

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MARCH 4, 2009

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JOURNAL OF THE SENATE

FIFTY-SECOND CALENDAR DAY
THIRTY-FIRST SESSION DAY

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

The Senate met in regular session at 8:57 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by Reverend Ron Burcham, pastor of the Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

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

HOUSE MESSAGE RECEIVED AND CONSIDERED

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 March 3, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 374](#), a bill for an act relating to the grain depositors and sellers indemnity fund, and providing for an effective date and retroactive applicability.

Read first time and attached to **similar [Senate File 195](#)**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:14 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:17 a.m., President Pro Tempore Danielson presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:18 a.m. until 8:45 a.m., Thursday, March 5, 2009.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Darrel and Barb Andersen, Anita—For celebrating their 50th wedding anniversary. Senator Boettger (3/4/09).

Earl Cavanaugh, Waterloo—For celebrating his 95th birthday. Senator Dotzler (3/4/09).

Jim and Annie Hougham, Bagley—For celebrating their 60th wedding anniversary. Senator Boettger (3/4/09).

Jean Loes, Mason City—For receiving a 2009 Great Iowa Nurses Award. Senator Ragan (3/4/09).

LeRoy and Ida Mehlmann, Massena—For celebrating their 70th wedding anniversary. Senator Boettger (3/4/09).

Laura Mitchell, Charles City—For receiving a 2009 Great Iowa Nurses Award. Senator Ragan (3/4/09).

Agnes Terry, Waterloo—For celebrating her 100th birthday. Senator Dotzler (3/4/09).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

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

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

Members Absent: None.

Committee Business: Passed [SF 235](#).

Adjourned: 11:40 a.m.

COMMERCE

Convened: Tuesday, March 3, 2009, 4:00 p.m.

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

Members Absent: None.

Committee Business: Passed [SF 251](#) and approved [SSB 1196](#).

Adjourned: 4:30 p.m.

ECONOMIC GROWTH

Convened: Tuesday, March 3, 2009, 5:20 p.m.

Members Present: Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm.

Members Absent: None.

Committee Business: Approved SSBs 1088 and 1241, as amended.

Adjourned: 5:35 p.m.

EDUCATION

Convened: Wednesday, March 4, 2009, 2:05 p.m.

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

Members Absent: None.

Committee Business: Approved SSBs 1016 and 1101, both as amended.

Adjourned: 3:05 p.m.

GOVERNMENT OVERSIGHT

Convened: Tuesday, March 3, 2009, 10:20 a.m.

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

Members Absent: None.

Committee Business: Discussed Medicaid provider rates and Iowa Public Employees Retirement System.

Adjourned: 11:45 a.m.

HUMAN RESOURCES

Convened: Wednesday, March 4, 2009, 3:10 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Hartsuch, Ranking Member; Bartz, Boettger, Bolkom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm.

Members Absent: None.

Committee Business: Passed [SF 48](#), as amended.

Adjourned: 4:00 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Wednesday, March 4, 2009, 2:05 p.m.

Members Present: Courtney, Chair; Jochum, Vice Chair; Ward, Ranking Member; Dearden, Dotzler, Horn, Houser, Wieck, and Zaun.

Members Absent: Gronstal and Hatch (both excused).

Committee Business: Approved [SSB 1071](#), as amended.

Adjourned: 2:15 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, March 4, 2009, 1:10 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: Discussed SSBs 1212 and 1213.

Adjourned: 1:55 p.m.

NATURAL RESOURCES

Convened: Tuesday, March 3, 2009, 5:00 p.m.

Members Present: Dearden, Chair; Hancock, Vice Chair; Hahn, Ranking Member; Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng.

Members Absent: None.

Committee Business: Approved [SSB 1235](#), as amended.

Adjourned: 5:25 p.m.

RULES AND ADMINISTRATION

Convened: Wednesday, March 4, 2009, 9:15 a.m.

Members Present: Gronstal, Chair; McKinley, Ranking Member; Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: Kibbie, Vice Chair (excused).

Committee Business: Passed [SR 13](#).

Adjourned: 9:20 a.m.

STATE GOVERNMENT

Convened: Wednesday, March 4, 2009, 1:05 p.m.

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

Members Absent: None.

Committee Business: Discussed [SF 247](#).

Adjourned: 1:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Tuesday, March 3, 2009, 10:20 a.m.

Members Present: Dotzler, Chair; Heckroth, Vice Chair; Kapucian, Ranking Member; Dandekar and Reynolds.

Members Absent: None.

Committee Business: Presentations by Iowa Workforce Development.

Adjourned: 11:15 a.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 14](#), by Kibbie and Johnson, a resolution urging the United States Environmental Protection Agency to authorize the use of higher blends of ethanol in nonflex fuel vehicles.

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

INTRODUCTION OF BILLS

[Senate File 313](#), by Johnson and McKinley, a bill for an act exempting certain individuals from the requirements administered by the board of educational examiners and providing for related matters.

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

[Senate File 314](#), by Schoenjahn, a bill for an act providing for all existing funds for teacher compensation to be directed into one salary system.

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

[Senate File 315](#), by Johnson, a bill for an act prohibiting hunting guides or outfitters from guiding on public lands and waters and providing penalties.

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

[Senate File 316](#), by Feenstra, a bill for an act relating to observers at satellite absentee voting stations.

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

[Senate File 317](#), by Rielly, 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 referred to committee on **Commerce**.

[Senate File 318](#), by committee on Labor and Business Relations, a bill for an act pertaining to the duties and regulations under the purview of the labor commissioner.

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

[Senate File 319](#), by committee on Human Resources, a bill for an act relating to child support enforcement including withholding of an employee's compensation by an employer for support of a child under a support order, protection of child support information, annual collections fees, and the potential charging of interest on overdue child support payments, and providing an effective date.

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

[Senate File 320](#), by committee on Judiciary, a bill for an act relating to charitable trusts by providing for filing documents with the attorney general and providing for the attorney general's investigative authority.

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

[Senate File 321](#), by committee on Judiciary, a bill for an act relating to automobile or motor vehicle insurance coverage of liability arising from uninsured, underinsured, or hit-and-run motorists.

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

[Senate File 322](#), by committee on Ways and Means, a bill for an act 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.

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

[Senate File 323](#), by Sodders, a bill for an act relating to the provision of health records of a child in foster care to the foster care provider.

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

[Senate File 324](#), by Hamerlinck, a bill for an act relating to driver education by a teaching parent.

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

[Senate File 325](#), by Hamerlinck, a bill for an act increasing the amount of pension income that is exempted from the individual income tax and including a retroactive applicability date provision.

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

[Senate File 326](#), by Schmitz, a bill for an act providing for the removal of the requirement that two or more public school districts be contiguous in order to utilize financial, administrative, merger and dissolution, open enrollment, and sharing incentives and policies.

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

[Senate File 327](#), by Bartz, a bill for an act relating to sanitary districts by amending a district's authority to regulate certain private sewage disposal facilities, excluding agricultural property from a property tax levy imposed by a district, and amending provisions related to annexation by a district.

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

[Senate File 328](#), by committee on Environment and Energy Independence, a bill for an act relating to reimbursement of hazardous substance cleanup costs.

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

[Senate File 329](#), by Boettger, a bill for an act providing for the establishment of a financial literacy council within the office of the governor, providing for its future repeal, and providing an effective date.

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

[Senate File 330](#), by Boettger, a bill for an act relating to the installation of certain fire suppression systems in the restoration or remodeling of a building constructed before 1910.

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

[Senate File 331](#), by committee on Economic Growth, a bill for an act concerning fine arts projects in state buildings.

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

[Senate File 332](#), by Warnstadt, Bolkcom, Ragan, Wilhelm, Heckroth, and Olive, a bill for an act establishing a local food and farm task force, providing for a local food and farm plan, and providing for an effective date.

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

STUDY BILLS RECEIVED

SSB 1282 **Judiciary**

To eliminate an obsolete Code section reference in a utility replacement tax allocation of revenue requirement involving new major additions to taxpayer property.

SSB 1283 **Judiciary**

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

SSB 1284 **Judiciary**

Relating to the uniform adult guardianship and protective proceedings Act relating to the establishment, transfer, and recognition of guardianships and conservatorships in multistate cases, and including effective date and applicability provisions.

SSB 1285 **Education**

Relating to textbooks and applicable instructional technology adopted for use by school districts and provided to public and accredited nonpublic school students.

SSB 1286 **Appropriations**

Relating to and making appropriations to the justice system.

SSB 1287 **Judiciary**

Relating to the federal Adam Walsh Child Protection and Safety Act.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 238](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Bolkcom, Chair; Behn and Rielly

[Senate File 293](#)

HUMAN RESOURCES: Bolkcom, Chair; Bartz and Hatch

[Senate File 296](#)

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Wilhelm

[Senate File 312](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Stewart, Chair; Hancock and Reynolds

[Senate File 313](#)

EDUCATION: Dvorsky, Chair; McKinley and Quirmbach

[Senate File 314](#)

EDUCATION: Schoenjahn, Chair; Johnson and Schmitz

[Senate File 315](#)

NATURAL RESOURCES: Black, Chair; Hahn and Hancock

[Senate File 316](#)

LOCAL GOVERNMENT: Beall, Chair; Kreiman and Reynolds

[Senate File 326](#)

EDUCATION: Schmitz, Chair; Boettger and Sadders

[SSB 1282](#)

JUDICIARY: Kreiman, Chair; Horn and Zaun

[SSB 1283](#)

JUDICIARY: Kreiman, Chair; Jochum and Ward

[SSB 1284](#)

JUDICIARY: Jochum, Chair; Boettger and Kreiman

[SSB 1285](#)

EDUCATION: Schmitz, Chair; Appel, Beall, Boettger, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Schoenjahn, Soddors, and Wilhelm

[SSB 1286](#)

APPROPRIATIONS: Hancock, Chair; Hogg and Noble

[SSB 1287](#)

JUDICIARY: Kreiman, Chair; Boettger, Fraise, Hancock, Hogg, Horn, Jochum, Kettering, Noble, Quirnbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH

Bill Title: [SENATE FILE 331](#) ([SSB 1088](#)), a bill for an act concerning fine arts projects in state buildings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Stewart, Olive, Beall, Dandekar, Dotzler, Hatch, Heckroth, and Schmitz. Nays, 7: Houser, Hamerlinck, Kapucian, Reynolds, Rielly, Wieck, and Wilhelm. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ENVIRONMENT AND ENERGY INDEPENDENCE

Bill Title: [*SENATE FILE 328](#) (formerly [SF 99](#)), a bill for an act relating to reimbursement of hazardous substance cleanup costs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Black, Hogg, Behn, Bolkcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, 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 Environment and Energy Independence Committee on [Senate File 328](#), and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *[SENATE FILE 319 \(SSB 1074\)](#), a bill for an act relating to child support enforcement including withholding of an employee's compensation by an employer for support of a child under a support order, protection of child support information, annual collections fees, and the potential charging of interest on overdue child support payments, 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 319](#), and they were attached to the committee report.

JUDICIARY

Bill Title: *[SENATE FILE 320 \(SSB 1026\)](#), a bill for an act relating to charitable trusts by providing for filing documents with the attorney general and providing for the attorney general's investigative authority.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, 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 320](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 321 \(SSB 1137\)](#), a bill for an act relating to automobile or motor vehicle insurance coverage of liability arising from uninsured, underinsured, or hit-and-run motorists.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Kreiman, Hogg, Fraise, Hancock, Horn, Jochum, Quirnbach, Schoenjahn, Soddors, and Warnstadt. Nays, 5: Kettering, Boettger, Noble, Ward, and Zaun. 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 321](#), and they were attached to the committee report.

LABOR AND BUSINESS RELATIONS

Bill Title: *[SENATE FILE 318 \(SSB 1051\)](#), a bill for an act pertaining to the duties and regulations under the purview of the labor commissioner.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Courtney, Jochum, Ward, Dearden, Dotzler, Hatch, Horn, Houser, Wieck, and Zaun. Nays, none. Absent, 1: Gronstal.

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 Labor and Business Relations Committee on [Senate File 318](#), and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 13](#), a resolution encouraging a federal state collaboration to achieve quality, affordable health care for all.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, McKinley, Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, 1: Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: [SENATE FILE 322 \(SSB 1134\)](#), a bill for an act 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Bolcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

<u>S-3055</u>	<u>S.F. 283</u>	Keith A. Kreiman
<u>S-3056</u>	<u>S.F. 287</u>	Staci Appel