 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** Tuesday, February 17, 2009, 10:10 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by the Department of Human Services, the Iowa Association of Homes and Services for the Aging, the Iowa Health Care Association, and the Iowa Center for Assisted Living.

**Adjourned:** 11:30 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** Tuesday, February 17, 2009, 10:10 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by the Department of Corrections.

**Adjourned:** 11:50 a.m.

#### INTRODUCTION OF RESOLUTION

[Senate Joint Resolution 3](#), by Kreiman, a joint resolution requesting the Congress of the United States to submit to the States for ratification a balanced budget amendment to the United States Constitution.

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

#### INTRODUCTION OF BILLS

[Senate File 168](#), by Bolckom, a bill for an act creating an international trade and globalization advisory council.

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

[Senate File 169](#), by Bolckom, a bill for an act requiring electric public utilities to offer an alternate power purchase program.

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

[Senate File 170](#), by Bolkcom, a bill for an act requiring disclosure to customers of annual gas and electric utility payment amounts.

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

[Senate File 171](#), by Bolkcom, a bill for an act relating to binding international trade agreements by providing for the consent of the general assembly and providing an effective date.

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

[Senate File 172](#), by Bolkcom, a bill for an act directing the office of energy independence to establish a community grant program for energy efficiency projects, and allocating appropriated amounts for purposes of funding the program.

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

[Senate File 173](#), by committee on Education, a bill for an act relating to the allocation of funds to the all Iowa opportunity foster care grant program and providing an effective date.

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

[Senate File 174](#), by Olive, a bill for an act providing for the stockpiling of dry manure originating from confinement feeding operations, making penalties applicable, and providing an effective date.

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

[Senate File 175](#), by Black, a bill for an act relating to a sales and use tax exemption on environmental test laboratory services.

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

## STUDY BILLS RECEIVED

**SSB 1212**      **Local Government**

Relating to identity theft protection by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system.

**SSB 1213**      **Local Government**

Relating to local regulation of certain law applications.

**SSB 1214**      **Local Government**

Providing for the repeal of the authorization to use local sales and services tax revenue to fund urban renewal projects and including an effective date provision.

**SSB 1215**      **Judiciary**

Relating to mechanic's liens including the establishment of a state construction registry for residential property and providing an effective date.

**SSB 1216**      **Judiciary**

Relating to the emancipation of a minor and family in need of assistance proceedings.

**SSB 1217**      **Judiciary**

Relating to driving while distracted and making a penalty applicable.

## SUBCOMMITTEE ASSIGNMENTS

**Senate Joint Resolution 2**

STATE GOVERNMENT: Hatch, Chair; Hartsuch and Kibbie

**Senate File 156**

LOCAL GOVERNMENT: Schoenjahn, Chair; Kapucian and Olive

[Senate File 158](#)

STATE GOVERNMENT: Courtney, Chair; Behn and Kibbie

[Senate File 160](#)

STATE GOVERNMENT: Dearden, Chair; Courtney and Wieck

[Senate File 161](#)

STATE GOVERNMENT: Jochum, Chair; Behn and Danielson

[Senate File 164](#)

LABOR AND BUSINESS RELATIONS: Dearden, Chair; Dotzler and Ward

[SSB 1212](#)

LOCAL GOVERNMENT: Quirnbach, Chair; Houser and Kreiman

[SSB 1213](#)

LOCAL GOVERNMENT: Quirnbach, Chair; Houser and Olive

[SSB 1214](#)

LOCAL GOVERNMENT: McCoy, Chair; Hamerlinck and Rielly

[SSB 1215](#)

JUDICIARY: Kreiman, Chair; Quirnbach and Zaun

[SSB 1216](#)

JUDICIARY: Kreiman, Chair; Boettger and Jochum

[SSB 1217](#)

JUDICIARY: Soddors, Chair; Kettering and Kreiman

## FINAL COMMITTEE REPORTS OF BILL ACTION

## COMMERCE

**Bill Title:** [HOUSE FILE 180](#), 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:** DO PASS.

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

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

## EDUCATION

**Bill Title:** [SENATE FILE 173](#) (formerly [SF 122](#)), a bill for an act relating to the allocation of funds to the all Iowa opportunity foster care grant program and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Johnson, Kreiman, Quirnbach, Soddors, and Wilhelm. Nays, none. Absent, 2: Heckroth and McKinley.

**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:

## LABOR AND BUSINESS RELATIONS

Patricia Broerman – Plumbing and Mechanical Systems Examining Board  
Carol Crane – Plumbing and Mechanical Systems Examining Board  
Thomas Day – Plumbing and Mechanical Systems Examining Board  
Mickey Gage – Plumbing and Mechanical Systems Examining Board  
Jane Hagedorn – Plumbing and Mechanical Systems Examining Board  
Ronald Masters – Plumbing and Mechanical Systems Examining Board  
Dennis Molden – Plumbing and Mechanical Systems Examining Board  
Susan Salsman – Plumbing and Mechanical Systems Examining Board  
Charles Thomas – Plumbing and Mechanical Systems Examining Board