

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JANUARY 27, 2010

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JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 27, 2010

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ochevedan, Iowa.

The Journal of Tuesday, January 26, 2010, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 26, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2109](#), a bill for an act relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions.

Read first time and attached to **companion [Senate File 2074](#)**.

[House File 2110](#), a bill for an act relating to unemployment insurance benefits for spouses who leave employment to accompany a spouse on a military assignment.

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:53 a.m. until 8:45 a.m., Thursday, January 28, 2010.

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

Annual on Recycled Products Purchases, pursuant to Iowa Code section 8A.315. Report received on January 21, 2010.

DEPARTMENT OF PUBLIC SAFETY

2008 Iowa Uniform Crime Report, pursuant to Iowa Code section 692.15. Report received on January 27, 2010.

CERTIFICATES OF RECOGNITION

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

Lillian Schwerin Kramer, Burlington—For celebrating her 90th birthday. Senator Courtney (1/27/10).

Kevin and Cindy McCannon, Burlington—For celebrating their 30th wedding anniversary. Senator Courtney (1/27/10).

Sophia Nachtigal, Lake Park—For celebrating her 100th birthday. Senator Johnson (1/27/10).

Pearl Wischmeier Oetken, Burlington—For celebrating her 90th birthday. Senator Courtney (1/27/10).

Edward Schiefer, West Burlington—For celebrating his 80th birthday. Senator Courtney (1/27/10).

Betty Shawgo, Burlington—For celebrating her 90th birthday. Senator Courtney (1/27/10).

Helene Ogden Sleeter—For celebrating her 100th birthday. Senator Courtney (1/27/10).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, January 27, 2010, 11:35 a.m.

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

Members Absent: Black and Courtney (both excused).

Committee Business: Presentations on conservation, soil erosion, and low carbon fuel.

Adjourned: 12:15 p.m.

APPROPRIATIONS

Convened: Wednesday, January 27, 2010, 12:30 p.m.

Members Present: Dvorsky, Chair; Kettering, Ranking Member; Appel, Boettger, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

Members Absent: McCoy, Vice Chair; Bartz, Bolkcom, and Hatch (all excused).

Committee Business: Passed [SF 2088](#).

Recessed: 12:40 p.m.

Reconvened: 12:50 p.m.

Adjourned: 12:55 p.m.

EDUCATION

Convened: Wednesday, January 20, 2010, 1:10 p.m.

Members Present: Schmitz, Chair; Schoenjahn, Vice Chair; Appel, Beall, Dvorsky, Feenstra, Heckroth, Johnson, Kreiman, Soddors, and Wilhelm.

Members Absent: Boettger, Ranking Member; Hamerlinck, McKinley, and Quirmbach (all excused).

Committee Business: Organizational meeting.

Adjourned: 1:15 p.m.

ALSO:

Convened: Wednesday, January 27, 2010, 2:05 p.m.

Members Present: Schmitz, Chair; Schoenjahn, Vice Chair; Boettger, Ranking Member; Appel, Dvorsky, Feenstra, Kreiman, Quirnbach, Sodders, and Wilhelm.

Members Absent: Beall, Hamerlinck, Heckroth, Johnson, and McKinley (all excused).

Committee Business: Preschool presentation by the Department of Education.

Adjourned: 3:00 p.m.

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Tuesday, January 26, 2010, 4:35 p.m.

Members Present: Black, Chair; Hogg, Vice Chair; Bolkcom, Hancock, Hartsuch, Rielly, Stewart, Ward, and Wilhelm.

Members Absent: Behn, Ranking Member; and Reynolds (both excused).

Committee Business: Assigned bills. Presentations on bio-economy and transportation, low carbon fuel standards, and Keep Iowa Beautiful.

Adjourned: 5:30 p.m.

LOCAL GOVERNMENT

Convened: Monday, January 25, 2010, 2:10 p.m.

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

Members Absent: Hamerlinck and Houser (both excused).

Committee Business: Guest presentations.

Adjourned: 2:45 p.m.

ALSO:

Convened: Wednesday, January 27, 2010, 1:00 p.m.

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

Members Absent: Houser (excused).

Committee Business: Deferred SFs 2023 and 2024.

Recessed: 1:15 p.m.

Reconvened: 1:30 p.m.

Adjourned: 1:40 p.m.

REBUILD IOWA

Convened: Tuesday, January 19, 2010, 3:10 p.m.

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

Members Absent: None.

Committee Business: Assignment of bills. Presentation by the Eldora City Administrator.

Adjourned: 3:35 p.m.

STATE GOVERNMENT

Convened: Wednesday, January 20, 2010, 4:35 p.m.

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

Members Absent: Behn (excused).

Committee Business: Approved [SSB 3030](#), as amended.

Recessed: 6:15 p.m.

Reconvened: 6:20 p.m.

Adjourned: 6:35 p.m.

ALSO:

Convened: Wednesday, January 27, 2010, 1:10 p.m.

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

Members Absent: Courtney and Hatch (both excused).

Committee Business: Approved [SSB 3035](#). Approved governor's appointees.

Recessed: 1:15 p.m.

Reconvened: 1:20 p.m.

Adjourned: 1:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, January 21, 2010, 10:15 a.m.

Members Present: Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member.

Members Absent: Behn and Kreiman (both excused).

Committee Business: Presentation by the Department of Administrative Services.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, January 21, 2010, 10:30 a.m.

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

Members Absent: None.

Committee Business: Budget presentation by the Secretary of Agriculture.

Adjourned: 11:30 a.m.

ALSO:

Convened: Tuesday, January 26, 2010, 10:15 a.m.

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

Members Absent: Houser (excused).

Committee Business: Budget presentation by the Director of Department of Natural Resources. Update on the Honey Creek Resort.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, January 26, 2010, 10:15 a.m.

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

Members Absent: None.

Committee Business: DHS comments on the reorganization bill. Presentations on the TANF emergency fund.

Adjourned: 11:00 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Tuesday, January 26, 10:05 a.m.

Members Present: McCoy, Chair; Seymour, Ranking Member; Beall and Hamerlinck.

Members Absent: Warnstadt, Vice Chair (excused).

Committee Business: Presentation by the Department of Transportation.

Adjourned: 11:35 a.m.

INTRODUCTION OF RESOLUTION

[Senate Joint Resolution 2003](#), by Courtney and Dotzler, a joint resolution to nullify administrative rules of the board of nursing concerning advanced registered nurse practitioners and providing an effective date.

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

INTRODUCTION OF BILLS

[Senate File 2111](#), by Boettger, a bill for an act relating to assignment of visitation to the grandparent of a child when a parent is serving active duty in the military service of the United States.

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

[Senate File 2112](#), by Jochum, a bill for an act relating to workplace accommodations for employees who express breast milk.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

[Senate File 2113](#), by Jochum, a bill for an act modifying provisions relating to franchises for the provision of cable service or video service, and including effective date and retroactive applicability provisions.

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

[Senate File 2114](#), by Heckroth, Ragan, Schmitz, Beall, Horn, Seng, Hatch, Kibbie, Black, Jochum, and Dandekar, a bill for an act relating to the creation and use of moneys in a home and community-based services trust fund and making an appropriation.

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

[Senate File 2115](#), by Black, Beall, Horn, Seng, Quirnbach, Hatch, Dearden, Appel, Courtney, Kibbie, Jochum, Bolkom, Dandekar, and Stewart, a bill for an act providing for and making an appropriation to the department on aging for statewide expansion of the elder abuse initiative program.

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

[Senate File 2116](#), by Jochum, a bill for an act requiring that the Iowa core curriculum for kindergarten through grade eight include foreign language and American sign language.

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

[Senate File 2117](#), by committee on Human Resources, a bill for an act to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

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

[Senate File 2118](#), by Quirnbach, a bill for an act repealing the film, television, and video project promotion program and including effective date and retroactive and other applicability provisions.

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

[Senate File 2119](#), by Dotzler, a bill for an act relating to the use of certain assets contained in the workers' compensation second injury fund.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

[Senate File 2120](#), by Dearden, a bill for an act allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty.

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

[Senate File 2121](#), by Johnson, a bill for an act authorizing the commissioner of insurance to develop individual and small employer basic benefit health care plans for certain young adults and their dependents.

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

[Senate File 2122](#), by Bolkcom, a bill for an act requiring certain health benefit contracts, policies, or plans to provide coverage of tobacco use cessation programs and providing an applicability date.

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

[Senate File 2123](#), by Kettering, a bill for an act relating to the operation of all-terrain vehicles on highways, providing a registration fee, and making a penalty applicable.

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

[Senate File 2124](#), by Kettering, a bill for an act providing a school tuition credit for certain pupils attending an accredited nonpublic school and including applicability provisions.

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

[Senate File 2125](#), by Soddors, Heckroth, Olive, and Courtney, a bill for an act requiring provision of deliverable fuels to customers under specified circumstances, and including effective date provisions.

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

[Senate File 2126](#), by Johnson, a bill for an act relating to the use of federal health care reform funding for abortions, and including effective date provisions.

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

[Senate File 2127](#), by Johnson, a bill for an act exempting the sale of all horses from the sales and use taxes.

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

STUDY BILLS RECEIVED

[SSB 3167](#) **Commerce**

Modifying disciplinary provisions applicable to real estate brokers and salespersons.

SSB 3168 Environment and Energy Independence

Relating to the Iowa comprehensive petroleum underground storage tank fund.

SSB 3169 Rebuild Iowa

Relating to royalty fees and credits for removal of sand and gravel from state-owned lands and waters.

SSB 3170 Rebuild Iowa

Limiting certain financial assistance for development in five hundred year floodplains.

SSB 3171 Appropriations

Relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

SSB 3172 Rebuild Iowa

Providing for the waiver of tax penalties and interest under certain disaster loss circumstances and including effective date and retroactive applicability provisions.

SSB 3173 Judiciary

Relating to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, and providing penalties.

SSB 3174 Local Government

Expanding Iowa communications network access to include cities, counties, and city and county governmental units.

SSB 3175 Labor and Business Relations

Requiring certain weekly workers' compensation benefits to be calculated by including an employee's overtime and premium pay, and to include an annual cost-of-living adjustment.

SSB 3176 Labor and Business Relations

Providing minimum paid sick and safe time for employees and including applicability provisions.

SSB 3177 Environment and Energy Independence

Relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

SUBCOMMITTEE ASSIGNMENTS**Senate File 267**

AGRICULTURE: Seng, Chair; Johnson and Rielly

Senate File 2014

TRANSPORTATION: Rielly, Chair; Hahn and Hancock

Senate File 2015

TRANSPORTATION: Rielly, Chair; Hancock and Zaun

Senate File 2078

ENVIRONMENT AND ENERGY INDEPENDENCE: Stewart, Chair; Behn and Black

Senate File 2080

ENVIRONMENT AND ENERGY INDEPENDENCE: Black, Chair; Hancock and Hartsuch

Senate File 2081

ENVIRONMENT AND ENERGY INDEPENDENCE: Bolcom, Chair; Reynolds and Rielly

Senate File 2082

WAYS AND MEANS: Schmitz, Chair; Ward and Wilhelm

[Senate File 2083](#)

STATE GOVERNMENT: Courtney, Chair; Behn and Black

[Senate File 2097](#)

JUDICIARY: Kreiman, Chair; Warnstadt and Zaun

[Senate File 2100](#)

STATE GOVERNMENT: Dearden, Chair; Behn and Hatch

[Senate File 2101](#)

STATE GOVERNMENT: Courtney, Chair; Black and Wieck

[Senate File 2102](#)

JUDICIARY: Hancock, Chair; Boettger and Jochum

[Senate File 2104](#)

EDUCATION: Quirnbach, Chair; Dvorsky and McKinley

[Senate File 2107](#)

AGRICULTURE: Hancock, Chair; Black and Boettger

[Senate File 2111](#)

JUDICIARY: Warnstadt, Chair; Boettger and Hogg

[Senate File 2116](#)

EDUCATION: Beall, Chair; Hamerlinck and Schoenjahn

[SSB 3146](#)

JUDICIARY: Kreiman, Chair; Boettger and Hancock

[SSB 3147](#)

JUDICIARY: Kreiman, Chair; Fraise and Ward

[SSB 3148](#)

JUDICIARY: Warnstadt, Chair; Hogg and Noble

[SSB 3149](#)

JUDICIARY: Kreiman, Chair; Sodders and Zaun

[SSB 3150](#)

JUDICIARY: Hancock, Chair; Noble and Quirnbach

[SSB 3151](#)

JUDICIARY: Quirnbach, Chair; Noble and Sodders

[SSB 3152](#)

VETERANS AFFAIRS: Kibbie, Chair; Beall and Noble

[SSB 3153](#)

COMMERCE: Warnstadt, Chair; Behn and Heckroth

[SSB 3154](#)

COMMERCE: Stewart, Chair; Kettering and Schmitz

[SSB 3155](#)

COMMERCE: Dandekar, Chair; Stewart and Ward

[SSB 3156](#)

JUDICIARY: Kreiman, Chair; Hogg and Ward

[SSB 3157](#)

JUDICIARY: Kreiman, Chair; Hogg and Ward

[SSB 3158](#)

JUDICIARY: Kreiman, Chair; Hogg and Ward

[SSB 3159](#)

JUDICIARY: Kreiman, Chair; Hogg and Ward

[SSB 3160](#)

JUDICIARY: Kreiman, Chair; Hogg and Ward

[SSB 3161](#)

JUDICIARY: Kreiman, Chair; Hogg and Ward

[SSB 3162](#)

JUDICIARY: Kreiman, Chair; Hogg and Ward

[SSB 3163](#)

JUDICIARY: Kreiman, Chair; Hogg and Ward

[SSB 3164](#)

JUDICIARY: Kreiman, Chair; Hogg and Ward

[SSB 3165](#)

JUDICIARY: Kreiman, Chair; Hogg and Ward

[SSB 3166](#)

JUDICIARY: Kreiman, Chair; Hogg and Ward

[SSB 3167](#)

COMMERCE: Olive, Chair; Kettering and Stewart

[SSB 3168](#)

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

[SSB 3169](#)

REBUILD IOWA: Dandekar, Chair; Feenstra and Horn

[SSB 3170](#)

REBUILD IOWA: Dandekar, Chair; Jochum and Reynolds

[SSB 3171](#)

APPROPRIATIONS: Hatch, Chair; Dvorsky, Johnson, Kettering, and Ragan

[SSB 3172](#)

REBUILD IOWA: Jochum, Chair; Hamerlinck and Stewart

[SSB 3173](#)

JUDICIARY: Sodders, Chair; Noble and Schoenjahn

[SSB 3174](#)

LOCAL GOVERNMENT: Olive, Chair; Houser and Quirmbach

[SSB 3175](#)

LABOR AND BUSINESS RELATIONS: Horn, Chair; Courtney and Ward

[SSB 3176](#)

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Hatch and Wieck

[SSB 3177](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Rielly, Chair; Black and Reynolds

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: [SENATE FILE 2088 \(SSB 3030\)](#), a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dvorsky, Appel, Danielson, Dearden, Dotzler, Fraise, Hancock, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 8: Kettering, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 4: McCoy, Bartz, Bolkcom, and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: [SENATE FILE 2117 \(SSB 3083\)](#), a bill for an act to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

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.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CONFIRMATION CALENDAR**

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

STATE GOVERNMENT

Evelyn Rank – Accountancy Examining Board

Victoria Nwasike – Commission on the Status of African-Americans

Rex Jones – Board of Chiropractic

Kay Pence – Electrical Examining Board

Khara Washington – Generation Iowa Commission

Michele Rosenboom – Interior Design Examining Board

Herb Copley – IowAccess Advisory Council

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Shearon Elderkin – Iowa Power Fund Board

TIM L. KAPUCIAN