State of Iowa

JOURNAL OF THE SENATE

EIGHTY-THIRD GENERAL ASSEMBLY

2009 REGULAR SESSION

Volume I

JOHN P. KIBBIE, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate

Published by the
STATE OF IOWA
Des Moines

TABLE OF CONTENTS

VOLUME I

OFFICERS OF THE SENATE v

ELECTED STATE OFFICIALS, SUPREME COURT JUSTICES, AND COURT OF APPEALS JUDGES ix

MEMBERS OF THE SENATE x

SENATE DAILY JOURNALS
January 12 – April 7 1

VOLUME II

SENATE DAILY JOURNALS (continued)
April 8 – April 26 1008

SENATE REPORTS RECEIVED AFTER ADJOURNMENT 1277

AMENDMENTS FILED 1289

CONFERENCE COMMITTEE REPORTS 1871

RESOLUTIONS ADOPTED 1885

MEMORIALS 1959

JOURNAL INDEX 1973

EIGHTY-THIRD GENERAL ASSEMBLY
2009 Regular Session

OFFICERS OF THE SENATE

JOHN P. "JACK" KIBBIE, *President of the Senate* ..... Emmetsburg

JEFF DANIELSON, *President Pro Tempore* ..... Cedar Falls

MICHAEL E. GRONSTAL, *Majority Leader* ..... Council Bluffs

THOMAS G. COURTNEY, *Majority Whip* ..... Burlington

STACI APPEL, *Assistant Majority Leader* ..... Ackworth

JOE BOLKCOM, *Assistant Majority Leader* ..... Iowa City

WILLIAM A. DOTZLER, JR., *Assistant Majority Leader* ..... Waterloo

JACK HATCH, *Assistant Majority Leader* ..... Des Moines

WILLIAM M. HECKROTH, *Assistant Majority Leader* ..... Waverly

AMANDA RAGAN, *Assistant Majority Leader* ..... Mason City

PAUL McKINLEY, *Minority Leader* ..... Chariton

STEVE KETTERING, *Minority Whip* ..... Lake View

NANCY J. BOETTGER, *Assistant Minority Leader* ..... Harlan

DAVID JOHNSON, *Assistant Minority Leader* ..... Ocheyedan

PAT WARD, *Assistant Minority Leader* ..... West Des Moines

BRAD ZAUN, *Assistant Minority Leader* ..... Urbandale

MICHAEL E. MARSHALL, *Secretary of the Senate* ..... West Des Moines

KIRSTEN ANDERSON, *Minority Caucus Communications Director* ..... Des Moines

TOM ASHWORTH, *Minority Caucus Research Analyst* ..... West Des Moines

MARY LOU ASPENGREN, *Minority Caucus Research Assistantt* ..... Des Moines

ERIC BAKKER, *Senior Administrative Asst. to Majority Leader* ..... Des Moines

KRIS BELL, *Majority Caucus Senior Research Analyst* ..... West Des Moines

JENNIFER BEMINIO, *Assistant Journal Editor* ..... Des Moines

K'ANN BRANDT, *Confidential Secretary to Secretary of the Senate* .....Ankeny

LOIS J. BROWNELL, *Senior Finance Officer* .....Ankeny

JERRY CARLSON, *Doorkeeper* ..... Des Moines

LEILA CARLSON, *Postmistress* ..... Des Moines

STEPHEN CONWAY, *Senior Administrative Asst. to President* .....West Des Moines

ANGELA COX, *Journal Editor* ..... Des Moines

KATHLEEN CUROE, *Indexer/Records and Supply* ..... Des Moines

JAMES DOUGLAS, *Doorkeeper* .....Huxley

PAMELA DUGDALE, *Minority Caucus Senior Research Analyst* .....West Des Moines

CATHERINE ENGEL, *Majority Caucus Research Analyst* .....West Des Moines

SUE FOECKE, *Majority Caucus Research Analyst*..... Des Moines

JIM FRIEDRICH, *Minority Caucus Senior Research Analyst*.....Ankeny

HANNAH GARDEN-MONHEIT, *Majority Caucus Research Analyst*..... Des Moines

BRIDGET GODES, *Majority Caucus Research Analyst*..... Des Moines

JANET HAWKINS, *Assistant Secretary of the Senate* .....Bondurant

KASSIE HOBBS, *Majority Caucus Research Assistant* .....Ankeny

SUE ELLEN HUDSON, *Switchboard Operator*.....Carlisle

JESSE HUGHES, *Assistant Journal Editor*..... Des Moines

CALEB HUNTER, Senoir *Administrative Asst. to Minority Leader* .....West Des Moines

CAROLANN JENSEN, *Minority Caucus Senior Research Analyst* .....Osceola

DEBBIE KATTENHORN, *Administrative Asst. to Majority Leader*..... Norwalk

THERESA L. KEHOE, *Majority Caucus Senior Research Analyst*..... Des Moines

KAY KIBBIE, *Confidential Secretary to President*..... Emmetsburg

WILLIAM L. KRIEG, *Sergeant-at-Arms* ..... Des Moines

ROBERT LANGBEHN, *Doorkeeper* ..... Des Moines

JO ANN LARSON, *Switchboard Operator* ..... Indianola

MAUREEN LEE, *Journal Editor* ..... Des Moines

ANGIE LEWIS, *Minority Caucus Research Analyst* ..... West Des Moines

FRANK LOEFFEL, *Doorkeeper* ..... Des Moines

LARA MARGELOFSKY, *Administrative Sec. to Secretary of the Senate* ..... Des Moines

RUSTY MARTIN, *Majority Caucus Communications Director* ..... Perry

PETER MATTHES, *Minority Caucus Staff Director* ..... Ankeny

DON McDOWELL, *Minority Leader Press Secretary* ..... Ames

JACE MIKELS, *Majority Caucus Research Analyst* ..... Waukee

JAY MOSHER, *Bill Clerk* ..... Milo

KATHY OLAH, *Senior Indexer* ..... West Des Moines

RON PARKER, *Majority Caucus Senior Staff Director* ..... Des Moines

GRETCHEN PROKSA, *Confidential Secretary to Majority Leader* ..... Pleasant Hill

BETTY SHEA, *Assistant Finance Officer* ..... Altoona

TOM SHELDAHL, *Assistant Sergeant-at-Arms* ..... West Des Moines

ERICA SHORKEY, *Majority Caucus Deputy Communications Director* ..... Des Moines

JULIE T. SIMON, *Majority Caucus Research Analyst* ..... Des Moines

RUSS TRIMBLE, *Minority Caucus Research Analyst* ..... West Des Moines

BOB WHITE, Doorkeeper ..... West Des Moines

KERRY WRIGHT, *Majority Caucus Research Analyst* ..... Waukee

JOINT EMPLOYEES OF THE SENATE AND HOUSE

MARK L. WILLEMSSEN, *Senior Facilities Manager*..... Johnston

RICHARD J. LABERTEW, *Conservation/Restoration Specialist*.....Indianola

MARK S. LUNDBERG, *Conservation/Restoration Specialist*..... Des Moines

SHAWNA S. FERGUSON, *Security Coordinator*..... Norwalk

KATHLEEN BACUS, *Security Officer*.....Knoxville

STACI BOHLEN, *Security Officer*.....West Des Moines

ROBERT CORNWELL, *Security Officer*..... Johnston

SAM GROVES, *Security Officer* .....Ankeny

MARSHALL IRWIN, *Security Officer*..... Des Moines

CARL T. LAMI, *Security Officer*..... Grimes

MAHLON Y. LAMP, *Security Officer*.....Atlantic

STEVE MARSH, *Security Officer*..... Madrid

JUDITH A. SALIER, *Security Officer* .....Monroe

KERT SCHNELL, *Security Officer*.....Newton

CURTIS SCOTT, *Security Officer*.....Waukee

GORDON SKEFFINGTON, *Security Officer*.....Waukee

LEO R. SKEFFINGTON, *Security Officer* .....Adel

RICHARD TAYLOR, *Security Officer* .....Earlham

JAMES WALTON, *Security Officer*.....Cedar Rapids

ELECTED STATE OFFICIALS

Official Address: Des Moines, Iowa

CHET CULVER, *Governor* ..... West Des Moines

PATTY JUDGE, *Lieutenant Governor* ..... Albia

MICHAEL A. MAURO, *Secretary of State* ..... Des Moines

DAVID A. VAUDT, *Auditor of State* ..... West Des Moines

MICHAEL L. FITZGERALD, *Treasurer of State* ..... Urbandale

BILL NORTHEY, *Secretary of Agriculture* ..... Spirit Lake

TOM MILLER, *Attorney General* ..... Des Moines

JUSTICES OF THE IOWA SUPREME COURT

MARSHA K. TERNUS, *Chief Justice* ..... Grimes

BRENT R. APPEL, *Justice* ..... Ackworth

DAVID BAKER, *Justice* ..... Cedar Rapids

MARK S. CADY, *Justice* ..... Fort Dodge

DARYL L. HECHT, *Justice* ..... Sioux City

MICHAEL J. STREIT, *Justice* ..... Johnston

DAVID S. WIGGINS, *Justice* ..... West Des Moines

JUDGES OF THE IOWA COURT OF APPEALS

ROSEMARY SHAW SACKETT, *Chief Judge* ..... Okoboji

RICHARD DOYLE, *Judge* ..... Des Moines

LARRY J. EISENHAUER, *Judge* ..... Ankeny

ROBERT E. MAHAN, *Judge* ..... Ames

JOHN C. MILLER, *Judge* ..... Burlington

GAYLE NELSON VOGEL, *Judge* ..... Spirit Lake

AMANDA POTTERFIELD, *Judge* ..... Tiffin

ANURADHA VAITHESWARAN, *Judge* ..... Des Moines

MEMBERS OF THE SENATE

EIGHTY-THIRD GENERAL ASSEMBLY
2009 Regular Session

(Underlined county indicates the county of residence.)

STACI APPEL

Address ..... Ackworth
Age 42
Occupation ..... Legislator
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 2007-2008
Senatorial District ..... 37–Dallas, Madison, Warren

MERLIN BARTZ

Address ..... Grafton
Age 48
Occupation ..... Farmer/Laborer
Political Party ..... Republican
Previous Legislative Service ..... House: 1991–1992; Senate: 1993–2002
Senatorial District ..... 6–Cerro Gordo, Franklin, Hancock, Winnebago, Worth

DARYL BEALL

Address ..... Fort Dodge
Age 62
Occupation ..... Journalist
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 2003–2008
Senatorial District ..... 25–Calhoun, Greene, Webster

JERRY BEHN

Address ..... Boone
Age 55
Occupation ..... Farmer/Agribusiness
Political Party ..... Republican
Previous Legislative Service ..... Senate: 1997–2008
Senatorial District ..... 24–Boone, Dallas

DENNIS H. BLACK

Address ..... Grinnell
Age 69
Occupation ..... Retired–Conservationist
Political Party ..... Democratic
Previous Legislative Service ..... House: 1983–1994; Senate: 1995–2008
Senatorial District ..... 21–Jasper, Polk

NANCY J. BOETTGER

Address ..... Harlan
Age 66
Occupation ..... Farmer/Former Educator
Political Party ..... Republican
Previous Legislative Service ..... Senate: 1995–2008
Senatorial District ..... 29–Adair, Audubon, Cass, Guthrie, Pottawattamie, Shelby

JOE BOLKCOM

Address ..... Iowa City
Age 52
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 1999–2008
Senatorial District 39–Johnson

THOMAS G. COURTNEY

Address ..... Burlington
Age 61
Occupation ..... Retired
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 2003–2008
Senatorial District ..... 44–Des Moines, Louisa, Muscatine

SWATI A. DANDEKAR

Address ..... Marion
Age 58
Occupation ..... Community Leader
Political Party ..... Democratic
Previous Legislative Service ..... House: 2003–2008
Senatorial District 18–Linn

JEFF DANIELSON

Address ..... Cedar Falls
Age 38
Occupation ..... Professional Firefighter
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 2005–2008
Senatorial District ..... 10–Black Hawk

DICK L. DEARDEN

Address ..... Des Moines
Age 70
Occupation ..... Retired, Job Developer–5th Judicial District
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 1995–2008
Senatorial District 34–Polk

WILLIAM A. DOTZLER, JR.

Address ..... Waterloo
Age 61
Occupation ..... Retired–John Deere
Political Party ..... Democratic
Previous Legislative Service ..... House: 1997–2002; Senate: 2003–2008
Senatorial District ..... 11–Black Hawk

ROBERT E. DVORSKY

Address ..... Coralville
Age 60
Occupation ..... Executive Officer, 6th Jud. District–Dept. of Correctional Services
Political Party ..... Democratic
Previous Legislative Service ..... House: 1987–1993; Senate: 1994*–2008
Senatorial District ..... 15–Johnson, Linn
*Elected in special election held on February 22, 1994.

RANDY FEENSTRA

Address ..... Hull
Age 40
Occupation ..... Finance and Insurance-Iowa State Bank
Political Party ..... Republican
Previous Legislative Service ..... None
Senatorial District ..... 2–Lyon, Plymouth, Sioux

GENE FRAISE

Address ..... Fort Madison
Age 76
Occupation ..... Farmer
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 1986*–2008
Senatorial District ..... 46–Henry, Lee
*Elected in special election held on January 7, 1986.

MICHAEL E. GRONSTAL

Address ..... Council Bluffs
Age 59
Political Party ..... Democratic
Previous Legislative Service ..... House: 1983–1984; Senate: 1985–2008
Senatorial District 50–Pottawattamie

JAMES F. HAHN

Address ..... Muscatine
Age 73
Occupation ..... Property Management
Political Party ..... Republican
Previous Legislative Service ..... House: 1991–2004; Senate: 2005–2008
Senatorial District ..... 40–Cedar, Johnson, Muscatine

SHAWN HAMERLINCK

Address ..... Davenport
Age 29
Occupation ..... Education, Youth Field Specialist-Iowa State University Extension
Political Party ..... Republican
Previous Legislative Service ..... None
Senatorial District ..... 42–Clinton, Scott

TOM HANCOCK

Address ..... Epworth
Age 61
Occupation ..... Retired–United States Postal Service
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 2005–2008
Senatorial District ..... 16–Delaware, Dubuque, Jones

DAVID HARTSUCH

Address ..... Bettendorf
Age 47
Occupation ..... Physician
Political Party ..... Republican
Previous Legislative Service ..... Senate: 2007–2008
Senatorial District 41–Scott

JACK HATCH

Address ..... Des Moines
Age 59
Occupation ..... Real Estate Developer
Political Party ..... Democratic
Previous Legislative Service ..... House: 1985–1992, 2001–2002; Senate: 2003–2008
Senatorial District 33–Polk

WILLIAM M. HECKROTH

Address ..... Waverly
Age 59
Occupation ..... Financial Advisor
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 2007–2008
Senatorial District ..... 9–Black Hawk, Bremer, Butler, Fayette

ROBERT M. HOGG

Address ..... Cedar Rapids
Age 42
Occupation ..... Attorney
Political Party ..... Democratic
Previous Legislative Service ..... House: 2003–2006; Senate: 2007–2008
Senatorial District 19–Linn

WALLY E. HORN

Address ..... Cedar Rapids
Age 75
Occupation ..... Legislator
Political Party ..... Democratic
Previous Legislative Service ..... House: 1973–1982; Senate: 1983–2008
Senatorial District 17–Linn

HUBERT HOUSER

Address ..... Carson
Age 66
Occupation ..... Farmer
Political Party ..... Republican
Previous Legislative Service ..... House: 1993–2001; Senate: 2002*–2008
Senatorial District ..... 49–Fremont, Mills, Page, Pottawattamie

*Elected in special election held on June 12, 2001.

PAM JOCHUM

Address ..... Dubuque
Age 54
Occupation ..... Instructor
Political Party ..... Democratic
Previous Legislative Service ..... House: 1993–2008
Senatorial District 14–Dubuque

DAVID JOHNSON

Address ..... Ocheyedan
Age 58
Occupation ..... Dairy Farming
Political Party ..... Republican
Previous Legislative Service ..... House: 1999–2002; Senate: 2003–2008
Senatorial District ..... 3–Clay, Dickinson, O'Brien, Osceola, Sioux

TIM L. KAPUCIAN

Address ..... Keystone
Age 52
Occupation ..... Farmer
Political Party ..... Republican
Previous Legislative Service ..... None
Senatorial District ..... 20–Benton, Grundy, Iowa, Tama

STEVE KETTERING

Address ..... Lake View
Age 65
Occupation ..... Community Banker
Political Party ..... Republican
Previous Legislative Service ..... House: 1999–2002; Senate: 2003–2008
Senatorial District ..... 26–Buena Vista, Carroll, Crawford, Sac

JOHN P. "JACK" KIBBIE

Address ..... Emmetsburg
Age 79
Occupation ..... Farmer
Political Party ..... Democratic
Previous Legislative Service ..... House: 1961–1964; Senate: 1965–1968, 1989–2008
Senatorial District ..... 4–Emmet, Humboldt, Kossuth, Palo Alto, Pocahontas, Webster

KEITH A. KREIMAN

Address ..... Bloomfield
Age 54
Occupation ..... Attorney
Political Party ..... Democratic
Previous Legislative Service ..... House: 1993–2002; Senate: 2003–2008
Senatorial District ..... 47–Appanoose, Davis, Wapello, Wayne

MATT McCOY

Address ..... Des Moines
Age 43
Occupation ..... V.P. Comm. Dev.–Downtown Community Alliance
Political Party ..... Democratic
Previous Legislative Service ..... House: 1993–1996; Senate: 1997–2008
Senatorial District 31–Polk

PAUL McKINLEY

Address ..... Chariton
Age 61
Occupation ..... Businessman
Political Party ..... Republican
Previous Legislative Service ..... Senate: 2001–2008
Senatorial District ..... 36–Jasper, Lucas, Mahaska, Marion, Monroe

LARRY L. NOBLE

Address ..... Ankeny
Age 58
Occupation ..... Retired State Trooper
Political Party ..... Republican
Previous Legislative Service ..... Senate: 2007–2008
Senatorial District 35–Polk

RICH OLIVE

Address ..... Story City
Age 59
Occupation ..... Realtor
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 2007–2008
Senatorial District ..... 5–Hamilton, Story, Webster, Wright

HERMAN C. QUIRMBACH

Address ..... Ames
Age 58
Occupation ..... Associate Professor of Economics–Iowa State University
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 2003–2008
Senatorial District ..... 23–Boone, Story

AMANDA RAGAN

Address ..... Mason City
Age 54
Occupation ..... Exec. Dir. of Community Kitchen of North Iowa/ Exec. Dir. of Meals on Wheels
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 2002*–2008
Senatorial District ..... 7–Cerro Gordo, Floyd, Howard, Mitchell

*Elected in special election held on March 12, 2002.

KIM REYNOLDS

Address ..... Osceola
Age 49
Occupation ..... Former County Treasurer-4 terms
Political Party ..... Republican
Previous Legislative Service ..... None
Senatorial District ..... 48–Adams, Clarke, Decatur, Montgomery, Ringgold, Taylor, Union

TOM RIELLY

Address ..... Oskaloosa
Age 42
Occupation ..... Insurance Sales
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 2005–2008
Senatorial District ..... 38–Iowa, Keokuk, Mahaska, Poweshiek, Tama

BECKY SCHMITZ

Address ..... Fairfield
Age 59
Occupation ..... Social Worker
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 2007–2008
Senatorial District ..... 45–Jefferson, Johnson, Van Buren, Wapello, Washington

BRIAN SCHOENJAHN

Address ..... Arlington
Age 59
Occupation ..... Legislator/EMT–Arlington Fire Department
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 2005–2008
Senatorial District ..... 12–Black Hawk, Buchanan, Clayton, Delaware, Fayette

JOE M. SENG

Address ..... Davenport
Age 62
Occupation ..... Veterinarian
Political Party ..... Democratic
Previous Legislative Service ..... House: 2001–2002; Senate: 2003–2008
Senatorial District 43–Scott

JAMES A. SEYMOUR

Address ..... Woodbine
Age 70
Occupation ..... Hospital Administrator/CEO
Political Party ..... Republican
Previous Legislative Service ..... Senate: 2003–2008
Senatorial District ..... 28–Crawford, Harrison, Ida, Monona, Pottawattamie, Woodbury

STEVEN J. SODDERS

Address ..... Preston
Age 39
Occupation ..... Deputy Sheriff
Political Party ..... Democratic
Previous Legislative Service ..... None
Senatorial District ..... 22–Franklin, Hardin, Marshall

ROGER STEWART

Address ..... Preston
Age 77
Occupation ..... Banker/Farmer
Political Party ..... Democratic
Previous Legislative Service ..... Senate: 2003–2008
Senatorial District ..... 13–Clinton, Dubuque, Jackson

PAT WARD

Address ..... West Des Moines
Age 51
Occupation ..... Former Public and Government Relations Executive
Political Party ..... Republican
Previous Legislative Service ..... Senate: 2004*–2008
Senatorial District 30–Polk

*Elected in special election held on February 3, 2004.

STEVE WARNSTADT

Address ..... Sioux City
Age 41
Occupation ..... Legislator/National Guard
Political Party ..... Democratic
Previous Legislative Service ..... House: 1995–2002; Senate: 2003–2008
Senatorial District 1–Woodbury

RON WIECK

Address ..... Sioux City
Age 64
Occupation ..... Retired
Political Party ..... Republican
Previous Legislative Service ..... Senate: 2003–2008
Senatorial District ..... 27–Cherokee, Plymouth, Woodbury

MARY JO WILHELM

Address ..... Cresco
Age 54
Occupation ..... Appraiser
Political Party ..... Democratic
Previous Legislative Service ..... None
Senatorial District ..... 8–Allamakee, Chickasaw, Howard, Winneshiek

BRAD ZAUN

Address ..... Urbandale
Age 47
Occupation ..... V.P. of R & R Realty Marketing Group
Political Party ..... Republican
Previous Legislative Service ..... Senate: 2005–2008
Senatorial District 32–Polk

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 12, 2009

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the 2009 Regular Session of the Eighty-third General Assembly convened at 10:04 a.m., and the Senate was called to order by President Kibbie.

Prayer was offered by Father Ed Girres, pastor of the St. Cecilia's Catholic Church in Algona, Iowa. He was the guest of Senator Kibbie.

OPENING REMARKS BY THE PRESIDENT OF THE SENATE

President Kibbie addressed the Senate with the following remarks:

Good morning. I would like to welcome you all to opening day of the First Session of the 83rd General Assembly. We welcome nine new members to the Senate who have been sent by their constituents at a difficult economic time in our nation's and state's history. We need your best effort as we face a session where our primary responsibility will be to craft a balanced budget and position ourselves for a brighter future.

As Senator Gronstal, Speaker Murphy, and I told the press last week, the word that will be most often said is "no". While we all will work to protect our priorities, we need to focus on those things that help us look to the future. In the near term the nation faces pain, but I am optimistic that the future for Iowa is bright. We have faced economic downturns before and always come out the other side as a stronger state. This time is no exception.

While the budget for FY 2010 will be our major objective, there are a number of policy issues I hope we will address. First, we can no longer put off the challenges to our transportation infrastructure. It is vital that we begin to clear the backlog of projects that play a significant role in future economic development. In my district my constituents, Republicans and Democrats, all tell me that we need to get to work and if the only impediment to that progress is money they are willing to pay a few more cents at the pump. I support efforts that result in a gas tax increase. Success in that endeavor will mean better roads, jobs, and an economic boost to Iowa's families and communities. While there may be funds for these efforts as part of the federal

economic recovery package, we also need to act. It's time to declare war on the potholes and put people to work.

Second, we should not be afraid to address economic issues that benefit Iowa's working families. We need to always be aware of the value of the labor performed every day in every part of our state. Policies that enhance the economic security of workers make us stronger. Iowa's workers need jobs with good wages. Every day I see workers and college graduates leaving the state because of low wages. We cannot afford to export the talent and value those workers provide and we should not fear passing legislation that help workers bargain for a better future.

Third, we must have higher expectations for our young people. We cannot continue to have so many young Iowans leave high school without graduating. Without education, these Iowans face an uncertain economic future. We need serious discussions about raising the dropout age. We must have a greater sense of responsibility to our students and greater focus on making school preparation for life. Skills, vocational training, and a commitment to lifelong learning should be the hallmarks of our educational system and we must do all we can to make schools relevant to those students who see no value. They are resources and we need to keep them involved and interested. At the front end, we need to fulfill our commitment to our pre-school initiative. It will pay long term dividends.

Lastly, on a more personal note, over 20 years ago legislators came to Des Moines and saw the long-term neglect of one of Iowa's premier resources, our State Capitol. They made a multiyear, multimillion-dollar commitment to long-term restoration of this unique and beautiful building. During the 2008 interim, restoration of the President of the Senate's Office was completed. While I occupy this office, it is not mine. It belongs to the institution and the people of Iowa. I invite you all to stop in and see the transformation. I would especially like to recognize the work of Dick Labertew and Mark Lundberg, who are the restoration painters who work for the Legislature. They did an outstanding job. I would invite you to stop by the office and see the results.

In conclusion, as we begin this difficult session, I look forward to working with you all and to a successful year. We have many challenges but they present us with unique opportunities as well.

Let's get to work.

Thank you.

REMARKS BY THE MINORITY LEADER

Senator McKinley addressed the Senate as follows:

Thank you, Mr. President. Friends and colleagues. This is my 9th first day of a legislative session since first being elected.

Like many of you, I have served in the majority, the minority, and even the eventful co-majority status this body briefly possessed.

Today, however, is the first time I address this body as the leader for the Senate Republicans. Despite working with many of you over the years and traveling overseas with my good friends Senators Black and Beall I do feel compelled to give a brief personal background.

In the late '70s I was living in Corydon, Iowa and serving as the executive for a light manufacturing company that custom made garment bags for small town clothing stores. We were a good little company but independent men's clothing stores were going out of business and consequently sales for our garment bags were falling. About

this time, the owner of the company pulled me into his office and stated he was retiring and could no longer face the challenges ahead.

Some of you aren't old enough to remember this but interest rates during this time were hovering at 20% plus and inflation was around 13% to 14% a year. This was a period of time when we were in the height of Jimmy Carter's "misery index" (unemployment rate plus inflation rate—22%) a burgeoning farm crisis, and a general malaise had settled over Iowa and the rest of the country. Even some of the major political and economic figures of the day indicated that we, as Americans, would have to learn to live with less – that the next generation of Americans could not be guaranteed a better future than their parents.

I believed differently. And, in accordance with my farm upbringing I saw this as a challenge to overcome. I leveraged everything I owned. I borrowed as much money as I could and purchased the plant. I bet my young family's future that I could make it work.

Where many saw a shrinking marketplace, I saw the opportunity to develop a new business model and laid out an aggressive plan to sell new products into new markets. With clearly defined goals, a cohesive strategy, and a lot of hard work we began to turn the company around.

Ten years later, we had tripled the size of the company employing a couple hundred people working shifts in three different plants. And I'm pleased to say that during those lean years in southern Iowa, my company gave a lot people paychecks when no one else was hiring.

Today, our country and our state face many of the same challenges we did not so many years ago. Rampant job loss and layoffs, financial uncertainty, and that word "malaise" has drifted back into the national vocabulary. And unfortunately, it may get worse before it gets better.

Many of us from both parties have been here before and over the course of next few months we'll work together with the goal of returning stability in an unstable time.

Senate Republicans will offer solutions and advice for our friends in the majority. And our offerings will come from a pretty simple notion that I believe we have lost sight of in recent years.

I believe it is time we re-establish the notion that it is Iowans who run government and not the other way around.

Elected officials have an oversight duty, a responsibility to see that no arm of government becomes disconnected and larger than the people's wishes.

We must reign in government spending and restore the public trust. Iowans give their taxes and trust to state government; their taxes to pay for those specific government services deemed necessary and their trust that those dollars will be spent judiciously. On both fronts we have room to improve.

In order to ensure our government's size and scope remains in a comfortable balance with its citizens Republicans will call for greater transparency and accountability.

Additionally, economic opportunity is the great equalizer in a free society. It is economic opportunity that turns a dream into a business.

It was a dream that David Vredenburg, a good southern Iowa boy, had in the 1930s. Months after the worst day on Wall Street, Mr. Vredenburg and a friend opened a small general store. They opened a store at a time when the only thing more scarce than money was hope.

As unemployment began ramping up to one quarter of the population and a different bank closed every day, the southern Iowa dreamer kept working.

Today, as you know, Mr. Vredenburg's legacy that began as a depression-era general store has become 220 Hy-Vee stores across the Midwest and boasts 55,000 thankful employees.

Republicans believe time has come for state government to stop creating and erecting barriers for job creators and we should turn the corner and begin eliminating government-imposed barriers so future David Vredenburgs can fully realize their dreams. Let this be the legislative session where job creators around the world view Iowa as a place to grow.

Iowans are proud of our education heritage and, while we have committed billions of dollars in advancing education, we continue to experience stagnant growth in student achievement.

Rather than continue to chase the latest fads in education which have proven ineffective, I believe parents, students, employers, and community leaders want students to master the fundamentals of reading, writing, math, science, along with having an appreciation of U.S. and Iowa history.

Finally, I believe we can turn this state around. If we reign-in government spending and restore the public's trust by truly having a government that's responsive and seeks to help create jobs rather than eliminate them. We can turn this state around.

And, if our education system is one that sets standards and encourages both students and teachers to achieve high goals and adequately prepare and reward them for the global marketplace. We can turn this state around. Then, finally if we have a job creation environment that no longer erects barriers but encourages Iowa ingenuity I believe in short time Iowa can be a dramatically different place.

Thank you.

REMARKS BY THE MAJORITY LEADER

Senator Gronstal addressed the Senate as follows:

Thank you, Mr. President.

This session will be a challenge.

While Iowa's economy and our state budget are in far better financial shape than those of most states, the state of the nation's economy is not good and it is not getting better

We Iowans had little to do with the mismanagement, greed, and financial carelessness that have put the U.S. in what is generally agreed to be the worst economic situation since the Great Depression.

While we share little of the blame, we will continue to share the national pain. Iowa families are losing the jobs they depend on. Iowa small businesses are seeing markets fall. Many Iowa homeowners are facing foreclosure. Iowans are wondering how bad things will get.

Our challenge is to lead our state through these tough times without sabotaging the commitments we've made on economic growth, health care, and education.

Perhaps our greatest challenge is to help our communities rebuild after last year's floods and tornados devastated communities across Iowa. Places like Cedar Rapids, Parkersburg, Oakville, and Waverly.

We need to help Iowa communities rebuild their infrastructure.

We need to help small businesses reestablish themselves.

We need to help homeowners make decisions so they can move on with their lives.

Addressing these challenges during a national recession won't be easy. In my 26 years in the Legislature, I've never seen such a tough situation.

Our resources are limited. We will say "no" to many good ideas. We are going to disappoint some people and frustrate others.

If your idea of being an elected official involves being loved by everyone, the next few months will be pretty rough.

With that said, I guess now is the perfect time to welcome the new members of the Senate to the chamber.

Given what I've just said, you may be wondering if you made a mistake.

Well, you most assuredly did not. Here's why.

While our state's economy is struggling right now, I'm certain these hard times won't last. And when things begin to brighten, it will be easier for everyone to see that Iowa's renewable energy economy is a shining example of where the world economy is headed.

The shift away from fossil fuels is going to be the big story of this century. Limited supplies, increasing costs, foreign entanglements, and global warming mean that the world's economies must move away from fossil fuels.

You can argue about how quickly this fundamental change will occur but you can't claim that it won't happen.

Here in Iowa, we are at the epicenter of the change the world is looking for.

Iowa consumes about 1.6 billion gallons of fuel a year. A decade ago, almost all of that fuel was imported, much of it from unstable countries. Today, Iowa PRODUCES over three billion gallons of fuel a year.

And Iowa's bio-fuel industry and researchers at our universities are hard at work developing new ways to create fuel, including cellulosic ethanol.

Iowa is the nation's leader in wind energy production on a per capita basis. Hundreds of wind turbines are being built. Graduates from the wind technology center at Iowa Lakes Community College have their pick of jobs from around the world.

By the year 2010, as much as 18% of the electricity used in Iowa will come from wind energy. Compare that to the much talked about 20/25 proposals by other states, states which aim to reach 20% renewable energy consumption by the year 2025.

We are years ahead of every other state in the union. President-elect Obama says he wants the United States to be energy independent in 10 years. Iowa is leading the way. No wonder he chose Governor Tom Vilsack to be the new Secretary of Agriculture.

I think all Iowans – whether Republicans or Democrats – will agree that President-elect Obama made a great choice in Tom Vilsack – our former Senate colleague – to lead the U.S. Department of Agriculture.

Yes, the national economic mess is a very big speed bump on our road forward but there is no doubt that Iowa's long-term future is bright, perhaps brighter than it has ever been

And so, I say today to you newly elected Senators, with all sincerity: "Welcome to the Iowa Senate!"

Here in the Senate, we pride ourselves on working together, on listening to each other, on respecting each other's ideas, and finding bipartisan solutions.

Yes, the media like it when we fight. And yes, our partisan supporters on both sides of the political aisle helped you and us run spirited campaigns last fall.

We know that campaigns are about identifying differences. But the trick to governing well is to set aside the differences of the campaigns and focus on the common ground.

I have yet to meet anyone who put forth the sort of effort you did to be elected simply to engage in partisan fights.

Don't let partisan passions lead you to forget that the Senate's biggest accomplishments – the ones we're most proud of – are usually overwhelmingly bipartisan.

The legislation that made Iowa the world leader in renewable energy was bipartisan legislation. The Iowa Power Fund and the earlier energy legislation were approved by large majorities composed of Democrats and Republicans.

Last session's votes on children's health care, on the TIME-21 transportation package, and the statewide school penny were all broadly and deeply bipartisan.

You are here because you want to move Iowa forward.

You are here to help solve the problems your constituents face.

Your constituents believe there are no such things as Republican ideas and Democratic ideas.

We need your ideas and your voice, regardless of party. Please remember that my door is always open to you.

SPECIAL GUEST

President Kibbie welcomed to the Senate chamber U.S. Representative Leonard Boswell. Representative Boswell was a member of the Iowa Senate and a former President of the Iowa Senate.

The Senate rose and expressed its welcome.

APPOINTMENT OF TEMPORARY SECRETARY OF THE SENATE

Senator Gronstal moved that Michael E. Marshall be appointed as temporary Secretary of the Senate.

The motion prevailed by a voice vote, and Mr. Marshall appeared before the rostrum and was duly sworn to the oath of office.

ADOPTION OF TEMPORARY RULES AND TEMPORARY COMPENSATION

Senator Gronstal moved that the rules of the Senate adopted by the Eighty-second General Assembly and provisions for compensation adopted by the Eighty-second General Assembly be adopted as the temporary rules and temporary compensation provisions for the 2009 Session of the Eighty-third General Assembly.

The motion prevailed by a voice vote.

COMMITTEE ON CREDENTIALS

Senator Gronstal moved that a committee of five be appointed as a committee on credentials.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Horn, Chair; Black, Bolkcom, Boettger, and Johnson.

The Senate stood at ease at 10:33 a.m. until the fall of the gavel.

The Senate resumed session at 10:35 a.m., President Kibbie presiding.

REPORT OF THE COMMITTEE ON CREDENTIALS

MR. PRESIDENT: We, your committee on credentials, respectfully report that we find the persons named in the attached copy of the certification of the Secretary of State duly elected to and entitled to seats in the Senate for the Eighty-third General Assembly.

WALLY E. HORN, Chair
DENNIS H. BLACK
JOE BOLKCOM
NANCY J. BOETTGER
DAVID JOHNSON

STATE OF IOWA

Office of the
Secretary Of State
CERTIFICATION

To the Honorable, The Secretary of the Senate:

I, MICHAEL A. MAURO, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the state, do hereby certify that the State Canvassing Board has declared that at the General Election held on November 4, 2008, each of the following named persons was duly elected to the office of State Senator for the term of four years beginning on the second day of January, 2009:

DISTRICTS

Second.....Randy Feenstra
Fourth.....John P. Kibbie
Sixth .....Merlin Bartz

Eighth.....Mary Jo Wilhelm
Tenth.....Jeff Danielson
Twelfth.....Brian Schoenjahn
Fourteenth.....Pam Jochum
Sixteenth.....Tom Hancock
Eighteenth.....Swati A. Dandekar
Twentieth.....Tim L. Kapucian
Twenty-second.....Steve Sodders
Twenty-fourth.....Jerry Behn
Twenty-sixth.....Steve Kettering
Twenty-eighth.....James A. Seymour
Thirtieth.....Pat Ward
Thirty-second.....Brad Zaun
Thirty-fourth.....Dick L. Dearden
Thirty-sixth.....Paul McKinley
Thirty-eighth.....Thomas J. Rielly
Fortieth.....James F. Hahn
Forty-second.....Shawn Hamerlinck
Forty-fourth.....Thomas G. Courtney
Forty-sixth.....Eugene Fraise
Forty-eighth.....Kim Reynolds
Fiftieth.....Michael E. Gronstal

I FURTHER CERTIFY that the State Canvassing Board has declared that at the General Election held on November 7, 2006, each of the following named persons was duly elected to the office of State Senator for the term of four years beginning on the second day of January, 2007:

DISTRICTS

First.....Steve Warnstadt
Third.....David Johnson
Fifth.....Rich Olive
Seventh.....Amanda Ragan
Ninth.....Bill Heckroth
Eleventh.....Bill Dotzler
Thirteenth.....Roger Tabor Stewart
Fifteenth.....Robert E. Dvorsky
Seventeenth.....Wally E. Horn
Nineteenth.....Robert M. Hogg
Twenty-first.....Dennis Black
Twenty-third.....Herman C. Quirmbach
Twenty-fifth.....Daryl Beall
Twenty-seventh.....Ron Wieck
Twenty-ninth.....Nancy Boettger
Thirty-first.....Matt McCoy
Thirty-third.....Jack Hatch
Thirty-fifth.....Larry L. Noble
Thirty-seventh.....Staci Appel
Thirty-ninth.....Joe Bolkcom
Forty-first.....David Hartsuch
Forty-third.....Joe M. Seng

Forty-fifth ..... Becky Schmitz
Forty-seventh ..... Keith A. Kreiman
Forty-ninth ..... Hubert Houser

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this second day of January, 2009.

MICHAEL A. MAURO
Secretary of State

I hereby acknowledge receipt of the original copy of this document on this second day of January, 2009.

MICHAEL E. MARSHALL
Secretary of the Senate

President Pro Tempore Danielson took the chair at 10:38 a.m.

On motion of Senator Horn, the report was adopted by a voice vote, and the duly elected senators appeared before the bar of the Senate, were duly sworn, and subscribed their names to the oath of office.

President Kibbie took the chair at 10:44 a.m.

SPECIAL GUEST

Senator Gronstal welcomed to the Senate chamber former Lieutenant Governor Jo Ann Zimmerman.

The Senate rose and expressed its welcome.

ELECTION OF PRESIDENT

Senator Gronstal placed in nomination the name of Senator John P. Kibbie of Palo Alto County as a candidate for the office of President of the Senate for the Eighty-third General Assembly.

There being no further nominations, the Chair put the question to the Senate, and Senator Kibbie was unanimously elected by a voice vote.

Senator Kibbie was administered the oath of office by Chief Justice Marsha K. Ternus of the Iowa Supreme Court.

SPECIAL GUEST

President Kibbie welcomed to the Senate chamber the Honorable Neal Schuerer, former member of the Senate from Iowa County.

The Senate rose and expressed its welcome.

ELECTION OF PRESIDENT PRO TEMPORE

Senator Gronstal placed in nomination the name of Senator Jeff Danielson of Black Hawk County as a candidate for the office of President Pro Tempore for the Senate for the Eighty-third General Assembly.

There being no further nominations, the Chair put the question to the Senate, and Senator Danielson was unanimously elected by a voice vote.

The Chair announced that Senator Danielson had been elected President Pro Tempore of the Eighty-third General Assembly.

Senator Danielson appeared, took the oath of office, and was congratulated and presented to the Senate by President Kibbie.

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Gronstal moved that a committee of five be appointed to notify the Governor that the Senate was organized and ready to receive any communication that he might be ready to transmit.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Stewart, Chair; Sodders, Wilhelm, Noble, and Hartsuch.

COMMITTEE TO NOTIFY THE HOUSE

Senator Gronstal moved that a committee of five be appointed to notify the House of Representatives that the Senate was organized and ready for business.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Seng, Chair; Dandekar, Jochum, Johnson, and Bartz.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:53 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 11:00 a.m., President Kibbie presiding.

APPOINTMENT OF PERMANENT OFFICERS AND EMPLOYEES

Senator Gronstal asked and received unanimous consent to take up the following report of the committee on Rules and Administration:

MR. PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following individuals as permanent officers and employees of the Senate for the 2009 Session of the Eighty-third General Assembly:

Secretary of the Senate .....Michael E. Marshall

Administrative

Confidential Secretary II to the Secretary ..... K'Ann Brandt
Editor I .....Maureen Lee

Finance

Sr. Finance Officer II.....Lois Brownell
Assistant Finance Officer..... Betty Shea

Indexing

Sr. Indexer..... Kathy Olah
Indexer II/Records and Supply ..... Kathleen Curoe

Journal

Editor I .....Angela Cox
Assistant Editor.....Jennifer Beminio
Assistant Editor.....Jesse Hughes

Legal Counsel

Assistant Secretary of the Senate I ..... Janet Hawkins
Administrative Secretary to Secretary..... Lara Margelofsky

President of the Senate's Office

Sr. Administrative Assistant to President II ..... Steve Conway
Confidential Secretary to President ..... Kay Kibbie
Secretary ..... Bonnie Fokken

Democratic Caucus

Sr. Administrative Assistant to Leader II..... Eric Bakker
Administrative Assistant to Leader III.....Debbie Kattenhorn
Confidential Secretary to Leader.....Gretchen Proksa
Sr. Caucus Staff Director .....Ron Parker
Sr. Legislative Research Analyst.....Kris Bell
Sr. Legislative Research Analyst.....Theresa Kehoe
Sr. Legislative Research Analyst..... Rusty Martin
Legislative Research Analyst III ..... Bridget Godes
Legislative Research Analyst III .....Julie Simon
Legislative Research Analyst II..... Kerry Wright
Legislative Research Analyst II.....Sue Foecke
Legislative Research Analyst II..... Catherine Engel
Legislative Research Analyst I .....Jace Mikels
Legislative Research Analyst I ..... Erica Shorkey
Legislative Research Analyst..... Hannah Garden-Monheit
Research Assistant ..... Kassie Hobbs

Republican Caucus

Sr. Administrative Assistant to Leader .....Caleb Hunter
Administrative Assistant to Leader ..... Donald McDowell
Sr. Caucus Staff Director .....Peter Matthes
Sr. Legislative Research Analyst..... Carolann Jensen
Sr. Legislative Research Analyst..... Pamela Dugdale
Sr. Legislative Research Analyst.....Jim Friedrich
Legislative Research Analyst III ..... Thomas Ashworth
Legislative Research Analyst III ..... Russ Trimble
Legislative Research Analyst I ..... Kirsten Anderson

Legislative Research Analyst..... Angie Lewis
Research Assistant ..... Mary Lou Aspengren

Sergeant-at-Arms

Sergeant-at-Arms II ..... Bill Krieg
Assistant Sergeant-at-Arms..... Tom Sheldahl
Doorkeeper .....Jerry Carlson
Doorkeeper .....Jim Douglas
Doorkeeper .....Robert Langbehn
Doorkeeper ..... Frank Loeffel
Doorkeeper ..... Bob White

Services

Bill Clerk ..... Jay Mosher
Switchboard Operator ..... Jo Ann Larson
Switchboard Operator ..... Sue Hudson
Postmistress..... Leila Carlson

MICHAEL GRONSTAL, Chair

Senator Gronstal moved the adoption of the report and appointment of the permanent officers and employees of the Senate.

The motion prevailed by a voice vote, and the foregoing officers and employees appeared before the bar of the Senate and were duly sworn.

APPOINTMENT OF SENATE SECRETARIES

Senator Gronstal asked and received unanimous consent to take up the following report of the committee on Rules and Administration:

MR. PRESIDENT: Your committee on Rules and Administration begs leave to report the employment of the following individuals as secretaries to senators for the 2009 Session of the Eighty-third General Assembly:

BEEM, Sharon..... WARD, Pat
BOETTGER, David ..... BOETTGER, Nancy J.
BURNETT, Anne Marie.....BLACK, Dennis H.
COOPER, Nathan .....HOGG, Robert M.
COPPER-LEEHEY, Caitlin .....BEALL, Daryl
COWDEN, Susan .....KAPUCIAN, Tim
DAVIS, Vicki..... BARTZ, Merlin
DELUHERY, Mardi .....HANCOCK, Tom
DIERENFELD, Judy .....NOBLE, Larry
ELMITT, Alyce .....KETTERING, Steve

FAGAN, Jen.....REYNOLDS, Kim
FAY, Andrew ..... SODDERS, Steve
FERGUSON, Jim .....McCOY, Matt
FRAISE, Faye..... FRAISE, Eugene S.
GIBSON, Audrey..... KREIMAN, Keith A.
GILKISON, Natalie.....APPEL, Staci
GROVER, Jodi..... SCHOENJAHN, Brian
HOSFORD, Brittany..... COURTNEY, Thomas G.
HOUSER, Paula ..... HOUSER, Hubert
HUHN, Marce.....BEHN, Jerry
JONES, Colleen .....HECKROTH, William
KAPKE, Nate..... WILHELM, Mary Jo
KIMBER, Amanda ..... RAGAN, Amanda
KREIMAN, Shanon..... SCHMITZ, Becky
LARSON, John ..... DVORSKY, Robert E.
LEOPOLD, Seth .....BOLKCOM, Joe
LEPLEY, Chelsea..... HATCH, Jack
LUNSFORD, Jennifer..... JOCHUM, Pam
MILLER, Jaimie.....DANIELSON, Jeff
MORRIS, Dave ..... OLIVE, Rich
NEALSON, Dane.....HAMERLINCK, Shawn
OPONSKI, Caitlin.....JOHNSON, David
OSIUS, Isobel ..... RIELLY, Tom
PETERSON, Phyllis.....HORN, Wally E.
PUTNAM, Tess..... DANDEKAR, Swati
RANDLEMAN, LuAnn ..... WARNSTADT, Steve
RASMUSSON, Amanda..... QUIRMBACH, Herman C.
SCHWARZ, Janet..... SEYMOUR, James A.
SENKO, Matt .....DOTZLER, William
SIELEMAN, Maxine .....HARTSUCH, David L.
STEWART, Jennie .....STEWART, Roger
STOCK, Ann ..... HAHN, James F.
WAGNER-KERBER, Ellen ..... FEENSTRA, Randy
WENGERT, Joanne .....DEARDEN, Dick L.
WIECK, Carol..... WIECK, Ron
WOODS, Ebonee ..... SENG, Joe M.
ZAUN, Dede.....ZAUN, Brad

MICHAEL GRONSTAL, Chair

Senator Gronstal moved the adoption of the report and the appointment of the Senate secretaries.

The motion prevailed by a voice vote, and the foregoing Senate secretaries appeared before the bar of the Senate and were duly sworn.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Senator Stewart reported that the committee assigned to notify the Governor that the Senate was organized and ready for business had performed its duty.

The report was accepted, and the committee was discharged.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and notified the Senate that the House was duly organized and ready to receive any communication the Senate might be ready to transmit.

REPORT OF THE COMMITTEE TO NOTIFY THE HOUSE

Senator Seng reported that the committee assigned to notify the House that the Senate was organized and ready for business had performed its duty.

The report was accepted, and the committee was discharged.

APPOINTMENT OF PAGES

Senator Gronstal asked and received unanimous consent to take up the following report of the committee on Rules and Administration:

MR. PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following persons as pages for the Senate for the 2009 Session of the Eighty-third General Assembly:

Evan Burger, Huxley
Charles Caris, Des Moines
Michael Dickinson, Des Moines
Taylor Edgar, West Point
Jefferson Fink, Carlisle
Hannah Fordyce, Alta
Caitlin Kingery, Humeston
Megan Knight, Bondurant

Mia Kornelis, Sioux Center
Sabrina Larson, Cedar Falls
Amber Schuler, Boone
Kayla Sproul, Solon
Nathan Verschuure, Des Moines
Mary Ward, Coggon
Nathan Winters, Granger

MICHAEL GRONSTAL, Chair

Senator Gronstal moved the adoption of the report and the appointment of the Senate pages.

The motion prevailed by a voice vote, and the foregoing Senate pages appeared before the bar of the Senate and were duly sworn to their oaths of office.

COMMITTEE ON MILEAGE

Senator Gronstal moved that a committee of four be appointed as the committee on mileage.

The motion prevailed by a voice vote, and the Chair appointed as such committee Senators Danielson, Chair; Quirmbach, Feenstra, and Hamerlinck.

COMMITTEE ON CHAPLAINS

Senator Gronstal moved that Senator Kibbie be appointed as a committee of one to work with a Representative of the House in securing chaplains for the Senate during the Eighty-third General Assembly, which motion prevailed by a voice vote.

SELECTION OF SEATS

The Chair announced the next order of business would be the selection of seats.

Senator Gronstal moved that the holdover and re-elected senators who participated in seat selection in 2008 be granted the privilege of selecting new seats in order of seniority from unassigned seats; that the re-elected senators first elected during the 2008 session be

granted the privilege of selecting their seats from the unassigned seats according to their seniority; that former members of the House of Representatives be granted the privilege of selecting their seats from the unassigned seats according to seniority; and that first, the Majority Floor Leader and the Minority Floor Leader be permitted to select their seats.

The motion prevailed by a voice vote.

The Secretary of the Senate called the roll, and seat selections were made as follows:

NAME	SEAT NO.
Appel of Warren	25
Bartz of Worth	36
Beall of Webster	15
Behn of Boone	40
Black of Jasper	45
Boettger of Shelby	38
Bolkcom of Johnson	31
Courtney of Des Moines	07
Dandekar of Linn	17
Danielson of Black Hawk	01
Dearden of Polk	47
Dotzler of Black Hawk	05
Dvorsky of Johnson	49
Feenstra of Sioux	32
Fraise of Lee	39
Gronstal of Pottawattamie	41
Hahn of Muscatine	34
Hamerlinck of Scott	16
Hancock of Dubuque	20
Hartsuch of Scott	28
Hatch of Polk	27
Heckroth of Bremer	04
Hogg of Linn	11
Horn of Linn	43
Houser of Pottawattamie	42
Jochum of Dubuque	23
Johnson of Osceola	14
Kapucian of Benton	12
Kettering of Sac	08
Kibbie of Palo Alto	37
Kreiman of Davis	35
McCoy of Polk	29
McKinley of Lucas	10
Noble of Polk	30
Olive of Story	22

Quirmbach of Story.....03
Ragan of Cerro Gordo.....33
Reynolds of Clark.....26
Rielly of Mahaska.....21
Schmitz of Jefferson.....19
Schoenjahn of Fayette.....02
Seng of Scott.....50
Seymour of Harrison.....48
Sodders of Marshall.....24
Stewart of Jackson.....13
Ward of Polk.....44
Warnstadt of Woodbury.....09
Wieck of Woodbury.....46
Wilhelm of Howard.....18
Zaun of Polk.....06

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 12, 2009, **adopted** the following resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 1, a concurrent resolution resolving that a joint convention of the two houses of the 2009 session of the Eighty-third General Assembly be held on Tuesday, January 13, 2009, at 10:00 a.m.

Read first time and **placed on calendar**.

House Concurrent Resolution 2, a concurrent resolution resolving that a joint convention of the two houses of the 2009 session of the Eighty-third General Assembly be held on Wednesday, January 14, 2009, at 10:00 a.m.

Read first time and **placed on calendar**.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolutions 1 and 2.

House Concurrent Resolution 1

On motion of Senator Gronstal, **House Concurrent Resolution 1**, a concurrent resolution that a joint convention of the two houses of the 2009 session of the Eighty-third General Assembly be held on Tuesday, January 13, 2009, at 10:00 a.m., was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 1, which motion prevailed by a voice vote.

House Concurrent Resolution 2

On motion of Senator Gronstal, **House Concurrent Resolution 2**, a concurrent resolution that a joint convention of the two houses of the 2009 session of the Eighty-third General Assembly be held on Wednesday, January 14, 2009, at 10:00 a.m., was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 2, which motion prevailed by a voice vote.

INTRODUCTION OF BILLS

Senate File 1, by Beall, a bill for an act requiring certain group health insurance policies, contracts, or plans to provide coverage for autism spectrum disorders for certain persons, requiring certification of behavior specialists, and providing an applicability date.

Read first time and referred to committee on **Commerce**.

Senate File 2, by Johnson, a bill for an act providing a sales tax exemption from the sale of clothing.

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

Senate File 3, by Johnson, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

Read first time and referred to committee on **Natural Resources and Environment**.

Senate File 4, by Hancock, a bill for an act providing for the award of local watershed improvement grants.

Read first time and referred to committee on **Agriculture**.

Senate File 5, by Johnson, a bill for an act appropriating moneys for victim assistance grants.

Read first time and referred to committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:38 a.m. until 8:45 a.m., Tuesday, January 13, 2009.

APPENDIX

STANDING COMMITTEES APPOINTED

The Majority and Minority Leaders announced the following appointments to the standing committees of the Senate for the Eighty-third General Assembly:

*Vice Chair
**Ranking Member

AGRICULTURE—15 Members

Fraise, Chair	Behn	Hahn	Rielly
Olive*	Black	Hancock	Seng
Johnson**	Boettger	Kapucian	Sodders
Appel	Courtney	Kibbie	

APPROPRIATIONS—25 Members

Dvorsky, Chair	Danielson	Hatch	Schoenjahn
McCoy*	Dearden	Hogg	Seng
Kettering**	Dotzler	Jochum	Seymour
Appel	Feenstra	Johnson	Warnstadt
Bartz	Fraise	Kapucian	
Boettger	Hahn	Noble	
Bolkcom	Hancock	Ragan	

COMMERCE—15 Members

Warnstadt, Chair	Bolkcom	Kettering	Schmitz
Heckroth*	Courtney	McCoy	Stewart
Wieck**	Dandekar	Olive	Ward
Behn	Hartsuch	Rielly	

ECONOMIC GROWTH—15 Members

Stewart, Chair	Dandekar	Heckroth	Schmitz
Olive*	Dotzler	Kapucian	Wieck
Houser**	Hamerlinck	Reynolds	Wilhelm
Beall	Hatch	Rielly	

EDUCATION—15 Members

Schmitz, Chair	Beall	Heckroth	Quirmbach
Schoenjahn*	Dvorsky	Johnson	Sodders
Boettger**	Feenstra	Kreiman	Wilhelm
Appel	Hamerlinck	McKinley	

ENVIRONMENT AND ENERGY INDEPENDENCE—11 Members

Black, Chair	Bolkcom	Reynolds	Ward
Hogg *	Hancock	Rielly	Wilhelm
Behn**	Hartsuch	Stewart	

ETHICS—6 Members

Kibbie, Chair	Behn**	Kettering	McKinley
Dearden*	Fraise		

GOVERNMENT OVERSIGHT—5 Members

Olive, Chair	Ward**	Sodders	Wieck
Courtney*			

HUMAN RESOURCES—13 Members

Ragan, Chair	Boettger	Hatch	Quirmbach
Schmitz*	Bolkcom	Johnson	Seymour
Hartsuch**	Dotzler	Kreiman	Wilhelm
Bartz			

JUDICIARY—15 Members

Kreiman, Chair	Fraise	Noble	Ward
Hogg*	Hancock	Quirmbach	Warnstadt
Kettering**	Horn	Schoenjahn	Zaun
Boettger	Jochum	Sodders	

LABOR AND BUSINESS RELATIONS—11 Members

Courtney, Chair	Dearden	Hatch	Wieck
Jochum *	Dotzler	Horn	Zaun
Ward**	Gronstal	Houser	

LOCAL GOVERNMENT—11 Members

Quirmbach, Chair	Hamerlinck	Kreiman	Reilly
Beall *	Houser	McCoy	Schoenjahn
Reynolds**	Kapucian	Olive	

NATURAL RESOURCES—13 Members

Dearden, Chair	Black	Johnson	Ragan
Hancock*	Bolkcom	Kettering	Schoenjahn
Hahn**	Fraise	Noble	Seng
Bartz			

REBUILD IOWA—13 Members

Hogg, Chair	Dandekar	Hahn	Jochum
Heckroth*	Dvorsky	Horn	Reynolds
Hamerlinck**	Feenstra	Houser	Stewart
Appel			

RULES AND ADMINISTRATION—11 Members

Gronstal, Chair	Boettger	Dearden	Ragan
Kibbie*	Courtney	Dvorsky	Zaun
McKinley**	Danielson	Kettering	

STATE GOVERNMENT—15 Members

Appel, Chair	Black	Hartsuch	Seymour
Kibbie*	Courtney	Hatch	Sodders
Feenstra**	Danielson	Horn	Wieck
Behn	Dearden	Jochum	

TRANSPORTATION—13 Members

Rielly, Chair	Danielson	Heckroth	Reynolds
Beall*	Hahn	Kapucian	Warnstadt
Noble**	Hancock	McCoy	Zaun
Dandekar			

VETERANS AFFAIRS—11 Members

Beall, Chair	Black	Kibbie	Sodders
Warnstadt*	Danielson	Noble	Wieck
Seymour**	Hartsuch	Ragan	

WAYS AND MEANS—17 Members

Bolkcom, Chair	Dotzler	Houser	Seng
McCoy*	Feenstra	Jochum	Stewart
Zaun**	Hamerlinck	Quirmbach	Ward
Bartz	Hogg	Schmitz	Wilhelm
Dandekar			

SENATE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION AND REGULATION

Danielson, Chair	Bartz**	Kreiman
Jochum*	Behn	

AGRICULTURE AND NATURAL RESOURCES

Seng, Chair	Hahn**	Wilhelm
Black*	Houser	

ECONOMIC DEVELOPMENT

Dotzler, Chair	Kapucian**	Reynolds
Heckroth*	Dandekar	

EDUCATION

Schoenjahn, Chair	Boettger**	Horn
Quirmbach*	Feenstra	

HEALTH AND HUMAN SERVICES

Hatch, Chair	Johnson**	Schmitz
Ragan*	Hartsuch	

JUSTICE SYSTEM

Hancock, Chair	Noble**	Zaun
Hogg*	Fraise	

TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

McCoy, Chair	Seymour**	Hamerlinck
Warnstadt*	Beall	

SENATORS AND THEIR RESPECTIVE COMMITTEES

APPEL, Staci	Agriculture Appropriations Education Rebuild Iowa State Government, Chair
BARTZ, Merlin	Appropriations Human Resources Natural Resources Ways and Means Administration and Regulation Appropriations Subcommittee, Ranking Member
BEALL, Daryl	Economic Growth Education Local Government, Vice Chair Transportation, Vice Chair Veterans Affairs, Chair Transportation, Infrastructure, and Capitals Appropriations Subcommittee

BEHN, Jerry	Agriculture Commerce Environment and Energy Independence, Ranking Member Ethics, Ranking Member State Government Administration and Regulation Appropriations Subcommittee
BLACK, Dennis H.	Agriculture Environment and Energy Independence, Chair Natural Resources State Government Veterans Affairs Agriculture and Natural Resources Appropriations Subcommittee, Vice Chair
BOETTGER, Nancy J.	Agriculture Appropriations Education, Ranking Member Human Resources Judiciary Rules and Administration Education Appropriations Subcommittee, Ranking Member
BOLKCOM, Joe	Appropriations Commerce Environment and Energy Independence Human Resources Natural Resources Ways and Means, Chair
COURTNEY, Thomas G.	Agriculture Commerce Government Oversight, Vice Chair Labor and Business Relations, Chair Rules and Administration State Government
DANDEKAR, Swati	Commerce Economic Growth Rebuild Iowa Transportation Ways and Means Economic Development Appropriations Subcommittee

DANIELSON, Jeff	Appropriations Rules and Administration State Government Transportation Veterans Affairs Administration and Regulation Appropriations Subcommittee, Chair
DEARDEN, Dick L.	Appropriations Ethics, Vice Chair Labor and Business Relations Natural Resources, Chair Rules and Administration State Government
DOTZLER, William	Appropriations Economic Growth Human Resources Labor and Business Relations Ways and Means Economic Development Appropriations Subcommittee, Chair
DVORSKY, Robert E.	Appropriations, Chair Education Rebuild Iowa Rules and Administration
FEENSTRA, Randy	Appropriations Education Rebuild Iowa State Government, Ranking Member Ways and Means Education Appropriations Subcommittee
FRAISE, Eugene S.	Agriculture, Chair Appropriations Ethics Judiciary Natural Resources Justice System Appropriations Subcommittee
GRONSTAL, Michael E.	Rules and Administration, Chair Labor and Business Relations

HAHN, James F.	Agriculture Appropriations Natural Resources, Ranking Member Rebuild Iowa Transportation Agriculture and Natural Resources Appropriations Subcommittee, Ranking Member
HAMERLINCK, Shawn	Economic Growth Education Local Government Rebuild Iowa, Ranking Member Ways and Means Transportation, Infrastructure, and Capitals Appropriations Subcommittee
HANCOCK, Tom	Agriculture Appropriations Environment and Energy Independence Judiciary Natural Resources, Vice Chair Transportation Justice System Appropriations Subcommittee, Chair
HARTSUCH, David L.	Commerce Environment and Energy Independence Human Resources, Ranking Member State Government Veterans Affairs Health and Human Services Appropriations Subcommittee
HATCH, Jack	Appropriations Economic Growth Human Resources Labor and Business Relations State Government Health and Human Services Appropriations Subcommittee, Chair
HECKROTH, William	Commerce, Vice Chair Economic Growth Education Rebuild Iowa, Vice Chair Transportation Economic Development Appropriations Subcommittee, Vice Chair

HOGG, Robert M.	Appropriations Environment and Energy Independence, Vice Chair Judiciary, Vice Chair Rebuild Iowa, Chair Ways and Means Justice System Appropriations Subcommittee, Vice Chair
HORN, Wally E.	Judiciary Labor and Business Relations Rebuild Iowa State Government Education Appropriations Subcommittee
HOUSER, Hubert	Economic Growth, Ranking Member Labor and Business Relations Local Government Rebuild Iowa Ways and Means Agriculture and Natural Resources Appropriations Subcommittee
JOCHUM, Pam	Appropriations Judiciary Labor and Business Relations, Vice Chair Rebuild Iowa State Government Ways and Means Administration and Regulation Appropriations Subcommittee, Vice Chair
JOHNSON, David	Agriculture, Ranking Member Appropriations Education Human Resources Natural Resources Health and Human Services Appropriations Subcommittee, Ranking Member
KAPUCIAN, Tim	Agriculture Appropriations Economic Growth Local Government Transportation Economic Development Appropriations Subcommittee, Ranking Member

KETTERING, Steve	Appropriations, Ranking Member Commerce Ethics Judiciary, Ranking Member Natural Resources Rules and Administration
KIBBIE, John P. (Jack)	Agriculture Ethics, Chair Rules and Administration, Vice Chair State Government, Vice Chair Veterans Affairs
KREIMAN, Keith A.	Education Human Resources Judiciary, Chair Local Government Administration and Regulation Appropriations Subcommittee
McCOY, Matt	Appropriations, Vice Chair Commerce Local Government Transportation Ways and Means, Vice Chair Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Chair
McKINLEY, Paul	Education Ethics Rules and Administration, Ranking Member
NOBLE, Larry	Appropriations Judiciary Natural Resources Transportation, Ranking Member Veterans Affairs Justice System Appropriations Subcommittee, Ranking Member
OLIVE, Rich	Agriculture, Vice Chair Commerce Economic Growth, Vice Chair Government Oversight, Chair Local Government
QUIRMBACH, Herman C.	Education Human Resources Judiciary Local Government, Chair

	Ways and Means Education Appropriations Subcommittee, Vice Chair
RAGAN, Amanda	Appropriations Human Resources, Chair Natural Resources Rules and Administration Veterans Affairs Health and Human Services Appropriations Subcommittee, Vice Chair
REYNOLDS, Kim	Economic Growth Environment and Energy Independence Local Government, Ranking Member Rebuild Iowa Transportation Economic Development Appropriations Subcommittee
RIELLY, Tom	Agriculture Commerce Economic Growth Environment and Energy Independence Local Government Transportation, Chair
SCHMITZ, Becky	Commerce Economic Growth Education, Chair Human Resources, Vice Chair Ways and Means Health and Human Services Appropriations Subcommittee
SCHOENJAHN, Brian	Appropriations Education, Vice Chair Judiciary Local Government Natural Resources Education Appropriations Subcommittee, Chair
SENG, Joe M.	Agriculture Appropriations Natural Resources Ways and Means Agriculture and Natural Resources Appropriations Subcommittee, Chair

SEYMOUR, James A.	Appropriations Human Resources State Government Veterans Affairs, Ranking Member Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Ranking Member
SODDERS, Steven	Agriculture Education Government Oversight Judiciary State Government Veterans Affairs
STEWART, Roger	Commerce Economic Growth, Chair Environment and Energy Independence Rebuild Iowa Ways and Means
WARD, Pat	Commerce Environment and Energy Independence Government Oversight, Ranking Member Judiciary Labor and Business Relations, Ranking Member Ways and Means
WARNSTADT, Steve	Appropriations Commerce, Chair Judiciary Transportation Veterans Affairs, Vice Chair Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Vice Chair
WIECK, Ron	Commerce, Ranking Member Economic Growth Government Oversight Labor and Business Relations State Government Veterans Affairs
WILHELM, Mary Jo	Economic Growth Education Environment and Energy Independence Human Resources Ways and Means Agriculture and Natural Resources Appropriations Subcommittee

ZAUN, Brad	Judiciary Labor and Business Relations Rules and Administration Transportation Ways and Means, Ranking Member Justice System Appropriations Subcommittee

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate during the 2008 interim and were placed on file in the Legislative Services Agency:

DEPARTMENT OF ADMINISTRATIVE SERVICES

Affirmative Action Report, FY 2008, pursuant to Iowa Code section 19B.5. Report received on October 1, 2008.

Internal Service Fund Report, FY 2008, pursuant to Iowa Code section 8A.123(5)(b). Report received on October 3, 2008.

OFFICE OF AUDITOR OF STATE

Targeted Small Business Procurement Activities Report, pursuant to Iowa Code section 11.46. Report received on December 31, 2008.

IOWA STATE CHILD CARE ADVISORY COUNCIL

Report with findings and recommendations on improving home-based child care, pursuant to 2008 Iowa Acts, SF 2432(16). Report received on December 15, 2008.

OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Annual Report, calendar year 2007, pursuant to Iowa Code section 2C.18. Report received on July 11, 2008.

IOWA COLLEGE STUDENT AID COMMISSION

Iowa Tuition Grant Report, pursuant to 2007 Iowa Acts, SF 588(2). Report received on November 4, 2008.

DEPARTMENT OF CORRECTIONS

DOC Drug Court Reports for First through Eighth Judicial Districts, pursuant to 2008 Iowa Acts, SF 2417. Reports received on December 15, 2008.

OFFICE OF DRUG CONTROL POLICY

Iowa Drug Control Strategy Annual Report for 2009, pursuant to Iowa Code section 80E.1. Report received on November 3, 2008.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Iowa Commission on Volunteer Service, FY Third Quarter Report, pursuant to Iowa Code section 15H.2(3)(h). Report received on October 31, 2008.

DEPARTMENT OF EDUCATION

Iowa Autism Council Annual Report, pursuant to Iowa Code section 256.35A(4). Report received on December 11, 2008.

School Budget Review Committee Annual Report, pursuant to Iowa Code section 257.31(2). Report received on December 19, 2008.

Iowa Core Curriculum Legislative Report, pursuant to 2008 Iowa Acts, HF 2679. Report received on December 31, 2008.

DEPARTMENT OF ELDER AFFAIRS

Single Point of Entry Long-Term Living Resource System Team Report, pursuant to 2007 Iowa Acts, HF 451. Report received on December 1, 2008.

Long-Term Care Awareness Report, pursuant to 2008 Iowa Acts, HF 2539. Report received on January 2, 2009.

IOWA HIGHER EDUCATION LOAN AUTHORITY

Annual Report for 2008, pursuant to Iowa Code section 261A.21. Report received January 8, 2009.

DEPARTMENT OF HUMAN SERVICES

Drug Testing Report, pursuant to 2008 Iowa Acts, SF 2425(16)(26) and (37). Report received on December 1, 2008.

Iowa Medicaid Pharmaceutical and Therapeutics Committee Report, pursuant to 2008 Iowa Acts, SF 2425(9)(23). Report received on December 16, 2008.

Direct Care Worker Compensation Advisory Committee Report, pursuant to 2008 Iowa Acts, HF 2539(70). Report received on December 16, 2008.

Independent Living Services Annual Report, pursuant to Iowa Code section 234.35(4). Report received on December 29, 2008.

Report on Maximization of Enrollment and Retention of Children in Medicaid and hawk-i Program, pursuant to 2008 Iowa Acts, HF 2539(15). Report received on December 29, 2008.

Tribal TANF Matching Fund Formula Recommendation, pursuant to 2008 Iowa Acts, SF 2425. Report received on December 29, 2008.

Healthy and Well Kids in Iowa (hawk-i) Annual Report, pursuant to Iowa Code section 514I.5(7)(g). Report received on January 2, 2009.

Voluntary Employer-Sponsored Health Care Coverage Demonstration Project Report, pursuant to 2008 Iowa Acts, HF 2539(72). Report received on January 2, 2009.

Centers for Medicare and Medicaid Services Review of Iowa Medicaid Enterprise Quality Program, pursuant to 2008 Iowa Acts, HF 2539. Report received on January 9, 2009.

Medicaid Value Management Report, pursuant to 2008 Iowa Acts, HF 2539. Report received on January 9, 2009.

Iowa Medicaid Enterprise Congestive Heart Failure Program Report, pursuant to 2008 Iowa Acts, HF 2539. Report received on January 9, 2009.

Outcomes Report on Medicaid Managed Care (using HEDIS and CAHPS), pursuant to 2008 Iowa Acts, HF 2539. Report received on January 9, 2009.

Frail Elderly Waiver Work Plan, pursuant to 2008 Iowa Acts, HF 2539. Report received on January 9, 2009.

DEPARTMENT OF JUSTICE

Iowa Prosecutor Intern Program Report, pursuant to Iowa Code section 13.2(m). Report received on December 23, 2008.

DEPARTMENT OF MANAGEMENT

Community Empowerment Fiscal Accountability Report, pursuant to 2008 Iowa Acts, HF 2676(5)(10)(h). Report received on December 24, 2008.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

Annual Report, pursuant to Iowa Code section 411.5. Report received on January 5, 2009.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

Iowa Climate Change Advisory Council's Final Report, pursuant to 2007 Iowa Acts, SF 485. Report received on December 30, 2009.

Lake Restoration 2008 Report, pursuant to 2006 Iowa Acts, HF 2782. Report received on December 31, 2008.

Household Hazardous Materials Programs Report, pursuant to Iowa Code section 455D.19. Report received on December 31, 2008.

Boat Fee Revenues and Expenditures Report, FY 2008, pursuant to Iowa Code section 462A.52. Report received on December 31, 2008.

State Preserves Advisory Board Biennial Report for 2008, pursuant to Iowa Code section 465C.8(11). Report received on January 5, 2009.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Public Funds Sudan Divestment Report, FY 2008, pursuant to Iowa Code section 12F.5. Report received on September 22, 2008.

Comprehensive Annual Financial Report, FY 2008, pursuant to Iowa Code section 97B.4(4)(a). Report received on December 29, 2008.

DEPARTMENT OF PUBLIC HEALTH

Initial Report of the Governor's Council on Physical Fitness and Nutrition, pursuant to Iowa Code section 135.27A. Report received on December 2, 2008.

Small Business Qualified Wellness Program Tax Credit Plan, pursuant to 2008 Iowa Acts, HF 2539. Report received on January 5, 2009.

DEPARTMENT OF PUBLIC SAFETY

Annual Report, FY 2008, pursuant to Iowa Code section 7E.3(4). Report received on November 19, 2008.

BOARD OF REGENTS

Articulation Website Development Report, pursuant to 2007 Iowa Acts, SF 601(55). Report received on July 3, 2008.

Economic Development and Technology Transfer Report for 2008, pursuant to Iowa Code section 262B.3, 2005 Iowa Acts, HF 809(13), and 2006 Iowa Acts, HF 2459(14). Report received on November 25, 2008.

DEPARTMENT OF REVENUE

Collection Enterprise Report, FY 2008, pursuant to Iowa Code section 421.17(h) and (j). Report received on September 25, 2008.

Tax Gap Compliance Project Expenditure Report, FY 2008, pursuant to Iowa Code section 421.17(23). Report received on September 25, 2008.

Rebuild Iowa Infrastructure Fund Appropriation Report, FY 2008, pursuant to Iowa Code section 8.57(6)(h). Report received on December 10, 2008.

IOWA SCHOOLS JOINT INVESTMENT TRUST

Annual Financial Report, FY 2008, pursuant to Iowa Code section 12B.10A(7). Report received on November 18, 2008.

STATE OF IOWA TECHNOLOGY GOVERNANCE BOARD

Annual Report, FY 2008, pursuant to Iowa Code section 8A.204(3)(a). Report received on January 12, 2009.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Review of Maintenance Contracts Report, pursuant to Iowa Code section 8D.3(3)(g). Report received on December 8, 2008.

DEPARTMENT OF TRANSPORTATION

Use of Reversions Report, FY 2008, pursuant to Iowa Code section 307.46(2). Report received on September 11, 2008.

Electronic Payments for Driver's Licensing Transactions Review, pursuant to 2008 Iowa Acts, HF 2196. Report received on December 31, 2008.

TIME-21 Funding Analysis, pursuant to 2008 Iowa Acts, SF 2420(26). Report received on December 31, 2008.

IOWA UTILITIES BOARD

Report of Sunset of Single Line Flat-rated Residential and Business Rates, pursuant to Iowa Code section 476.1D(1)(c). Report received on July 8, 2008.

Energy Efficiency Plan, pursuant to 2008 Iowa Acts, SF 2386. Report received on December 31, 2008.

Customer Contribution Fund Annual Report, FY 2008, pursuant to Iowa Code section 476.66(6). Report received January 12, 2009.

DEPARTMENT OF VETERANS AFFAIRS

County Grant Program for Veterans Report, pursuant to 2007 Iowa Acts, HF 909(4). Report received on October 3, 2008.

Iowa Veterans Benefits Study Final Report, pursuant to 2007 Iowa Acts, HF 909(6). Report received on October 20, 2008.

AGENCY ICN REPORTS

Iowa Communications Network (ICN) usage reports for FY 2008, pursuant to Iowa Code section 8D.10, were received from the following agencies:

IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP – Report received on January 9, 2009.

ALCOHOLIC BEVERAGES DIVISION (DEPARTMENT OF COMMERCE) – Report received on August 15, 2008.

IOWA ATTORNEY GENERAL'S OFFICE – Report received on December 24, 2008.

DIVISION OF BANKING (DEPARTMENT OF COMMERCE) – Report received on August 14, 2008.

IOWA COMMUNICATIONS NETWORK – Report received on August 29, 2008.

CREDIT UNION DIVISION – Report received on August 18, 2008.

DEPARTMENT OF EDUCATION – Report received on January 12, 2009.

ETHICS AND CAMPAIGN DISCLOSURE BOARD – Report received on August 15, 2008.

DEPARTMENT OF HUMAN SERVICES – Report received on November 21, 2008.

STATE LIBRARY – Report received on December 3, 2008.

IOWA NATIONAL GUARD – Report received on January 9, 2009.

BOARD OF PAROLE – Report received on September 3, 2008.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM – Report received on August 19, 2008.

BOARD OF REGENTS – Report received on January 5, 2009.

IOWA UTILITIES BOARD – Report received on August 14, 2008.

DEPARTMENT OF VETERANS AFFAIRS – Report received on August 12, 2008.

IOWA VOCATIONAL REHABILITATION SERVICES – Report received on November 13, 2008.

DEPARTMENT OF WORKFORCE DEVELOPMENT – Report received on September 2, 2008.

CERTIFICATE OF RECOGNITION

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

Primrose Jackson—For celebrating her 90th birthday. Senator Kibbie (1/12/09).

REPORTS OF COMMITTEE MEETINGS

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Monday, January 12, 2009, 2:10 p.m.

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

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 2:15 p.m.

RULES AND ADMINISTRATION

Convened: Monday, January 12, 2009, 10:55 a.m.

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

Members Absent: None.

Committee Business: Approved rules and personnel reports.

Adjourned: 11:00 a.m.

WAYS AND MEANS

Convened: Monday, January 12, 2009, 1:10 p.m.

Members Present: Bolkcom, Chair; Zaun, Ranking Member; Bartz, Dandekar, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: McCoy, Vice Chair; and Dotzler (both excused).

Committee Business: Presentation on surtax and property tax.

Adjourned: 2:00 p.m.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 2, your committee on Rules and Administration submits the following names of officers and employees of the Senate for the Eighty-third General Assembly, 2009 Session, and their respective classifications, grades, and steps:

		CLASS	GRADE	STEP
Secretary of the Senate	Mike Marshall	P-FT	44	7
Assistant Secretary of the Senate I	Janet Hawkins	P-FT	32	3
Sr. Administrative Assistant to Leader II	Eric Bakker	P-FT	41	7
Administrative Assistant to Leader III	Debbie Kattenhorn	P-FT	35	5
Secretary to Leader	Gretchen Proksa	S/O	18	1
Sr. Administrative Assistant to President II	Steve Conway	P-FT	41	7
Conf. Secretary to President	Kay Kibbie	P/PT	27	7
Secretary to President	Bonnie Fokken	S/O	18	1
Sr. Caucus Staff Director	Ron Parker	P-FT	41	7
Sr. Legislative Research Analyst	Theresa Kehoe	P-FT	38	7
Sr. Legislative Research Analyst	Kris Bell	P-FT	38	7
Sr. Legislative Research Analyst	Rusty Martin	P-FT	38	5
Legislative Research Analyst III	Julie Simon	P-FT	35	5
Legislative Research Analyst III	Bridget Godes	P-FT	35	5
Legislative Research Analyst II	Kerry Wright	P-FT	32	6
Legislative Research Analyst II	Sue Foecke	P-FT	32	2
Legislative Research Analyst II	Catherine Engel	P-FT	32	2
Legislative Research Analyst I	Jace Mikels	P-FT	29	4
Legislative Research Analyst I	Erica Shorkey	P-FT	29	6
Legislative Research Analyst	Hannah Garden-Monheit	P-FT	27	1
Research Assistant	Kassie Hobbs	S/O	24	1
Sr. Administrative Assistant to Leader	Caleb Hunter	P-FT	38	5
Administrative Assistant to Leader	Donald McDowell	P-FT	27	1

Sr. Caucus Staff Director	Peter Matthes	P-FT	41	4
Sr. Legislative Research Analyst	Carolann Jensen	P-FT	38	7
Sr. Legislative Research Analyst	Pamela Dugdale	P-FT	38	7
Sr. Legislative Research Analyst	Jim Friedrich	P-FT	38	4
Legislative Research Analyst III	Russ Trimble	P-FT	35	5
Legislative Research Analyst III	Thomas Ashworth	P-FT	35	2
Legislative Research Analyst I	Kirsten Anderson	P-FT	29	2
Legislative Research Analyst	Angie Lewis	P-FT	27	5
Research Assistant	Mary Lou Aspengren	S/O	24	1
Confidential Secretary II to Secretary	K'Ann Brandt	P-FT	32	7
Administrative Secretary to Secretary	Lara Margelofsky	S-O	21	1
Journal Editor I	Angela Cox	P-FT	22	3
Journal Editor I	Maureen Lee	P-FT	22	4
Asst. Journal Editor	Jennifer Beminio	P-FT	19	3
Asst. Journal Editor	Jesse Hughes	P-FT	19	3
Sr. Finance Officer II	Lois Brownell	P-FT	35	5
Asst. Finance Officer	Betty Shea	P-FT	21	4
Sr. Indexer	Kathy Olah	P-FT	28	7
Indexer II/Rec. & Supply	Kathleen Curoe	P-FT	25	7
Switchboard Operator	JoAnn Larson	S-O	14	3
Switchboard Operator	Sue Hudson	S-O	14	2
Bill Clerk	Jay Mosher	S-O	14	6
Postmistress	Leila Carlson	S-O	12	2
Sergeant-at-Arms II	Bill Krieg	S-O	20	6
Asst. Sergeant-at-Arms	Tom Sheldahl	S-O	14	4
Doorkeeper	Gerald Carlson	S-O	11	3
Doorkeeper	James Douglas	S-O	11	3
Doorkeeper	Robert Langbehn	S-O	11	5
Doorkeeper	Frank Loeffel	S-O	11	3
Doorkeeper	Bob White	S-O	11	3
Legislative Secretary	Sharon Beem	S-O	18	1
Legislative Secretary	David Boettger	S-O	18	4
Legislative Secretary	Susan Cowden	S-O	16	5
Legislative Secretary	Vicki Davis	S-O	16	7
Legislative Secretary	Judy Dierenfeld	S-O	17	3
Legislative Secretary	Alyce Elmitt	S-O	18	7+2
Legislative Secretary	Jen Fagan	S-O	16	1
Legislative Secretary	Andrew Fay	S-O	15	1
Legislative Secretary	Paula Houser	S-O	16	4
Legislative Secretary	Marce Huhn	S-O	17	4
Legislative Secretary	Colleen Jones	S-O	18	2
Legislative Secretary	Nate Kapke	S-O	15	1

Legislative Secretary	Jennifer Lunsford	S-O	17	2
Legislative Secretary	Dane Nealson	S-O	16	1
Legislative Secretary	Caitlin Oponski	S-O	18	1
Legislative Secretary	Phyllis Peterson	S-O	15	2
Legislative Secretary	Tess Putnam	S-O	15	1
Legislative Secretary	Janet Schwarz	S-O	17	4
Legislative Secretary	Maxine Sieleman	S-O	16	1
Legislative Secretary	Ann Stock	S-O	17	3
Legislative Secretary	Ellen Wagner-Kerber	S-O	16	2
Legislative Secretary	Carol Wieck	S-O	16	3
Legislative Secretary	Dede Zaun	S-O	18	1
Legislative Committee Secretary	Anne Marie Burnett	S-O	18	5
Legislative Committee Secretary	Nathan Cooper	S-O	18	1
Legislative Committee Secretary	Caitlin Copper-Leehey	S-O	18	1
Legislative Committee Secretary	Mardi Deluhery	S-O	18	2
Legislative Committee Secretary	Jim Ferguson	S-O	18	1
Legislative Committee Secretary	Faye Fraise	S-O	17	7
Legislative Committee Secretary	Audrey Gibson	S-O	17	7+2
Legislative Committee Secretary	Natalie Gilkison	S-O	18	1
Legislative Committee Secretary	Jodi Grover	S-O	18	2
Legislative Committee Secretary	Brittany Hosford	S-O	18	1
Legislative Committee Secretary	Amanda Kimber	S-O	18	1
Legislative Committee Secretary	Shanon Kreiman	S-O	18	1
Legislative Committee Secretary	John Larson	S-O	17	3
Legislative Committee Secretary	Seth Leopold	S-O	18	1
Legislative Committee Secretary	Chelsea Lepley	S-O	18	1
Legislative Committee Secretary	Jaimie Miller	S-O	18	1
Legislative Committee Secretary	Dave Morris	S-O	18	1
Legislative Committee Secretary	Isobel Osius	S-O	17	1
Legislative Committee Secretary	LuAnn Randleman	S-O	18	6
Legislative Committee Secretary	Amanda Rasmussen	S-O	18	1
Legislative Committee	Matt Senko	S-O	18	1

Secretary				
Legislative Committee Secretary	Jennie Stewart	S-O	17	2
Legislative Committee Secretary	Joanne Wengert	S-O	18	7
Legislative Committee Secretary	Ebonee Woods	S-O	17	1
Page	Evan Burger	S/O	9	1
Page	Charles Caris	S/O	9	1
Page	Michael Dickinson	S/O	9	1
Page	Taylor Edgar	S/O	9	1
Page	Jefferson Fink	S/O	9	1
Page	Hannah Fordyce	S/O	9	1
Page	Caitlin Kingery	S/O	9	1
Page	Megan Knight	S/O	9	1
Page	Mia Kornelis	S/O	9	1
Page	Sabrina Larson	S/O	9	1
Page	Amber Schuler	S/O	9	1
Page	Kayla Sproul	S/O	9	1
Page	Nathan VerSchuure	S/O	9	1
Page	Mary Ward	S/O	9	1
Page	Nathan Winters	S/O	9	1

MICHAEL E. GRONSTAL, Chair

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 2, the committee on Rules and Administration submits the following increases, reclassifications, and the effective dates of Senate employees:

Sr. Asst. Secretary of the Senate	Cynthia Clingan	RESIGNED Effective 1/09
Sr. Journal Editor	Janet Hawkins	Step 3 to Step 4 Effective 6/08
Sr. Journal Editor To Asst. Secretary of Senate I		Grade 30, Step 4 to Grade 32, Step 3 Effective 1/09
Admin. Asst. to Ldr. III	Debbie Kattenhorn	Step 3 to Step 5 Effective 6/08
Sr. Research Analyst	Rusty Martin	Step 3 to Step 5 Effective 6/08
Research Analyst III	Julie Simon	Step 4 to Step 5 Effective 1/09
Research Analyst III	Bridget Godes	Step 3 to Step 5 Effective 7/08
Research Analyst II	Kerry Wright	Step 5 to Step 6 Effective 7/08
Research Analyst II	Sue Foecke	Step 1 to Step 2 Effective 7/08

Research Analyst I To Research Analyst II	Catherine Engel	Grade 29, Step 3 to Grade 32, Step 2 Effective 12/08
Research Analyst I	Jace Mikels	Step 3 to Step 4 Effective 7/08
Research Analyst To Research Analyst I	Erica Shorkey	Grade 27, Step 6 to Grade 29, Step 6 Effective 12/08
Research Asst.	Kassie Hobbs	Step 1 to Step 2 Effective 3/09
Conf. Sec. to President	Kay Kibbie	Step 6 to Step 7 Effective 6/08
Secretary to President	Bonnie Fokken	Step 1 to Step 2 Effective 3/09
Sr. Admin. Asst. To Leader	Brent Oleson	RESIGNED Effective 08/08
Sr. Admin. Asst. To Leader	Matt Everson	RESIGNED Effective 12/08
Conf. Sec. to Leader	Josie Rundlett	Step 1 to Step 2 Effective 10/08 RESIGNED Effective 10/08
Sr. Caucus Staff Director	Peter Matthes	Step 3 to Step 4 Effective 6/08
Sr. Research Analyst	Jim Friedrich	Step 2 to Step 4 Effective 6/08
Research Analyst III	Russ Trimble	Step 4 to Step 5 Effective 6/08
Research Analyst II To Research Analyst III	Tom Ashworth	Grade 32, Step 3 to Grade 35, Step 2 Effective 6/08
Research Analyst I	Kirsten Anderson	Step 1 to Step 2 Effective 6/08
Research Analyst	Angie Lewis	Step 4 to Step 5 Effective 6/08
Sr. Finance Officer III	Linda Laurenzo	RESIGNED Effective 1/09
Sr. Finance Officer II	Lois Brownell	Step 3 to Step 5 Effective 7/08
Admin. Sec. to Sec.	Betty Shea	Step 2 to Step 3 Effective 6/08
Admin. Sec. to Sec. To Asst. Finance Officer		Step 3 to Step 4 Effective 1/09
Conf. Sec. II to Sec.	K'Ann Brandt	Step 6 to Step 7 Effective 7/08
Journal Editor I	Maureen Lee	Step 2 to Step 4 Effective 6/08
Asst. Journal Editor To Journal Editor I	Angela Cox	Grade 19, Step 4 to Grade 22, Step 3 Effective 6/08
Asst. Sergeant-at-Arms	Tom Sheldahl	Step 4 to Step 5 Effective 1/09

Doorkeeper	Robert Langbehn	Step 5 to Step 6 Effective 1/09
Doorkeeper	Frank Loeffel	Step 3 to Step 4 Effective 1/09
Legislative Committee Secretary	Mardi Deluhery	Step 2 to Step 3 Effective 4/09
Legislative Committee Secretary	Jim Ferguson	Step 1 to Step 2 Effective 3/09
Legislative Committee Secretary	Amanda Kimber	Step 1 to Step 2 Effective 3/09
Legislative Committee Secretary	John Larson	Step 3 to Step 4 Effective 1/09
Legislative Committee Secretary	Chelsea Lepley	Step 1 to Step 2 Effective 3/09
Legislative Committee Secretary	Dave Morris	Step 1 to Step 2 Effective 3/09
Legislative Committee Secretary	Jennie Stewart	Step 2 to Step 3 Effective 1/09
Legislative Secretary	Phyllis Peterson	Step 2 to Step 3 Effective 2/09
Legislative Secretary	Maxine Sieleman	Step 1 to Step 2 Effective 3/09
Legislative Secretary	Carol Wieck	Step 2 to Step 3 Effective 1/09
Legislative Secretary	Dede Zaun	Step 1 to Step 2 Effective 3/09

MICHAEL E. GRONSTAL, Chair

REPORT OF THE COMMITTEE ON MILEAGE

MR. PRESIDENT: Pursuant to Section 2.10, Code 2007, the following has been determined to be the mileage to which Senators are entitled for the Eighty-third General Assembly:

NAME	ROUND TRIP MILES
APPEL, Staci	48
BARTZ, Merlin	277
BEALL, Daryl	188
BEHN, Jerry	94
BLACK, Dennis H.	104
BOETTGER, Nancy J.	222
BOLKCOM, Joe	234
COURTNEY, Thomas G.	390
DANDEKAR, Swati	252
DANIELSON, Jeff	250
DEARDEN, Dick L.	0
DOTZLER, William	260
DVORSKY, Robert E.	224
FEENSTRA, Randy	508
FRAISE, Eugene S.	369

GRONSTAL, Michael E. 270
HAHN, James F. 300
HAMERLINCK, Shawn 328
HANCOCK, Tom 376
HARTSUCH, David L. 337
HATCH, Jack 0
HECKROTH, William 278
HOGG, Robert M. 260
HORN, Wally E. 242
HOUSER, Hubert. 250
JOCHUM, Pam 400
JOHNSON, David 458
KAPUCIAN, Tim 180
KETTERING, Steve 240
KIBBIE, John P. 330
KREIMAN, Keith A. 204
McCOY, Matt 0
McKINLEY, Paul. 124
NOBLE, Larry 0
OLIVE, Rich 96
QUIRMBACH, Herman C. 75
RAGAN, Amanda 240
REYNOLDS, Kim 102
RIELLY, Tom 130
SCHMITZ, Becky 226
SCHOENJAHN, Brian 360
SENG, Joe M. 334
SODDERS, Steve 92
SEYMOUR, James A. 254
STEWART, Roger 384
WARD, Pat 0
WARNSTADT, Steve 400
WIECK, Ron 396
WILHELM, Mary Jo 400
ZAUN, Brad 0

JEFF DANIELSON, Chair
HERMAN C. QUIRMBACH
RANDY FEENSTRA
SHAWN HAMERLINCK

REPORT TO THE EIGHTY-THIRD GENERAL ASSEMBLY REGARDING THE PUBLICATION OF PROPOSED CONSTITUTIONAL AMENDMENTS

To the Honorable, The Secretary of the Senate:

I, Michael A. Mauro, Secretary of the State of Iowa, do hereby certify that the following named newspapers were designated to publish SENATE JOINT RESOLUTION #2002, Acts of the Eighty-second General Assembly. In accordance with Chapter 49A, Code of Iowa, affidavits showing proof of those publications are on file in this department and are recorded as follows:

Congressional District	**Newspaper**	**2008 Dates of Publication**		
FIRST	Dubuque Telegraph Herald, Dubuque	8/6	9/10	10/8
	Quad City Times, Davenport	8/4	9/8	10/6
	Waterloo Courier, Waterloo	8/5	9/9	10/7
SECOND	Burlington Hawkeye, Burlington	8/4	9/8	10/6
	Cedar Rapids Gazette, Cedar Rapids	8/6	9/11	10/9
THIRD	Des Moines Register, Des Moines	8/5	9/9	10/7
	Oskaloosa Herald and Shopper, Oskaloosa	8/8	9/12	10/10
FOURTH	Ames Daily Tribune, Ames	8/6	9/10	10/8
	Mason City Globe Gazette, Mason City	8/4	9/8	10/6
FIFTH	Council Bluffs Daily Non Pareil, Council Bluffs	8/5	9/9	10/7
	Sioux City Journal, Sioux City	8/8	9/12	10/10

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed seal of the Secretary of State at the Capitol, in Des Moines, this twenty-fifth day of November, 2008.

MICHAEL A. MAURO
Secretary of State

I hereby acknowledge that I received the original copy of this document on the fifth day of January, 2009.

MICHAEL E. MARSHALL
Secretary of the Senate

ASSIGNMENT OF SEATS IN THE PRESS GALLERY

Seat No.

51. The Des Moines Register: Jennifer Jacobs, Jason Clayworth, Tom Beaumont, Tony Leys, Bill Petroski, Kathie Obradovich, Lee Rood, Staci Hupp, Perry Beeman, David Yepsen, Clark Kauffman
52. The Associated Press: Mike Glover
53. Single Day Visitor Press Seat
54. Radio Iowa News Network: O. Kay Henderson, Dar Danielson, Pat Curtis, Matt Kelley
55. Staff
56. Dubuque Telegraph Herald: Mary Rae Bragg
57. Iowa Public Radio: Joyce Russell, Jeneane Beck
58. The Cedar Rapids Gazette: Rod Boshart, James Lynch, Todd Dorman
59. Single Day Visitor Press Seat
60. Lee Enterprises: Charlotte Eby, Fred Love
61. Staff
62. Iowa Politics.com: Lynn Campbell, Andrew Duffelmeyer, Matt Clark
63. Iowa Legislative News Service: Jack Hunt, Thomas Hunt, John Kurr
64. WHO Radio: Richard Lee, Brad Ehrlich, Sue Danielson, Jim Boyd

INTRODUCTION OF RESOLUTIONS

Senate Resolution 1, by Kibbie, Gronstal, and McKinley, a resolution honoring Cynthia Clingan on the occasion of her retirement for 33 years of service to the Senate and the citizens of Iowa.

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

Senate Resolution 2, by Kibbie, Gronstal, and McKinley, a resolution honoring Linda Laurenzo for her 22 years of service to the Iowa Senate and congratulating her upon her retirement.

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

JOURNAL OF THE SENATE

SECOND CALENDAR DAY
SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 13, 2009

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

Prayer was offered by Father Brad Braley, pastor of the First Presbyterian Church in Cedar Falls, Iowa. He was the guest of Senator Danielson.

The Journal of Monday, January 12, 2009, was approved.

The Senate stood at ease at 8:50 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:38 a.m., President Kibbie presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 1, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

The joint convention convened at 9:44 a.m., President Kibbie presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

President Kibbie declared a quorum present and the joint convention duly organized.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify Governor Chester J. Culver that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Hogg, Appel, and Noble, on the part of the Senate, and Representatives Winckler, Beard, and Schulte, on the part of the House.

Secretary of State Michael Mauro, Treasurer of State Michael Fitzgerald, Secretary of Agriculture Bill Northey, Auditor of State David A. Vaudt, and Attorney General Tom Miller were escorted into the House chamber.

Chief Justice Ternus and the Justices of the Supreme Court and Chief Judge Sackett and the Judges of the Court of Appeals were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

Mrs. Culver, the Governor's wife; members of the Culver family, and recently retired General Ron Dardis and his wife, Carmel, were escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him to the Speaker's station.

President Kibbie presented Governor Chester J. Culver, who delivered the following Condition of the State Address:

I want to begin by welcoming all of you, especially the newly elected members of the General Assembly, to your State Capitol.

2008 was a year we will never forget! May 25th began like any other spring day in the city of Parkersburg. Just as in hundreds of communities statewide, families were gathered together, celebrating high school graduations, enjoying the Memorial Day weekend, and looking forward to the start of summer.

By sunset on that same day, the lives of all citizens of Parkersburg were changed, forever.

At just before 5:00 p.m., a horrific F5 tornado, the worst in our state's history, ripped through town. City Hall, businesses, banks, restaurants – and 220 homes – were all gone.

This mile-wide tornado traveled nearly 45 miles, through three counties, affecting not just Parkersburg, but Aplington, New Hartford, Waterloo, and Dunkerton. Before the winds stopped, 67 people were injured, and 8 people tragically lost their lives.

The storm also destroyed the physical symbol of the heart and soul of Parkersburg: the Aplington-Parkersburg High School. The classrooms, gymnasium, stadium, and football field – a field which, over the years, had come to be known as the sacred acre – were all leveled.

Once the tornado stopped, football Coach Ed Thomas – whose own house was destroyed – walked to what was left of the field, and pledged to play the first game of the season on time, and at home. Players, coaches, strangers, and busloads of students from other schools volunteered to help clean up the mess. They got on their knees and, moving shoulder-to-shoulder, criss-crossed the field, one way and then the other, pulling up glass, wood, and other debris that the F5 tornado winds had driven into the turf. Rival high schools conducted fundraising drives that yielded tens of thousands of dollars in cash donations. Four former football players from Coach Thomas's teams now playing in the National Football League led their own fundraising drive through the NFL charity program. Iowa companies even donated new game lights and turf! As a result of all of these efforts, and the generosity of Iowans and Americans, the entire football stadium was rebuilt!

And on September 5th, I was proud to join Coach Thomas to attend the very first home game of the Aplington-Parkersburg football team! Well, guess what: Parkersburg won!

These young student-athletes from Aplington-Parkersburg shared one goal: to rebuild the school they loved and the community they call home! Their team spirit – of faith, optimism, and resilience – is what makes Iowa such a great place. As a former high-school teacher, and coach, I know from experience, this kind of teamwork is something we can emulate and be very proud of!

Now, I want to recognize the one of the most valuable players on our team, my friend and partner Lt. Gov. Patty Judge. Patty has stood by me through successes, and through challenges, most recently the storms of 2008. So, I want to thank the Lt. Governor for her tireless work on behalf of Iowans!

And, to the love of my life, and the First Lady of Iowa. Thanks for being such an incredible mother to our two wonderful children, Clare and John. And thank you for being a champion for Iowa's at-risk women and children, too!

Fellow statewide elected officials: Attorney General Miller, your work in consumer protection, fighting predatory lending, and preventing foreclosures, is inspiring. Treasurer Fitzgerald, you have helped open the door for thousands of Iowa college students. Secretary Mauro, you presided over the most successful election in Iowa's history – and helped make history in the process. Secretary Northey, you are making sure Iowa farmers feed and fuel the world, and Auditor Vaudt, we share a commitment to fiscal responsibility and balancing budgets.

I also want to thank my friends in the Judicial Branch: Chief Justice Ternus, Supreme Court Justices, Chief Judge Sackett, and members of the Court of Appeals, thank you for your service. Department heads, and state employees, your work is appreciated, too!

Additionally, I want to thank you, the Members of the General Assembly, and your leadership team: President Kibbie and Speaker Murphy; Leaders Gronstal, McCarthy, McKinley and Paulsen. And, to every Legislator: thank you for your willingness to work together for the betterment of all Iowans!

I also want to take a moment to recognize a former Legislator, who is bravely battling cancer, Senate Leader and Legislator Mary Lundby of Marion. I want her, her family and friends, to know they will remain in our thoughts and prayers.

This is a great team!! Not a team of rivals, but of excellent public officials, and I'm honored to work with all of you every day!

In addition, I want to acknowledge another valuable member of the team; Major General Ron Dardis. For over four decades, General Dardis has proudly worn the uniform of the United States Armed Forces. Soon, he will retire his uniform, and pass the torch to Colonel Tim Orr, who will become the next Adjutant General of the Iowa Guard.

Last summer, under the leadership of General Dardis, more than 4,000 members of the Iowa Guard worked with first responders statewide in our flood fight. Their heroic actions saved countless lives. This was the largest single deployment of our Guard troops since the Civil War.

General Dardis has led the Guard during a very difficult time for Iowa's military families, too. Let's always remember Iowa's Eternal Patriots, the 68 Iowans who, since 9/11, wore the uniform, but sadly never made it home. They gave their lives for the country we all love.

Now, I would like to ask General Dardis to stand and be recognized by all of us here!

Finally, I want to thank all members of the Armed Services, past and present – including State Representative Chambers, who was recently deployed. I simply want to say we owe you a debt of gratitude, for your bravery, service, and commitment to Iowa.

During the disasters of 2008, these Iowa values of bravery, service, and commitment were never more evident.

The tornados, floods, and storms which killed and injured so many at the Little Sioux Scout Camp, and in too many communities across Iowa, didn't discriminate in the pain they caused.

But at the same time, we saw – together – that first responders and thousands of volunteers also didn't distinguish between old and young, rich or poor. They didn't ask if you were black, white, or brown, urban or rural. Volunteers clearing debris didn't ask if you were Democrat or Republican! Instead, they asked, Are you okay? What do you need? and How can we help?

Let's carry that lesson with us this legislative session. How can we stand together, shoulder to shoulder, as a team – to rebuild Iowa? How can we help ease the pain, for those still suffering? How can we put people back to work, create jobs, invest in our infrastructure, and balance the budget?

Well, I believe that's our duty. Our constituents sent us here to work as a team, and to provide solutions to today's challenges!

Our Iowa values of optimism, resilience, hard work, determination, and caring about your neighbor in need have carried us from our first days as a state. So, it gives me a great deal of pride to stand before you, even in a season with many challenges and say:

The Condition of our State is strong, because the people of Iowa are strong!

I believe this, because Iowans are tough. We're never better than when our backs are against the wall. We stand tall, and never give up. In Iowa, we keep our promises. Our word is our bond. We stand up for Iowa values. We work together – like a team – to get things done!

And so, I believe our first order of business of the 2009 Legislative session must be to rebuild the state we all love!

I believe real images seen in cities like Cedar Rapids, Palo, Coralville, Waterloo, Cedar Falls, and Oakville tell the story of the damage and devastation better than any words ever could.

Now, let's all be reminded of what our state has been through.

[VIDEO: In Deep Water – The Flood of 2008]

The rebuilding has begun. But there's much more work to do, and that's why I need your help this session.

The good news is, we've made some real progress. For example, more than $520 million in federal money – has been committed to support more than 5,400 projects in 513 cities, counties, and school districts throughout the state. This will help us rebuild our public infrastructure: everything from roads to schools, from senior centers to water treatment plants.

In addition, more than more than $260 million in both state and federal funds are helping 24,000 Iowans repair or replace their homes damaged by last summer's storms. Nearly 1,000 small businesses are receiving over $135 million in state and federal money to re-open their doors.

And, over 2,200 Iowans, who lost their jobs because of the storms, are getting a helping hand from $6.5 million in Disaster Unemployment Assistance. Another $4 million is being used to provide crisis counseling and mental health services to literally tens of thousands of Iowa families impacted by the storms. And, $500,000 in Iowa College Aid has helped more than 400 flood-affected students to stay in school and pay their tuition.

Finally, in the days following the disaster, I asked the private sector to be a part of our Rebuild Iowa team. Thanks to the leadership of Barry Griswell, Fred Hubbell, Bill Knapp, Jim Cownie, Pat Baird, the Des Moines Register, generous Iowa businesses, and individual donors nationwide, the Embrace Iowa fundraising effort has raised nearly $8 million!

In total, nearly one and a half billion dollars in state, federal, and private-sector money has been secured to date to assist in our rebuilding efforts.

In addition, the Rebuild Iowa Commission, with the help of 15 dedicated private citizens, issued a comprehensive report with their key flood recovery recommendations.

We've also created the Rebuild Iowa Office that serves as a clearinghouse for all flood recovery efforts, and coordinates our day-to-day rebuilding plans.

Now it's time to take the next steps. Let's start this session by acting quickly on three key areas related to flood recovery.

Number one: I respectfully ask you to immediately pass the $43 million Rebuild Iowa Bill that I've submitted to you. I recommend we use money from the Rainy Day Fund to pay for this.

Our cash reserves and Rainy Day Funds are at historic levels - $620 million. By comparison, after the floods of '93 we had only $48 million in our reserves. This Rainy Day Fund is essential for the state to provide services during emergencies and economic downturns. Well, during the floods of 2008, it rained, it rained, and it rained.

So, I believe it's necessary to now use some of the money from this fund to pay for the costs associated with our ongoing disaster recovery efforts. This $43 million will help struggling communities like Cedar Rapids pay their bills, assist non-profits and cultural organizations, and provide much needed financial assistance for individuals and families still facing challenges.

It also will provide additional funding to address unmet rental housing and small business needs, which are currently not eligible for federal funds. And, it keeps the doors open at the newly established Rebuild Iowa Office, so the state can continue to play a vital role in coordinating all flood recovery efforts.

So, I want to formally ask you to pass this Rebuild Iowa Funding Bill without delay, and send it to my desk as soon as possible.

Number two: the Rebuild Iowa Advisory Commission report identifies twelve key areas of concern. So, I'm asking you to act upon these recommendations this session. Modern flood plain mapping, levee mitigation, disaster insurance, watershed management, and first responder and emergency management training are all important issues that need to be addressed.

In addition to the devastation of the natural disasters, Iowans have been hit by another perfect storm – but this time, it's an economic one. We're dealing with a severe recession, the likes of which we haven't seen since the Great Depression. And, it has already displaced Iowa workers and threatened jobs.

So, now, the third step I'm asking you to take responds to both of these disasters.

In an effort to stimulate economic growth during this recession, create good private sector jobs, and address unmet infrastructure needs, I propose the creation of the Rebuild Iowa Infrastructure Authority. But when I say infrastructure, I'm not just talking about bridges and roads. I mean all infrastructure: rail, trails, public buildings, water and sewer treatment facilities, the utility grid, and telecommunications, too.

But, there's no time to wait! This legislative session, we must address every facet of our 21st century infrastructure, to ensure that we continue to grow our economy and support the jobs of the future.

In fact, for every $100 million spent on highway construction alone, more than 4,000 new jobs are created! Infrastructure investment is essential for not only job creation, but for keeping existing jobs in Iowa. So, the authority will create and then issue up to $700 million of bonds, over the next several years.

It will also allow us to build upon any additional federal stimulus or flood recovery funds our state might receive in the future.

We can do this! This is the first time our state's history we've earned a Triple-A bond rating. And I intend to use it!

So, we're cutting back on the day-to-day expenditures of state government. But, at the same time, we will be investing in bricks and mortar – to create jobs and keep our economy going. And we're in a position to pay back the bonds without raising taxes.

The Rebuild Iowa Investment Bonds will be funded through existing gaming revenue, and will provide grants and loans for projects statewide.

Just as we locked arms and worked together during the flood fight, we must continue our efforts, as partners – to Rebuild Iowa by investing in and modernizing our infrastructure.

Our second real challenge this session is to balance the budget. As you know, along with the rest of the nation, we're now entering a period of economic upheaval.

However, unlike the federal government, we can't deficit spend. And, we're not going to tax our way out of this, like California or New York.

While I know our nation's short-term economic future is uncertain, I believe our state's long-term future is bright. Our future will be bright if we use Iowa common sense in planning our budget. When we do, I believe we will emerge from this recession in a better position to lead.

Let's be clear. This economic challenge is historic in its scope. Its roots can be traced to the greedy actions of a few on Wall Street, lack of financial oversight, and misguided federal policies from Washington.

All of these things have consequences. The result is an economic recession that is hitting families and main streets, factories and farms across the nation. As we speak, 44 states are either in, or headed towards, a deficit for fiscal year 2009. Additionally, according to the Center for Budget and Policy Priorities, these states are projected to have budget shortfalls as high as $140 billion collectively by 2010. Yes, that's $140 billion!

In short, this worldwide recession is affecting nearly every state in the nation, no matter if they are big or small, rural or urban, Democratic or Republican. This is the economic reality. And I believe it's our responsibility to limit the impact of this recession on hardworking Iowans.

Let's stay true to our Iowa values by effectively managing the budget for the rest of fiscal year 2009, and for 2010. Regarding the 2009 budget, we've already made progress in the Executive Branch, by making some tough decisions. For example, when the state's revenues fell short of projections last fall, I started with my own office, and my own departments, telling them to cut waste, cut unnecessary travel, and freeze state hiring. These selective cuts, totaling $40 million were not easy – but they were the right thing to do.

Then, on December 22nd, as revenues continued to lag, I invoked my Executive Authority to make a 1.5 percent across-the-board cut in general fund spending. This saved the state $90 million!

But this must be a team effort. As Governor, I'm limited in what I can do within the Executive Branch. So, here is what I'm asking you to do to ensure we balance the budget for fiscal year 2009.

Number one: De-appropriate $37 million for the new state office building.

Number two: Approve the transfer of $10 million from accounts and funds that I've requested.

Number three: I'm asking you for one exception to my across-the-board cut. Corrections Officers and Troopers are essential to our public safety, and I want to make sure these positions are not cut.

I, for one, accept the responsibility to manage our state through these turbulent times. I will stand up for you, tell it like it is, and you can hold me accountable for what happens on my watch.

So, I'll be very frank. Most of us here – in fact, all of us – won't like some of the effects of these cuts. But all Iowans must share in the responsibility to keep our fiscal house in order. Simply put, if Iowans are being asked to do more with less, then so should our government!

Here's what we're going to do. Make government more lean and efficient, create infrastructure jobs, and cut spending. This means some services will be cut. And, as I've said, because of the national recession, I believe this is no time to raise taxes on hardworking Iowans.

Here's the good news: Iowa is well-positioned to get through this worldwide and national recession. In fact, we're better situated than almost every other state in the nation. For example, our $620 million cash reserves and Triple-A bond rating allow us to do some things that other states may find impossible to do. Our unemployment rate is considerably lower than the national average. And, companies like Aviva, Microsoft, and Google have come to Iowa – investing billions while creating hundreds of new, good paying jobs. In addition, we've attracted new companies to Iowa like Acciona, Clipper, TPI, Siemens, and Trinity – which have created thousands of wind energy jobs in every corner of the state.

Now, regarding the 2010 budget, which I'm required to submit to you by the end of the month. President-elect Obama and Congress have already started working on an economic stimulus package designed to assist the states.

This will impact our 2010 budget and it could help us address some of our education and health care needs.

But, for the time being, we don't know what the final package will look like. And we will be constrained by a tight budget year. However, I am asking you to do all you can to protect the investments we've made together.

For example, in the Iowa Power Fund, which has helped create green collar jobs of future statewide. And, let's keep Iowa a national leader in education. Let's keep working to make health care more accessible, and affordable. And let's build upon our progress on making Iowa the renewable energy capitol of the United States, and the silicon valley of the Midwest!

But as we do, let's agree that everything's on the table with respect to balancing the budget and finding cost savings in state government. Let's take this opportunity to improve the way our government works. Let's not be afraid of changing how we do business. I believe we should explore the sale or lease of some state assets; let's consolidate state contracts and group purchasing agreements, and use other sensible ways to save taxpayers' money!

In closing, we have a strong, talented citizenry who demand that their political leaders pull together to get the job done. So, let's waste no time in getting to work.

Neither the natural disasters, nor the economic recession, are the fault of Iowans. But the difficulties each create are something we must all face together, and our constituents are counting on us.

2009 will be a year of challenges – some as great as any our country has ever faced. And today, I've asked you – the members of the Legislature – to make some tough decisions.

These are difficult days – but in Iowa, we don't run from challenges, we tackle them head-on. Our state was built by the hard work and sweat of people who weren't afraid to take on this land with all of its challenges. They believed, as I do, that in every challenge, is an opportunity.

So, despite some setbacks, I am both optimistic and confident about what the future holds for our state. Let's put partisan politics aside and work together as a team for the good of all Iowans. When we do, I believe our best and brightest days are ahead of us.

Governor Chester J. Culver was escorted from the House chamber by the committee previously appointed.

Representative McCarthy moved that the joint convention be dissolved, which motion prevailed by a voice vote.

The Senate returned to the Senate chamber.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:53 a.m. until 8:45 a.m., Wednesday, January 14, 2009.

APPENDIX

AGENCY ICN REPORT

Iowa Communications Network (ICN) usage report for FY 2008, pursuant to Iowa Code section 8D.10, was received from the following agency:

IOWA VETERANS HOME – Report received January 13, 2009.

CERTIFICATES OF RECOGNITION

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

Jacob Deutmeyer—For achieving the rank of Eagle Scout, Boy Scout Troop 39. Senator Schoenjahn (1/13/09).

Eva Doyle—For celebrating her 80th birthday. Senator Courtney (1/13/09).

Marjorie Elinore Kurtz—For celebrating her 90th birthday. Senator Courtney (1/13/09).

Dylan Slattery—For achieving the rank of Eagle Scout, Boy Scout Troop 39. Senator Schoenjahn (1/13/09).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, January 13, 2009, 3:00 p.m.

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

Members Absent: Behn and McCoy (both excused).

Committee Business: Organizational meeting.

Adjourned: 3:10 p.m.

ECONOMIC GROWTH

Convened: Tuesday, January 13, 2009, 1:05 p.m.

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

Members Absent: Beall and Hatch (both excused).

Committee Business: Organizational meeting, presentation on Power Fund.

Adjourned: 1:35 p.m.

NATURAL RESOURCES

Convened: Tuesday, January 13, 2009, 1:00 p.m.

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

Members Absent: Black (excused).

Committee Business: Rules and introductions.

Adjourned: 1:25 p.m.

TRANSPORTATION

Convened: Tuesday, January 13, 2009, 2:05 p.m.

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

Members Absent: McCoy (excused).

Committee Business: Organizational meeting.

Adjourned: 2:20 p.m.

INTRODUCTION OF BILLS

Senate File 6, by Heckroth, a bill for an act lowering the compulsory school attendance age and providing for properly related matters.

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

Senate File 7, by Kettering, a bill for an act relating to notice of public disclosure of certain workers' compensation information.

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

Senate File 8, by Kettering, a bill for an act relating to transportation provided to children attending a preschool program administered by a community empowerment area.

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

Senate File 9, by Ragan, a bill for an act relating to the disposition of school property and providing an effective date.

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

Senate File 10, by Johnson, a bill for an act relating to soil and water conservation, by providing for a fund and the deposit into the fund of civil penalties arising from violations involving storm water discharges.

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

Senate File 11, by Johnson, a bill for an act relating to establishing a process for reimbursement of nonparticipating providers for eligible services provided to IowaCare program members.

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

Senate File 12, by Kibbie, a bill for an act relating to the mailing of a certified copy of a certificate or record by the state registrar of vital statistics.

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

Senate File 13, by Hancock, a bill for an act relating to consuming and possessing alcohol, and providing penalties.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 1

COMMERCE: Rielly, Chair; Hartsuch and Heckroth

Senate File 7

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

SSB 1001

HUMAN RESOURCES: Dotzler, Chair; Hartsuch and Ragan

SSB 1002

HUMAN RESOURCES: Schmitz, Chair; Quirmbach and Seymour

SSB 1003

HUMAN RESOURCES: Schmitz, Chair; Johnson and Wilhelm

SSB 1004

HUMAN RESOURCES: Hatch, Chair; Boettger and Ragan

SSB 1005

VETERANS AFFAIRS: Warnstadt, Chair; Seymour and Black

SSB 1006

VETERANS AFFAIRS: Kibbie, Chair; Hartsuch and Sodders

SSB 1007

VETERANS AFFAIRS: Danielson, Chair; Seymour and Ragan

SSB 1008

EDUCATION: Wilhelm, Chair; Appel and Hamerlinck

SSB 1009

EDUCATION: Dvorsky, Chair; Feenstra and Heckroth

SSB 1010

EDUCATION: Beall, Chair; Hamerlinck and Quirmbach

SSB 1011

EDUCATION: Schmitz, Chair; Boettger and Kreiman

SSB 1012

EDUCATION: Quirmbach, Chair; Dvorsky and McKinley

SSB 1013

EDUCATION: Heckroth, Chair; Johnson and Sodders

SSB 1014

EDUCATION: Appel, Chair; Boettger and Schoenjahn

SSB 1015

EDUCATION: Heckroth, Chair; McKinley and Wilhelm

SSB 1016

EDUCATION: Schoenjahn, Chair; Johnson and Schmitz

SSB 1017

ETHICS: Fraise, Chair; Dearden and Kettering

SSB 1018

ETHICS: Dearden, Chair; Fraise and Behn

SSB 1019

COMMERCE: Rielly, Chair; Olive and Ward

SSB 1020

COMMERCE: Warnstadt, Chair; Behn and Courtney

SSB 1021

COMMERCE: McCoy, Chair; Kettering and Stewart

SSB 1022

COMMERCE: Olive, Chair; Kettering and Stewart

STUDY BILLS RECEIVED

SSB 1001 Human Resources

To allow physician assistants to form a professional corporation or limited liability company.

SSB 1002 Human Resources

Requiring health insurance coverage for costs relating to mental health conditions, including alcohol or substance abuse treatment services, and creating a mental health insurance advisory committee.

SSB 1003 Human Resources

Relating to requiring reports for certain precursor substances and extending an information program for drug prescribing and dispensing and providing an effective date.

SSB 1004 Human Resources

Creating an Iowa collaboration for youth development council and state of Iowa youth advisory council in the department of human rights.

SSB 1005 Veterans Affairs

Requiring the department of veterans affairs to prepare a report related to the activities of county commissions of veteran affairs.

SSB 1006 Veterans Affairs

Relating to the definition of resident for purposes of tuition and fees for qualified veterans at Iowa's public universities and community colleges.

SSB 1007 Veterans Affairs

Establishing an Iowa veterans college loan repayment program and making an appropriation.

SSB 1008 Education

Relating to the duties and operations of library districts.

SSB 1009 Education

Relating to the use of certain levy funds for school transportation and utility expenses.

SSB 1010 Education

Allowing school districts to count foreign exchange pupils in certified enrollment counts for budget and funding purposes.

SSB 1011 Education

Relating to the duties and operations of the department of education and local school boards.

SSB 1012 Education

Relating to the compulsory school attendance age and providing effective dates.

SSB 1013 Education

Relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

SSB 1014 Education

Providing for the establishment of a school district innovation grant program.

SSB 1015 Education

Relating to certain reporting requirements or actions required of the department of education, school districts, accredited nonpublic schools, and community colleges.

SSB 1016 Education

Relating to the establishment and implementation of a statewide writing assessment for public school students in grades three, six, and ten.

SSB 1017 Ethics

Relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-third General Assembly.

SSB 1018 Ethics

Relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-third General Assembly.

SSB 1019 Commerce

Requiring health care benefit coverage for certain prosthetic devices and providing an applicability date.

SSB 1020 Commerce

Relating to indemnity provisions in construction contracts.

SSB 1021 Commerce

Relating to the consumer credit code by increasing dollar amount limitations for transactions governed by the consumer credit code and providing for periodic adjustment of those amounts pursuant to changes in the consumer price index, and establishing an exemption from the definition of a consumer loan for specified debts secured by real property.

SSB 1022 Commerce

Specifying a duty of agency applicable to licensed mortgage brokers and making penalties applicable.

JOURNAL OF THE SENATE

THIRD CALENDAR DAY
THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 14, 2009

The Senate met in regular session at 9:09 a.m., President Kibbie presiding.

Prayer was offered by Pastor Jodi Rushing of the Milo Methodist Church in Milo, Iowa. She was the guest of Senator Appel.

The Journal of Tuesday, January 13, 2009, was approved.

The Senate stood at ease at 9:14 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:45 a.m., President Kibbie presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 2, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 2, duly adopted, the joint convention was called to order at 9:50 a.m., President Kibbie presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

President Kibbie declared a quorum present and the joint convention duly organized.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to escort Governor Chester J. Culver to the Condition of the Judiciary Message.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Olive, Schmitz, and Noble on the part of the Senate, and Representatives Miller, Ficken, and Sorenson on the part of the House.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify the Honorable Marsha K. Ternus, Chief Justice of the Iowa Supreme Court, that the joint convention was ready to receive her.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Heckroth, Kreiman, and Hartsuch on the part of the Senate, and Representatives Palmer, Willems, and Anderson on the part of the House.

First Lady, Mari Culver, was escorted into the House Chamber.

Secretary of State Michael Mauro, Treasurer of State Michael Fitzgerald, Secretary of Agriculture Bill Northey, Auditor of State David A. Vaudt, and Attorney General Tom Miller were escorted into the House chamber.

The Justices of the Supreme Court, Chief Judge Sackett and the Judges of the Court of Appeals, and the Chief Judges of the District Courts were escorted into the House chamber.

Chief Justice's husband, Denny Drake, and her daughter, Whitney Drake, were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him into the House chamber.

The committee waited upon Chief Justice Marsha K. Ternus and escorted her to the Speaker's station.

President Kibbie then presented Chief Justice Marsha K. Ternus, who delivered the following Condition of the Judiciary Message:

Thank you for inviting me again this year to talk with you about the condition of Iowa's judicial branch. As your partner in government, we look forward to working with you on issues affecting the administration of justice. If I could capture the condition of our courts, indeed the condition of our state, in a few words, it would be: "We live in challenging times." No one knows the true meaning of this phrase better than those Iowans hit by natural disasters. But my focus today is, of course, on the courts. Ensuring the delivery of equal, affordable, and accessible justice is always challenging work, but it will be especially so this year and the next in light of the State's budget problems. Given the magnitude of this challenge, it is even more imperative that we work together in the spirit of unity, candor, and cooperation. And I address you today in this spirit.

We are deeply concerned, as you are, about the present financial situation and its effect on individual Iowans. Naturally, we are particularly troubled about its impact on the delivery of justice to our citizens. Even in good economic times, the administration of justice is difficult to fulfill given the sheer volume and complexity of problems Iowans bring to their courthouses. Because of the effects of the nation's economic downturn, people will need access to justice now more than ever. We already see this happening. The number of mortgage foreclosure cases in Iowa rose 14% in the past year. Debt collection cases increased 20% in the same time. An increase in these types of cases is predictable in tough economic times, but other types of problems may escalate as well. Some experts fear that a recession may also give rise to more crime, child abuse, domestic violence, and substance abuse. Naturally, for the sake of the people who may be harmed by these problems, we hope they do not occur. If they do, however, these matters will demand our immediate attention.

We are resolved to do everything in our power to reduce our operating expenses while fulfilling our constitutional responsibilities to the people of Iowa. However, we must not be so focused on the present budget dilemma that we lose sight of the future. Our court system faces a host of serious issues that have long-range implications. Left unaddressed, they will only grow more onerous, and as they do, they will test the fabric of our government. We cannot afford to march in place until state revenues improve. We must ensure the fundamentals of governing our State, including the administration of justice, are strong, especially in tough times such as these.

We are frequently reminded these days that government cannot do everything. We agree. Government cannot do everything, and in times like these it cannot afford to do everything. But bear these simple truths in mind: there are some things that only government can do, and these things it must do well. Administering justice under the law equally to all people is a function that only government can fulfill. The determination of guilt and innocence, property rights and parental rights, and legal privileges and power are judgments only government can make. Administering justice is one of the reasons that government exists. If we neglect this fundamental obligation to the people, we break trust with them, and ultimately, lose their confidence. And for government, public trust and confidence is everything.

I know you have difficult decisions ahead. My goal today is to provide you with a thorough account of Iowa's court system so you have a clear picture of how your decisions will impact not only the administration of justice—but the people whose lives it affects. I will also suggest steps the judicial branch will take to address the challenges we face, as well as steps you can take to help us move forward, notwithstanding the State's financial situation.

UNMET LEGAL NEEDS

One of the most serious challenges facing Iowa's court system, indeed the nation's courts, is meeting the civil legal needs of people who cannot afford to hire a lawyer to represent them. We cannot ignore this growing problem.

Equal access to fair and impartial justice is a deep-seated tenet of our democratic society. As United States Supreme Court Justice Lewis Powell said, "Equal justice under law . . . is perhaps the most inspiring ideal of our society . . . . [I]t is fundamental that justice should be the same, in substance and availability, without regard to economic status." I believe that. I think you do too. But more and more citizens cannot access the courts, or cannot access them effectively, because they cannot afford an attorney. We have long recognized that the cost of legal representation is beyond the reach of the poor, but it is now often beyond the reach of the middle class. The end result: we have equal justice for some, but certainly not for all.

There is no single, surefire response to this particular problem. The solution will require a combination of steps by government, as well as by the legal profession. Today, I will discuss some pragmatic and reasonably achievable steps we can take to improve the situation.

LEGAL SERVICE ORGANIZATIONS

Providing financial support to legal service organizations is the most effective way to direct legal services to the poor. These organizations serve as a lifeline for thousands of low-income Iowans who have serious civil legal problems – problems that affect their basic life needs such as shelter, income, food, and medical care. Your appropriation of state funds to legal service organizations in prior years demonstrates your commitment to this important public service. We strongly encourage you to maintain the current level of funding for legal service organizations. For obvious reasons, these services are especially critical in hard economic times.

For our part, we will step up our efforts to encourage lawyers to offer pro bono services to those who cannot afford an attorney.

SELF-REPRESENTED LITIGANTS

One way in which the courts have attempted to address the civil legal needs of our citizens is by making it easier for people to navigate through the courts on their own. For different reasons, but primarily for financial ones, many people go it alone in court without the help of an attorney, especially in family law cases. This development is a nationwide trend that has accelerated in the past decade. We do not have any statistics to measure this trend in Iowa, but we know that last year more than 32,000 people served as their own lawyers in the Nebraska courts. We believe Iowa's experience is comparable.

In recent years, we have adopted relatively easy-to-use standard legal forms and hope to develop more. Even so, standard legal forms alone are not enough to effectively meet the needs of self-represented litigants. Ideally, we would like to provide services like those used by courts in other states such as self-help centers in courthouses, self-help hotlines, online how-to videos, and live-chat email services. These examples are just some of the ways we can serve the needs of our citizens who represent themselves in court. If and when we find the resources to enable us to provide these new services, the payback for Iowans will be immeasurable.

NEW STRATEGIES FOR CIVIL LITIGATION

Another access-to-justice issue arises from the cumbersome and costly process for litigating common civil disputes, such as contract claims, personal injury lawsuits, malpractice claims, and commercial disputes. Some citizens, individuals and businesses alike, simply don't pursue valid claims because doing so costs too much and

takes too long. Similarly, some persons who are sued settle claims that have no merit simply to avoid the cost of litigation. For these Iowans, the court system is not a viable option. Instead of using the courts, many would-be litigants turn to private dispute resolution where they can more easily control the timing and cost of the process. But even private mediation or arbitration is not a practical alternative for many persons who face civil legal problems. For them, the promise of justice is a luxury they cannot afford.

Why, you might be wondering, is the civil justice system costly and slow as compared to private dispute resolution? Well, first of all, courts must concentrate limited resources on priority cases such as criminal, abuse-and-neglect, and juvenile cases. Consequently, civil litigants, including those involved in family law cases, must wait in line. In addition, traditional civil legal procedures are cumbersome, and therefore, time-consuming and costly. We do not intend to stand by and do nothing. We must improve the civil justice system so it is faster, easier to use, and more affordable.

So where do we start?

Fortunately, we do not have to reinvent the wheel. Other states have taken steps that we can build upon. For example, the New York state courts use an expedited process called a summary trial. This process is a voluntary option that is structured like a traditional trial, but by agreement between the parties, the scope of discovery is limited, the length of the trial is restricted to one or two days, and relaxed rules of evidence are employed. As a result, the case is resolved faster and at less expense than using traditional civil legal procedures.

Another idea that many states have used successfully is a specialized business court that handles cases involving disputes between businesses. Judges assigned to a business court are uniquely experienced in commercial litigation. Participation by litigants is often voluntary, and such courts usually offer the option of limited discovery and a fast-track timetable. In addition to the obvious benefits, business courts bring an added bonus. Because businesses like business courts, states view them as a way to attract new business.

These two examples – summary trials and business courts – illustrate how we can make enormous improvements at little to no additional cost to taxpayers. There are many other innovative ideas that are worthy of our discussion and consideration. We

do not propose a particular strategy, nor do we recommend any action by you in this regard at this time. We believe the best results will come from a thorough and comprehensive study involving all stakeholder groups. To this end, we plan to organize a statewide conference for the purpose of exploring different options, and hopefully, build consensus regarding the procedures that hold the most promise and are best suited for Iowa litigants.

INTERPRETERS

Now I turn to another serious challenge for our courts – our struggle to serve people who are not proficient in English.

Earlier I described the difficulties self-represented litigants have trying to understand our legal system. Now imagine the difficulties for persons who do not speak or understand English. Yet, due to Iowa's increasingly diverse population, we see more and more of these people in court. Our courts have a constitutional obligation to ensure equal justice for everyone, including people who speak and understand little or no English. For this reason, the use of interpreters is an essential court service.

The essential nature of this service is reinforced by a federal law that states all agencies and courts that receive federal funds are responsible to provide access for limited English proficient persons to important services. Noncompliance may result in the loss of federal funding – something we cannot let happen.

In the past decade, the judicial branch has adopted measures to ensure that our courts use well-qualified interpreters. Still, we struggle to provide interpreters to litigants and witnesses in civil cases, interpreters in rural parts of the State, and interpreters for languages other than Spanish. Surely, we are not alone in this regard. State agencies, local governments, hospitals, school districts, and private companies throughout Iowa must struggle with this problem too.

For this reason, we propose that the State consider a comprehensive solution: a statewide language interpreter center that pools and coordinates interpreter resources. Having a central point of service can better meet demands for different languages, enhance quality control, match interpreter qualifications to different jobs, and regulatecosts through economies of scale. The fact that the State's financial resources

are limited is only more reason that the State should explore this collaborative solution – perhaps, through a legislative interim study committee. By pooling our experiences and our resources, however limited, we can surely accomplish more than we do with each governmental entity and private business struggling to address this issue on their own.

JUVENILES

Now I shift to some of the courts' most important work – our work with troubled juveniles. Each year, our juvenile court officers, staff, and judges work closely with thousands of troubled children and teens. When working with these young people they have three goals—to ensure community safety, hold young offenders accountable, and teach them how to change their ways. As I told you last year, we urgently need more juvenile court officers and support staff to strengthen our work with these young people. This need is urgent because a relatively new federal law requires that our juvenile court officers visit youths in out-of-home placements and the parents of these young people more often. A similar requirement applies to DHS and children under its care. Obviously, our juvenile court officers have only so much time in a day. We have shifted some resources to address part of this need, but we must have more staff to fully comply with this federal mandate. Noncompliance threatens the availability of federal funds—valuable resources Iowa cannot afford to lose.

DRUG COURTS

Another challenge we face is age-old – the impact of substance abuse on our society. Alcohol abuse and drug addiction are often the root of juvenile delinquency, adult criminal behavior, child abuse and neglect, and other problems that damage individuals, destroy families, and hurt communities. We know because we struggle with these problems in our courts every day.

As I reported to you last year, we have achieved good results with drug courts. Experience shows that when compared with offenders handled in the traditional way, drug court participants are more inclined to follow through with their treatment. Successful treatment in turn increases the odds these people will not commit more crimes.

Iowa currently has fifteen drug courts, including family drug courts and juvenile drug courts. Drug courts are labor intensive. A recent Iowa time study shows that a judge-centered drug court uses as much as twelve times more judge time than the traditional criminal process. We would like to expand the number of drug courts in Iowa to benefit more people and more communities. However, absent federal funding, expansion efforts will wait until we have more resources.

RESOURCES

Of course the most immediate and significant challenge before us is the current fiscal situation.

We will do our part to help you reduce the State's operating expenses. Honestly, though, our options for cost cutting are quite limited. Our resources are spread painfully thin due to the lasting and cumulative effects of the budget cuts in the first part of this decade. Many cost-saving measures we adopted then are still in place today. Because labor costs constitute 96% of our operating budget, it is impossible to significantly reduce our expenses without cutting personnel. Depending on the size of the cut you impose on the judicial branch, in all likelihood we will have to institute furloughs to reduce expenses this fiscal year.

You may wonder: why furloughs rather than layoffs? Our workforce today is nearly 7% smaller than it was in Fiscal Year 2000 when we had substantial layoffs. Further staff reduction through layoffs would cripple our ability to fulfill our constitutional responsibilities. We learned from our previous budget-cutting experience that furlough days scattered throughout the year will do the least amount of harm to the public, now and in the long run. It's that simple.

That is not to say, however, that furloughs will not impact our citizens. Quite the contrary: furlough days will cause gaps in services such as forwarding child support payments to parents, updating criminal case history and fine payment data used by state and local agencies, and sending copies of orders and notices of hearings to litigants and law enforcement agencies. Cases, in particular civil cases, will have to wait. Some businesses that depend on court records will experience delays. There is simply no way around these problems.

There is another side of the revenue picture I wish to discuss – our efforts to collect unpaid court fines and fees – a matter of particular importance today. We work with allied agencies and local officials to find ways to keep the pressure on people who do not pay their court-imposed fines and fees. We produce solid results using procedures such as contempt hearings, computer-generated noticing, income tax offset, and vehicle registration renewal stops. We collect a sizable amount with the help of the centralized collections unit, revenue and finance, county auditors, and county attorneys. Despite these diligent efforts, however, millions of dollars of fines and fees remain unpaid.

We know we can improve our efforts to collect unpaid fines. We are in the process of implementing the statutory changes you approved last year, and that should help. But let me be frank. Putting a good idea down on paper is one thing; making it into a

working reality is another. Complex changes to our database and operating procedures take time and money, so we would appreciate your patience as we tackle this difficult task. I assure you, though, that we are ever mindful of the importance of the effective enforcement of fines and fees, and we are determined to strengthen our efforts within the limits of our resources. For us, this problem is more than a matter of revenue; it is a matter of the integrity of our court orders.

But as John Adams said, "Facts are stubborn things." And the fact is that many of the people who owe these debts are poor. In fact, 22% of all unpaid court debt springs from the cost of providing state-paid legal representation to indigent defendants, who by definition have no money to pay. So, in reality, even the most forceful measures to collect these debts will never produce a windfall.

RENOVATION, INNOVATION, AND REALLOCATION

Up to this point, I have described a number of serious challenges we must address sooner rather than later to meet the demands of our changing society. As I have acknowledged, many of the solutions to these challenges require resources. We know that in the current environment new resources are out of the question. We are confident, however, that we can address some of these challenges without additional funds. We can do so using a three-pronged approach: updating, innovating, and reallocating. We must update our long-established court structure and procedures to achieve maximum efficiency. We must use technology in innovative ways to lower the cost of performing routine, labor-intensive business processes. And we must shift existing resources to meet the new challenges we face. Mind you, we cannot accomplish all of these goals in one session or even in one year, but we can accomplish them in due time if we all set our minds to it.

UPDATING COURT STRUCTURE AND PROCEDURES

With the exception of our use of information technology, we are working with a trial court structure that is outdated in many respects. At best, much of the way we process our cases is right out of the 1970s, in some respects out of the 1870s. Nonetheless, we believe there are improvements that can be made to update our court system so it can better address modern-day realities.

Before I mention some of our proposals for improvement, I want to address an issue that has come up in the past and will likely come up again in the face of the State's current financial situation, and that is the possibility of consolidation: consolidation of clerks offices, consolidation of trial courts, and consolidation of judicial districts. The suggestions that we propose and that I intend to discuss with you this morning do not include plans for any sort of consolidation. The omission of this topic is not meant to imply that we believe it is not worthy of examination. Nor do we suggest consolidation is a good idea. We simply do not want to spend precious time on a concept that you are not prepared to consider, and in the past, you have acted to prevent any movement toward consolidating court operations.

Times like these demand action, so we intend to concentrate our time and efforts on change that is realistically achievable. We hope to work with you to implement a number of commonsense proposals that will enhance the efficiency and effectiveness of the court system without additional resources, without disruption of services, and without delay.

STREAMLINING PROCEDURES, ELIMINATING OBSOLETE TASKS

Streamlining the procedures our clerk-of-court offices must perform is absolutely essential. Clerks are the pulse of our court system. They touch and move nearly everything we do. In addition, their workflow directly affects the work of other government agencies and offices, including the Department of Corrections, the Department of Transportation, the Department of Public Safety, and the Department of Human Services.

Over the years, we have boasted about the efficiency and effectiveness of our statewide court information database. This database contains a myriad of information that we use and that we push to state and local agencies. This database is the source of information the public sees on our popular online court records service. Now, I'm going to let you in on a secret: the information in this database does not get there by magic; our clerks manually enter every single detail. They must enter this information promptly and accurately. At the same time, they must perform hundreds of other duties, most of which are required by statute. The capacity of our clerk-of-court offices is stretched to the limit, and we cannot realistically expect them to do more work without either adding more staff or reducing their workload. Because adding more staff is not in the cards right now, we must find ways to streamline and reduce their workload.

We know of a number of statutes that require clerks of court to perform obsolete and cumbersome tasks. There are probably others out there yet to be identified. We propose to amend some of these statutes and to eliminate others. On the surface, some of these changes may appear inconsequential, but please remember – even the smallest improvements have the capacity for a large impact.

JUDGES

Judges are another important resource. We propose a number of changes to modernize our use and assignment of judicial officers, so we can make the most of their time.

Before I share those ideas, I want to make you aware that with the assistance of the National Center for State Courts, the judicial branch recently updated its judicial officer formula. We use this formula to gauge the number of judges we need to handle Iowa's caseload. The formula shows that the amount of time judges spend on certain types of cases has grown significantly in the past nine years. The best example of this fact is the growth in time judges must devote to sex offender cases. So, although our caseload has recently dropped somewhat, Iowa needs more judicial officers. Notwithstanding this need, we are not asking for more judges this year because of the State's budget situation.

With your help, however, we can do more with the judges we have. For starters, it is time to update the statutory scheme for selecting and assigning district associate judges. This judicial position is the offshoot of the municipal courts and police courts of old. In the 1970s, Iowa changed these judgeships into the position of district associate judge. Over the years, you have expanded the case jurisdiction and duties of these judges, but by statute their geographical jurisdiction and selection method remain unchanged. We believe that the geographical jurisdiction and method of selecting district associate judges should reflect their expanded role and the importance of their work. Their jurisdiction should be district-wide, and their selection should involve the district nominating commissions. These improvements will increase the pool of qualified applicants for these judgeships and improve our ability to prudently manage our judicial resources. We know you cannot provide the courts with more judges, but you can pass legislation to give us the management flexibility we need to more effectively use our current judicial resources.

MAGISTRATES

Now I turn to another type of judicial officer – part-time judicial magistrates. Our magistrates play a key role in the delivery of justice in Iowa. They handle procedures that require urgent judicial attention such as search and arrest warrants and emergency hospitalization matters. They preside over thousands of everyday lawsuits

such as small claims, landlord-tenant cases, simple misdemeanors, and traffic offenses. Our magistrate system has remained unchanged in many respects since its inception in the mid-1970s. We have a number of proposals that will modernize our judicial magistrate structure, which in turn will improve the delivery of judicial services across the state, and most particularly, in the rural areas of Iowa.

Last year, I told you of the special task force we created to examine Iowa's judicial magistrate structure. I am pleased to announce that the task force submitted its report last month. This valuable report is thorough and insightful. I want to recognize and thank the members of our task force, many of whom are here today. I want to specially mention and thank the talented chair of our task force – Cedar Falls attorney and former state senator, Donald Redfern. We are grateful for his capable leadership on this important study.

After comprehensive examination and thorough analysis, the task force concluded that while magistrates throughout the state are doing a very good job, there are significant problems with the current system. Among the problems identified by the task force are substantial disparities in workloads among magistrates, even though each magistrate receives the same amount of compensation, a very limited pool of qualified applicants in some counties, an increase in the complexity of civil and criminal laws within the jurisdiction of magistrates, and significant quality-of-life problems that diminish job satisfaction. These problems, the task force concluded, will become a greater challenge in the future if not addressed now.

The task force made sensible proposals for legislation and other measures to improve Iowa's magistrate system. For the sake of time, I will only mention some of the recommendations that require legislative action, including the following proposals:

- Require that a magistrate must be an attorney licensed in Iowa, but make an exception for current non-lawyer magistrates.
- Allow a magistrate position in one county to be filled by a lawyer living in a contiguous county.
- Authorize the creation of a full-time magistrate position through the conversion of two part-time positions.
- Eliminate the requirement that each county have a resident magistrate or judge, but require that magistrate court be held regularly in every county.

Your approval of these recommendations along with the recommendations we intend to adopt will bring about important improvements. Moreover, we ask for no additional funding to implement them. These recommendations give you the chance to improve the delivery of court services to local communities, even in these difficult economic times. Please do not pass up this opportunity.

OTHER LEGISLATION

We have many other recommendations for legislation that we think will improve the operation of the courts, but time does not allow me to mention them all. Let me just say that they are all important and will improve the delivery of court services in our state. They merit your approval.

INNOVATION: LEVERAGE TECHNOLOGY

And finally, I want to mention the potential of innovation through the use of technology. In the long run, information technology holds great promise for increasing our efficiency and productivity. By automating labor-intensive, routine manual processes, we can shift tight resources to meet public demand; and in particular, to address the challenges I mentioned previously. Leveraging technology is a smart approach for taxpayers.

In the past twenty years, we have changed and expanded the meaning of access to Iowa's court system through the use of information technology. We have also made extensive use of information technology to more efficiently and effectively exchange data with state and local government agencies, to eliminate unnecessary duplication of effort, and to conserve state resources. Now we are poised to do even more.

At long last we are ready to implement electronic filing and document management. This system is being designed as I speak, and this summer we will test the system in two counties, and later, in the appellate courts. As I have said before, this technology will revolutionize the way our courts do business. It is a case-processing tool that will make us more efficient and productive. It will improve access to court records. It may eventually allow clerk-of-court staff to focus their time on other important duties, such as data quality assurance, fine collections, working with the public, and assisting self-represented litigants.

This technology offers other important benefits. For one thing, it will eventually eliminate the need for vast storage space for court records. Counties will appreciate this benefit because right now they have the burden of providing this space. Also, this technology will greatly improve document safety because electronic documents can be

easily backed up and stored in a safe location. We cannot afford another devastating loss such as the one we experienced in Linn County this summer when flood waters rose well beyond predictions and inundated the first floor of the courthouse. Although our judges and court employees worked frantically to move these records to a safe place, they could not anticipate the 500-year flood. We lost files in more than half a million cases!

We are confident there are other ways to leverage technology to make our court operations run more efficiently and affordably. We promise to scrutinize our business procedures from top-to-bottom to identify other technological advances that have this potential.

CONCLUSION

As I have discussed, even before the current economic downturn, our courts were facing many serious challenges, and now the budget problem, and its potential impact on the delivery of justice to Iowans, looms large. But we face two other challenges that are no less daunting: the challenge of change and the challenge of maintaining public trust and confidence.

These days we hear a lot about the need for change. But I have enough experience to know that humans naturally resist change, even when they know it's good for them. It reminds me of a bumper sticker I recently saw: "Change is good. You go first."

We stand at a crossroads. Change will come whether we want it or not. We cannot stop the sweeping forces that are transforming our society, but we do have control over our response. We can choose to shape the future, or we can wait for the future to shape us and then face the consequences of our inaction.

For our part, the Iowa Judicial Branch is ready to be a catalyst for change. We are fully prepared to prudently change Iowa's court structure, procedures, and services and to reallocate its resources to better meet the demands of our changing society. Because most of our structure and procedures are statutory, we cannot move forward unilaterally; we must have your support. As I have discussed, we propose a number of statutory changes required to bring about the improvements we envision, and we urge you to approve them all. With your approval,

- we can support the continued delivery of high quality justice in Iowa,
- we can ensure that a fundamental function of our democratic government stays strong, and
- we can build and maintain public confidence in our government for generations to come.

Martin Luther King once said, "The ultimate measure of a man is not where he stands in moments of comfort or convenience, but where he stands at times of challenge and controversy." Iowa has faced challenging times before, and the bright points in our history have been when Iowa's leaders have found the vision, the courage, and the commitment to shape the future.

Let this be such a time.

Chief Justice Marsha K. Ternus was escorted from the House chamber by the committee previously appointed.

Governor Chester J. Culver was escorted from the House chamber by the committee previously appointed.

Representative McCarthy moved that the joint convention be dissolved, which motion prevailed by a voice vote.

The Senate returned to the Senate chamber.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:50 a.m. until 8:45 a.m., Thursday, January 15, 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 HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Enhanced 911 Status Report for 2008, pursuant to Iowa Code section 34A.7A(3)(a). Report received on January 14, 2009.

DEPARTMENT OF HUMAN SERVICES

Report on Premium Assistance for Employer Sponsored Insurance for hawk-i Eligible Children, pursuant to 2008 Iowa Acts, HF 2539(9). Report received on January 14, 2009.

Report on Iowa Medicaid Smoking Cessation Program, pursuant to 2008 Iowa Acts, SF 2425(10). Report received on January 14, 2009.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, January 14, 2009, 1:05 p.m.

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

Members Absent: Black (excused).

Committee Business: Organizational meeting and approval of rules.

Adjourned: 1:15 p.m.

EDUCATION

Convened: Wednesday, January 14, 2009, 3:05 p.m.

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

Members Absent: McKinley (excused).

Committee Business: Introductions and rules.

Adjourned: 3:25 p.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 1, by Dearden, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

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

INTRODUCTION OF BILLS

Senate File 14, by Jochum, a bill for an act relating to the sales and use tax imposed on the operation of bingo games.

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

Senate File 15, by Beall, a bill for an act specifying those authorized to solemnize marriages in this state.

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

Senate File 16, by Jochum, a bill for an act relating to third-party payment of health care coverage costs for mental health conditions, including alcohol or substance abuse treatment services, and creating a mental health insurance advisory committee.

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

Senate File 17, by Dandekar, Gronstal, Beall, Danielson, Hatch, Courtney, Kibbie, Appel, Rielly, Horn, Bolkcom, and Dearden, a bill for an act relating to the compulsory school attendance age and providing effective dates.

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

Senate File 18, by Hancock, a bill for an act creating an exception to axle weight limitations for a vehicle whose retractable axles are raised while the vehicle is waiting to be unloaded.

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

Senate File 19, by Hancock, 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 referred to committee on **Judiciary**.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 1

NATURAL RESOURCES: Dearden, Chair; Black and Hahn

Senate File 3

NATURAL RESOURCES: Johnson, Chair; Dearden and Hahn

Senate File 4

AGRICULTURE: Hancock, Chair; Black and Kapucian

Senate File 6

EDUCATION: Heckroth, Chair; McKinley and Sodders

Senate File 8

EDUCATION: Appel, Chair; Feenstra and Sodders

Senate File 9

EDUCATION: Wilhelm, Chair; Hamerlinck and Heckroth

Senate File 10

AGRICULTURE: Courtney, Chair; Johnson and Kibbie

Senate File 11

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Johnson

Senate File 12

HUMAN RESOURCES: Kreiman, Chair; Bartz and Quirmbach

Senate File 13

JUDICIARY: Hancock, Chair; Kreiman and Noble

SSB 1003
(Reassignment)

HUMAN RESOURCES: Hatch, Chair; Johnson and Kreiman

SSB 1023

JUDICIARY: Sodders, Chair; Boettger and Kreiman

SSB 1024

JUDICIARY: Hancock, Chair; Fraise and Noble

SSB 1025

JUDICIARY: Kreiman, Chair; Noble and Warnstadt

SSB 1026

JUDICIARY: Hogg, Chair; Horn and Zaun

SSB 1027

JUDICIARY: Kreiman, Chair; Kettering and Sodders

SSB 1028

JUDICIARY: Kreiman, Chair; Boettger and Warnstadt

SSB 1029

JUDICIARY: Kreiman, Chair; Sodders and Ward

SSB 1030

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

SSB 1031

JUDICIARY: Kreiman, Chair; Hogg and Kettering

SSB 1032

JUDICIARY: Kreiman, Chair; Sodders and Zaun

SSB 1033

JUDICIARY: Kreiman, Chair; Fraise and Noble

SSB 1034

JUDICIARY: Kreiman, Chair; Quirmbach and Ward

SSB 1035

JUDICIARY: Horn , Chair; Kreiman and Zaun

SSB 1036

JUDICIARY: Kreiman, Chair; Noble and Warnstadt

SSB 1037

JUDICIARY: Kreiman, Chair; Kettering and Sodders

SSB 1038

VETERANS AFFAIRS: Ragan, Chair; Hartsuch and Black

SSB 1039

VETERANS AFFAIRS: Beall, Chair; Wieck and Kibbie

SSB 1040

VETERANS AFFAIRS: Warnstadt, Chair; Seymour and Sodders

SSB 1041

VETERANS AFFAIRS: Sodders, Chair; Noble and Danielson

SSB 1042

ECONOMIC GROWTH: Olive, Chair; Heckroth and Wieck

SSB 1043

ECONOMIC GROWTH: Dotzler, Chair; Wilhelm and Reynolds

SSB 1044

STATE GOVERNMENT: Courtney, Chair; Kibbie and Wieck

SSB 1045

STATE GOVERNMENT: Courtney, Chair; Kibbie and Behn

SSB 1046

STATE GOVERNMENT: Kibbie, Chair; Courtney and Feenstra

SSB 1047

STATE GOVERNMENT: Kibbie, Chair; Courtney and Hartsuch

SSB 1048

STATE GOVERNMENT: Appel, Chair; Danielson and Behn

SSB 1049

STATE GOVERNMENT: Kibbie, Chair; Courtney and Seymour

SSB 1050

STATE GOVERNMENT: Sodders, Chair; Jochum and Feenstra

SSB 1051

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

SSB 1052

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

SSB 1053

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

SSB 1054

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Horn and Wieck

SSB 1055

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

STUDY BILLS RECEIVED

SSB 1023 Judiciary

Relating to the crime of human trafficking.

SSB 1024 Judiciary

Establishing custody and security levels for the institutions and facilities of the department of corrections.

SSB 1025 Judiciary

Relating to the criminal offense of enticing or attempting to entice a minor and providing penalties.

SSB 1026 Judiciary

Relating to charitable trusts by providing for filing documents with the attorney general.

SSB 1027 Judiciary

Granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date.

SSB 1028 Judiciary

Adding hallucinogenic substances to the list of schedule I controlled substances, and providing penalties.

SSB 1029 Judiciary

Enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

SSB 1030 Judiciary

Modifying the elements of sexual abuse by including certain deceptive acts, and providing penalties.

SSB 1031 Judiciary

Relating to judicial branch practices and procedures, including offsets for the collection of delinquent court debt, assessment and appropriation of fees, and appropriations from the jury and witness fee revolving fund.

SSB 1032 Judiciary

Relating to the judicial branch including contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

SSB 1033 Judiciary

Prohibiting a person who is the subject of a protective order or who has been convicted of a misdemeanor crime of domestic violence in violation of federal law from possessing, transferring, or selling firearms or offensive weapons and providing a penalty.

SSB 1034 Judiciary

Requiring a person convicted of an aggravated misdemeanor to submit a DNA sample and providing an effective date.

SSB 1035 Judiciary

Relating to the compensation of a guardian ad litem in certain criminal cases involving a child witness.

SSB 1036 Judiciary

Making changes to the criminal offense of indecent exposure and providing penalties.

SSB 1037 Judiciary

Relating to a private cause of action for certain consumer fraud violations.

SSB 1038 Veterans Affairs

Creating an undergraduate educational assistance grant program for dependent children of veterans with service-connected disabilities.

SSB 1039 Veterans Affairs

Waiving employer charges for unemployment claims stemming from temporary workers who have replaced active duty military employees.

SSB 1040 Veterans Affairs

Relating to the expenditure of moneys from the veterans trust fund for accredited veteran service officers.

SSB 1041 Veterans Affairs

Creating an undergraduate educational assistance grant program for veterans.

SSB 1042 Economic Growth

Establishing a lifelong learning accounts program within the educational savings plan trust and providing tax credits for contributions made by employers to lifelong learning accounts and including an applicability date provision.

SSB 1043 Economic Growth

Adding four nonvoting members to the Iowa workforce development board.

SSB 1044 State Government

Relating to the payment of a salary or other compensation to a candidate's family member, and making a penalty applicable.

SSB 1045 State Government

Relating to electronic filing of campaign finance disclosure statements and reports by certain political committees and providing an effective date.

SSB 1046 State Government

Relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

SSB 1047 State Government

Relating to express advocacy disseminated through mass media for campaign finance disclosure purposes.

SSB 1048 State Government

Relating to the provision of services over certain Iowa communications network connection facilities under specified circumstances.

SSB 1049 State Government

Relating to the administration of campaign disclosure laws.

SSB 1050 State Government

Providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision.

SSB 1051 Labor and Business Relations

Pertaining to the duties and regulations under the purview of the labor commissioner.

SSB 1052 Labor and Business Relations

Relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

SSB 1053 Labor and Business Relations

Relating to an increase in the balance of the unemployment compensation reserve fund and the purposes for which the fund's interest may be used.

SSB 1054 Labor and Business Relations

Providing training program extension benefits to unemployment insurance benefits, and including an applicability date.

SSB 1055 Labor and Business Relations

Requiring employers to provide notice of plant closing and mass layoffs and providing penalties.

JOURNAL OF THE SENATE

FOURTH CALENDAR DAY
FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 15, 2009

The Senate met in regular session at 9:00 a.m., President Kibbie presiding.

Prayer was offered by Reverend Mike Fitzsimmons, pastor of the Presbyterian Church in Carroll, Iowa. He was the guest of Senator Kettering.

The Journal of Wednesday, January 14, 2009, was approved.

The Senate stood at ease at 9:04 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:04 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:05 a.m. until 11:00 a.m.

RECONVENED

The Senate reconvened at 11:00 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:01 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 11:04 a.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 3.

Senate Resolution 3

On motion of Senator Gronstal, **Senate Resolution 3**, a resolution to honor retired legislator and good friend Mary Lundby, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 3, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:23 a.m. until 9:00 a.m., Friday, January 16, 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 COMMERCE

Iowa Division of Banking Report of Review of the Qualified Student Loan Bond Issuer, pursuant to Iowa Code section 7C.13(6b). Report received on January 15, 2009.

Iowa Insurance Division 2009 Annual Consumer Advocate Bureau Report, pursuant to Iowa Code section 505.8(6g). Report received on January 14, 2009.

DEPARTMENT OF EDUCATION

Interim Report on Community College Accreditation and Accountability for 2008, pursuant to 2008 Iowa Acts, HF 2679. Report received on January 14, 2009.

Healthy Kids Act Legislative Report for 2009, pursuant to 2008 Iowa Acts, SF 2425. Report received on January 13, 2009.

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Annual Report for 2008, pursuant to Iowa Code section 231.42(7). Report received on January 15, 2009.

DEPARTMENT OF HUMAN SERVICES

Medical Assistance Quality Improvement Council Reports for 2008, pursuant to 2008 Iowa Acts, HF 2539. Report received on January 13, 2009.

DEPARTMENT OF NATURAL RESOURCES

BE Smart Iowa FY 2008 Annual Report, pursuant to 2008 Iowa Acts, SF 517. Report received on January 14, 2009.

Iowa Environmental Protection Commission Annual Report for 2008, pursuant to Iowa Code section 455B.105(5). Report received on January 14, 2009.

IOWA STUDENT LOAN

Iowa Student Loan 2008 Annual Report, pursuant to Iowa Code section 7C.13(2). Report received on January 14, 2009.

INSTITUTE FOR TOMORROW'S WORKFORCE

Annual Report for 2008, pursuant to Iowa Code section 7K.1.6. Report received on January 15, 2009.

DEPARTMENT OF TRANSPORTATION

Annual Report of the Iowa Highway Research Board, FY 2008, pursuant to Iowa Code sections 310.36 and 312.3A. Report received on January 13, 2009.

BOARD OF REGENTS

Science-Technology-Engineering-Mathematics (STEM) Report, pursuant to 2008 Iowa Acts, HF 2679. Report received on January 15, 2009.

CERTIFICATES OF RECOGNITION

Joshua Stika—For achieving the rank of Eagle Scout, Troop 261. Senator Wilhelm (1/15/09).

Paul Welch, Winterset—For his 27 years of service to Madison County. Senator Appel (1/15/09).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Wednesday, January 14, 2009, 2:10 p.m.

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

Members Absent: McCoy, Vice Chair (excused).

Committee Business: Organizational meeting. Presentation of fiscal information from Legislative Services Agency.

Adjourned: 2:50 p.m.

HUMAN RESOURCES

Convened: Thursday, January 15, 2009, 11:25 a.m.

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

Members Absent: Dotzler and Kreiman (both excused).

Committee Business: Organizational meeting and introduction of DHS Director Gene Gessow.

Adjourned: 11:40 a.m.

REBUILD IOWA

Convened: Wednesday, January 14, 2009, 4:05 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: Joint meeting on disaster recovery.

Adjourned: 5:20 p.m.

RULES AND ADMINISTRATION

Convened: Thursday, January 15, 2009, 11:00 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Boettger, Courtney, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: McKinley, Ranking Member; and Danielson (both excused).

Committee Business: Consideration of Senate Resolution 3.

Adjourned: 11:05 a.m.

VETERANS AFFAIRS

Convened: Wednesday, January 14, 2009, 4:05 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Danielson, Hartsuch, Kibbie, Noble, Ragan, and Sodders.

Members Absent: Black and Wieck (both excused).

Committee Business: Organizational meeting.

Adjourned: 4:25 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 3, by Kibbie, Gronstal, and McKinley, a resolution to honor retired legislator and good friend Mary Lundby.

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

INTRODUCTION OF BILLS

Senate File 20, by Courtney, a bill for an act relating to elections in drainage or levee districts managed by a board of trustees.

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

Senate File 21, by Bolkcom, a bill for an act requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials and providing an applicability date.

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

STUDY BILLS RECEIVED

SSB 1056 Veterans Affairs

Providing funding for certain veterans programs and providing an effective date.

SSB 1057 Natural Resources

Relating to open burning of residential waste in certain areas of the state and providing penalties.

SSB 1058 Natural Resources

Relating to the collection and expenditure of storage tank management fees.

SSB 1059 Natural Resources

Relating to the water quality protection fund by changing the calculation of operating fees assessed against public water supply systems.

SSB 1060 State Government

Establishing a lean enterprise office within the department of management.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2

WAYS AND MEANS: Quirmbach, Chair; McCoy and Zaun

Senate File 7
(Reassignment)

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

Senate File 14

WAYS AND MEANS: Jochum, Chair; Feenstra and Quirmbach

Senate File 16

HUMAN RESOURCES: Schmitz, Chair; Quirmbach and Seymour

Senate File 17

EDUCATION: Quirmbach, Chair; Dvorsky and McKinley

SSB 1056

VETERANS AFFAIRS: Kibbie, Chair; Seymour and Sodders

SSB 1057

NATURAL RESOURCES: Bolkcom, Chair; Seng and Noble

SSB 1058

NATURAL RESOURCES: Schoenjahn, Chair; Fraise and Bartz

SSB 1059

NATURAL RESOURCES: Bolkcom, Chair; Ragan and Johnson

SSB 1060

STATE GOVERNMENT: Appel, Chair; Horn and Feenstra

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 3, a resolution to honor retired legislator and good friend Mary Lundby.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, Boettger, Courtney, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, 2: McKinley and Danielson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

FIFTH CALENDAR DAY
FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, January 16, 2009

The Senate met in regular session at 9:38 a.m., Senator Courtney presiding.

The Journal of Thursday, January 15, 2009, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:40 a.m. until 10:00 a.m., Tuesday, January 20, 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 EDUCATION

Plans for Research and Development for Prekindergarten through Grade 12, pursuant to 2008 Iowa Acts, SF 2307. Report received on January 15, 2009.

BOARD OF REGENTS

Annual Report on Revenues and Expenditures for Grow Iowa Values Funding Appropriations, pursuant to Iowa Code section 15G.111(2). Report received on January 15, 2009.

DEPARTMENT OF TRANSPORTATION

Biodiesel Fuel Revolving Fund Report, FY 2008, pursuant to Iowa Code section 307.20. Report received on January 16, 2009.

DEPARTMENT OF VETERANS AFFAIRS

Iowa Veterans Trust Fund Annual Report for 2008, pursuant to Iowa Code section 35A.13(9). Report received on January 15, 2009.

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: Thursday, January 15, 2009, 10:15 a.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: Organizational meeting. Committee rules discussed and approved.

Adjourned: 10:30 a.m.

STUDY BILLS RECEIVED

SSB 1061 Judiciary

Relating to a state false claims act, providing penalties, and providing an effective date and applicability provision.

SSB 1062 Judiciary

Relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services.

SSB 1063 Judiciary

Relating to the unlawful manufacture, delivery, or possession with the intent to deliver cocaine or substances or counterfeit substances related to cocaine, and making penalties applicable.

SSB 1064 Judiciary

Relating to the criminal offenses of enticing a minor, and the possession, distribution, and reporting of obscene material, and providing penalties.

SUBCOMMITTEE ASSIGNMENTS

SSB 1061

JUDICIARY: Jochum, Chair; Kreiman and Zaun

SSB 1062

JUDICIARY: Fraise, Chair; Boettger and Hancock

SSB 1063

JUDICIARY: Kreiman, Chair; Jochum and Noble

SSB 1064

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

JOURNAL OF THE SENATE

NINTH CALENDAR DAY
SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 20, 2009

The Senate met in regular session at 9:57 a.m., President Kibbie presiding.

Prayer was offered by Reverend Dr. Marshall Peters, Executive Minister of the Mid American Baptist Churches in Des Moines, Iowa. He was the guest of Senator Schmitz.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Kayla Sproul.

The Journal of Friday, January 16, 2009, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:06 a.m. until 11:30 a.m.

RECONVENED

The Senate reconvened at 11:35 a.m., President Kibbie presiding.

President Kibbie and President Pro Tempore Danielson performed the installation of the picture of President Barack Obama.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:38 a.m. until 8:45 a.m., Wednesday, January 21, 2009.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Marion "Junior" Kuntz, Burlington—For celebrating his 90th birthday. Senator Courtney (1/20/09).

Robert L. Layton—For his 25 years of outstanding service and dedication involving the city of Urbandale. Senator Zaun (1/20/09).

Lillian Shaffer—For celebrating her 102nd birthday. Senator Courtney (1/20/09).

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: Tuesday, January 20, 2009, 1:05 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: Adopted rules. Approved SSB 1023.

Adjourned: 1:45 p.m.

LOCAL GOVERNMENT

Convened: Tuesday, January 20, 2009, 10:10 a.m.

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

Members Absent: Houser and Kreiman (both excused).

Committee Business: Introductions and rules.

Adjourned: 10:25 a.m.

ALSO:

Convened: Tuesday, January 20, 2009, 2:05 p.m.

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

Members Absent: McCoy (excused).

Committee Business: Presentation by the Iowa State Association of Counties (ISAC).

Adjourned: 2:40 p.m.

STATE GOVERNMENT

Convened: Tuesday, January 20, 2009, 2:05 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: Presentation by the Fiscal Bureau.

Adjourned: 2:40 p.m.

VETERANS AFFAIRS

Convened: Tuesday, January 20, 2009, 3:30 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member, Danielson, Hartsuch, Noble, Ragan, Sodders, and Wieck.

Members Absent: Black and Kibbie (both excused).

Committee Business: Presentation by the Iowa Lottery.

Adjourned: 3:50 p.m.

INTRODUCTION OF BILLS

Senate File 22, by Jochum, a bill for an act relating to orders for postsecondary education subsidies.

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

Senate File 23, by Seng, a bill for an act providing for the killing of dogs which present an immediate public danger and providing penalties.

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

STUDY BILLS RECEIVED

SSB 1065 Rebuild Iowa

Relating to the imposition of a local option sales tax after a disaster and providing an effective date.

SSB 1066 Veterans Affairs

Relating to an additional homestead credit for disabled veterans and including effective and applicability date provisions.

SSB 1067 Veterans Affairs

Relating to the military service property tax exemption and credit and including an applicability date provision.

SSB 1068 Appropriations

Relating to financing agreements entered into on behalf of the department of corrections by the treasurer of state.

SSB 1069 Appropriations

Relating to appropriations for soil and water conservation.

SUBCOMMITTEE ASSIGNMENTS

Senate File 5

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 15

JUDICIARY: Sodders, Chair; Boettger and Fraise

Senate File 19

JUDICIARY: Hancock, Chair; Kettering and Sodders

SSB 1065

REBUILD IOWA: Hogg, Chair; Dvorsky and Feenstra

SSB 1066

VETERANS AFFAIRS: Black, Chair; Seymour and Warnstadt

SSB 1067

VETERANS AFFAIRS: Kibbie, Chair; Ragan and Seymour

SSB 1068

APPROPRIATIONS: Dvorsky, Chair; Fraise and Noble

SSB 1069

APPROPRIATIONS: Hogg, Chair; Hahn and Seng

JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 21, 2009

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Dave Mulder, former Senator from Sioux County, Sioux Center, Iowa. He was the guest of Senator Kibbie.

The Journal of Tuesday, January 20, 2009, was approved.

The Senate stood at ease at 8:52 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:55 a.m., Senator Olive presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:56 a.m. until 8:45 a.m., Thursday, January 22, 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 TRANSPORTATION

Office of Contracts Letting Summary for 2008, pursuant to Iowa Code section 307.12(15). Report received on January 20, 2009.

Iowa Railway Finance Authority Annual Report for 2008, pursuant to Iowa Code section 327I.8(6). Report received on January 20, 2009.

IOWA WORKFORCE DEVELOPMENT

Iowa's Statewide Workforce Innovation Plan, pursuant to 2008 Iowa Acts, HF 2699. Report received on January 20, 2009.

AGENCY ICN REPORTS

An Iowa Communications Network (ICN) usage report for FY 2008, pursuant to Iowa Code section 8D.10, was received from the following agency:

DEPARTMENT OF TRANSPORTATION – Report received on January 20, 2009.

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Tuesday, January 20, 2009, 5:00 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: Summary of IDED 2009 legislative proposals.

Adjourned: 5:55 p.m.

NATURAL RESOURCES

Convened: Tuesday, January 20, 2009, 5:00 p.m.

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

Members Absent: Kettering (excused).

Committee Business: Passed SJR 1 and SF 3.

Adjourned: 5:15 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 4, by committee on Ethics, a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-third General Assembly.

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

INTRODUCTION OF BILLS

Senate File 24, by Dearden, a bill for an act providing for the licensure of elevator contractors and elevator mechanics and providing penalties.

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

Senate File 25, by Dearden, a bill for an act allowing the establishment of an open season for hunting mourning doves.

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

Senate File 26, by Bolkcom and Hatch, a bill for an act relating to hospital discounts to uninsured patients, and providing civil penalties.

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

Senate File 27, by committee on Judiciary, a bill for an act relating to the crime of human trafficking.

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

Senate File 28, by Schoenjahn, a bill for an act relating to the ballot proposition for approving issuance of county general obligation bonds and including effective date, validation, and retroactive applicability provisions.

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

STUDY BILLS RECEIVED

SSB 1070 Veterans Affairs

Urging continued support and protection for programs that support Iowa's veterans and their families.

SSB 1071 Labor and Business Relations

Relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, making an appropriation, and providing penalties.

SSB 1072 Human Resources

Relating to health-related activities and regulation by the department of public health and making penalties applicable.

SSB 1073 Human Resources

Relating to the practice of pharmacy by establishing a registration program for pharmacy support persons and regulating the internet sale of prescription products, including a program of registration of pharmacy internet sites, making penalties applicable, and establishing a general definition for the term "internet site".

SSB 1074 Human Resources

Relating to child support enforcement including withholding of an employee's compensation by an employer for support of a child under a support order, the required establishment of a personal account for self-employed child support obligors, and protection of child support information, providing a penalty, and providing an effective date.

SSB 1075 Rebuild Iowa

Relating to disaster assistance by providing a jumpstart housing assistance program, disaster aid individual assistance grants, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates.

SUBCOMMITTEE ASSIGNMENTS

Senate File 23

AGRICULTURE: Courtney, Chair; Hancock and Kapucian

SSB 1070

VETERANS AFFAIRS: Beall, Chair; Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck

SSB 1071

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

SSB 1072

HUMAN RESOURCES: Wilhelm, Chair; Johnson and Schmitz

SSB 1073

HUMAN RESOURCES: Hatch, Chair; Kreiman and Seymour

SSB 1074

HUMAN RESOURCES: Kreiman, Chair; Boettger and Ragan

SSB 1075

REBUILD IOWA: Hogg, Chair; Hamerlinck and Heckroth

FINAL COMMITTEE REPORTS OF BILL ACTION

ETHICS

Bill Title: SENATE RESOLUTION 4 (SSB 1018), a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-third General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 4: Kibbie, Dearden, Behn, and Fraise. Nays, none. Absent, 2: Kettering and McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *SENATE FILE 27 (SSB 1023), a bill for an act relating to the crime of human trafficking.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 27, and they were attached to the committee report.

NATURAL RESOURCES

Bill Title: SENATE JOINT RESOLUTION 1, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Dearden, Hancock, Hahn, Bartz, Black, Bolkcom, Fraise, Johnson, Noble, Ragan, Schoenjahn, and Seng. Nays, none. Absent, 1: Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 3, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Dearden, Hancock, Hahn, Black, Bolkcom, Fraise, Johnson, Noble, Ragan, Schoenjahn, and Seng. Nays, 1: Bartz. Absent, 1: Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY
EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 22, 2009

The Senate met in regular session at 8:46 a.m., President Kibbie presiding.

Prayer was offered by Chaplain Rosemary Vaske of the Veterans Home in Marshalltown, Iowa. She was the guest of Senator Sodders.

The Journal of Wednesday, January 21, 2009, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:50 a.m. until 1:00 p.m., Monday, January 26, 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 ELDER AFFAIRS

Senior Living Coordinating Unit Annual Report for 2008, pursuant to Iowa Code section 231.58(4)(g). Report received on January 21, 2009.

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

2008 Annual Report of Activities, pursuant to Iowa Code section 312.3(b). Report received on January 22, 2009.

DEPARTMENT OF REVENUE

2008 Annual Report of the Iowa Capital Investment Board, pursuant to Iowa Code section 7A.11A. Report received on January 22, 2009.

STATE BOARD OF TAX REVIEW

2008 Annual Report to the Legislature, pursuant to Iowa Code section 421.1(4)(f). Report received on January 22, 2009.

CERTIFICATES OF RECOGNITION

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

Robert and Mardella Andresen, Schleswig—For celebrating their 50th wedding anniversary. Senator Seymour (1/22/09).

Herb and Marlene O'Meara, Denison—For celebrating their 50th anniversary. Senator Seymour (1/22/09).

Evelyn Staller, Denison—For celebrating her 95th birthday. Senator Seymour (1/22/09).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Thursday, January 22, 2009, 1:00 p.m.

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

Members Absent: Rielly (excused).

Committee Business: Presentation by the Commissioner of Insurance.

Adjourned: 1:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

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

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

Members Absent: None.

Committee Business: Introductions.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, January 22, 2009, 10:25 a.m.

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

Members Absent: Houser (excused).

Committee Business: Overview of state budget presented by the Director of the Fiscal Services Division of the Legislative Services Agency.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, January 22, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Introductions and presentation by the Legislative Services Agency's Fiscal Services Division.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

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

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

Members Absent: None.

Committee Business: Legislative Services Agency review of budget.

Adjourned: 10:30 a.m.

INTRODUCTION OF BILLS

Senate File 29, by Kibbie, a bill for an act providing for the development of a standardized interconnection agreement applicable to utilization by small wind energy conversion facilities.

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

Senate File 30, by Schoenjahn, a bill for an act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions.

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

STUDY BILLS RECEIVED

SSB 1076 Commerce

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.

SSB 1077 Commerce

Relating to matters under the purview of the credit union division of the department of commerce.

SSB 1078 Judiciary

Relating to the appointment of judicial officers and the clerk of the district court, the appointment and retirement of senior judges, and the entry of orders in civil proceedings.

SSB 1079 Judiciary

Relating to criminal acts, records, and proceedings, including interference with judicial acts, deferred judgments, donations and contributions in a criminal proceeding, and providing a penalty.

SSB 1080 Judiciary

Relating to the protection of a minor victim's identity in a criminal proceeding.

SSB 1081 Judiciary

Proposing an amendment to the Constitution of the State of Iowa eliminating a requirement that a criminal offense, where the maximum permissible penalty does not exceed thirty days of imprisonment, be prosecuted on information under oath.

SSB 1082 Judiciary

Providing for a private cause of action for certain consumer fraud violations.

SSB 1083 Judiciary

Relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city.

SSB 1084 Economic Growth

Relating to a sales tax exemption for the operation of nonprofit private performing arts centers and allowing a sales tax refund for construction of such centers.

SSB 1085 Economic Growth

Relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

SSB 1086 Economic Growth

Increasing the aggregate amount of tax credits that may be approved for property rehabilitation.

SSB 1087 Economic Growth

Changing the eligibility requirements of web search portal businesses and information technology facilities for certain sales, use, and property tax exemptions and refunds.

SSB 1088 Economic Growth

Concerning fine arts projects in state buildings.

SSB 1089 State Government

Providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy.

SSB 1090 State Government

Relating to electrician licensure by modifying existing classifications and specifying new classifications.

SUBCOMMITTEE ASSIGNMENTS

Senate File 21

COMMERCE: Bolkcom, Chair; Hartsuch and Rielly

Senate File 22

JUDICIARY: Jochum, Chair; Boettger and Schoenjahn

Senate File 24

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

Senate File 25

NATURAL RESOURCES: Dearden, Chair; Fraise and Johnson

Senate File 28

LOCAL GOVERNMENT: Schoenjahn, Chair; Houser and Quirmbach

Senate File 30

LOCAL GOVERNMENT: Quirmbach, Chair; Houser and Schoenjahn

SSB 1076

COMMERCE: Olive, Chair; Kettering and Schmitz

SSB 1077

COMMERCE: Olive, Chair; Kettering and Schmitz

SSB 1078

JUDICIARY: Kreiman, Chair; Fraise and Kettering

SSB 1079

JUDICIARY: Kreiman, Chair; Fraise and Ward

SSB 1080

JUDICIARY: Quirmbach, Chair; Noble and Sodders

SSB 1081

JUDICIARY: Kreiman, Chair; Schoenjahn and Ward

SSB 1082

JUDICIARY: Kreiman, Chair; Kettering and Sodders

SSB 1083

JUDICIARY: Quirmbach, Chair; Horn and Ward

SSB 1084

ECONOMIC GROWTH: Schmitz, Chair; Heckroth and Kapucian

SSB 1085

ECONOMIC GROWTH: Rielly, Chair; Reynolds and Wilhelm

SSB 1086

ECONOMIC GROWTH: Dotzler, Chair; Houser, Olive, Reynolds, and Stewart

SSB 1087

ECONOMIC GROWTH: Dandekar, Chair; Beall and Wieck

SSB 1088

ECONOMIC GROWTH: Hatch, Chair; Beall and Hamerlinck

SSB 1089

STATE GOVERNMENT: Appel, Chair; Hartsuch and Hatch

SSB 1090

STATE GOVERNMENT: Sodders, Chair; Behn and Dearden

JOURNAL OF THE SENATE

FIFTEENTH CALENDAR DAY
NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 26, 2009

The Senate met in regular session at 1:07 p.m., President Kibbie presiding.

Prayer was offered by Reverend Don Cox, pastor of the Celebration First Assembly of God Church in Waterloo, Iowa. He was the guest of Senator Danielson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Evan Burger.

The Journal of Thursday, January 22, 2009, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hartsuch, until he arrives, on request of Senator Behn; and Senator Wieck, until he arrives, on request of Senator McKinley.

SPECIAL GUEST

Senator Gronstal introduced to the Senate Chamber his daughter, Kate.

The Senate rose and expressed its welcome.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 31** be referred to the committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:22 p.m. until 8:45 a.m., Tuesday, January 27, 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 HUMAN RIGHTS

Division of Criminal and Juvenile Justice Planning Iowa Sex Offender Research Council 2009 Report, pursuant to 2005 Iowa Acts, HF 619. Report received on January 22, 2009.

Division of Criminal and Juvenile Justice Planning Advisory Council's 2008 Legislative Monitoring Report, pursuant to 2001 Iowa Acts, SF 543. Report received on January 23, 2009.

DEPARTMENT OF NATURAL RESOURCES

Mercury Containing Lamp Recycling Program Study, pursuant to 2008 Iowa Acts, SF 2321. Report received on January 23, 2009.

DEPARTMENT OF REVENUE

2008 Annual Report of the Iowa Capital Investment Board, pursuant to Iowa Code section 15E.46. Report received on January 23, 2009.

DEPARTMENT OF TRANSPORTATION

Recycled Content Plastic Bag and Soy Inks Report for FY 2008, pursuant to Iowa Code section 307.21(4)(c). Report received on January 22, 2009.

PRESENTATION OF VISITORS

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

FFA students from Sibley-Ocheyedan High School, accompanied by adviser Mike Earll. Senator Johnson.

CERTIFICATES OF RECOGNITION

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

Joe Herschburg, Lohrville—For celebrating his 100th birthday. Senator Beall (1/26/09).

Twin River Valley High School—For receiving a bronze medal in the second annual list of America's Best High Schools in *U.S. News & World Report*. Senator Kibbie (1/26/09).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Monday, January 26, 2009, 2:10 p.m.

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

Members Absent: None.

Committee Business: Presentation from the Department of Education.

Adjourned: 3:00 p.m.

HUMAN RESOURCES

Convened: Thursday, January 22, 2009, 2:05 p.m.

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

Members Absent: Hatch and Johnson (both excused).

Committee Business: Presentation by the Director of the Iowa Medicaid Enterprise.

Adjourned: 2:45 p.m.

JUDICIARY

Convened: Monday, January 26, 2009, 4:05 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 15.

Adjourned: 4:15 p.m.

LOCAL GOVERNMENT

Convened: Monday, January 26, 2009, 3:10 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: Discussion of SFs 28 and 30.

Adjourned: 3:25 p.m.

REBUILD IOWA

Convened: Thursday, January 22, 2009, 3:05 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: Considered SSB 1065.

Adjourned: 3:20 p.m.

WAYS AND MEANS

Convened: Monday, January 26, 2009, 4:30 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: None.

Committee Business: Passed SF 31, as amended.

Adjourned: 5:00 p.m.

INTRODUCTION OF BILLS

Senate File 31, by committee on Rebuild Iowa, a bill for an act relating to the imposition of a local option sales tax after a disaster and providing an effective date.

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

Senate File 32, by McCoy, a bill for an act granting the right-of-way to public transit buses reentering the flow of traffic and providing penalties.

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

Senate File 33, by McCoy, a bill for an act relating to the hours of service for regional transit system drivers.

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

Senate File 34, by McCoy, Bolkcom, and Dotzler, a bill for an act relating to the operation of bicycles on a street or highway, providing requirements for motor vehicle operators encountering other vehicles or bicycles, and providing penalties.

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

Senate File 35, by Danielson, a bill for an act relating to the state and local hotel and motel tax by making taxable certain transactions exempt from the sales tax.

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

Senate File 36, by McKinley, a bill for an act establishing a value-added assessment system to calculate annually the academic growth of students enrolled in school districts at grade levels three through eleven.

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

Senate File 37, by McKinley, a bill for an act authorizing school districts to pay certain teachers a mathematics or science teacher salary supplement.

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

Senate File 38, by Ragan, Warnstadt, Beall, Wilhelm, Olive, Schoenjahn, Heckroth, Stewart, and Dotzler, a bill for an act relating to transfer procedures for and compensation of health care providers not participating in IowaCare.

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

Senate File 39, by Danielson, a bill for an act providing for the modification of property divisions made pursuant to a dissolution of marriage.

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

Senate File 40, by McKinley, a bill for an act relating to deer hunting on farm units by nonresidents who are active duty military and on leave.

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

Senate File 41, by McKinley, a bill for an act allowing the use of a dog to retrieve a wounded deer and providing a penalty.

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

Senate File 42, by McKinley and Noble, a bill for an act modifying the criminal offense of indecent exposure, and providing penalties.

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

Senate File 43, by committee on Local Government, a bill for an act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions.

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

Senate File 44, by committee on Ways and Means, a bill for an act relating to the imposition of a local option sales tax after a disaster and providing an effective date.

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

Senate File 45, by committee on Local Government, a bill for an act relating to issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.

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

STUDY BILLS RECEIVED

SSB 1091 Human Resources

Establishing a shaken baby syndrome prevention program in the department of public health.

SSB 1092 Human Resources

To allow medical or osteopathic physicians, physician assistants, and nurse practitioners to form limited liability companies or professional corporations.

SSB 1093 Human Resources

Relating to the administration of programs under the jurisdiction of the department of public health and increasing a penalty.

SSB 1094 Judiciary

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

SSB 1095 Judiciary

Relating to alcoholic beverage possession or consumption including underage possession or consumption and destruction of operating while intoxicated records, and providing a penalty.

SSB 1096 Judiciary

Providing a minimum annual salary for a county attorney, requiring a county to use certain funds to ensure that the minimum salary requirement for a county attorney is satisfied, and providing an effective date.

SSB 1097 Judiciary

Relating to the commission of a criminal offense classified as murder in the first degree, and providing a penalty.

SSB 1098 Judiciary

Relating to elections or appointments to a county magistrate appointing commission.

SUBCOMMITTEE ASSIGNMENTS

Senate File 20

LOCAL GOVERNMENT: Olive, Chair; Kapucian and Rielly

Senate File 26

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Seymour

SSB 1091

HUMAN RESOURCES: Ragan, Chair; Bartz and Bolkcom

SSB 1092

HUMAN RESOURCES: Dotzler, Chair; Hartsuch and Schmitz

SSB 1093

HUMAN RESOURCES: Wilhelm, Chair; Bolkcom and Johnson

SSB 1094

JUDICIARY: Kreiman, Chair; Hancock and Kettering

SSB 1095

JUDICIARY: Kreiman, Chair; Hancock and Noble

SSB 1096

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

SSB 1097

JUDICIARY: Kreiman, Chair; Horn and Kettering

SSB 1098

JUDICIARY: Kreiman, Chair; Schoenjahn and Ward

FINAL COMMITTEE REPORTS OF BILL ACTION

REBUILD IOWA

Bill Title: SENATE FILE 31 (SSB 1065), a bill for an act relating to the imposition of a local option sales tax after a disaster and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Hogg, Heckroth, Appel, Dandekar, Dvorsky, Hahn, Horn, Jochum, and Stewart. Nays, 3: Hamerlinck, Feenstra, and Reynolds. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: *SENATE FILE 43 (formerly SF 30), a bill for an act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. 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 Local Government Committee on Senate File 43, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 45 (formerly SF 28), a bill for an act relating to issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. 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 Local Government Committee on Senate File 45, and they were attached to the committee report.

WAYS AND MEANS

Bill Title: *SENATE FILE 44 (formerly SF 31), a bill for an act relating to the imposition of a local option sales tax after a disaster and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Bolkcom, McCoy, Dandekar, Dotzler, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 6: Zaun, Bartz, Feenstra, Hamerlinck, Houser, and Ward. 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 Ways and Means Committee on Senate File 44, and they were attached to the committee report.

JOURNAL OF THE SENATE

SIXTEENTH CALENDAR DAY
TENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 27, 2009

The Senate met in regular session at 8:42 a.m., President Kibbie presiding.

Prayer was offered by Reverend Wendy Abrahamson, pastor of the St. John's Episcopal Church in Mason City, Iowa. She was the guest of Senator Ragan.

The Journal of Monday, January 26, 2009, was approved.

The Senate stood at ease at 8:48 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:32 a.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 43 and 45.

Senate File 43

On motion of Senator Schoenjahn, **Senate File 43**, a bill for an act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Schoenjahn 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. 43), 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	Quirmbach	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 45

On motion of Senator Schoenjahn, **Senate File 45**, a bill for an act relating to issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions, was taken up for consideration.

Senator Schoenjahn 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. 45), 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	Quirmbach	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 BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 44.

Senate File 44

On motion of Senator Bolkcom, **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, was taken up for consideration.

Senator Zaun asked and received unanimous consent that action on **Senate File 44** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 43** and **45** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 4.

Senate Resolution 4

On motion of Senator Dearden, **Senate Resolution 4**, a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-third General Assembly, was taken up for consideration.

Senator Dearden moved the adoption of Senate Resolution 4, which motion prevailed by a voice vote.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 3 and 27.

Senate File 3

On motion of Senator Johnson, **Senate File 3**, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses, with report of committee recommending passage, was taken up for consideration.

Senator Johnson asked and received unanimous consent that action on **Senate File 3** be **deferred**.

Senate File 27

On motion of Senator Sodders, **Senate File 27**, a bill for an act relating to the crime of human trafficking, was taken up for consideration.

Senator Sodders 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. 27), 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	Quirmbach	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 File 27** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:50 a.m. until 4:15 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

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

Jeanne and David Branam, Adel—For celebrating their 60th wedding anniversary. Senator Boettger (1/27/09).

Larry and Dee Burch, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (1/27/09).

Allen and Marilyn Drake, Patterson—For celebrating their 50th wedding anniversary. Senator Boettger (1/27/09).

Vince Ehrman, Anita—For celebrating his 80th birthday. Senator Boettger (1/27/09).

Adrian Fuller, Osceola—For celebrating his 89th birthday. Senator Reynolds (1/27/09).

Clark (Sam) Kauffman, Audubon—For being named 2008 Audubon, Iowa Citizen of the Year. Senator Boettger (1/27/09).

Lucille Koch, Panama—For celebrating her 80th birthday. Senator Boettger (1/27/09).

Marion and Irma Kuntz, Burlington—For celebrating their 70th wedding anniversary. Senator Courtney (1/27/09).

Dorothy Lind, Burlington—For celebrating her 90th birthday. Senator Courtney (1/27/09).

Bill and Beverly Love, Stuart—For celebrating their 50th wedding anniversary. Senator Boettger (1/27/09).

Neola Norris, Waterloo—For celebrating her 100th birthday. Senator Dotzler (1/27/09).

Dudley and Jonell Owen, Audubon—For celebrating their 50th wedding anniversary. Senator Boettger (1/27/09).

Lucille Plummer, Anita—For celebrating her 90th birthday. Senator Boettger (1/27/09).

Caroll Robison, Corning—For celebrating his 92nd birthday. Senator Reynolds (1/27/09).

Rudolph Rust, Burlington—For celebrating his 85th birthday. Senator Courtney (1/27/09).

James and Eva Simpson, Atlantic—For celebrating their 50th wedding anniversary. Senator Boettger (1/27/09).

Alice Steckelberg, Avoca—For celebrating her 90th birthday. Senator Boettger (1/27/09).

Janis and Dick Taylor, Diagonal—For celebrating their 50th wedding anniversary. Senator Reynolds (1/27/09).

Darwin Warner, Harlan—For celebrating his 80th birthday. Senator Boettger (1/27/09).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Tuesday, January 27, 2009, 1:05 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: Presentations by the Innovation and Commercialization Division.

Adjourned: 2:00 p.m.

ETHICS

Convened: Tuesday, January 27, 2009, 3:30 p.m.

Members Present: Kibbie, Chair; Dearden, Vice Chair; Behn, Ranking Member; Fraise, Kettering, and McKinley.

Members Absent: None.

Committee Business: Approved SSB 1017.

Adjourned: 3:35 p.m.

NATURAL RESOURCES

Convened: Tuesday, January 27, 2009, 1:00 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: Presentations by the Department of Natural Resources.

Adjourned: 1:55 p.m.

REBUILD IOWA

Convened: Tuesday, January 27, 2009, 2:35 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: Approved SSB 1075.

Adjourned: 3:20 p.m.

TRANSPORTATION

Convened: Monday, January 26, 2009, 5:05 p.m.

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

Members Absent: Heckroth and Warnstadt (both excused).

Committee Business: Presentation by the Director of the DOT on Road Use Tax Fund Overview, TIME-21 update.

Adjourned: 5:55 p.m.

VETERANS AFFAIRS

Convened: Tuesday, January 27, 2009, 2:40 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck.

Members Absent: None.

Committee Business: Presentation by the Iowa Commission of Veterans Affairs on the Iowa Veterans Trust Fund Expenditures.

Adjourned: 3:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, January 27, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Department of Education.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, January 27, 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 Director of the Civil Rights Commission.

Adjourned: 10:30 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 1, by McKinley, a concurrent resolution claiming state sovereignty under the Tenth Amendment to the Constitution of the United States over certain mandates imposed on states by the federal government.

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

Senate Resolution 5, by Dvorsky, Bolkcom, and Schmitz, a resolution to congratulate the city of Iowa City on being designated as the world's third City of Literature.

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

INTRODUCTION OF BILLS

Senate File 46, by Bolkcom, a bill for an act relating to Iowa national pollutant discharge elimination system program signage and providing a penalty.

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

Senate File 47, by Danielson, a bill for an act concerning residency requirements for city civil service employees.

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

Senate File 48, by Hatch, a bill for an act relating to health care, health care providers, and health care coverage, providing for appropriations, providing penalties, and providing retroactive and other effective dates.

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

Senate File 49, by committee on State Government, a bill for an act relating to the administration of campaign disclosure laws.

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

Senate File 50, by committee on State Government, 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.

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

Senate File 51, by committee on State Government, 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.

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

Senate File 52, by committee on State Government, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

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

Senate File 53, by Bolkcom, Black, Quirmbach, Stewart, Ragan, Beall, Schmitz, Schoenjahn, Dotzler, Heckroth, Wilhelm, Hogg, Horn, Olive, Dandekar, Dearden, Appel, Courtney, Gronstal, Kibbie, Jochum, Kreiman, McCoy, and Hatch, a bill for an act relating to and making an appropriation for the case management program for the frail elderly.

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

Senate File 54, by Bolkcom, Black, Quirmbach, Stewart, Ragan, Beall, Schmitz, Schoenjahn, Dotzler, Heckroth, Wilhelm, Hogg, Horn, Olive, Dandekar, Dearden, Appel, Courtney, Kibbie, Jochum, Kreiman, McCoy, and Hatch, a bill for an act making an appropriation for case management under the Medicaid elderly waiver.

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

Senate File 55, by Bolkcom, Black, Quirmbach, Stewart, Ragan, Beall, Schmitz, Schoenjahn, Dotzler, Heckroth, Wilhelm, Horn, Hogg, Dandekar, Dearden, Appel, Courtney, Kibbie, Kreiman, McCoy, and Hatch, a bill for an act establishing an older Iowans' legislature fund and providing an appropriation.

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

Senate File 56, by Bolkcom, Black, Quirmbach, Stewart, Ragan, Beall, Schmitz, Schoenjahn, Dotzler, Heckroth, Wilhelm, Horn, Olive, Dandekar, Dearden, Fraise, Appel, Courtney, Gronstal, Kibbie, Jochum, Seng, Kreiman, McCoy, and Hatch, a bill for an act providing for and making an appropriation to the department of elder affairs for expansion of the elder abuse initiative program.

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

Senate File 57, by Bolkcom, Quirmbach, Beall, Heckroth, Dvorsky, Wilhelm, Hogg, Olive, Dearden, Fraise, Appel, Courtney, Jochum, Rielly, McCoy, and Hatch, a bill for an act relating to the exemption of gaming floors from the prohibitions of the smokefree air Act.

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

Senate File 58, by Bolkcom, Black, Quirmbach, Stewart, Ragan, Beall, Schmitz, Schoenjahn, Dotzler, Dvorsky, Wilhelm, Hogg, Horn, Olive, Dandekar, Dearden, Fraise, Appel, Courtney, Gronstal, Kibbie, Jochum, Seng, Danielson, Kreiman, McCoy, and Hatch, a bill for an act providing for standardized requirements and a consumer guide for long-term care insurance policies and providing an applicability date.

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

Senate File 59, by Stewart and McCoy, a bill for an act relating to the transport of passengers under eighteen years of age in an open truck bed and providing a penalty.

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

Senate File 60, by Bolkcom, Black, Quirmbach, Stewart, Ragan, Beall, Schmitz, Schoenjahn, Dotzler, Heckroth, Sodders, Wilhelm, Hogg, Horn, Hancock, Dandekar, Dearden, Fraise, Appel, Courtney, Kibbie, Jochum, Kreiman, Rielly, Danielson, McCoy, and Hatch, a bill for an act relating to reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

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

Senate File 61, by Danielson, a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters.

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

Senate File 62, by Hancock, a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective and applicability date provisions.

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

Senate File 63, by Schoenjahn and Beall, a bill for an act relating to claims of adverse possession concerning cemeteries or pioneer cemeteries.

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

Senate File 64, by committee on Judiciary, a bill for an act specifying those authorized to solemnize marriages in this state.

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

Senate File 65, by Schmitz, a bill for an act exempting the sale of wood pellets to residential customers from sales tax.

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

STUDY BILLS RECEIVED

SSB 1099 Rebuild Iowa

Relating to disaster emergency assistance immunity.

SSB 1100 Rebuild Iowa

Relating to disaster recovery for businesses through the loan and guarantee program and other activities by the department of economic development and providing an effective date.

SSB 1101 Education

Relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.

SSB 1102 State Government

Relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

SSB 1103 Human Resources

Relating to the public health system by providing for the voluntary accreditation of certain public health agencies, the adoption of Iowa public health standards, the establishment of an accreditation data collection system, creating a fund, and providing for a penalty and an effective date.

SSB 1104 Human Resources

Relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law.

SSB 1105 Human Resources

Requiring record checks for persons who are prospective or current employees or volunteers for the Iowa veterans home.

SSB 1106 Labor and Business Relations

Relating to the imposition of penalty benefits in workers' compensation cases.

SSB 1107 Labor and Business Relations

Relating to workers' compensation benefits for certain work-related injuries that occur outside this state.

SSB 1108 Labor and Business Relations

Requiring additional workers' compensation payments for scheduled injuries that result in a reduction in the injured employee's earning capacity.

SSB 1109 Judiciary

Relating to the sale of pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability.

SSB 1110 Judiciary

Relating to the possession, distribution, and reporting of obscene material and making penalties applicable.

SSB 1111 Judiciary

Relating to courthouse security, lease purchase agreements, and the issuance of bonds for building projects on certain buildings occupied by the judicial branch, and making an appropriation.

SSB 1112 Judiciary

Relating to judicial branch records and providing effective dates.

SSB 1113 Agriculture

Relating to the grain depositors and sellers indemnity fund.

SSB 1114 Commerce

Requiring licensure of and regulating escrow agents, making an appropriation, and providing a penalty and an effective date.

SSB 1115 Commerce

Prohibiting the use of insurance scores calculated using the occupation and education levels of consumers when underwriting or rating personal insurance risks.

SSB 1116 Environment and Energy Independence

Relating to solid waste tonnage fees and making a penalty applicable.

SSB 1117 Environment and Energy Independence

Relating to the administration of the Iowa water pollution control works and drinking water facilities financing program.

SUBCOMMITTEE ASSIGNMENTS

Senate File 29

ENVIRONMENT AND ENERGY INDEPENDENCE: Rielly, Chair; Stewart and Ward

Senate File 32

TRANSPORTATION: McCoy, Chair; Danielson and Hahn

Senate File 33

TRANSPORTATION: McCoy, Chair; Danielson and Hahn

Senate File 34

TRANSPORTATION: McCoy, Chair; Beall and Reynolds

Senate File 36

EDUCATION: Quirmbach, Chair; Dvorsky and McKinley

Senate File 37

EDUCATION: Quirmbach, Chair; Dvorsky and Feenstra

Senate File 38

HUMAN RESOURCES: Wilhelm, Chair; Ragan and Seymour

Senate File 39

JUDICIARY: Kreiman, Chair; Boettger and Fraise

Senate File 42

JUDICIARY: Kreiman, Chair; Boettger and Warnstadt

Senate File 46

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

Senate File 57

STATE GOVERNMENT: Kibbie, Chair; Black and Hartsuch

SSB 1101

EDUCATION: Dvorsky, Chair; Boettger and Schoenjahn

SSB 1102

STATE GOVERNMENT: Danielson, Chair; Jochum and Wieck

SSB 1103

HUMAN RESOURCES: Wilhelm, Chair; Bartz and Schmitz

SSB 1104

HUMAN RESOURCES: Kreiman, Chair; Hartsuch and Ragan

SSB 1105

HUMAN RESOURCES: Dotzler, Chair; Johnson and Ragan

SSB 1106

LABOR AND BUSINESS RELATIONS: Dearden, Chair; Hatch and Zaun

SSB 1107

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

SSB 1108

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

SSB 1109

JUDICIARY: Kreiman, Chair; Noble and Quirmbach

SSB 1110

JUDICIARY: Kreiman, Chair; Sodders and Ward

SSB 1111

JUDICIARY: Warnstadt, Chair; Kettering and Schoenjahn

SSB 1112

JUDICIARY: Quirmbach, Chair; Kreiman and Ward

SSB 1113

AGRICULTURE: Fraise, Chair; Boettger and Olive

SSB 1114

COMMERCE: Olive, Chair; Dandekar and Kettering

SSB 1115

COMMERCE: Olive, Chair; Rielly and Wieck

SSB 1116

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

SSB 1117

ENVIRONMENT AND ENERGY INDEPENDENCE: Hogg, Chair; Reynolds and Wilhelm

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: *SENATE FILE 64 (formerly SF 15), a bill for an act specifying those authorized to solemnize marriages in this state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 64, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 49 (SSB 1049), a bill for an act relating to the administration of campaign disclosure laws.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Appel, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, and Sodders. Nays, none. Absent, 2: Kibbie and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 50 (SSB 1044), 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Appel, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, and Sodders. Nays, none. Absent, 2: Kibbie and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 51 (SSB 1045), 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Appel, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, and Sodders. Nays, none. Absent, 2: Kibbie and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 52 (SSB 1046), a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Appel, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, and Sodders. Nays, none. Absent, 2: Kibbie and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:21 p.m., President Kibbie presiding.

The Senate stood at ease at 4:22 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:49 p.m., President Kibbie presiding.

BUSINESS PENDING

Senate File 3

The Senate resumed consideration of **Senate File 3**, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses, previously deferred.

Senator Bartz offered amendment S–3001, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S–3001 was adopted by a voice vote.

Senator Johnson 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. 3), the vote was:

Yeas, 49:

Appel	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, 1:

Bartz

Absent, none.

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

BUSINESS PENDING

Senate File 44

The Senate resumed consideration of **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, previously deferred.

Senator Feenstra offered amendment S–3008, filed by him from the floor striking and replacing everything after the enacting clause of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3008 be adopted?" (S.F. 44), the vote was:

Yeas, 15:

Bartz	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun
Hahn	Kapucian	Reynolds	

Nays, 35:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Johnson	Schoenjahn
Behn	Fraise	Kibbie	Seng
Black	Gronstal	Kreiman	Sodders
Bolkcom	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Ward
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, none.

Amendment S–3008 lost.

Senator Ward offered amendment S–3004, filed by her from the floor to pages 1 and 2 and amending the title page of the bill.

Senator Bolkcom raised the point of order that amendment S–3004 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3004 out of order.

Senator Bolkcom offered amendment S–3002, filed by him from the floor to pages 1 and 2 and amending the title page of the bill, and moved its adoption.

Amendment S–3002 was adopted by a voice vote.

Senator Zaun offered amendment S–3005, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3005 be adopted?" (S.F. 44), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, none.

Amendment S–3005 lost.

Senator Zaun offered amendment S–3007, filed by him from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3007 be adopted?" (S.F. 44), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, none.

Amendment S–3007 lost.

Senator Kettering offered amendment S–3003, filed by him from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3003 be adopted?" (S.F. 44), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun

Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, none.

Amendment S–3003 lost.

Senator Zaun offered amendment S–3006, filed by him from the floor to page 2 and amending the title page of the bill.

Senator Bolkcom raised the point of order that amendment S–3006 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3006 out of order.

Senator Bolkcom 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. 44), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck

Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 3** and **44** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:50 p.m. until 8:45 a.m., Wednesday, January 28, 2009.

APPENDIX—2

CERTIFICATE OF RECOGNITION

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

25th Annual Northwest Iowa Ag Conference and Trade Show, Spencer—For supporting the agricultural community by providing opportunities for education and communication. Senators Johnson and Kibbie (1/27/09).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, January 27, 2009, 2:05 p.m.

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

Members Absent: McCoy, Vice Chair; Kettering, Ranking Member; Bolkcom and Dotzler (all excused).

Committee Business: Presentation by the Legislative Services Agency on economic indicators.

Adjourned: 2:30 p.m.

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Tuesday, January 27, 2009, 3:50 p.m.

Members Present: Black, Chair; Behn, Ranking Member; Bolkcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm.

Members Absent: Hogg, Vice Chair (excused).

Committee Business: Assignment of bills (SF 29, SF 46, SSB 1116, SSB 1117). Discussion of land-use policy.

Adjourned: 4:15 p.m.

INTRODUCTION OF BILL

Senate File 66, by Warnstadt, a bill for an act requiring the department of cultural affairs to prioritize and award tax credits for the preservation of historic property according to certain criteria.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 53

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 54

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 55

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 56

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 58

COMMERCE: Heckroth, Chair; Dandekar and Hartsuch

Senate File 61

STATE GOVERNMENT: Danielson, Chair; Seymour and Sodders

Senate File 63

COMMERCE: Schmitz, Chair; Behn and Courtney

AMENDMENTS FILED

S–3001	S.F.	3	Merlin Bartz
S–3002	S.F.	44	Joe Bolkcom
S–3003	S.F.	44	Steve Kettering
S–3004	S.F.	44	Pat Ward
S–3005	S.F.	44	Brad Zaun
S–3006	S.F.	44	Brad Zaun
S–3007	S.F.	44	Brad Zaun
S–3008	S.F.	44	Randy Feenstra

JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 28, 2009

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

Prayer was offered by Reverend William Cotton, retired pastor of the Grace United Methodist Church in Des Moines, Iowa. He was the guest of Senator Kibbie.

The Journal of Tuesday, January 27, 2009, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, until he arrives, on request of Senator Boettger.

INTRODUCTION OF BILL

Senate File 67, by committee on Rebuild Iowa, a bill for an act relating to disaster assistance by providing a jumpstart housing assistance program, disaster aid individual assistance grants, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates.

Read first time and **placed on calendar**.

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 January 27, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 64, a bill for an act relating to disaster assistance by providing for jumpstart housing assistance, unmet needs disaster grants, a Rebuild Iowa office, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates.

Read first time and attached to **companion Senate File 67**.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 67 and attached companion House File 64** be referred from the Regular Calendar to the committee on **Appropriations**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:50 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:56 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:57 a.m. until 4:30 p.m.

APPENDIX—1

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 CAPITAL INVESTMENT CORPORATION

2007 Annual Report (with updates through 2008) of the Iowa Fund of Funds, pursuant to Iowa Code section 15E.63(9). Report received January 28, 2009.

CERTIFICATES OF RECOGNITION

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

Joshua K. Butikofer, Clermont—For achieving the rank of Eagle Scout, Troop 53. Senator Heckroth (1/28/09).

Lynette Jacoby, Coralville—For receiving the 2009 Distinguished Networking Award of Excellence from the National Network for Youth. Senator Dvorsky (1/28/09).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, January 28, 2009, 11:10 a.m.

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

Members Absent: Behn and Kapucian (both excused).

Committee Business: Presentation by the Soil and Conservation District.

Adjourned: 11:35 a.m.

APPROPRIATIONS

Convened: Wednesday, January 28, 2009, 11:45 a.m.

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

Members Absent: McCoy, Vice Chair; Kapucian and Seymour (all excused).

Committee Business: Consideration of HF 64 (Rebuild Iowa bill).

Adjourned: 11:50 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 6, by committee on Ethics, a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-third General Assembly.

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

INTRODUCTION OF BILLS

Senate File 68, by Heckroth, a bill for an act prohibiting the use of certain motor vehicle lights under fair weather conditions during daylight hours and providing a penalty.

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

Senate File 69, by Seng, a bill for an act providing for the regulation of commercial establishments that house animals by the department of agriculture and land stewardship.

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

Senate File 70, by Seng, a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases.

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

Senate File 71, by Hancock and Kibbie, a bill for an act establishing a length of service award program for volunteer fire fighters, creating a fund to provide matching contributions to the program, authorizing lottery games for volunteer fire fighters, and making an appropriation and providing an effective date.

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

Senate File 72, by Boettger, a bill for an act relating to the history requirements secondary school students must meet as a condition of graduation.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 40

NATURAL RESOURCES: Black, Chair; Noble and Schoenjahn

Senate File 41

NATURAL RESOURCES: Black, Chair; Bolkcom and Kettering

Senate File 48

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Seymour

Senate File 60

HUMAN RESOURCES: Quirmbach, Chair; Boettger and Schmitz

Senate File 66

ECONOMIC GROWTH: Stewart, Chair; Houser and Olive

Senate File 70

JUDICIARY: Quirmbach, Chair; Boettger and Kreiman

Senate File 71

STATE GOVERNMENT: Danielson, Chair; Jochum and Seymour

SSB 1118

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

SSB 1119

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

SSB 1120

APPROPRIATIONS: Warnstadt, Chair; Fraise and Seymour

SSB 1121

APPROPRIATIONS: Warnstadt, Chair; Fraise and Seymour

SSB 1122

COMMERCE: Rielly, Chair; Hartsuch and Olive

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 64, a bill for an act relating to disaster assistance by providing for jumpstart housing assistance, unmet needs disaster grants, a Rebuild Iowa office, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 22: Dvorsky, Kettering, Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Noble, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, none. Absent, 3: McCoy, Kapucian, and Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ETHICS

Bill Title: SENATE RESOLUTION 6 (SSB 1017), a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-third General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Kibbie, Dearden, Behn, Fraise, Kettering, and McKinley. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REBUILD IOWA

Bill Title: *SENATE FILE 67 (SSB 1075), a bill for an act relating to disaster assistance by providing a jumpstart housing assistance program, disaster aid individual assistance grants, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart. 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 Rebuild Iowa Committee on Senate File 67, and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 4:37 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 64.

House File 64

On motion of Senator Hogg, **House File 64**, a bill for an act relating to disaster assistance by providing for jumpstart housing assistance, unmet needs disaster grants, a Rebuild Iowa office, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates, with report of committee without recommendation, was taken up for consideration.

The Senate stood at ease at 4:45 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:22 p.m., President Kibbie presiding.

Senator Hamerlinck offered amendment S–3011, filed by him from the floor to pages 3 and 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3011 be adopted?" (H.F. 64), the vote was:

Yeas, 17:

Bartz	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	
Hamerlinck	Kettering	Ward	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Behn

Amendment S–3011 lost.

Senator Hamerlinck offered amendment S–3010, filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3010 be adopted?" (H.F. 64), the vote was:

Yeas, 17:

Bartz	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	
Hamerlinck	Kettering	Ward	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Behn

Amendment S–3010 lost.

Senator Zaun offered amendment S–3015, filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3015 be adopted?" (H.F. 64), the vote was:

Yeas, 17:

Bartz	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	
Hamerlinck	Kettering	Ward	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Behn

Amendment S–3015 lost.

Senator Feenstra offered amendment S–3017, filed by him from the floor to pages 6 and 7 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3017 be adopted?" (H.F. 64), the vote was:

Yeas, 17:

Bartz	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	
Hamerlinck	Kettering	Ward	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Behn

Amendment S–3017 lost.

Senator Bartz offered amendment S–3016, filed by him from the floor to page 7 of the bill, and moved its adoption.

A nonrecord roll call was requested.

Amendment S–3016 lost.

Senator Hamerlinck offered amendment S–3009, filed by him from the floor to page 7 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3009 be adopted?" (H.F. 64), the vote was:

Yeas, 17:

Bartz	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	
Hamerlinck	Kettering	Ward	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Behn

Amendment S–3009 lost.

Senator Hamerlinck offered amendment S–3012, filed by him from the floor to pages 8, 9, and 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3012 be adopted?" (H.F. 64), the vote was:

Yeas, 17:

Bartz	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	
Hamerlinck	Kettering	Ward	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Behn

Amendment S–3012 lost.

Senator Hamerlinck offered amendment S–3014, filed by him from the floor to page 8 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3014 be adopted?" (H.F. 64), the vote was:

Yeas, 17:

Bartz	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	
Hamerlinck	Kettering	Ward	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Behn

Amendment S–3014 lost.

Senator Hamerlinck offered amendment S–3013, filed by him from the floor to page 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3013 be adopted?" (H.F. 64), the vote was:

Yeas, 17:

Bartz	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	
Hamerlinck	Kettering	Ward	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Behn

Amendment S–3013 lost.

Senator Hogg 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?" (H.F. 64), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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 **House File 64** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:28 p.m. until 8:45 a.m., Thursday, January 29, 2009.

APPENDIX—2

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Wednesday, January 28, 2009, 1:00 p.m.

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

Members Absent: None.

Committee Business: Passed SF 9 and approved SSB 1013.

Adjourned: 1:55 p.m.

HUMAN RESOURCES

Convened: Wednesday, January 28, 2009, 4:05 p.m.

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

Members Absent: Kreiman (excused).

Committee Business: Presentation by the Department of Public Health.

Adjourned: 4:35 p.m.

RULES AND ADMINISTRATION

Convened: Wednesday, January 28, 2009, 8:50 a.m.

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

Members Absent: Danielson (excused).

Committee Business: Approval of gubernatorial committee appointees.

Adjourned: 8:55 a.m.

ALSO:

Convened: Wednesday, January 28, 2009, 6:25 p.m.

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

Members Absent: None.

Committee Business: Consideration of SR 7.

Adjourned: 6:30 p.m.

TRANSPORTATION

Convened: Wednesday, January 28, 2009, 4:05 p.m.

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

Members Absent: Danielson and Hancock (both excused).

Committee Business: Presentation by the Department of Transportation.

Adjourned: 4:30 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 7, by Dotzler, Courtney, and Dvorsky, a resolution to recognize the Iowa Small Business Development Centers and honor 2008 award winners Sally Nichols and John Lohman.

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

INTRODUCTION OF BILLS

Senate File 73, by Johnson, a bill for an act making appropriations to the community attraction and tourism fund for funding projects.

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

Senate File 74, by Jochum, a bill for an act establishing a parole procedure for certain class "A" felons.

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

Senate File 75, by Johnson and Hahn, a bill for an act prohibiting certain individuals from acting as agents for school textbooks or school supplies and making a penalty applicable.

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

STUDY BILLS RECEIVED

SSB 1118 Labor and Business Relations

Requiring the assessment of penalties for failure to timely pay certain workers' compensation benefits.

SSB 1119 Labor and Business Relations

Relating to the choice of doctor to treat an injured employee under workers' compensation laws and providing an effective and applicability date.

SSB 1120 Appropriations

Relating to employee positions authorized for the Iowa veterans home and providing an effective date.

SSB 1121 Appropriations

Providing for the nonreversion of appropriations and other revenues available to the Iowa veterans home and providing an effective date.

SSB 1122 Commerce

Requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date.

SSB 1123 State Government

Making technical changes to the laws relating to elections and voter registration, making a penalty applicable, and including effective date and applicability date provisions.

SSB 1124 Judiciary

Relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

SUBCOMMITTEE ASSIGNMENTS

Senate File 69

AGRICULTURE: Courtney, Chair; Hahn and Seng

SSB 1123

STATE GOVERNMENT: Sodders, Chair; Danielson and Feenstra

SSB 1124

JUDICIARY: Quirmbach, Chair; Kreiman and Noble

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: SENATE FILE 9, a bill for an act relating to the disposition of school property and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Sodders, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 7, a resolution to recognize the Iowa Small Business Development Centers and honor 2008 award winners Sally Nichols and John Lohman.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

	TERM
ACCOUNTANCY EXAMINING BOARD (Sec. 542.4)	
Vicky Boyington, Clarion	06/11/2008 – 04/30/2009
COMMISSION ON THE STATUS OF AFRICAN-AMERICANS (Sec. 216A.142)	
A'Lisa Walker, Cedar Rapids	09/15/2008 – 04/30/2009
IOWA AUTISM COUNCIL (Sec. 256.35A)	
Katherine Byers, Indianola	08/21/2008 – 04/30/2012
Joshua Cobbs, Sioux City	08/21/2008 – 04/30/2012
Keith Gatrost, Center Point	08/21/2008 – 04/30/2011
Ghada Hamdan-Allen, Bettendorf	08/21/2008 – 04/30/2011
John Kohles, Belmond	08/21/2008 – 04/30/2012
Steven Muller, Pella	08/21/2008 – 04/30/2012
Pamela Parker, Urbandale	08/21/2008 – 04/30/2011
Mary Percival, Des Moines	08/21/2008 – 04/30/2010
Danielle Sharpe, West Des Moines	08/21/2008 – 04/30/2011
Barbara Stineman, Spirit Lake	08/21/2008 – 04/30/2012
Charles Wadle, West Des Moines	08/21/2008 – 04/30/2010
Patrick Westhoff, Ankeny	08/21/2008 – 04/30/2010
Cathy Young, Waterloo	08/21/2008 – 04/30/2010
BOARD OF BEHAVIORAL SCIENCE (Sec. 147.14(13))	
Daniel Harkness, Clive	06/11/2008 – 04/30/2011
COMMISSION FOR THE BLIND (Sec. 216B.2)	
Steven Hagemoser, Des Moines	09/15/2008 – 04/30/2009
BOARD OF DIETETICS (Sec. 147.14(11))	
Janet Johnson, Cedar Rapids	01/08/2009 – 04/30/2010
IOWA DRUG POLICY ADVISORY COUNCIL (Sec. 80E.2)	
David Lorenzen, Clive	10/27/2008 – 04/30/2012
IOWA ECONOMIC DEVELOPMENT BOARD (Sec. 15.103)	
John Bickel, Cedar Rapids	09/15/2008 – 04/30/2010
BOARD OF EDUCATIONAL EXAMINERS (Sec. 272.3)	
Laura Stevens, Milford	06/11/2008 – 04/30/2010
COMMISSION OF ELDER AFFAIRS (Sec. 231.11)	
Frank Leu, Sibley	01/08/2009 – 04/30/2009

ELECTRICAL EXAMINING BOARD (Sec. 103.2)
James Kenkel, Waukee 08/20/2007 – Pleasure of the Governor

ENGINEERING AND LAND SURVEYING EXAMINING BOARD (Sec. 542B.3)
Ruth Ohde, Manning 09/15/2008 – 04/30/2011
Marlee Walton, Ames 09/15/2008 – 04/30/2009

ENVIRONMENTAL PROTECTION COMMISSION (Sec. 455A.6)
Shearon Elderkin, Cedar Rapids 08/13/2008 – 04/30/2009
Martin Stimson, Center Point 06/09/2008 – 04/30/2009
Eugene Ver Steeg, Inwood 11/19/2008 – 04/30/2011

IOWA FINANCE AUTHORITY (Sec. 16.2)
Darlys Baum, Burlington 07/21/2008 – 04/30/2009
Wilfred Johnson, Waterloo 08/13/2008 – 04/30/2011

GENERATION IOWA COMMISSION (Sec. 15.421)
Sarah Hinzman, Cedar Rapids 01/08/2009 – 04/30/2011

DIRECTOR OF DEPARTMENT OF HUMAN SERVICES (Sec. 217.5)
Eugene Gessow, Des Moines 09/19/2008 – Pleasure of the Governor

INTERIOR DESIGN EXAMINING BOARD (Sec. 544C.2)
Dorothy Fowles, Ames 01/08/2009 – 04/30/2011

IOWACCESS ADVISORY COUNCIL (Sec. 8A.221)
Randall Nyberg, Polk City 09/15/2008 – 04/30/2012

COMMISSION ON THE STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE (Sec. 216A.152)
George Youi Sayavong, Sioux City 01/08/2009 – 04/30/2010

COMMISSION ON NATIVE AMERICAN AFFAIRS (Sec. 216A.162)
Judy Allen, Council Bluffs 08/29/2008 – 04/30/2013
Vicky Apala-Cuevas, Davenport 08/29/2008 – 04/30/2011
Joe Coulter, Iowa City 08/29/2008 – 04/30/2013
Theresa Essmann Mahoney, Waterloo 08/29/2008 – 04/30/2013
John Jewett, Ames 08/29/2008 – 04/30/2013
Larry Lasley, Tama 08/29/2008 – 04/30/2013
George Leduc, Reinbeck 08/29/2008 – 04/30/2011
Karen Mackey, Sioux City 08/29/2008 – 04/30/2013
Franklin Phillips, Sioux City 08/29/2008 – 04/30/2011
Greer Sisson, Ankeny 08/29/2008 – 04/30/2011
Judy Yellowbank, Sioux City 08/29/2008 – 04/30/2011

NATURAL RESOURCE COMMISSION (Sec. 455A.5)
Tammi Kircher, Keokuk 06/11/2008 – 04/30/2011

PLUMBING AND MECHANICAL SYSTEMS EXAMINING BOARD (Sec. 105.3)
Patricia Broerman, Des Moines 04/25/2008 – 04/30/2010
Carol Crane, Boone 04/25/2008 – 04/30/2011
Thomas Day, Cedar Rapids 04/25/2008 – 04/30/2011

Mickey Gage, New Hampton	04/25/2008 – 04/30/2009
Jane Hagedorn, Iowa City	04/25/2008 – 04/30/2010
Ronald Masters, Ankeny	04/25/2008 – 04/30/2011
Dennis Molden, Sioux City	04/25/2008 – 04/30/2009
Susan Salsman, St. Charles	04/25/2008 – 04/30/2009
Charles Thomas, Des Moines	04/25/2008 – 04/30/2010

BOARD OF PODIATRY (Sec. 147.14(19))

Paul Dayton, Fort Dodge	06/11/2008 – 04/30/2011

PREVENTION OF DISABILITIES POLICY COUNCIL (Sec. 225B.3)

Cheryll Jones, Bloomfield	09/15/2008 – 04/30/2009

BOARD OF PSYCHOLOGY (Sec. 147.14(7))

Darshan Singh, Clive	07/01/2008 – 04/30/2011

STATE RACING AND GAMING COMMISSION (Sec. 99D.5)

Paul Hayes, Urbandale	09/03/2008 – 04/30/2011

STATE BOARD OF REGENTS (Sec. 262.1-2)

Greta Johnson, LeMars	10/06/2008 – 04/30/2009

COMMISSION OF VETERANS AFFAIRS (Sec. 35A.2)

Todd Jacobus, Des Moines	01/08/2009 – 04/30/2010
Darlene McMartin, Hancock	01/08/2009 – 04/30/2010
Cecelia Schroeder, Des Moines	05/01/2008 – 04/30/2012

BY THE IOWA DEPARTMENT OF
AGRICULTURE AND LAND STEWARDSHIP

GRAPE AND WINE DEVELOPMENT COMMISSION (Sec. 175A.2)

Sharman Wersen, Oskaloosa	06/26/2008 – 04/30/2011

The appointments were referred to the committee on Rules and Administration.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on January 28, 2009:

AGRICULTURE

Sharman Wersen – Grape and Wine Development Commission

ECONOMIC GROWTH

John Bickel – Iowa Economic Development Board

EDUCATION

Laura Stevens – Board of Educational Examiners

Greta Johnson – State Board of Regents

HUMAN RESOURCES

Katherine Byers – Iowa Autism Council
Joshua Cobbs – Iowa Autism Council
Keith Gatrost – Iowa Autism Council
Ghada Hamdan-Allen – Iowa Autism Council
John Kohles – Iowa Autism Council
Steven Muller – Iowa Autism Council
Pamela Parker – Iowa Autism Council
Mary Percival – Iowa Autism Council
Danielle Sharpe – Iowa Autism Council
Barbara Stineman – Iowa Autism Council
Charles Wadle – Iowa Autism Council
Patrick Westhoff – Iowa Autism Council
Cathy Young – Iowa Autism Council

Daniel Harkness – Board of Behavioral Science

Steven Hagemoser – Commission for the Blind

Frank Leu – Commission of Elder Affairs

Eugene Gessow – Director of the Department of Human Services

George Youi Sayavong – Commission on Status of Iowans of Asian and Pacific Islander Heritage

Cheryll Jones – Prevention of Disabilities Policy Council

JUDICIARY

David Lorenzen – Iowa Drug Policy Advisory Council

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

NATURAL RESOURCES

Shearon Elderkin – Environmental Protection Commission
Martin Stimson – Environmental Protection Commission
Eugene Ver Steeg – Environmental Protection Commission

Tammi Kircher – Natural Resource Commission

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
John Jewett – Commission on Native American Affairs
Larry Lasley – Commission on Native American Affairs
George Leduc – 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

VETERANS AFFAIRS

Todd Jacobus – Commission of Veterans Affairs
Darlene McMartin – Commission of Veterans Affairs
Cecelia Schroeder – Commission of Veterans Affairs

WAYS AND MEANS

Darlys Baum – Iowa Finance Authority
Wilfred Johnson – Iowa Finance Authority

AMENDMENTS FILED

S–3009	H.F.	64	Shawn Hamerlinck
S–3010	H.F.	64	Shawn Hamerlinck
S–3011	H.F.	64	Shawn Hamerlinck
S–3012	H.F.	64	Shawn Hamerlinck
S–3013	H.F.	64	Shawn Hamerlinck
S–3014	H.F.	64	Shawn Hamerlinck
S–3015	H.F.	64	Brad Zaun
S–3016	H.F.	64	Merlin Bartz
S–3017	H.F.	64	Randy Feenstra

JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY
TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 29, 2009

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, Senator from Lee County, Fort Madison, Iowa. He was the guest of Senator Kibbie.

The Journal of Wednesday, January 28, 2009, was approved.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 7.

Senate Resolution 7

On motion of Senator Dotzler, **Senate Resolution 7**, a resolution to recognize the Iowa Small Business Development Centers and honor 2008 award winners Sally Nichols and John Lohman, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler moved the adoption of Senate Resolution 7, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Dotzler introduced to the Senate chamber the 2008 Entrepreneur of the Year award winners, Sally Nichols and John Lohman, and the Program Director of the Small Business Development Center, Jim Heckmann.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:57 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:20 a.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:21 a.m. until 1:00 p.m., Monday, February 2, 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:

DEPARTMENT OF PUBLIC SAFETY

Statewide Interoperable Communications System Board Annual Report for 2008, pursuant to 2007 Iowa Acts, HF 353. Report received on January 29, 2009.

PRESENTATION OF VISITORS

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

Students from Iowa Central Community College Student Senate, accompanied by David Drissell and President Eric Niesen. Senator Beall.

Students from Hawkeye Community College, Waterloo. Senator Dotzler.

Students from Marshalltown Community College, Marshalltown, and Ellsworth Community College, Iowa Falls, accompanied by Cindy Schulte. Senator Sodders.

Students from Northeast Iowa Community College, Calmar. Senator Wilhelm.

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Thursday, January 29, 2009, 1:05 p.m.

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

Members Absent: Houser, Ranking Member; and Wieck (both excused).

Committee Business: Approved SSB 1043. Presentations on biotechnology.

Adjourned: 1:50 p.m.

NATURAL RESOURCES

Convened: Thursday, January 29, 2009, 1:00 p.m.

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

Members Absent: Bolkcom and Fraise (both excused).

Committee Business: Presentation by the Department of Natural Resources.

Adjourned: 1:40 p.m.

REBUILD IOWA

Convened: Thursday, January 29, 2009, 2:10 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 small business flood recovery.

Adjourned: 3:10 p.m.

RULES AND ADMINISTRATION

Convened: Thursday, January 29, 2009, 9:05 a.m.

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

Members Absent: None.

Committee Business: Passed SCR 2 and SR 8.

Adjourned: 9:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, January 29, 2009, 10:35 a.m.

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

Members Absent: None.

Committee Business: Discussion of Iowa Water Quality Loan Program. Legislative Services Agency's review of Governor's budget recommendations.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, January 29, 2009, 10:40 a.m.

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

Members Absent: Houser (excused).

Committee Business: Presentation by the Department of Investigations and Appeals.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, January 29, 2009, 10:35 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Board of Regents and Iowa Student Aid Commission.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON THE JUSTICE SYSTEM

Convened: Thursday, January 29, 2009, 10:35 a.m.

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

Members Absent: Fraise (excused).

Committee Business: Presentation by the Acting State Public Defender.

Adjourned: 11:35 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 2, by the committee on Rules and Administration, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-third general assembly.

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

Senate Resolution 8, by the committee on Rules and Administration, a senate resolution relating to permanent rules of the senate for the eighty-third general assembly.

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

INTRODUCTION OF BILLS

Senate File 76, by Johnson, Kettering, Kapucian, Reynolds, Ward, McKinley, Boettger, Wieck, Seymour, Feenstra, Hahn, and Houser, a bill for an act relating to early school starts and providing effective and applicability dates.

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

Senate File 77, by Zaun, a bill for an act establishing a multiple sclerosis support fund and authorizing lottery games to benefit persons with multiple sclerosis.

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

Senate File 78, by Noble, a bill for an act relating to scrap metal transactions, prohibiting certain sales, and imposing criminal penalties.

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

Senate File 79, by Kibbie, a bill for an act modifying wind energy production tax credit eligibility requirements, providing for a refund of sales and use taxes, and including effective and retroactive applicability date provisions.

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

Senate File 80, by Johnson, a bill for an act modifying wind energy production tax credit certification procedures and eligibility requirements, providing refund of the sales and use taxes, providing refund of sales and use taxes, and including effective and retroactive applicability date provisions.

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

Senate File 81, by committee on Education, a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

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

STUDY BILLS RECEIVED

SSB 1125 Economic Growth

Relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

SSB 1126 Commerce

Relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates.

SSB 1127 State Government

Requiring the licensing of abstractors within the department of commerce, establishing fees, penalties, and judicial remedies, and providing an effective date.

SSB 1128 State Government

Relating to an agreement among the states to elect the president by national popular vote and providing an effective date.

SSB 1129 State Government

Providing compensatory time off for holiday work for peace officer supervisors employed by the department of public safety or the department of natural resources.

SSB 1130 State Government

Relating to the licensing of persons installing fire protection systems.

SSB 1131 State Government

Providing shift differential pay for peace officer supervisors employed by the department of public safety or the department of natural resources.

SSB 1132 Human Resources

Relating to the licensing and inspection of hospitals.

SUBCOMMITTEE ASSIGNMENTS

Senate File 47

LOCAL GOVERNMENT: Beall, Chair; Hamerlinck and Rielly

Senate File 72

EDUCATION: Appel, Chair; Boettger and Sodders

Senate File 73

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 74

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

Senate File 78

JUDICIARY: Schoenjahn, Chair; Hancock and Noble

SSB 1125

ECONOMIC GROWTH: Heckroth, Chair; Beall and Houser

SSB 1126

COMMERCE: Dandekar, Chair; Behn and Rielly

SSB 1127

STATE GOVERNMENT: Horn, Chair; Kibbie and Seymour

SSB 1128

STATE GOVERNMENT: Courtney, Chair; Feenstra and Jochum

SSB 1129

STATE GOVERNMENT: Sodders, Chair; Danielson and Wieck

SSB 1130

STATE GOVERNMENT: Danielson, Chair; Behn and Sodders

SSB 1131

STATE GOVERNMENT: Sodders, Chair; Danielson and Wieck

SSB 1132

HUMAN RESOURCES: Dotzler, Chair; Schmitz and Seymour

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: *SENATE FILE 81 (SSB 1013), a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Sodders, 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 Education Committee on Senate File 81, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 2, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-third general assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 8, a senate resolution relating to permanent rules of the senate for the eighty-third general assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on January 29, 2009, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As a member of the Grape and Wine Development Commission:

SHARMAN WERSEN – Rielly, Chair; Seng and Boettger

ECONOMIC GROWTH

As a member of the Iowa Economic Development Board:

JOHN BICKEL – Rielly, Chair; Heckroth and Houser

EDUCATION

As a member of the Board of Educational Examiners:

LAURA STEVENS – Johnson, Chair; Sodders and Wilhelm

As a member of the State Board of Regents:

GRETA JOHNSON – Quirmbach, Chair; Dvorsky and Boettger

HUMAN RESOURCES

As members of the Iowa Autism Council:

KATHERINE BYERS – Hartsuch, Chair; Schmitz and Bolkcom
JOSHUA COBBS – Hartsuch, Chair; Schmitz and Bolkcom
KEITH GATROST – Bartz, Chair; Dotzler and Hatch
GHADA HAMDAN-ALLEN – Bartz, Chair; Dotzler and Hatch
JOHN KOHLES – Boettger, Chair; Wilhelm and Quirmbach
STEVEN MULLER – Boettger, Chair; Wilhelm and Quirmbach
PAMELA PARKER – Boettger, Chair; Wilhelm and Quirmbach
MARY PERCIVAL – Johnson, Chair; Ragan and Kreiman
DANIELLE SHARPE – Johnson, Chair; Ragan and Kreiman
BARBARA STINEMAN – Johnson, Chair; Ragan and Kreiman
CHARLES WADLE – Seymour, Chair; Hatch and Bolkcom

PATRICK WESTHOFF – Seymour, Chair; Hatch and Bolkcom
CATHY YOUNG – Dotzler, Chair; Seymour and Ragan

As a member of the Board of Behavioral Science:

DANIEL HARKNESS – Seymour, Chair; Hatch and Bolkcom

As a member of the Commission for the Blind:

STEVEN HAGEMOSER – Bartz, Chair; Hatch and Dotzler

As a member of the Commission of Elder Affairs:

FRANK LEU – Wilhelm, Chair; Kreiman and Johnson

As Director of the Department of Human Services:

EUGENE GESSOW – Hatch, Chair; Bolkcom and Seymour

As a member of the Commission on Status of Iowans of Asian and Pacific Islander Heritage:

GEORGE YOUI SAYAVONG – Hartsuch, Chair; Schmitz and Bolkcom

As a member of the Prevention of Disabilities Policy Council:

CHERYLL JONES – Kreiman, Chair; Ragan and Johnson

JUDICIARY

As a member of the Iowa Drug Policy Advisory Council:

DAVID LORENZEN – Fraise, Chair; Hancock and Noble

LABOR AND BUSINESS RELATIONS

As members of the Plumbing and Mechanical Systems Examining Board:

PATRICIA BROERMAN – Dearden, Chair; Hatch and Ward
CAROL CRANE – Horn, Chair; Dotzler and Wieck
THOMAS DAY – Horn, Chair; Courtney and Zaun
MICKEY GAGE – Dearden, Chair; Hatch and Houser
JANE HAGEDORN – Horn, Chair; Dotzler and Houser
RONALD MASTERS – Hatch, Chair; Jochum and Zaun
DENNIS MOLDEN – Jochum, Chair; Courtney and Wieck
SUSAN SALSMAN – Jochum, Chair; Horn and Ward
CHARLES THOMAS – Hatch, Chair; Dearden and Zaun

NATURAL RESOURCES

As members of the Environmental Protection Commission:

SHEARON ELDERKIN – Black, Chair; Hahn and Schoenjahn
MARTIN STIMSON – Black, Chair; Hahn and Schoenjahn
EUGENE VER STEEG – Black, Chair; Hahn and Schoenjahn

As a member of the Natural Resource Commission:

TAMMI KIRCHER – Dearden, Chair; Black and Hahn

STATE GOVERNMENT

As a member of the Accountancy Examining Board:

VICKY BOYINGTON – Sodders, Chair; Danielson and Feenstra

As a member of the Commission on the Status of African-Americans:

A'LISA WALKER – Horn, Chair; Hatch and Hartsuch

As a member of the Board of Dietetics:

JANET JOHNSON – Horn, Chair; Hatch and Hartsuch

As a member of the Electrical Examining Board:

JAMES KENKEL – Dearden, Chair; Black and Behn

As members of the Engineering and Land Surveying Examining Board:

RUTH OHDE – Dearden, Chair; Black and Behn
MARLEE WALTON – Sodders, Chair; Danielson and Feenstra

As a member of the Generation Iowa Commission:

SARAH HINZMAN – Horn, Chair; Hatch and Hartsuch

As a member of the Interior Design Examining Board:

DOROTHY FOWLES – Sodders, Chair; Danielson and Feenstra

As a member of the IowAccess Advisory Council:

RANDALL NYBERG – Dearden, Chair; Black and Behn

As members of the Commission on Native American Affairs:

JUDY ALLEN – Danielson, Chair; Sodders and Feenstra
VICKY APALA-CUEVAS – Danielson, Chair; Sodders and Feenstra
JOE COULTER – Danielson, Chair; Sodders and Feenstra

THERESA ESSMANN MAHONEY – Danielson, Chair; Sodders and Feenstra
JOHN JEWETT – Jochum, Chair; Kibbie and Wieck
LARRY LASLEY – Jochum, Chair; Kibbie and Wieck
GEORGE LEDUC – Jochum, Chair; Kibbie and Wieck
KAREN MACKEY – Black, Chair; Dearden and Seymour
FRANKLIN PHILLIPS – Black, Chair; Dearden and Seymour
GREER SISSON – Black, Chair; Dearden and Seymour
JUDY YELLOWBANK – Courtney, Chair; Appel and Feenstra

As a member of the Board of Podiatry:

PAUL DAYTON – Courtney, Chair; Appel and Feenstra

As a member of the Board of Psychology:

DARSHAN SINGH – Courtney, Chair; Appel and Feenstra

As a member of the State Racing and Gaming Commission:

PAUL HAYES – Courtney, Chair; Appel and Feenstra

VETERANS AFFAIRS

As members of the Commission of Veterans Affairs:

TODD JACOBUS – Noble, Chair; Black and Sodders
DARLENE MCMARTIN – Danielson, Chair; Wieck and Ragan
CECELIA SCHROEDER – Black, Chair; Seymour and Kibbie

WAYS AND MEANS

As members of the Iowa Finance Authority:

DARLYS BAUM – Dandekar, Chair; Dotzler and Ward
WILFRED JOHNSON – Dandekar, Chair; Dotzler and Ward

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, Quirmbach, 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, Sodders, Rielly, Schoenjahn, Kreiman, Ragan, Schmitz, Stewart, Beall, Black, Kibbie, Gronstal, Courtney, Appel, Fraise, Dearden, Dandekar, Quirmbach, 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, Sodders, Rielly, Schoenjahn, Kreiman, Ragan, Schmitz, Beall, Black, Kibbie, Gronstal, Fraise, Dearden, Dandekar, Quirmbach, 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; Quirmbach 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

JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 3, 2009

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

Prayer was offered by Dr. Frank Beaty, pastor of the Zion Evangelical and Reformed Church in Garner, Iowa. He was the guest of Senator Bartz.

The Journal of Monday, February 2, 2009, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:53 a.m. until 8:45 a.m., Wednesday, February 4, 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:

DEPARTMENT OF REVENUE

Biofuel Retailers' Tax Credits Evaluation Study, pursuant to Iowa Code section 452A.33(2). Report received on February 3, 2009.

CERTIFICATES OF RECOGNITION

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

Jefferson Fink, Carlisle—For achieving the rank of Eagle Scout, Troop 133. Senator Appel (2/3/09).

Dan and Doris Kelley, Danville—For celebrating their 60th wedding anniversary. Senator Courtney (2/3/09).

Jerry "Mr. Baseball" Patterson, Fort Dodge—For being inducted into the Iowa High School Baseball Coaches Association Hall of Fame. Senator Beall (2/3/09).

George Suter, Burlington—For celebrating his 80th birthday. Senator Courtney (2/3/09).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Tuesday, February 3, 2009, 1:05 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 SSB 1085. Presentation by the Department of Cultural Affairs.

Adjourned: 1:45 p.m.

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Tuesday, February 3, 2009, 2:10 p.m.

Members Present: Black, Chair; Hogg, Vice Chair; Behn, Ranking Member; Hancock, Hartsuch, Reynolds, Rielly, Stewart, and Wilhelm.

Members Absent: Bolkcom and Ward (both excused).

Committee Business: Presentations on wastewater and sewer problems.

Adjourned: 3:00 p.m.

HUMAN RESOURCES

Convened: Monday, February 2, 2009, 4:05 p.m.

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

Members Absent: Bolkcom (excused).

Committee Business: Discussion of SSB 1091.

Adjourned: 4:15 p.m.

JUDICIARY

Convened: Monday, February 2, 2009, 5:05 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 19 and approved SSBs 1027 and SSB 1034.

Adjourned: 5:35 p.m.

NATURAL RESOURCES

Convened: Tuesday, February 3, 2009, 1:00 p.m.

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

Members Absent: Bolkcom (excused).

Committee Business: Approved governor's appointee. Presentation by the Department of Natural Resources.

Adjourned: 2:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, February 3, 2009, 10:25 a.m.

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

Members Absent: Behn (excused).

Committee Business: Presentation on governor's budget.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, February 3, 2009, 10:25 a.m.

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

Members Absent: None.

Committee Business: FY 2010 budget overview.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, February 3, 2009, 10:35 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Judicial Branch.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Tuesday, February 3, 2009, 10:25 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Department of Natural Resources.

Adjourned: 12:00 p.m.

INTRODUCTION OF BILLS

Senate File 89, by Danielson, a bill for an act relating to providing sales, use, and property tax exemptions for certain data center businesses.

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

Senate File 90, by Danielson, a bill for an act allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system.

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

Senate File 91, by Bartz, a bill for an act relating to allowable bingo occasions under a limited license to conduct social games and raffles.

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

Senate File 92, by Zaun, a bill for an act expanding institutional eligibility for the Iowa tuition grant program.

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

Senate File 93, by Zaun, a bill for an act requiring public libraries that receive state funding to adopt a policy restricting the content of video materials borrowed by children under seventeen years of age.

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

Senate File 94, by Zaun, McKinley, Boettger, Hartsuch, and Hahn, a bill for an act imposing a moratorium on the issuance of licenses for gambling games and providing effective date and retroactive applicability provisions.

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

Senate File 95, by McCoy and Black, a bill for an act providing for a study to determine the feasibility of leasing property associated with the Honey creek premier destination park.

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

Senate File 96, by committee on Judiciary, a bill for an act granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date.

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

Senate File 97, by committee on Judiciary, a bill for an act requiring a person convicted of an aggravated misdemeanor to submit a DNA sample and providing an effective date.

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

Senate File 98, by committee on State Government, a bill for an act establishing a lean enterprise office within the department of management.

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

Senate File 99, by Warnstadt, a bill for an act relating to reimbursement of hazardous substance cleanup costs.

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

Senate File 100, by Hogg, a bill for an act relating to the disposition of a child with mental illness or mental retardation in juvenile court.

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

Senate File 101, by committee on Human Resources, a bill for an act establishing a shaken baby syndrome prevention program in the department of public health.

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

STUDY BILLS RECEIVED

SSB 1142 Human Resources

Relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties.

SSB 1143 Human Resources

Relating to exemption from civil liability for certain participating entities under the Iowa drug donation program.

SSB 1144 State Government

Relating to the responsibilities and duties of the auditor of state.

SSB 1145 Veterans Affairs

Exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur.

SSB 1146 Veterans Affairs

Relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators.

SSB 1147 Veterans Affairs

Concerning the definition of veteran.

SSB 1148 Veterans Affairs

Concerning preferential hiring treatment by government for veterans.

SSB 1149 Veterans Affairs

Making appropriations to the department of veterans affairs for the Iowa veterans home and providing an effective date.

SSB 1150 Veterans Affairs

Making appropriations to the department of veterans affairs and providing an effective date.

SSB 1151 Veterans Affairs

Relating to the criteria for involuntarily discharging a resident from the veterans home.

SSB 1152 Veterans Affairs

Exempting from the individual income tax all pay received for active duty military service and including a retroactive applicability date provision.

SSB 1153 Environment and Energy Independence

Relating to the collection and expenditure of storage tank management fees.

SSB 1154 Environment and Energy Independence

Relating to the recycling of electronic devices, providing for fees, making penalties applicable, and making appropriations.

SSB 1155 Environment and Energy Independence

Relating to open burning of residential waste in certain areas of the state and providing penalties.

SSB 1156 Environment and Energy Independence

Relating to the water quality protection fund by changing the calculation of operating fees assessed against public water supply systems.

SUBCOMMITTEE ASSIGNMENTS

Senate File 77

STATE GOVERNMENT: Courtney, Chair; Behn and Jochum

Senate File 79

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Behn and Hogg

Senate File 80

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Behn and Hogg

Senate File 84

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Behn and Hogg

Senate File 86

ENVIRONMENT AND ENERGY INDEPENDENCE: Hogg, Chair; Stewart and Ward

Senate File 87

HUMAN RESOURCES: Kreiman, Chair; Bartz and Schmitz

Senate File 88

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Johnson

Senate File 90

STATE GOVERNMENT: Danielson, Chair; Jochum and Seymour

Senate File 91

STATE GOVERNMENT: Courtney, Chair; Dearden and Feenstra

Senate File 94

STATE GOVERNMENT: Courtney, Chair; Dearden and Hartsuch

Senate File 95

NATURAL RESOURCES: Black, Chair; Dearden and Noble

SSB 1142

HUMAN RESOURCES: Dotzler, Chair; Boettger and Schmitz

SSB 1143

HUMAN RESOURCES: Schmitz, Chair; Hartsuch and Ragan

SSB 1144

STATE GOVERNMENT: Jochum, Chair; Feenstra and Horn

SSB 1145

VETERANS AFFAIRS: Danielson, Chair; Noble and Ragan

SSB 1146

VETERANS AFFAIRS: Ragan, Chair; Beall and Seymour

SSB 1147

VETERANS AFFAIRS: Danielson, Chair; Hartsuch and Kibbie

SSB 1148

VETERANS AFFAIRS: Black, Chair; Beall and Noble

SSB 1149

VETERANS AFFAIRS: Sodders, Chair; Beall and Hartsuch

SSB 1150

VETERANS AFFAIRS: Sodders, Chair; Beall and Seymour

SSB 1151

VETERANS AFFAIRS: Sodders, Chair; Black and Wieck

SSB 1152

VETERANS AFFAIRS: Kibbie, Chair; Black and Noble

SSB 1153

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

SSB 1154

ENVIRONMENT AND ENERGY INDEPENDENCE: Wilhelm, Chair; Bolkcom and Reynolds

SSB 1155

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

SSB 1156

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

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: *SENATE FILE 101 (SSB 1091), a bill for an act establishing a shaken baby syndrome prevention program in the department of public health.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, 1: Bolkcom.

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 101, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 96 (SSB 1027), a bill for an act granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Kreiman, Hogg, Fraise, Hancock, Horn, Jochum, Quirmbach, Schoenjahn, Sodders, 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 96, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 97 (SSB 1034), a bill for an act requiring a person convicted of an aggravated misdemeanor to submit a DNA sample and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Schoenjahn, Sodders, Ward, Warnstadt, and Zaun. Nays, none. Present, 1: Quirmbach. 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 97, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 98 (SSB 1060), a bill for an act establishing a lean enterprise office within the department of management.

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.

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:

NATURAL RESOURCES

Tammi Kircher – Natural Resource Commission

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	Quirmbach	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	Quirmbach	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	Quirmbach	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	Quirmbach	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, Quirmbach, 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 Sodders, 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 Sodders, 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, Sodders, 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: Quirmbach, Chair; Feenstra and Hogg

Senate File 75

EDUCATION: Dvorsky, Chair; Johnson and Quirmbach

Senate File 76

EDUCATION: Dvorsky, Chair; Feenstra and Quirmbach

Senate File 83

WAYS AND MEANS: Quirmbach, Chair; Jochum and Ward

Senate File 89

WAYS AND MEANS: Dotzler, Chair; Bartz and Bolkcom

Senate File 92

EDUCATION: Dvorsky, Chair; Boettger and Quirmbach

Senate File 93

EDUCATION: Dvorsky, Chair; Boettger and Quirmbach

Senate File 97

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 100

HUMAN RESOURCES: Quirmbach, 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, Sodders, 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

JOURNAL OF THE SENATE

TWENTY-FIFTH CALENDAR DAY
SIXTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 5, 2009

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

Prayer was offered by Reverend Jonathon Kosec, lead pastor of the Wayne Zion Lutheran Church in Monticello, Iowa. He was the guest of Senator Hancock.

The Journal of Wednesday, February 4, 2009, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:47 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:52 a.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:53 a.m. until 1:00 p.m., Monday, February 9, 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:

DEPARTMENT OF ADMINISTRATIVE SERVICES

Annual Recycled Products Report for 2008, pursuant to Iowa Code section 8A.315(1)(d)(1). Report received on February 2, 2009.

CERTIFICATES OF RECOGNITION

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

Ben Blair, Everly—For achieving the rank of Eagle Scout, Troop 121. Senator Johnson (2/5/09).

Charles City Middle School—For being named a finalist team in the Lexus Eco Challenge. Senator Ragan (2/5/09).

Harlan Community Athletic Booster Club—For being named Iowa Class 3A Booster Club of the Year, 2008. Senator Boettger (2/5/09).

Myrna and Dutch Heddinger, Emmetsburg—For celebrating their 50th wedding anniversary. Senator Kibbie (2/5/09).

Francis Holland, Mason City—For his years of service to the Boy Scouts of America. Senator Ragan (2/5/09).

Guthrie Center High School—For being named Best High School in Overall Academic Performance in Iowa, 2008. Senator Boettger (2/5/09).

David and Delores Kerkhoff, Templeton—For celebrating their 50th wedding anniversary. Senator Boettger (2/5/09).

Jim and Shirley Miller, Fontanelle—For celebrating their 50th wedding anniversary. Senator Boettger (2/5/09).

Dan Otto, Everly—For achieving the rank of Eagle Scout, Troop 121. Senator Johnson (2/5/09).

Mary and Larry Turner, Atlantic—For receiving the Iowa Distinguished Service Award. Senator Boettger (2/5/09).

Ella Wheeler, Spencer—For celebrating her 100th birthday. Senator Johnson (2/5/09).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Thursday, February 5, 2009, 3:10 p.m.

Members Present: Stewart, Chair; Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm.

Members Absent: Olive, Vice Chair; Houser, Ranking Member; Heckroth and Wieck (all excused).

Committee Business: Presentation by the Executive Director of Iowa Finance Authority.

Adjourned: 3:45 p.m.

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Thursday, February 5, 2009, 1:05 p.m.

Members Present: Black, Chair; Behn, Ranking Member; Bolkcom, Hancock, Reynolds, Stewart, Ward, and Wilhelm.

Members Absent: Hogg, Vice Chair; Hartsuch and Rielly (all excused).

Committee Business: Government energy efficiency presentation by the Office of Energy Independence and the Department of Administrative Services.

Adjourned: 2:00 p.m.

HUMAN RESOURCES

Convened: Wednesday, February 4, 2009, 3:05 p.m.

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

Members Absent: Bolkcom (excused).

Committee Business: Governor's appointments. Cost of living presentation by the Iowa Policy Project

Adjourned: 4:00 p.m.

JUDICIARY

Convened: Wednesday, February 4, 2009, 4:05 p.m.

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

Members Absent: Warnstadt (excused).

Committee Business: Passed SFs 22 and 70. Approved SSB 1032. Approved governor's appointee.

Adjourned: 4:40 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, February 4, 2009, 2:15 p.m.

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

Members Absent: McCoy (excused).

Committee Business: Presentation on age-friendly communities.

Adjourned: 2:45 p.m.

RULES AND ADMINISTRATION

Convened: Thursday, February 5, 2009, 8:50 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Boettger, Courtney, Danielson, Dvorsky, and Ragan.

Members Absent: Dearden, Kettering, and Zaun (all excused).

Committee Business: Access and decorum.

Adjourned: 8:55 a.m.

TRANSPORTATION

Convened: Wednesday, February 4, 2009, 3:05 p.m.

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

Members Absent: Warnstadt and Zaun (both excused).

Committee Business: Passed SF 34. Presentations on the Union Pacific Railroad and the Iowa Transportation Museum plans.

Adjourned: 4:15 p.m.

WAYS AND MEANS

Convened: Thursday, February 5, 2009, 2:00 p.m.

Members Present: Bolkcom, Chair; Bartz, Dandekar, Dotzler, Hamerlinck, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: McCoy, Vice Chair; Zaun, Ranking Member; Feenstra, Hogg, and Houser.

Committee Business: Presentation by the National Center on Budget and Policy Priorities.

Adjourned: 3:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, February 5, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Discussed budgetary issues with the State Auditor.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, February 5, 2009, 10:15 a.m.

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

Members Absent: Houser (excused).

Committee Business: Department of Natural Resources budget review.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, February 5, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Legislative Services Agency's analysis of the governor's recommendations for the FY 2010 education appropriations budget.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, February 5, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentations on child welfare by the Coalition for Family and Children's Services; Chief Juvenile Court Officer of the Fifth Judicial District; and the Department of Human Services, Division of Child and Family Services.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, February 5, 2009, 10:10 a.m.

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

Members Absent: Zaun.

Committee Business: Presentations by the Attorney General and the Board of Parole.

Adjourned: 11:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Thursday, February 5, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Discussion of governor's budget recommendations with Legislative Services Agency staff.

Adjourned: 11:05 a.m.

INTRODUCTION OF BILLS

Senate File 113, by committee on Judiciary, a bill for an act relating to orders for postsecondary education subsidies.

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

Senate File 114, by committee on Economic Growth, a bill for an act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

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

Senate File 115, by Dvorsky, a bill for an act establishing a recreational therapy board, requiring the licensure of recreational therapists, and providing for fees and penalties.

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

Senate File 116, by Beall, a bill for an act providing that the casual sales exemption under the state sales tax does not apply to the sales of all-terrain vehicles, snowmobiles, off-road motorcycles, and off-road utility vehicles.

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

Senate File 117, by committee on Transportation, a bill for an act relating to the operation of bicycles on a street or highway, providing requirements for motor vehicle operators encountering other vehicles or bicycles, and providing penalties.

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

Senate File 118, by committee on Judiciary, a bill for an act relating to the judicial branch including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

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

STUDY BILLS RECEIVED

SSB 1165 Economic Growth

Relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

SSB 1166 State Government

Concerning the deferred retirement option plan under the municipal fire and police retirement system of Iowa and providing an effective date.

SSB 1167 Transportation

Relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

SUBCOMMITTEE ASSIGNMENTS

Senate File 85

VETERANS AFFAIRS: Warnstadt, Chair; Danielson and Wieck

Senate File 102

STATE GOVERNMENT: Courtney, Chair; Feenstra and Kibbie

Senate File 103

STATE GOVERNMENT: Sodders, Chair; Dearden and Hartsuch

Senate File 104

JUDICIARY: Sodders, Chair; Noble and Quirmbach

Senate File 105

JUDICIARY: Sodders, Chair; Kettering and Kreiman

Senate File 111

EDUCATION: Dvorsky, Chair; Johnson and Quirmbach

Senate File 115

STATE GOVERNMENT: Jochum, Chair; Dearden and Wieck

SSB 1165

ECONOMIC GROWTH: Stewart, Chair; Olive and Wieck

SSB 1166

STATE GOVERNMENT: Sodders, Chair; Behn and Danielson

SSB 1167

TRANSPORTATION: Beall, Chair; Dandekar and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH

Bill Title: SENATE FILE 114 (SSB 1085), a bill for an act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 113 (formerly SF 22), a bill for an act relating to orders for postsecondary education subsidies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, and Zaun. Nays, none. Absent, 1: Warnstadt.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 118 (SSB 1032), a bill for an act relating to the judicial branch including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, and Zaun. Nays, none. Absent, 1: Warnstadt.

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 118, and they were attached to the committee report.

TRANSPORTATION

Bill Title: *SENATE FILE 117 (formerly SF 34), a bill for an act relating to the operation of bicycles on a street or highway, providing requirements for motor vehicle operators encountering other vehicles or bicycles, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Rielly, Beall, Dandekar, Danielson, Hancock, Heckroth, and McCoy. Nays, 4: Noble, Hahn, Kapucian, and Reynolds. Absent, 2: Warnstadt and Zaun.

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 Transportation Committee on Senate File 117, and they were attached to the committee report.

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:

HUMAN RESOURCES

Katherine Byers – Iowa Autism Council
Joshua Cobbs – Iowa Autism Council
John Kohles – Iowa Autism Council
Steven Muller – Iowa Autism Council
Pamela Parker – Iowa Autism Council
Mary Percival – Iowa Autism Council
Danielle Sharpe – Iowa Autism Council
Barbara Stineman – Iowa Autism Council

Frank Leu – Commission of Elder Affairs

George Youi Sayavong – Commission on Status of Iowans of Asian and Pacific Islander Heritage

Cheryll Jones – Prevention of Disabilities Policy Council

JUDICIARY

David Lorenzen – Iowa Drug Policy Advisory Council

JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 9, 2009

The Senate met in regular session at 1:03 p.m., President Kibbie presiding.

Prayer was offered by Reverend Linda Livingston, pastor of the Ascension Lutheran Church in Marion, Iowa. She was the guest of Senator Dandekar.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Mary Ward.

The Journal of Thursday, February 5, 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 February 5, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

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.

Read first time and referred to committee on **Commerce**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Olive, until he arrives, on request of Senator Hancock.

The Senate stood at ease at 1:17 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:55 p.m., President Kibbie presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Vicky Boyington, Accountancy Examining Board

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

Katherine Byers, Iowa Autism Council
Joshua Cobbs, Iowa Autism Council
John Kohles, Iowa Autism Council
Steven Muller, Iowa Autism Council
Pamela Parker, Iowa Autism Council
Danielle Sharpe, Iowa Autism Council
Barbara Stineman, Iowa Autism Council

Janet Johnson, Board of Dietetics

David Lorenzen, Iowa Drug Policy Advisory Council

Laura Stevens, Board of Educational Examiners

Frank Leu, Commission of Elder Affairs

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

George Youi Sayavong, Commission on the Status of Iowans of Asian and Pacific Islander Heritage

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

Tammi Kircher, Natural Resource Commission

Paul Dayton, Board of Podiatry

Cheryll Jones, Prevention of Disabilities Policy Council

Darshan Singh, Board of Psychology

Paul Hayes, State Racing and Gaming Commission

Greta Johnson, State Board of Regents

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schoenjahn
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward

Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	Zaun
Dearden	Horn	Reynolds	
Dotzler	Houser	Rielly	
Dvorsky	Jochum	Schmitz	

Nays, none.

Absent, 1:

Olive

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:03 p.m. until 8:45 a.m., Tuesday, February 10, 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:

DEPARTMENT OF HUMAN SERVICES

Child Welfare Provider Growth Options Committee Final Report, pursuant to 2008 Iowa Acts, SF 2425. Report received on February 9, 2009.

CERTIFICATES OF RECOGNITION

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

Larry Connelly, Epworth—For his 25 years of outstanding service to the Epworth Fire Department. Senator Hancock (2/9/09).

Frank Domitrovitch, Epworth—For his 25 years of outstanding service to the Epworth Fire Department. Senator Hancock (2/9/09).

Toby Hancock, Epworth—For being named Firefighter of the Year. Senator Hancock (2/9/09).

Maxine Taylor Green, Burlington—For celebrating her 80th birthday. Senator Courtney (2/9/09).

Junior Massey, Burlington—For celebrating his 80th birthday. Senator Courtney (2/9/09).

Lee and Darlene Meck, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (2/9/09).

REPORTS OF COMMITTEE MEETINGS

STATE GOVERNMENT

Convened: Monday, February 9, 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: Presentation by the Iowa Commission on the Status of Women. Approved SSBs 1089 and 1050, both as amended.

Adjourned: 2:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Tuesday, February 3, 2009, 10:30 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Secretary of the Iowa Department of Agriculture and Land Stewardship.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, January 29, 2009, 10:35 a.m.

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

Members Absent: Reynolds (excused).

Committee Business: Presentation by state college officials.

Adjourned: 11:20 a.m.

ALSO:

Convened: Tuesday, February 3, 2009, 10:30 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Director of Iowa Workforce Development.

Adjourned: 11:05 p.m.

ALSO:

Convened: Thursday, February 5, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Legislative Services Agency, Fiscal Services Division; and the Department of Economic Development Legislative Liaison.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INRASTRUCTURE, AND CAPITALS

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

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

Members Absent: Beall (excused).

Committee Business: Presentation by the Department of Transportation.

Adjourned: 11:45 a.m.

ALSO:

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

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

Members Absent: None.

Committee Business: Presentation by the Legislative Services Agency.

Adjourned: 10:55 a.m.

ALSO:

Convened: Thursday, January 29, 2009, 10:45 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Office of the Treasurer; Director of Department of Transportation; and the Director of Planning, Programming, and Modal Division of Department of Transportation.

Adjourned: 12:00 p.m.

INTRODUCTION OF BILLS

Senate File 119, by committee on Judiciary, a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases.

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

Senate File 120, by Kibbie, a bill for an act allowing one member of the racing and gaming commission to be an owner of a dog or horse involved in a race meeting conducted in this state.

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

Senate File 121, by Hancock, a bill for an act providing a credit against the individual income tax for volunteer fire fighters, certified reserve peace officers, and volunteer emergency medical services personnel and including effective and applicability date provisions.

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

Senate File 122, by Schoenjahn, 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 referred to committee on **Education**.

Senate File 123, by Zaun, a bill for an act relating to interscholastic athletic academic eligibility.

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

Senate File 124, by Kreiman, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

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

Senate File 125, by Quirmbach, Danielson, Gronstal, Fraise, Appel, Kibbie, Black, McCoy, Bolkcom, Stewart, Ragan, Schmitz, Beall, Dotzler, Wilhelm, Sodders, Schoenjahn, Heckroth, Dvorsky, Horn, and Hatch, a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable.

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

STUDY BILLS RECEIVED

SSB 1168 Veterans Affairs

Requiring the state's community colleges and regents universities to include persons serving on active duty who are stationed at Rock Island arsenal, and their families, in the definition of resident for purposes of tuition and fees.

SSB 1169 Veterans Affairs

Correcting references in the Code relating to the United States department of veterans affairs.

SSB 1170 Judiciary

Relating to the uniform athlete agents Act and providing remedies and penalties.

SSB 1171 Judiciary

Relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty.

SSB 1172 Judiciary

Creating the uniform child abduction prevention Act.

SSB 1173 Judiciary

Relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions.

SSB 1174 Natural Resources

Providing for the issuance of special deer hunting licenses to residents who are nonambulatory.

SSB 1175 Education

Relating to the transportation school districts may provide to students participating in open enrollment when construction requires temporary alteration of a regular school bus route.

SSB 1176 Economic Growth

Relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program and providing effective and retroactive applicability date provisions.

SSB 1177 Judiciary

Making changes to the sex offender registry and to duties and requirements related to persons who commit sex offenses, making fees applicable, and providing penalties.

SSB 1178 Transportation

Relating to the civil penalty imposed when the department of transportation suspends or revokes a person's driver's license or nonresident operating privilege for failure to maintain proof of financial responsibility.

SUBCOMMITTEE ASSIGNMENTS

Senate File 106

LOCAL GOVERNMENT: Rielly, Chair; Houser and Schoenjahn

Senate File 110

ECONOMIC GROWTH: Rielly, Chair; Hatch and Kapucian

SSB 1168

VETERANS AFFAIRS: Danielson, Chair; Hartsuch and Sodders

SSB 1169

VETERANS AFFAIRS: Beall, Chair; Kibbie and Seymour

SSB 1170

JUDICIARY: Jochum, Chair; Fraise and Zaun

SSB 1171

JUDICIARY: Kreiman, Chair; Jochum and Ward

SSB 1172

JUDICIARY: Sodders, Chair; Kreiman and Ward

SSB 1173

JUDICIARY: Quirmbach, Chair; Boettger and Schoenjahn

SSB 1174

NATURAL RESOURCES: Dearden, Chair; Hancock and Noble

SSB 1175

EDUCATION: Schmitz, Chair; Feenstra and Wilhelm

SSB 1176

ECONOMIC GROWTH: Dotzler, Chair; Reynolds and Schmitz

SSB 1177

JUDICIARY: Kreiman, Chair; Kettering, Ward, and Warnstadt

SSB 1178

TRANSPORTATION: Heckroth, Chair; Dandekar and Noble

FINAL COMMITTEE REPORT OF BILL ACTION

JUDICIARY

Bill Title: *SENATE FILE 119 (formerly SF 70), a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, and Zaun. Nays, none. Absent, 1: Warnstadt.

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 119, and they were attached to the committee report.

JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 10, 2009

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

Prayer was offered by Reverend Jay Jaeger, pastor of the Missouri Synod Lutheran Churches in Alden and Buckeye, Iowa. He was the guest of Senator Sodders.

The Journal of Monday, February 9, 2009, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:54 a.m. until 5:30 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

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

Virgil and Mildred Crouch, Irwin—For celebrating their 74th wedding anniversary. Senator Boettger (2/10/09).

Elizabeth Rau, Westphalia—For celebrating her 102nd birthday. Senator Boettger (2/10/09).

Lillian Schaben, Harlan—For celebrating her 85th birthday. Senator Boettger (2/10/09).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Tuesday, February 10, 2009, 1:05 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 governor's appointee. Approved SSB 1125. Presentation by the University of Northern Iowa.

Adjourned: 1:40 p.m.

EDUCATION

Convened: Monday, February 9, 2009, 3:05 p.m.

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

Members Absent: Johnson and McKinley (both excused).

Committee Business: Presentations by the Division of PK-12 Education and the Bureau of Early Childhood.

Adjourned: 3:55 p.m.

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Tuesday, February 10, 2009, 2:05 p.m.

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

Members Absent: None.

Committee Business: Presentations by the University of Iowa Director of IIHR Hydroscience and Engineering and the Iowa Flood Center.

Adjourned: 3:00 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, February 5, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Presentation on flood damage by the President of University of Iowa.

Adjourned: 11:05 a.m.

NATURAL RESOURCES

Convened: Tuesday, February 10, 2009, 1:00 p.m.

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

Members Absent: Kettering (excused).

Committee Business: Approved governor's appointees.

Adjourned: 1:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

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

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

Members Absent: Kreiman (excused).

Committee Business: Presentation by the Department of Commerce.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

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

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

Members Absent: None.

Committee Business: Hungry Canyons presentation by the Pottawattamie County Engineer.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, February 5, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Legislative Services Agency's Fiscal Services Division; the Department of Economic Development's Legislative Liaison; and the Council of Governments.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

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

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

Members Absent: None.

Committee Business: Presentation by the Department of Education.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, February 10, 2009, 10:15 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 Public Health, the Department of Veterans Affairs, and the Iowa Veterans Home.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

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

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

Members Absent: None.

Committee Business: Presentations by the Iowa Law Enforcement Academy and the Department of Public Safety.

Adjourned: 11:00 a.m.

INTRODUCTION OF BILLS

Senate File 126, by Danielson, a bill for an act establishing an Iowa veterans hall of fame.

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

Senate File 127, by Danielson, a bill for an act appropriating moneys to the department of economic development for financial assistance to national heritage areas.

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

Senate File 128, by Kibbie, a bill for an act relating to and increasing the excise tax on motor fuel and certain special fuel and allocating a portion of the increased revenues to the TIME-21 fund.

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

Senate File 129, by Danielson, a bill for an act concerning the operation of a motorcycle transporting a passenger under eighteen years of age and providing a penalty.

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

Senate File 130, by Zaun, a bill for an act relating to the membership of the vision Iowa board and including an applicability provision.

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

Senate File 131, by Appel, a bill for an act authorizing the posting of certain notices, actions, and information of certain local governments on an internet website.

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

Senate File 132, by Hatch, a bill for an act relating to Medicaid reimbursement for interpreter services.

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

Senate File 133, by committee on State Government, a bill for an act providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision.

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

Senate File 134, by Hatch, a bill for an act relating to county mental health, mental retardation, and developmental disabilities services funds and levies, authorizing a supplemental levy for such funds under certain circumstances, and providing an effective date.

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

Senate File 135, by Bolkcom, a bill for an act relating to the membership and administration of the Iowa propane education and research council, increasing an assessment, and providing an effective date.

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

STUDY BILLS RECEIVED

SSB 1179 Human Resources

Relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and retroactive and other effective dates.

SSB 1180 Human Resources

Relating to the identification of the eligibility of tenants of an assisted living program for benefits through the United States department of veterans affairs.

SSB 1181 Human Resources

Relating to the Iowa Indian child welfare Act.

SSB 1182 Transportation

Increasing the excise tax on motor fuel and special fuel for diesel engines of motor vehicles, allocating revenues to the TIME-21 fund, and providing an effective date.

SSB 1183 Commerce

Relating to the use of insurance loss history in the issuance of dramshop liability insurance.

SSB 1184 Commerce

Relating to the use of unfounded claims history in determinations related to the issuance of dramshop liability coverage.

SSB 1185 Transportation

Relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, and the issuance of citations, providing a penalty, and providing effective and retroactive applicability dates.

SSB 1186 Local Government

Relating to public notice requirements for meetings of boards of township trustees.

SSB 1187 Local Government

Requiring lessees of certain real estate to file a memorandum of the lease with the county recorder and providing a civil penalty.

SSB 1188 Local Government

Relating to publication of property assessment equalization orders.

SSB 1189 Judiciary

Relating to damages recoverable for the wrongful or negligent injury or death of a spouse or parent.

SSB 1190 Ways and Means

Relating to the administration of the tax and related laws by the department of revenue, including the administration of the income tax, the franchise tax, the motor fuel tax, and of fees for new vehicle registration, providing civil and criminal penalties, and including effective date, retroactive applicability date, and other applicability date provisions.

SSB 1191 Environment and Energy Independence

Establishing an energy efficiency savings standard applicable to gas and electric public utilities.

SSB 1192 Environment and Energy Independence

Providing a task force on regional watershed, land use, and floodplain management policies.

SSB 1193 Environment and Energy Independence

Requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program.

SUBCOMMITTEE ASSIGNMENTS

Senate File 99

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

Senate File 112

VETERANS AFFAIRS: Beall, Chair; Kibbie and Seymour

Senate File 116

WAYS AND MEANS: Quirmbach, Chair; Bolkcom and Hamerlinck

Senate File 120

STATE GOVERNMENT: Kibbie, Chair; Black and Seymour

Senate File 122

EDUCATION: Schoenjahn, Chair; Boettger and Heckroth

Senate File 123

EDUCATION: Dvorsky, Chair; Hamerlinck and Quirmbach

Senate File 124

JUDICIARY: Jochum, Chair; Hancock and Noble

Senate File 125

STATE GOVERNMENT: Dearden, Chair; Behn and Black

Senate File 127

APPROPRIATIONS: Dvorsky, Chair; and Kettering

House File 180

COMMERCE: Dandekar, Chair; Bolkcom and Wieck

SSB 1179

HUMAN RESOURCES: Schmitz, Chair; Dotzler and Hartsuch

SSB 1180

HUMAN RESOURCES: Wilhelm, Chair; Ragan and Seymour

SSB 1181

HUMAN RESOURCES: Kreiman, Chair; Bolkcom and Johnson

SSB 1182

TRANSPORTATION: Rielly, Chair; Noble and Warnstadt

SSB 1183

COMMERCE: Rielly, Chair; Ward and Warnstadt

SSB 1184

COMMERCE: Rielly, Chair; Ward and Warnstadt

SSB 1185

TRANSPORTATION: Danielson, Chair; Hancock and Kapucian

SSB 1186

LOCAL GOVERNMENT: Schoenjahn, Chair; Houser and Rielly

SSB 1187

LOCAL GOVERNMENT: Kreiman, Chair; Beall and Reynolds

SSB 1188

LOCAL GOVERNMENT: Beall, Chair; Kapucian and McCoy

SSB 1189

JUDICIARY: Hogg, Chair; Hancock and Kettering

SSB 1190

WAYS AND MEANS: Hogg, Chair; Feenstra and Wilhelm

SSB 1191

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

SSB 1192

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

SSB 1193

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

FINAL COMMITTEE REPORTS OF BILL ACTION

STATE GOVERNMENT

Bill Title: *SENATE FILE 133 (SSB 1050), a bill for an act providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour and Sodders. Nays, 3: Feenstra, Hartsuch, and Wieck. Absent, 1: Behn.

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 133, and they were attached to the committee report.

RECONVENED

The Senate reconvened at 5:24 p.m., President Kibbie presiding.

QUORUM CALL

Senator Courtney requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 82, 108, and 98.

Senate File 82

On motion of Senator Dotzler, **Senate File 82**, a bill for an act adding four nonvoting members to the Iowa workforce development board, was taken up for consideration.

Senator Dotzler 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. 82), the vote was:

Yeas, 49:

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

Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Hatch

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

Senate File 108

On motion of Senator Hancock, **Senate File 108**, a bill for an act relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision, was taken up for consideration.

Senator Hancock 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. 108), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Hatch

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

Senate File 98

On motion of Senator Appel, **Senate File 98**, a bill for an act establishing a lean enterprise office within the department of management, was taken up for consideration.

Senator Appel offered amendment S–3019, filed by her from the floor to page 1 of the bill, and moved its adoption.

Amendment S–3019 was adopted by a voice vote.

Senator Appel 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. 98), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Hatch

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 82**, **98**, and **108** 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 101 and 96.

Senate File 101

On motion of Senator Ragan, **Senate File 101**, a bill for an act establishing a shaken baby syndrome prevention program in the department of public health, was taken up for consideration.

Senator Ragan 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. 101), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun

Dearden	Houser	Reynolds
Dotzler	Jochum	Rielly
Dvorsky	Johnson	Schmitz

Nays, none.

Absent, 1:

Hatch

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

Senate File 96

On motion of Senator Kreiman, **Senate File 96**, a bill for an act granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date, was taken up for consideration.

Senator Kreiman 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. 96), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Hatch

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 96** and **101** be **immediately messaged** to the House.

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 February 10, 2009, **passed** the following bill in which the concurrence of the House was asked:

Senate File 45, a bill for an act relating to issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:50 p.m. until 8:45 a.m., Wednesday, February 11, 2009.

APPENDIX—2

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, February 10, 2009, 5:00 p.m.

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

Members Absent: Courtney (excused).

Committee Business: Approved SSB 1076.

Adjourned: 5:10 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, January 22, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 10:35 a.m.

ALSO:

Convened: Tuesday, January 27, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Presentation and discussion by the Iowa Communications Network.

Adjourned: 11:05 a.m.

ALSO:

Convened: Thursday, January 29, 2009, 10:40 a.m.

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

Members Absent: None.

Committee Business: Presentation and discussion by the Iowa Lottery issues.

Adjourned: 11:45 a.m.

ALSO:

Convened: Tuesday, February 3, 2009, 10:35 a.m.

Members Present: Olive, Chair; Courtney, Vice Chair; and Sodders.

Members Absent: Ward, Ranking Member; and Wieck (both excused).

Committee Business: Presentation and discussion by the Department of Administrative Services.

Adjourned: 10:55 a.m.

ALSO:

Convened: Tuesday, February 10, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Executive Director of Rebuild Iowa Office.

Adjourned: 11:25 a.m.

REBUILD IOWA

Convened: Tuesday, February 10, 2009, 4:05 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: Presentation by the Director of IIHR Hydroscience and Engineering at the University of Iowa on the 2008 flood.

Adjourned: 4:55 p.m.

WAYS AND MEANS

Convened: Tuesday, February 10, 2009, 3:05 p.m.

Members Present: Bolkcom, Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: McCoy, Vice Chair (excused).

Committee Business: Presentations on the Iowa Biofuel Retailers' Tax Credits Evaluation Study; and the Iowa Tax Expenditures Report. Approved governor's appointees.

Adjourned: 4:00 p.m.

INTRODUCTION OF BILLS

Senate File 136, by Ragan and Bolkcom, a bill for an act requiring the use of headlights on a motor vehicle during any period of moisture accumulation and making a penalty applicable.

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

Senate File 137, by committee on State Government, a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy.

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

FINAL COMMITTEE REPORT OF BILL ACTION

STATE GOVERNMENT

Bill Title: *SENATE FILE 137 (SSB 1089), a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, and Sodders. Nays, 4: Feenstra, Hartsuch, Seymour, and Wieck. Absent, 1: Behn.

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 137, and they were attached to the committee report.

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

ECONOMIC GROWTH

John Bickel – Iowa Economic Development Board

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the Individual Confirmation Calendar with recommendations for confirmation:

NATURAL RESOURCES

Shearon Elderkin – Environmental Protection Commission
Martin Stimson – Environmental Protection Commission
Eugene Ver Steeg – Environmental Protection Commission

AMENDMENTS FILED

S–3018	S.R.	9	Jack Hatch
S–3019	S.F.	98	Staci Appel
S–3020	S.F.	113	David Hartsuch

JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 11, 2009

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

Prayer was offered by Reverend Mark Carter, pastor of the Capitol City Baptist Church in Des Moines, Iowa. He was the guest of Senator Noble.

The Journal of Tuesday, February 10, 2009, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:55 a.m. until 8:45 a.m., Thursday, February 12, 2009.

APPENDIX

PRESENTATION OF VISITORS

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

Crystal Gingerich and her children, from Kinross, Iowa.

Representatives of United Way.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, February 11, 2009, 11:05 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Executive Director of the Iowa League Resource Conservation and Development. Approved governor's appointee.

Adjourned: 11:45 a.m.

EDUCATION

Convened: Wednesday, February 11, 2009, 1:00 p.m.

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

Members Absent: None.

Committee Business: Presentations on teacher development academies, cognitively guided instruction, and authentic intellectual work.

Adjourned: 2:00 p.m.

STATE GOVERNMENT

Convened: Wednesday, February 11, 2009, 2:30 p.m.

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

Members Absent: Kibbie, Vice Chair; and Hatch (both excused).

Committee Business: Approved governor's appointees. Approved SSB 1090, as amended.

Adjourned: 2:50 p.m.

VETERANS AFFAIRS

Convened: Tuesday, February 10, 2009, 4:05 p.m.

Members Present: Beall, Chair; Seymour, Ranking Member; Danielson, Kibbie, Noble, Ragan, Sodders, and Wieck.

Members Absent: Warnstadt, Vice Chair; Black and Hartsuch (all excused).

Committee Business: Approved SSB 1146.

Adjourned: 4:15 p.m.

INTRODUCTION OF BILLS

Senate File 138, by Johnson and Hancock, a bill for an act requiring the use of child restraint systems or seat belts by motor vehicle passengers under eighteen years of age and making a penalty applicable.

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

Senate File 139, by Bartz, a bill for an act providing for a residual biomass tax credit, and including effective and applicability dates.

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

Senate File 140, by Bartz, a bill for an act providing a sales tax exemption from the sale or furnishing of metered water service and providing an effective date.

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

Senate File 141, by Warnstadt, a bill for an act providing for the suspension or revocation of an alcoholic beverage license or permit for failure to pay sales taxes and making penalties applicable.

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

Senate File 142, by committee on Economic Growth, a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of

revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

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

Senate File 143, by Black, a bill for an act requiring the department of public safety to conduct a study relating to the sale, possession, and use of novelty lighters.

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

Senate File 144, by Kettering, a bill for an act relating to adult mental health, mental retardation, and developmental disabilities services by shifting responsibility for such services from the counties to the state, revising county levy authority for such services, and providing effective and applicability dates.

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

STUDY BILLS RECEIVED

SSB 1194 Rebuild Iowa

Relating to flood damage prevention and insurance.

SSB 1195 Veterans Affairs

Providing for family military leave from employment for certain relatives of individuals called to active military service and providing a remedy.

SSB 1196 Commerce

Relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates.

SSB 1197 Education

Establishing a task force to develop a plan for the implementation of an online school for certain populations.

SSB 1198 State Government

Requiring a severe weather safe room in newly constructed public buildings and providing an implementation provision and applicability date.

SSB 1199 State Government

Concerning the duties and responsibilities of the auditor of state.

SSB 1200 Human Resources

Relating to psychiatric medical institution for children services and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate File 126

VETERANS AFFAIRS: Danielson, Chair; Black and Seymour

Senate File 130

ECONOMIC GROWTH: Olive, Chair; Houser and Schmitz

Senate File 131

LOCAL GOVERNMENT: Beall, Chair; Reynolds and Schoenjahn

Senate File 132

HUMAN RESOURCES: Hatch, Chair; Johnson and Quirmbach

Senate File 134

HUMAN RESOURCES: Bolkcom, Chair; Bartz and Ragan

SSB 1194

REBUILD IOWA: Jochum, Chair; Hogg and Reynolds

SSB 1195

VETERANS AFFAIRS: Sodders, Chair; Black and Wieck

SSB 1196

COMMERCE: Dandekar, Chair; Kettering and Stewart

SSB 1197

EDUCATION: Sodders, Chair; Boettger and Schmitz

SSB 1198

STATE GOVERNMENT: Dearden, Chair; Black and Wieck

SSB 1199

STATE GOVERNMENT: Danielson, Chair; Courtney and Feenstra

SSB 1200

HUMAN RESOURCES: Bolkcom, Chair; Hartsuch and Schmitz

FINAL COMMITTEE REPORT OF BILL ACTION

ECONOMIC GROWTH

Bill Title: SENATE FILE 142 (SSB 1125), a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm. Nays, none. Absent, none.

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:

AGRICULTURE

Sharman Wersen – Grape and Wine Development Commission

STATE GOVERNMENT

John Jewett – Commission on Native American Affairs
Larry Lasley – Commission on Native American Affairs
George Leduc – Commission on Native American Affairs

WAYS AND MEANS

Darlys Baum – Iowa Finance Authority
Wilfred Johnson – Iowa Finance Authority

JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 12, 2009

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Reverend Allan Bridges, pastor of the Henderson Christian Church and the Nishna Church of Christ in Red Oak, Iowa. He was the guest of Senator Houser.

The Journal of Wednesday, February 11, 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 February 11, 2009, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 3, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-third General Assembly.

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:04 a.m. until 1:00 p.m., Monday, February 16, 2009.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Thursday, February 12, 2009, 3:10 p.m.

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

Members Absent: Hatch, Schmitz, and Wieck (all excused).

Committee Business: Presentation by Vision Iowa, CAT, and RECAT.

Adjourned: 3:40 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, February 12, 2009, 10:25 a.m.

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

Members Absent: Ward, Ranking Member (excused).

Committee Business: Presentations on the banking industry bailout by the Superintendent of Banking and the Chairman/CEO of West Bank.

Adjourned: 11:40 a.m.

HUMAN RESOURCES

Convened: Wednesday, February 4, 2009, 3:05 p.m.

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

Members Absent: Bolkcom (excused).

Committee Business: Approved governor's appointees. Cost-of-living presentation by the Iowa Policy Project.

Adjourned: 4:00 p.m.

ALSO:

Convened: Wednesday, February 11, 2009, 3:10 p.m.

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

Members Absent: Hatch (excused).

Committee Business: Approved governor's appointees. Approved SSBs 1092 and 1104, as amended.

Adjourned: 4:00 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Monday, February 9, 2009, 3:05 p.m.

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

Members Absent: Gronstal (excused).

Committee Business: Discussed SSB 1119.

Adjourned: 4:00 p.m.

ALSO:

Convened: Wednesday, February 11, 2009, 1:00 p.m.

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

Members Absent: Hatch (excused).

Committee Business: Approved SSB 1119.

Adjourned: 2:15 p.m.

JUDICIARY

Convened: Wednesday, February 11, 2009, 4:05 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: Approved SSBs 1083 and 1141.

Adjourned: 4:15 p.m.

NATURAL RESOURCES

Convened: Thursday, February 12, 2009, 3:00 p.m.

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

Members Absent: Hancock, Vice Chair; and Johnson (both excused).

Committee Business: Presentation by the Department of Natural Resources on supplemental funding and agricultural leasing practices for state-owned and managed lands.

Adjourned: 3:50 p.m.

REBUILD IOWA

Convened: Thursday, February 12, 2009, 1:10 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: Citizens' concerns on flood insurance.

Adjourned: 2:00 p.m.

TRANSPORTATION

Convened: Wednesday, February 11, 2009, 3:00 p.m.

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

Members Absent: McCoy (excused).

Committee Business: Approved SSB 1167.

Adjourned: 3:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, February 12, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Department of Management and the Department of Revenue.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, February 12, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentations by the College Student Aid Commission and Community Empowerment.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, February 12, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Iowa National Guard and the Homeland Security Division.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

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

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

Members Absent: None.

Committee Business: Presentation by the Legislative Services Agency.

Adjourned: 10:30 a.m.

INTRODUCTION OF BILLS

Senate File 145, by Hamerlinck, a bill for an act excluding from the individual income tax retirement benefits received for military service performed in the national guard and including a retroactive applicability date provision.

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

Senate File 146, by Hamerlinck, a bill for an act exempting from the computation of the individual income tax all pay received for service in the national guard and including a retroactive applicability provision.

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

Senate File 147, by committee on Veterans Affairs, a bill for an act relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators.

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

Senate File 148, by committee on Commerce, 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.

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

Senate File 149, by Hamerlinck, a bill for an act requiring the budget submissions of state agencies to utilize a zero-base approach.

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

Senate File 150, by committee on Judiciary, a bill for an act relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city.

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

Senate File 151, by committee on Transportation, a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

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

STUDY BILLS RECEIVED

SSB 1201 Judiciary

Relating to the certificate of needs process including procedures for contested applications and applications relating to institutional health facilities in rural areas.

SSB 1202 Judiciary

Relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing applicability provisions.

SSB 1203 Judiciary

Relating to criminal law by making changes to existing criminal offenses, adding new criminal offenses, relating to deferred judgments and expunged records, and making penalties applicable.

SUBCOMMITTEE ASSIGNMENTS

Senate File 129

TRANSPORTATION: Dandekar, Chair; Hancock and Zaun

Senate File 135

ENVIRONMENT AND ENERGY INDEPENDENCE: Bolkcom, Chair; Stewart and Ward

Senate File 136

TRANSPORTATION: Hancock, Chair; Dandekar and Kapucian

Senate File 143

JUDICIARY: Jochum, Chair; Kreiman and Zaun

SSB 1201

JUDICIARY: Kreiman, Chair; Boettger and Jochum

SSB 1202

JUDICIARY: Hogg, Chair; Horn and Ward

SSB 1203

JUDICIARY: Kreiman, Chair; Noble and Warnstadt

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: SENATE FILE 148 (SSB 1076), 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: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *SENATE FILE 150 (SSB 1083), a bill for an act relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 150, and they were attached to the committee report.

TRANSPORTATION

Bill Title: SENATE FILE 151 (SSB 1167), a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: SENATE FILE 147 (SSB 1146), a bill for an act relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators.

Recommendation: APPROVED COMMITTEE BILL.

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

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:

HUMAN RESOURCES

Keith Gatrost – Iowa Autism Council
Ghada Hamdan-Allen – Iowa Autism Council
Charles Wadle – Iowa Autism Council
Patrick Westhoff – Iowa Autism Council
Cathy Young – Iowa Autism Council

Daniel Harkness – Board of Behavioral Science

Steven Hagemoser – Commission for the Blind

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

HUMAN RESOURCES

Eugene Gessow – Director of the Department of Human Services

JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 16, 2009

The Senate met in regular session at 1:00 p.m., President Kibbie presiding.

Prayer was offered by Reverend Kevin Wilkening, pastor of the Cedar Heights Baptist Church in Cedar Falls, Iowa. He was the guest of Senator Danielson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Michael Dickinson.

The Journal of Thursday, February 12, 2009, 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 February 12, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 122, a bill for an act relating to requiring reports for certain precursor substances and extending an information program for drug prescribing and dispensing and providing an effective date.

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

House File 214, a bill for an act establishing the interstate compact on educational opportunity for military children and providing an effective date.

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:13 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:15 p.m., President Kibbie presiding.

The Senate stood at ease at 1:16 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:18 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 137.

Senate File 137

On motion of Senator Appel, **Senate File 137**, a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 137** be **deferred.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he arrives, on request of Senator Behn.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Keith Gatrost, Iowa Autism Council
Charles Wadle, Iowa Autism Council
Patrick Westhoff, Iowa Autism Council
Cathy Young, Iowa Autism Council

Daniel Harkness, Board of Behavioral Science

Steven Hagemoser, Commission for the Blind

John Bickel, Iowa Economic Development Board

Darlys Baum, Iowa Finance Authority
Wilfred Johnson, Iowa Finance Authority

Sharman Wersen, Grape and Wine Development Commission

John Jewett, Commission on Native American Affairs
Larry Lasley, Commission on Native American Affairs
George Leduc, Commission on Native American Affairs

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart

Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Hatch	Olive	Wieck
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	Zaun
Dearden	Horn	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Houser

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

BUSINESS PENDING

Senate File 137

The Senate resumed consideration of **Senate File 137**, a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy, previously deferred.

Senator Ward offered amendment S–3021, filed by her from the floor to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3021 be adopted?" (S.F. 137), the vote was:

Yeas, 18:

Bartz	Hamerlinck	McKinley	Ward
Behn	Hartsuch	Noble	Wieck
Boettger	Johnson	Olive	Zaun
Feenstra	Kapucian	Reynolds	
Hahn	Kettering	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng

Bolkcom	Gronstal	Kreiman	Sodders
Courtney	Hancock	McCoy	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Absent, 1:

Houser

Amendment S–3021 lost.

Senator Appel 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. 137), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

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 File 137** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:33 p.m. until 8:45 a.m., Tuesday, February 17, 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 HUMAN SERVICES

IowaCare Evaluation Report, pursuant to 2008 Iowa Acts, SF 2425, Section 47. Report received on February 16, 2009.

Combined Annual and Biennial Report of the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission, pursuant to Iowa Code section 225C.6(1)(h) and (i). Report received on February 16, 2009.

PRESENTATION OF VISITORS

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

High school students from Central High School and West High School, Davenport, Iowa, accompanied by Ken Krumwiede. Senator Hamerlinck.

CERTIFICATES OF RECOGNITION

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

Dorothy Baker, West Burlington—For celebrating her 85th birthday. Senator Courtney (2/16/09).

Timothy G. Burwitz, LeMars—For achieving the rank of Eagle Scout, Troop 184. Senator Feenstra (2/16/09).

Lowell Carlson of the Bellevue Herald-Leader—For receiving the Master Editor-Publisher Award from the Iowa Newspaper Association. Senator Stewart (2/16/09).

Mitchel L. Christoffel, LeMars—For achieving the rank of Eagle Scout, Troop 184. Senator Feenstra (2/16/09).

Alice Glasgow, Danville—For celebrating her 100th birthday. Senator Courtney (2/16/09).

Francille Kilbride, Mediapolis—For celebrating her 90th birthday. Senator Courtney (2/16/09).

Matt J. Klein, LeMars—For achieving the rank of Eagle Scout, Troop 184. Senator Feenstra (2/16/09).

Zachary M. Nemmers, LeMars—For achieving the rank of Eagle Scout, Troop 184. Senator Feenstra (2/16/09).

Dorothy Savage, Danville—For celebrating her 90th birthday. Senator Courtney (2/16/09).

Nadia Torkzadeh, Waukee—For being named Distinguished Finalist in the 14th Annual Prudential Spirit of Community Awards. Senator Behn (2/16/09).

Allen and Cathy Waterman, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (2/16/09).

Clarence and Alice Weinzetl, Mallard—For celebrating their 60th wedding anniversary. Senator Kibbie (2/16/09).

REPORTS OF COMMITTEE MEETINGS

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Thursday, February 12, 2009, 4:05 p.m.

Members Present: Hogg, Vice Chair; Behn, Ranking Member; Bolkcom, Hartsuch, Reynolds, Rielly, Stewart, and Wilhelm.

Members Absent: Black, Chair; Hancock and Ward (all excused).

Committee Business: Floodplain management presentation by the Department of Natural Resources.

Adjourned: 5:00 p.m.

ALSO:

Convened: Monday, February 16, 2009, 2:35 p.m.

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

Members Absent: Hartsuch and Reynolds (both excused).

Committee Business: Presentation by the Department of Civil and Environmental Engineering and the Chair of the Climate Change Advisory Council.

Adjourned: 3:35 p.m.

RULES AND ADMINISTRATION

Convened: Monday, February 16, 2009, 1:10 p.m.

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

Members Absent: None.

Committee Business: Passed HCR 3.

Adjourned: 1:15 p.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 2, by Kettering, McKinley, Behn, Noble, Boettger, Wieck, Bartz, Hartsuch, Reynolds, Seymour, Hahn, Kapucian, Hamerlinck, Feenstra, Johnson, Zaun, Houser, and Ward, a joint resolution proposing an amendment to the Constitution of the State of Iowa establishing a state general fund expenditure limitation.

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

INTRODUCTION OF BILLS

Senate File 152, by committee on Human Resources, a bill for an act relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law.

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

Senate File 153, by committee on Human Resources, a bill for an act to allow medical or osteopathic physicians, physician assistants, and nurse practitioners to form limited liability companies or professional corporations.

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

Senate File 154, by committee on Judiciary, a bill for an act relating to the authorized uses of local exchange service information by specified individuals and entities.

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

Senate File 155, by committee on Labor and Business Relations, a bill for an act relating to the choice of doctor to treat an injured employee under workers' compensation laws and providing an effective and applicability date.

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

Senate File 156, by Danielson, a bill for an act relating to the erection, maintenance, and removal of partition fences by adjoining landowners.

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

Senate File 157, by Bolkcom, Dotzler, McCoy, Quirmbach, Dvorsky, Dearden, Fraise, Appel, Courtney, Gronstal, Kibbie, Jochum, Danielson, Sodders, and Kreiman, a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties, and including an effective date.

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

Senate File 158, by Zaun, Hamerlinck, McKinley, Behn, and Dotzler, a bill for an act relating to exemptions from the prohibitions of the smokefree air Act for some bars.

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

Senate File 159, by committee on State Government, a bill for an act relating to electrician licensure by modifying existing provisions and specifying new classifications.

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

Senate File 160, by Boettger, a bill for an act relating to premises that may be used as a serving site by a mobile food unit.

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

Senate File 161, by Jochum, a bill for an act relating to open records and public meetings, including the creation of the Iowa public information board, and providing an effective date and making an appropriation.

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

Senate File 162, by Appel, a bill for an act modifying the time period after which certain school district proposals defeated at election may be resubmitted to the voters and providing an effective date.

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

Senate File 163, by Jochum, a bill for an act exempting the instructional support property tax levy of a school district from being collected as part of the incremental taxes paid to a municipality for an urban renewal area and providing for the Act's applicability.

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

Senate File 164, by Zaun, Seymour, Behn, McKinley, Johnson, Kettering, Reynolds, Boettger, Feenstra, Hahn, Kapucian, Hamerlinck, and Bartz, a bill for an act providing for the placement of a right-to-work notice on certain state property and publications.

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

Senate File 165, by Bartz, a bill for an act providing an exemption from the state individual income tax for retirement pay received from the federal government for military service and including a retroactive applicability date provision.

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

Senate File 166, by Bartz, a bill for an act exempting from the income tax a portion of the retirement pay of certain military retirees and including a retroactive applicability date provision.

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

Senate File 167, by Noble, a bill for an act relating to a property assessment adjustment for certain elderly persons, providing a penalty, and including retroactive applicability date provisions.

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

STUDY BILLS RECEIVED

SSB 1204 Rebuild Iowa

Providing for the waiver of wage and benefits requirements in certain economic development programs and including effective and retroactive applicability date provisions.

SSB 1205 Human Resources

Relating to runaway assessment centers.

SSB 1206 Judiciary

Relating to actions injurious to dependent adults and residents of health care facilities and providing penalties.

SSB 1207 Education

Transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters.

SSB 1208 Commerce

Relating to disclosures required to be made by a prospective transferor of real property.

SSB 1209 Ways and Means

Providing a sales tax exemption for purchases made by a nonprofit blood bank licensed by the federal food and drug administration.

SSB 1210 Ways and Means

Providing a sales tax exemption from the sale of certain automotive paints and materials to retailers to be used for motor vehicle collision repairs.

SSB 1211 Ways and Means

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 144

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Johnson

Senate File 149

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 157

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Hatch and Zaun

House File 122

HUMAN RESOURCES: Kreiman, Chair; Hartsuch and Schmitz

House File 214

VETERANS AFFAIRS: Kibbie, Chair; Danielson and Seymour

SSB 1204

REBUILD IOWA: Stewart, Chair; Appel and Feenstra

SSB 1205

HUMAN RESOURCES: Kreiman, Chair; Bartz and Wilhelm

SSB 1206

JUDICIARY: Jochum, Chair; Boettger and Kreiman

SSB 1207

EDUCATION: Quirmbach, Chair; Beall and Feenstra

SSB 1208

COMMERCE: Olive, Chair; Dandekar and Hartsuch

SSB 1209

WAYS AND MEANS: Stewart, Chair; Bartz and Wilhelm

SSB 1210

WAYS AND MEANS: McCoy, Chair; Dandekar and Houser

SSB 1211

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Stewart

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: *SENATE FILE 152 (SSB 1104), a bill for an act relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, 1: Hatch.

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 152, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 153 (SSB 1092), a bill for an act to allow medical or osteopathic physicians, physician assistants, and nurse practitioners to form limited liability companies or professional corporations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Schmitz, Bartz, Boettger, Bolkcom, Dotzler, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, 1: Hartsuch. Absent, 1: Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *SENATE FILE 154 (SSB 1141), a bill for an act relating to the authorized uses of local exchange service information by specified individuals and entities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 154, and they were attached to the committee report.

LABOR AND BUSINESS RELATIONS

Bill Title: SENATE FILE 155 (SSB 1119), a bill for an act relating to the choice of doctor to treat an injured employee under workers' compensation laws and providing an effective and applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Courtney, Jochum, Dearden, Dotzler, Gronstal, and Horn. Nays, 4: Ward, Houser, Wieck, and Zaun. Absent, 1: Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: HOUSE CONCURRENT RESOLUTION 3, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-third General Assembly.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *SENATE FILE 159 (SSB 1090), a bill for an act relating to electrician licensure by modifying existing provisions and specifying new classifications.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Appel, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Horn, Jochum, Seymour, Sodders, and Wieck. Nays, none. Absent, 2: Kibbie and Hatch.

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 159, and they were attached to the committee report.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

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 13th day of February, 2009:

Senate File 45.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 16, 2009, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 45 – Relating to issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.

AMENDMENTS FILED

S–3021	S.F.	137	Pat Ward
S–3022	S.F.	81	Bill Heckroth

JOURNAL OF THE SENATE

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 90th 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 80th 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, Quirmbach, Sodders, 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 Bolkcom, 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 Bolkcom, 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: Quirmbach, Chair; Houser and Kreiman

SSB 1213

LOCAL GOVERNMENT: Quirmbach, Chair; Houser and Olive

SSB 1214

LOCAL GOVERNMENT: McCoy, Chair; Hamerlinck and Rielly

SSB 1215

JUDICIARY: Kreiman, Chair; Quirmbach and Zaun

SSB 1216

JUDICIARY: Kreiman, Chair; Boettger and Jochum

SSB 1217

JUDICIARY: Sodders, 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, Quirmbach, Sodders, 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

JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 18, 2009

The Senate met in regular session at 8:44 a.m., President Kibbie presiding.

Prayer was offered by Father Jack Flaherty of the St. Mary's Catholic Church in Manchester, Iowa. He was the guest of Senator Hancock.

The Journal of Tuesday, February 17, 2009, 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 February 17, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 82, a bill for an act adding four nonvoting members to the Iowa workforce development board.

Senate File 108, a bill for an act relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision.

ALSO: That the House has on February 17, 2009, **adopted** the following resolutions in which the concurrence of the Senate is asked:

House Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales

of tangible personal property and services for the benefit of the state's natural resources.

Read first time and attached to **companion Senate Joint Resolution 1**.

House Concurrent Resolution 5, a concurrent resolution for a joint convention of the two houses of the 2009 session of the Eighty-third General Assembly be held on Wednesday, February 18, 2009, at 10:00 a.m. for Major Ron Dardis to deliver his Condition of the Iowa National Guard message.

Read first time and **placed on calendar**.

ALSO: That the House has on February 17, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 45, a bill for an act relating to the suspension or termination of medical assistance during the period that an individual is committed to certain facilities or institutions.

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

House File 233, a bill for an act relating to the disposition of school property and providing an effective date.

Read first time and referred to committee on **Education**.

House File 260, a bill for an act relating to the operation of county, city, and memorial hospitals and the duties and powers of hospital trustees and commissioners.

Read first time and **passed on file**.

House File 280, a bill for an act relating to the compensation of a guardian ad litem in certain criminal cases involving a child witness.

Read first time and referred to committee on **Judiciary**.

SPECIAL GUEST

Senator Dotzler introduced to the Senate chamber Mary Swander, the newly appointed Poet Laureate.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolution 5.

House Concurrent Resolution 5

On motion of Senator Gronstal, **House Concurrent Resolution 5**, a concurrent resolution for a joint convention of the two houses of the 2009 session of the Eighty-third General Assembly be held on Wednesday, February 18, 2009, at 10:00 a.m. for Major Ron Dardis to deliver his Condition of the Iowa National Guard message, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 5, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolution 5** be **immediately messaged** to the House.

The Senate stood at ease at 8:53 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:16 a.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Joint Resolution 1.

Senate Joint Resolution 1

On motion of Senator Dearden, **Senate Joint Resolution 1**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources, with report of committee recommending passage, was taken up for consideration.

Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article VII of the Constitution of the State of Iowa is amended by adding the following new section:

NATURAL RESOURCES. SEC. 10. A natural resources and outdoor recreation trust fund is created within the treasury for the purposes of protecting and enhancing water quality and natural areas in this State including parks, trails, and fish and wildlife habitat, and conserving agricultural soils in this State. Moneys in the fund shall be exclusively appropriated by law for these purposes.

The general assembly shall provide by law for the implementation of this section, including by providing for the administration of the fund and at least annual audits of the fund.

Except as otherwise provided in this section, the fund shall be annually credited with an amount equal to the amount generated by a sales tax rate of three-eighths of one percent as may be imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

No revenue shall be credited to the fund until the tax rate for the sales tax imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State in effect on the effective date of this section is increased. After such an increased tax rate becomes effective, an amount equal to the amount generated by the increase in the tax rate shall be annually credited to the fund, not to exceed an amount equal to the amount generated by a tax rate of three-eighths of one percent imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

Sec. 2. SUBMISSION FOR RATIFICATION. The foregoing proposed amendment, having been adopted and agreed to by the Eighty-second General Assembly, 2008 Session, thereafter duly published, and now adopted and agreed to by the Eighty-third General Assembly in this joint resolution, shall be submitted to the people of the State of Iowa at the general election in November of the year two thousand ten in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.

Senator Dearden asked and received unanimous consent that **House Joint Resolution 1** be **substituted** for **Senate Joint Resolution 1**.

House Joint Resolution 1

On motion of Senator Dearden, **House Joint Resolution 1**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources, with report of committee recommending passage, was taken up for consideration.

House Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article VII of the Constitution of the State of Iowa is amended by adding the following new section:

NATURAL RESOURCES. SEC. 10. A natural resources and outdoor recreation trust fund is created within the treasury for the purposes of protecting and enhancing water quality and natural areas in this State including parks, trails, and fish and wildlife habitat, and conserving agricultural soils in this State. Moneys in the fund shall be exclusively appropriated by law for these purposes.

The general assembly shall provide by law for the implementation of this section, including by providing for the administration of the fund and at least annual audits of the fund.

Except as otherwise provided in this section, the fund shall be annually credited with an amount equal to the amount generated by a sales tax rate of three-eighths of one percent as may be imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

No revenue shall be credited to the fund until the tax rate for the sales tax imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State in effect on the effective date of this section is increased. After such an increased tax rate becomes effective, an amount equal to the amount generated by the increase in the tax rate shall be annually credited to the fund, not to exceed an amount equal to the amount generated by a tax rate of three-eighths of one percent imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

Sec. 2. SUBMISSION FOR RATIFICATION. The foregoing proposed amendment, having been adopted and agreed to by the Eighty-second General Assembly, 2008 Session, thereafter duly published, and now adopted and agreed to by the Eighty-third General Assembly in this joint resolution, shall be submitted to the people of the State of Iowa at the general election in November of the year two thousand ten in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.

Senator Dearden moved the adoption of House Joint Resolution 1.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (H.J.R. 1), the vote was:

Yeas, 49:

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

Nays, 1:

Jochum

Absent, none.

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

WITHDRAWN

Senator Dearden asked and received unanimous consent that **Senate Joint Resolution 1** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Joint Resolution 1** be **immediately messaged** to the House.

The Senate stood at ease at 9:26 a.m. until the fall of the gavel.

The Senate resumed session at 9:44 a.m., President Kibbie presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 5, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 5, duly adopted, the joint convention was called to order at 9:49 a.m., President Kibbie presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to escort Governor Chester J. Culver to the House chamber.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Olive, Heckroth, and Reynolds on the part of the Senate, and Representatives Zirkelbach, Bukta, and Hagenow on the part of the House.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify the Adjutant General of the Iowa National Guard, Major General Ron Dardis, that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Warnstadt, Schmitz, and Kapucian on the part of the Senate, and Representatives Bailey, Whitead and Windschitl on the part of the House.

State Auditor David Vaudt, Treasurer of State Michael Fitzgerald, and Attorney General Tom Miller were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

The family of Major General Dardis was escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him into the House chamber.

The committee waited upon Major General Dardis, Adjutant General of the Iowa National Guard, and escorted him to the Speaker's station.

President Kibbie presented Major General Dardis, Adjutant General of the Iowa National Guard. General Dardis provides command and control for 105 Army and Air National Guard Units and over 9,500 Army and Air National Guard members in the state of Iowa.

Major General Dardis delivered the following Condition of the Iowa National Guard Message:

Good morning, ladies and gentlemen: thank you for that warm welcome.

Speaker Murphy, President Kibbie – thank you for the invitation to address this joint convention of the Eighty-third General Assembly of the Iowa Legislature.

It is indeed a great honor and privilege for me to provide this annual report on the condition of *your* Iowa National Guard!

Governor Culver, Lt. Governor Judge, members of the General Assembly, distinguished guests, and fellow Iowans:

I want to begin by saying thank you – thank you to Governor Culver and Lt. Governor Judge for your strong support and outstanding leadership during this most significant period of time in the history of the Iowa National Guard. You have been with us every step of the way.

I want to publicly thank you for your efforts to attend our homecomings, and sendoffs, and many other Guard functions and activities. But especially for your support and admiration of all Iowans who serve their nation in uniform today.

Governor Culver, thank you for your leadership as our Commander-in-Chief.

I also want to sincerely thank you, our citizen-legislators, who have done so much to honor and support the Iowa National Guard. Through your legislative programs and participation in our events, you have done a great deal for our soldiers and airmen. The state of Iowa has by far one of the strongest records of support of any state for its National Guard. Our success is directly attributable to what you have all done for your Iowa National Guard – we thank you.

But above all, I want to thank the people of Iowa. Their support is simply put – incredible. What they did for our soldiers and airmen as they waged a gallant effort to mitigate damages caused by floodwaters and tornadoes is a true testament to the wonderful community support we are so privileged to enjoy in this state.

Even though their communities had been ravaged by record floodwaters, citizens made sure our soldiers and airmen were being taken care of. You wouldn't believe the food and baked goods that showed up wherever we went. The support throughout these communities was humbling. On behalf of the 9,400 members of your Iowa National Guard – we thank you!

Finally, I want to thank the fathers and mothers who continue to show their support for the Iowa National Guard by continuing to entrust us with their most sacred treasure – their sons and daughters. Nothing is more important or a greater testament to the vitality of our organization than for a parent to trust us with what they cherish most.

We will continue doing everything we can to honor that trust and strive to never allow it to be violated.

Today, I deliver my sixth and final Condition of the Guard address. It has been an honor of a lifetime to lead and represent the soldiers and airmen of the Iowa National Guard. After more than 42 years of military service in the Iowa Guard – ten years as the Adjutant General – I can report that the Iowa National Guard is as resilient and ready as it has ever been.

Strengthened by experiences borne of war and disaster response, defined by courageous acts here at home and in faraway lands, and grounded in character handed down from generation to generation, the men and women of your Iowa National Guard are perhaps the most seasoned and prepared military force our state has seen since our units returned from World War II.

More than 5,000 soldiers and airmen currently serving are combat veterans. In the last seven years, we deployed nearly 13,000 soldiers and airmen outside the state of Iowa for combat and combat support duties in Iraq and Afghanistan, peacekeeping duties in the Balkans and in the Sinai Peninsula, and domestic support missions in various states across the country.

This impressive list does not include the 4,000 soldiers and airmen we activated during the floods of 2008, various tornado response missions, and multiple winter ice storms.

Currently 700 of your National Iowa Guard members are deployed overseas, with another 200 alerted and preparing for deployment this spring and summer.

Your Iowa National Guard has truly become an operational force. It is trained and ready to perform its federal, state, and community missions with minimal preparation time.

Though we often have months to train, prepare, and execute our missions – that doesn't always happen, as was the case with the inauguration mission, which we were asked to execute in less than one week.

Your Iowa National Guard is again a national leader in personnel strength management – recruiting and retention. Both the Iowa Air and Army National Guard began fiscal year 2009 with over 100 percent of authorized strength. And our retention rates exceed national goals and are among the highest in the nation. We have been at 100 percent strength for more than eight years in a row – a significant accomplishment considering all we have been asked to do since 9-11.

Last year, I told you that I worried that our military services were becoming stretched and stressed, especially the Army and Army National Guard. And while I am still concerned about the toll the demands of an operational force have on our service members and their families – not to mention employers and communities – I take comfort in the aggressive steps we have taken not only in the Iowa National Guard but also at the state and federal level to do all we can to ease the burdens of service.

We have established a services directorate within the Iowa National Guard headquarters. This directorate consolidates a variety of services into one place, making it easier for service members and families to receive the care and support they need.

This is especially important for service members needing trauma, crisis, or violence programs as a result of mental health issues, domestic violence situations, or other similar circumstances.

The Iowa National Guard is not immune to the suicide situation confronting the Army. We too have experienced an increase in the number of suicides and suicide attempts last year. Like all leaders, I am troubled by this issue. There is no clear trend or cause that is readily apparent. There is nothing that we can point to and say, "If only we fix this or change that, we can prevent it."

The reality is that this is a complex and challenging issue. It is not only an Army or military issue but one that we all must deal with. Young men and women joining the military are not unlike those going off to school, learning a trade, or beginning a career.

They are at a stage of life that is full of changes and oftentimes uncertainty. Relationships begin and end. Careers start and often take unexpected turns. Financial responsibility proves challenging. Like their civilian counterparts, men and women in uniform must navigate these difficult life events.

To help them cope with these and added stressors caused by deployments, separations, and combat-related anxieties, we have developed a broad suicide prevention program for the Iowa National Guard.

This program focuses on developing positive life-coping skills; encouraging a behavior to seek help when needed; raising awareness and vigilance toward suicide prevention; integrating suicide prevention programs throughout our units; and conducting suicide surveillance, analysis, and reporting.

In addition, the Vice Chief of Staff of the Army has ordered a suicide prevention "stand down" and subsequent intervention training to be conducted during the next four months.

Through these and other programs we will continue to do all we can to impact this problem.

By far, one of the biggest areas where the Iowa Legislature has impacted the Iowa National Guard is through its support of our military construction program, which is the best in the nation.

Your Iowa Guard Facilities Management Office, represented here today by COL Scott Ayres and Mr. Mike Brothes, was recognized with the 2008 States Installation Management Excellence Award as the "best installation management program in the country." National Guard Bureau uses this award's program to assess how well the 54 states and territories manage the more than 3,000 nationwide installations.

I've always known that we have the best office in the country, but now it's official. Let me give you a little background.

In 2000, we had approximately 3.279 million square feet of building space in the Iowa Army National Guard. Nearly 30 percent of our 52 armories at that time were more than 45 years old, inefficient, and were below authorized strength. We undertook an aggressive five-year realignment plan of closure, relocation, rehabilitation, and new construction.

Today, we have 3.631 million square feet of space in 49 armories. Only 13 of those armories are more than 45 years old. During the next year we will be closing four armories at Camp Dodge, and replacing old armories in Iowa City, Muscatine, Middletown, and Cedar Rapids. When these facilities are completed and all of our affected units relocated, only five of our armories will be more than 45 years old.

A remarkable accomplishment made possible by the great work of our facilities office as well as the partnership between your Iowa National Guard, the Governor, General Assembly, and our federal congressional delegation.

In the last couple of years we've been nearly as busy on the home front as overseas – ice storms, tornadoes, and the unprecedented floods of 2008 here in Iowa, not to mention providing support to other states and territories in response to natural disasters and homeland security events.

This includes sending soldiers and airmen to the Gulf Coast during Hurricanes Katrina, Rita, Ike, and Gustav, and assisting with national special security events like the Republican National Convention in Minneapolis and the 56th presidential inauguration in Washington, D.C. – a first for the Iowa National Guard.

The floods and severe weather of 2008 were by every measure unprecedented. This is the largest disaster ever in Iowa history and ranks among the top ten disasters nationally (as of last week, public assistance numbers by FEMA will move Iowa to 5th worst in U.S. history). And the Iowa National Guard was smack-dab in the middle of the response.

We alerted the entire Iowa National Guard to pre-position troops and equipment in areas of expected missions. We deployed more than 4,000 soldiers and airmen across the state, including the recall of nearly 1,000 Iowa soldiers conducting annual training in South Dakota. This was the most extensive military operation on Iowa soil since the Civil War.

We focused on protecting critical infrastructure and saving lives – our forces maneuvered throughout the state, fighting to stay one step ahead of the rising floodwaters and assist state and local responders with combating the devastation caused by these disasters.

There are many incredible stories to share and accomplishments to highlight, but there is one special capability that your Iowa Guard provided that is unique.

And while the Iowa National Guard was perhaps the most visible partner helping fight these floods, we were one of many organizations – from the local, state, and federal level that responded to Iowans in their time of need.

The response effort was incredible – teamwork at its best. Your Iowa National Guard built goodwill with civilian leadership, community leaders across the state, and the citizens of Iowa. We fulfilled our mission to come to the aid of Iowans in their time of need, even though we had nearly 1,600 soldiers and airmen deployed for their federal mission.

Each year I take a little time to introduce you to some of our soldiers and airmen and share with you some of their experiences and accomplishments.

As you've heard, this has been another busy year.

At the 185th Air Refueling Wing – a young single mother by the name of SSgt Kimberly Heberer deployed as a trauma nurse to what was supposed to be Bagram AB, Afghanistan.

Once she arrived in country, she immediately went to work. On the second day of her six-month deployment, she received orders to move to Forward Operating Base Salerno, or FOB Salerno, a compound with over 300 Army soldiers on the mountainous border of Afghanistan and Pakistan. FOB Salerno was designed to administer emergency triage to wounded U.S. and Afghani military personnel.

SSgt Heberer was one of a handful of airmen integrated at FOB Salerno. The base is located just north of the province of Khost, where hundreds of Taliban and al Qaeda fighters are believed to be hiding.

Since 2003, the primitive base has been built up from a single concrete building and sandbag perimeter. Guard towers and fighting positions have been built, and a field landing strip and helicopter pad exist.

Her story is incredible. Think about it. A single mother who volunteers for a six-month deployment finds herself imbedded with the Army and is on the front line of combat.

Here is a little bit about how she spent her "summer vacation."

"Yes, pretty much each night a bad guy tried to send a message in the form of bullets or mortar attacks. One time I was ordered to go to the hospital during an attack in the middle of the night. I lived in the same dorm as the x-ray tech, and she was on call and had to go too. We put on our vests and Kevlar, engaged our weapons, and ran to the hospital. I could hear the rockets flying overhead on to the FOB – I didn't look up because it was so dark. It was the only time I was scared."

In total, SSgt Heberer provided combat care to over 3,000 United States and coalition forces. She was part of a team that provided assistance to over 200 trauma patients and 120 post-surgical patients. She was part of three mass casualties and expertly supplied emergency staff with laboratory tests and blood products for critical trauma patients.

SSgt Herber is a true American hero and a dedicated member of your Iowa Guard team. She epitomizes the outstanding quality of the wonderful men and women who serve in uniform today.

From April 25th to July 6th, 2008, members of the 185th Air Refueling Wing deployed to Manas Air Base in Kyrgyzstan where they set numerous daily and monthly refueling records. On May 25th, the 185th offloaded a total of 804,800 pounds of fuel, breaking a one-day refueling recorded of 800,000 pounds that had stood for more than a year. Nine days later the 185th offloaded 822,000 pounds of fuel, another record, *and* just six days later they offloaded another 877,300 pounds of fuel. In the span of 16 days, the 185th set five daily records. Another amazing accomplishment by your Iowa Guard!

The 133rd Test Squadron, Iowa Air National Guard, in Ft. Dodge, served the state with distinction, leading the fight against the Iowa floods in Des Moines, Cedar Rapids, and Davenport in June and also provided outstanding assistance and support to the city of Parkersburg after the tornado struck there. Over 90 members of the 133rd Test Squadron answered their state's call to flood duty.

The 133rd also deployed four officers and six enlisted members to the theaters of Iraq and Afghanistan to help in the fight against terrorism. They also successfully conducted business as usual, providing key test and evaluation of Air Force Command and Control platforms. Their federal mission is critical to the success of our Air Force to maintain its global air superiority posture.

The 132nd Fighter Wing had another busy year with deployments, inspections, and emergency support response missions.

Of note was its Air Expeditionary Force (AEF) deployment to Balad Air Base in Iraq. The wing deployed four aircraft and 387 personnel to support coalition forces. They flew 515 combat missions totaling 1,962 flight hours. They expended 18 munitions during close air support missions, executed 54 tactical reconnaissance sorties, and maintained a 15-minute alert launch capability to support special operations units.

The wing also sent 31 Security Force Service airmen to Eskan Village, Saudi Arabia, to provide integrated base defense. Another 86 airmen participated in Expeditionary Combat Support deployments to USAFCENT and USAEF bases in support of the Global War on Terrorism operations.

Representing the deployed airmen of the 132nd Fighter Wing are SSgt Cindy Jones and SSgt Steve Alcorn.

In June of 2007, 120 soldiers from Troop A, 1st Squadron, 113 Cavalry were called to active duty in support of Operation Iraqi Freedom. Their mission was to operate a

Joint Visitors Bureau where they provided distinguished visitor housing and security for more than 15,000 guests. This mission enabled these guests, which included presidents, ambassadors, congressional members, senior military leaders from various coalition forces, and entertainers, to operate in a safe and secure environment.

Alpha Troop provided transportation and security for more than 400 distinguished visitor missions, taking them into some of the most hostile areas of Iraq at that time – Mosul, Baqubah, Rusafa, and throughout the Diyala province. They are proud to report that none of the distinguished visitors they were responsible for suffered any injuries or accidents despite being subject to improvised explosive devices and indirect and small arms fire.

Representing Alpha Troop are CPT Jeff Perrin and Sergeant Major Harrison McNaughton.

Also in June 2007, 120 soldiers from Delta Company, 1st Battalion, 168th Infantry were mobilized for Operation Iraqi Freedom. The 1st 168th Infantry was previously deployed to Afghanistan in 2004, so many of the company's soldiers were volunteers who came from all over Iowa, parts of Nebraska, Illinois, and South Dakota.

Once the company arrived in Iraq, they conducted a variety of missions including limited visibility and daytime patrols in the Al Furat village and tower security in Camp Slayer. During these patrols, Delta Company discovered several weapons cache sites, which netted rocket propelled grenades, sniper rifles, and AK-47s.

In addition to these finds, Delta Company conducted the first joint patrols with the Iraqi Army in the Al Furat area. These joint patrols were instrumental in building legitimacy for the Iraqi Army and helping Delta Company build trust with the local Sunni population.

Delta Company conducted more than 500 combat patrols, had ten engagements with the enemy, and suffered one wounded in action. Representing Delta Company are CPT Adam Giroux and 1SG Ricky Singer.

Approximately 330 soldiers were mobilized from the 1st Battalion, 194th Field Artillery and Company A, 1st Battalion, 133rd Infantry in June 2007 for peacekeeping duties in Kosovo. Their mission was to ensure a safe and secure environment in Kosovo and assist the transition to civil authority.

A highlight of the battalion's deployment was Kosovo's long anticipated declaration of independence from Serbia. This occurred on February 17, 2008, completing the breakup of former Yugoslavia. While Kosovo Albanians celebrated this moment with fireworks and outdoor gatherings in the frigid February night, Kosovo Serbians were understandably disappointed. The world held its breath and watched.

As the days counted onward, calmness fell over Kosovo. Where many predicted there would be widespread violence and rioting, there was, in fact, an air of relief. This was in large measure to the presence of Kosovo Force (KFOR) soldiers, including your Iowa National Guard soldiers keeping peace in that troubled part of the world.

Representing the 1-194th Field Artillery Battalion are LTC Matt Pitstick and Command Sergeant Major Dave Enright.

Last year I told you the story of the 833rd Engineer Company. This company, if you recall, deployed to Iraq with the 224th Engineer Battalion from October 2004 to December 2005 in what was one of the most difficult and deadly deployments for any Iowa National Guard unit. With less than 14 months of rest, the 833rd was again called up and deployed to Iraq.

During this deployment, the 833rd conducted 495 combat patrols, found 100 improvised explosive devises and 13 pieces of unexploded ordnance. They successfully destroyed 55 of these explosive devises in place, clearing more than 65,000 kilometers of roads, making them safe for coalition forces.

Representing the 833rd Engineer Company are CPT Benjamin Lampe and 1SG Steven Dreher.

In November of 2007, approximately 130 soldiers from the 186th Military Police Company mobilized for Operation Iraqi Freedom. The 186th MP Company, which provides security and law enforcement support, arrived in Iraq in January 2008.

During their deployment, the MPs conducted detainee operations at Camp Cropper in Baghdad, guarding both general-population detainees and high-value detainees, and transported more than 4,000 detainees.

They also assisted in the security and construction of a new detention facility in Taji, Iraq, which is the first purpose-built reconciliation facility in the country. It was designed to focus on education and vocational opportunities for detainees to help them reintegrate into society as productive citizens.

The 186th MP Company is one of most frequently deploying units in the Iowa Guard. The company previously deployed to Iraq in 2003-04, Bosnia in 1995-96, and to the Persian Gulf in 1990-91 for Operation Desert Storm.

Representing the 186th MP Company are CPT James Grimaldi and 1SG Dean Kennebeck.

In February 2008, approximately 90 soldiers from the 109th Medical Battalion departed Iowa for the Sinai Peninsula, Egypt, as part of the Multinational Force Observer Mission, where they provided command and control to various units for logistics, medical, aviation, and explosive ordnance removal support to 11 MFO contingents. The mission of the MFO is to supervise the implementation of the security provisions of the Egyptian-Israeli Treaty of Peace and to employ best efforts to prevent any violation of its terms.

Representing the 109th Medical Battalion are LTC Joel Harris and Command Sergeant Major Randy Osweiler.

In February of 2007, three Embedded Tactical Training Teams consisting of 50 personnel mobilized from the 2nd Brigade Combat Team for duties in Afghanistan, where they deployed to provide advanced combat training to the Afghan National Army and National Police.

Team members mentored Afghan National Army leaders on improving overall unit readiness and conducting counter-insurgency operations, with a focus on operations that separated enemy elements from the civilian populations, achieved results with local Afghan National Security Forces in the lead, and set conditions for reconstruction and economic development.

Representing the 2nd Brigade Embedded Training Team are COL Tom Staton and Staff Sergeant Matt Smith.

As I have said, our soldiers and airmen have served all over the world. And no matter where they go, one thing is for certain – they leave the place a little better than they found it. With less than a week to plan, train, and deploy, we sent 1,000 Iowa National Guard soldiers and airmen to Washington, D.C., to help provide security during the 56th Presidential Inauguration.

And what happens when you put 1,000 Iowans in the middle of 1.5 million people? They find a way to make a difference. Each one of these soldiers and airmen did a remarkable job and served as tremendous ambassadors for our state.

Yet one group of young men stands out. They didn't do the minimum. They did what Iowans always do – they went that extra mile, and for their efforts they earned the respect and admiration of a grateful family.

Major General Dardis read the following letter:

Dear Major General Dardis:

I am writing to commend SPC Scott Smith, SPC Kenneth Wailes, SPC Michael Freise, LT William Speicher, and SPC Philip Weirather, from Troop A in Des Moines for their compassionate assistance in returning our lost son to us on January 20, 2009, Inauguration Day, in Washington, D.C.

That day, my 13-year-old daughter Kristen, 11-year-old son Eric, and I were on the grounds near the Washington Monument to observe the swearing-in ceremony of President Barack Obama. Eric became separated from my daughter and I at the end of the speech and started looking for us on the Mall. After about two and one half hours of being separated from Eric, I received a phone call from an inspector with the Federal Protective Service Police, who had our son Eric with him – safe and warm. The inspector told me members of the Iowa National Guard, working at Connecticut Avenue and N Street, stopped his marked vehicle to inquire whether he could contact me and return my son to me.

Upon being reunited, Eric told my husband and me that when he saw the soldiers – your National Guardsmen – he decided he could trust them because they were "soldiers and I knew I would be safe." Eric's instincts were right. Eric tells us the soldiers talked with him, took him into a coffee shop to keep him warm, and stayed with him until they could find someone who knew Washington and could reunite Eric with his family.

I will be forever thankful to the Iowa National Guard and to the Federal Protective Service Police inspector who demonstrated such compassion for my son – who was very scared and nervous. Chances are I will never meet SPC Scott Smith, SPC Kenneth Wailes, SPC Michael Freise, LT William Speicher, and SPC Philip Weirather, and am therefore writing you to ask you share my heartfelt appreciation for their willingness to help and protect our son.

Having been reunited as a family, we now tell Eric that he will have to some day join the Iowa National Guard, to "pay forward" the kindness he was shown. If he ever does, we hope he will mirror the character of the members of Troop A in Des Moines. In our family, they will forever be remembered as role models of leadership and compassion.

Sincerely,

Yvonne Folkerts

Whether standing watch on the streets of Washington, D.C., building sandbag levies along the Mississippi river, or helping train the Afghan Army, the men and women of your Iowa National Guard embody the spirit of service we all seek.

Last year marks the first time since 2003 that the Iowa National Guard has not suffered any combat-related deaths in Iraq or Afghanistan. Thankfully, I have no new Gold Star Families to present to you this morning. And as we continue to deploy soldiers and airmen into harm's way, we pray that this trend continues.

We will be forever grateful to the families of our 20 Iowa National Guard Gold Star Families who have made the ultimate sacrifice for their state and nation. Our hearts go out to the families of our fallen heroes, and our prayers will be with them always. God bless our fallen heroes and may they never be forgotten.

However, there is one very special group of soldiers that I would like you to meet whose sober duty is to help us honor and pay tribute to our fallen comrades in arms –

both those lost in service to their state and nation as well as our veterans who are leaving us at an ever-increasing rate.

These soldiers are charged with the solemn duty of providing military funeral honors. These honors are one small way of showing our country's eternal gratitude we have for those who have faithfully defended our state and nation.

These soldiers perform their duties with professionalism and unbridled respect. They spend countless hours preparing and rehearsing to make sure their movements and actions are carried out in perfect harmony. Death respects no calendar and is not deterred by inclement weather or busy schedules. And neither are these soldiers.

When we are preparing for a long holiday weekend or a vacation with our families, these soldiers are polishing their shoes, pressing their uniforms, and practicing their movements. The Iowa National Guard is extremely proud of the work these soldiers do throughout our state.

Representing more than 150 dedicated military funeral honors soldiers across the Iowa Army National Guard are:

- SFC Paul D. Ramirez, 209th Med Co
- PFC Jeffrey R. Gifford, 1/113th RSTA
- SSG Paul E. Brisbois, 334th BSB
- SPC Nathan F. Conlon, 1/194th FA
- SSG Scott A. VanWyk, 734th RSG
- SGT Peter G. Moeller, 209th Med Co
- SGT J. V. Winkowski, Co C 1-133rd Inf Bn

There is another group of individuals I'd like you to meet. These men and women are unique and special in so many ways, yet perhaps what sets them apart – aside from their kilts of course – is their deep love and respect for our men and women in uniform.

The MacKenzie Highlanders have performed at sendoffs and homecomings for our units and at the funerals of our fallen heroes.

- Steve Layton
- Steve and Paula Moeckley
- Jim Jorgensen
- Bobby Mohr
- Ron Husted
- Duff McFadden

They volunteer their time and talents to add something special to these occasions – their unique gift of music. I've been told that the sound of their pipes is often the one lasting memory that many have of these events. They seek no pay or special accommodations, simply the honor of performing their craft in tribute to our men and women in uniform.

They have become an important part of the Iowa Guard team.

2009 has been declared the year of the Non Commissioned Officer. Our NCOs have evolved over time. Some may recall a notorious gruff sergeant, with the ability to instill fear in to the hearts of even the hardest of men, charging forward fearlessly, and continuously bellowing orders.

Today, our NCOs are the warriors, the leaders, the trainers, and the caretakers – they take care of the soldiers they lead, from ensuring the best training, the best support – to giving comfort when tragedy strikes – consoling a soldier and his family.

The NCO is strong and courageous, a fearless fighter, and yet a father, a mother, a son, a daughter, who cares deeply about family and community.

They are the backbone of your Iowa National Guard. We could not succeed without them. The strength, courage, and character of our NCOs are legendary. We are indeed fortunate to have such true professionals in our ranks. And while we take time this year to recognize the significant accomplishments they make to our organization, we

realize that in order for us to accomplish our mission, every year is the year of the NCO.

Representing the NCO Corps of the Iowa Army and Air National Guard are Command Sergeant Major Doyle Norris and Command Chief Master Sergeant Gary Garland.

As I conclude my comments, I want to begin by thanking the men and women of the Iowa National Guard who have contributed to our success these past ten years. We succeeded because we approached our many challenges not as individuals or separate organizations but as one team – the Iowa Guard team.

Teamwork is the foundation of my command philosophy, and as I strongly believe, the foundation of our success. So I thank each of them for being a team player and for being a valued member of the Iowa Guard team.

Together, we have made history in the Iowa National Guard. Just as our ancestors did during the Civil War and World War II, we answered our nation's call to duty with honor and distinction.

We trained and mobilized thousands of soldiers and airmen. We've transformed nearly all of our Army National Guard units and undergone major conversions throughout the Iowa Air Guard.

We've closed and consolidated armories where needed and expanded and built new facilities to maintain strength and readiness. We've responded to natural disasters here at home and across the country. We've trained for challenging exercises and prepared for difficult inspections. We've made hard decisions now in order to position the organization for future success.

The Iowa Guard team has earned a well-deserved reputation for accepting challenging missions and achieving remarkable results. This is the legacy of our organization. This is the legacy of your Iowa Guard. As I prepare to relinquish command to COL Tim Orr, I leave knowing that your Iowa Guard will continue to build on this legacy and that it will remain mission focused and warrior ready.

I'm confident soldiers and airmen will serve COL Orr with the same degree of professionalism and dedication that they provided to me. The Iowa National Guard is not about one person or one position. It is about the people who serve in her ranks. And after more than 42 years of serving among them, I know there are no more finer citizens than the thousands of Iowa National Guard soldiers and airmen who proudly wear the uniform.

Thank you for your hard work, your commitment, your dedication, and for continuing to set the pace for the Iowa team.

Again, I thank you for the invitation to come before you today.

God bless you and your families, and God bless our soldiers and airmen serving in harm's way.

Major General Ron Dardis was escorted from the House chamber by the committee previously appointed.

Governor Chester J. Culver was escorted from the House chamber by the committee previously appointed.

Representative McCarthy moved that the joint convention be dissolved, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:47 a.m. until 8:45 a.m., Thursday, February 19, 2008.

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 HUMAN RIGHTS

Deaf Services Commission of Iowa Biennial Report for Fiscal Year 2007-2008, pursuant to Iowa Code section 216A.116. Report received on February 18, 2009.

Division of Latino Affairs Annual Report for Fiscal Year 2007-2008, pursuant to Iowa Code section 216A.17. Report received on February 18, 2009.

CERTIFICATES OF RECOGNITION

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

Andrew Allen, Huxley—For being inducted into the Iowa Volunteer Hall of Fame. Senator Olive (2/18/09).

Blake Breitsprecher, Ossian—For his service to our country. Senator Wilhelm (2/18/09).

Nicholas DeBuhr, Cedar Falls—For achieving the rank of Eagle Scout, Troop 55. Senator Dotzler (2/18/09).

Johnathan Erb, Waukon—For achieving the rank of Eagle Scout, Troop 64. Senator Wilhelm (2/18/09).

Lillian Kunz, Davenport—For celebrating her 90th birthday. Senator Seng (2/18/09).

Amanda Lansing, Fort Atkinson—For her service to our country. Senator Wilhelm (2/18/09).

Effie Morris, Waterloo—For celebrating her 90th birthday. Senator Dotzler (2/18/09).

Herbert and Marjorie Nelson, Atlantic—For celebrating their 60th wedding anniversary. Senator Boettger (2/18/09).

Gladys Reisinger, Waterloo— For celebrating her 90th birthday. Senator Dotzler (2/18/09).

Jessica Stakey, Kamrar—For receiving a Prudential Spirit of Community Award. Senator Olive (2/18/09).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, February 18, 2009, 11:15 a.m.

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

Members Absent: Black (excused).

Committee Business: Approved SSB 1113.

Adjourned: 11:40 a.m.

ECONOMIC GROWTH

Convened: Tuesday, February 17, 2009, 4:10 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: Presentation by the vice chairman of the Generation Iowa Commission. Approved SSB 1084, as amended.

Adjourned: 4:50 p.m.

EDUCATION

Convened: Wednesday, February 18, 2009, 1:05 p.m.

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

Members Absent: Johnson and McKinley (both excused).

Committee Business: Presentations by the Oelwein Superintendent and the President of Northeast Iowa Community College.

Adjourned: 2:00 p.m.

JUDICIARY

Convened: Wednesday, February 18, 2009, 2:05 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: Approved SSBs 1062, 1081, 1124, 1170, and 1173.

Adjourned: 2:45 p.m.

TRANSPORTATION

Convened: Tuesday, February 17, 2009, 3:05 p.m.

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

Members Absent: Danielson and Kapucian (both excused).

Committee Business: Road funding presentation by the Iowa State University Department of Economics.

Adjourned: 3:55 p.m.

WAYS AND MEANS

Convened: Tuesday, February 17, 2009, 5:10 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Quirmbach, Schmitz, Seng, Stewart, and Ward.

Members Absent: Hogg, Houser, Jochum, and Wilhelm (all excused).

Committee Business: Presentations by the Department of Revenue.

Adjourned: 6:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

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

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

Members Absent: None.

Committee Business: Presentations by the Blank Park Zoo Foundation, the Department of Public Defense Military Division, and the Iowa National Guard.

Adjourned: 11:10 a.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 4, by Hamerlinck, a joint resolution proposing an amendment to the Constitution of the State of Iowa restricting the expenditure of revenues resulting from the state sales and use tax rate increase for school infrastructure purposes.

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

INTRODUCTION OF BILLS

Senate File 176, by committee on Commerce, a bill for an act 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.

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

Senate File 177, by committee on Education, a bill for an act relating to requirements for school districts providing transportation to students participating in open enrollment.

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

Senate File 178, by committee on Judiciary, a bill for an act relating to a private cause of action for certain consumer fraud violations.

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

Senate File 179, by Bolkcom, a bill for an act providing for a pilot project supporting high-quality child care for low-income children.

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

Senate File 180, by Kettering, a bill for an act relating to exemptions from the prohibitions of the smokefree air Act for bars and restaurants under certain conditions.

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

Senate File 181, by Appel, Stewart, Schmitz, Quirmbach, Dotzler, Dearden, Fraise, Kibbie, Sodders, Ragan, Jochum, Rielly, Schoenjahn, Kreiman, and Bolkcom, a bill for an act establishing campaign contribution limits for candidates for statewide office or the general assembly and making civil and criminal penalties applicable.

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

Senate File 182, by Bolkcom, a bill for an act relating to restrictions on the use of fertilizer containing phosphorus on turf and making a penalty applicable.

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

Senate File 183, by Olive, Dotzler, and Wieck, a bill for an act relating to property assessment and taxation by creating a recreational class of property.

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

Senate File 184, by Bolkcom, a bill for an act providing for inclusion of annual utility costs in information required to be disclosed prior to a transfer of real estate.

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

Senate File 185, by committee on Judiciary, a bill for an act relating to scrap metal transactions, prohibiting certain sales, and imposing criminal penalties.

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

Senate File 186, by committee on Veterans Affairs, a bill for an act concerning preferential hiring treatment by government for veterans.

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

Senate File 187, by committee on Natural Resources, a bill for an act providing for the issuance of special deer hunting licenses to residents who are nonambulatory.

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

Senate File 188, by Schoenjahn, a bill for an act concerning the sale of beer and wine by native wineries and breweries.

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

Senate File 189, by Black, a bill for an act to require the department of veterans affairs to conduct a study concerning the restoration and maintenance of the medal of honor memorial for the state of Iowa.

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

Senate File 190, by Bolkcom, a bill for an act prohibiting the use of handheld cellular telephones and other wireless communication devices by motor vehicle operators and providing a penalty.

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

Senate File 191, by Danielson, a bill for an act providing for a disaster recovery tax credit and including a retroactive applicability date provision.

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

Senate File 192, by Beall, a bill for an act concerning the inclusion of gender and certain racial and ethnic categories in reports issued by state agencies.

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

Senate File 193, by Quirmbach, Danielson, Dotzler, Bolkcom, Stewart, Beall, Schmitz, Heckroth, Olive, Appel, Kibbie, Black, Sodders, Schoenjahn, and Rielly, a bill for an act providing a sales tax exemption from the sale of new and used textbooks for postsecondary educational institution classes.

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

Senate File 194, by committee on Economic Growth, a bill for an act relating to a sales tax exemption for the operation of nonprofit private performing arts centers and allowing a sales tax refund for construction of such centers.

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

STUDY BILLS RECEIVED

SSB 1218 Local Government

Concerning the appointment of members to local boards, commissions, committees, and councils.

SSB 1219 Local Government

Relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

SSB 1220 Rebuild Iowa

Relating to disaster recovery by providing for historic preservation tax credits.

SSB 1221 Rebuild Iowa

Creating a disaster aid local government assistance grant program and fund.

SSB 1222 State Government

Concerning audits conducted by a licensee conducting pari-mutuel wagering and providing an effective date.

SSB 1223 State Government

Concerning audit and review functions of the auditor of state relative to governmental subdivisions.

SSB 1224 State Government

Relating to bidding requirements for public improvement projects completed by certain state entities.

SSB 1225 State Government

Concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department.

SSB 1226 State Government

Relating to the disposition of proceeds from the sale of state personal property.

SSB 1227 Appropriations

Relating to and making appropriations to the judicial branch.

SSB 1228 Appropriations

Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

SSB 1229 Appropriations

An act providing for the implementation of an essential records project and making an appropriation.

SSB 1230 Appropriations

Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 3

STATE GOVERNMENT: Horn, Chair; Black and Feenstra

Senate File 168

ECONOMIC GROWTH: Dandekar, Chair; Dotzler and Reynolds

Senate File 171

STATE GOVERNMENT: Black, Chair; Feenstra and Horn

Senate File 172

ENVIRONMENT AND ENERGY INDEPENDENCE: Bolkcom, Chair; Hogg and Ward

Senate File 174

AGRICULTURE: Olive, Chair; Black and Johnson

Senate File 175

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

Senate File 180

STATE GOVERNMENT: Kibbie, Chair; Dearden and Seymour

Senate File 181

STATE GOVERNMENT: Appel, Chair; Hartsuch and Sodders

House File 233

EDUCATION: Wilhelm, Chair; Hamerlinck and Heckroth

House File 280

JUDICIARY: Horn, Chair; Noble and Quirmbach

SSB 1212
(Reassigned)

LOCAL GOVERNMENT: Quirmbach, Chair; Kreiman and Hamerlinck

SSB 1218

LOCAL GOVERNMENT: Quirmbach, Chair; Olive and Reynolds

SSB 1219

LOCAL GOVERNMENT: Rielly, Chair; Houser and Kreiman

SSB 1220

REBUILD IOWA: Stewart, Chair; Dvorsky and Hamerlinck

SSB 1221

REBUILD IOWA: Appel, Chair; Hamerlinck and Jochum

SSB 1222

STATE GOVERNMENT: Horn, Chair; Dearden and Seymour

SSB 1223

STATE GOVERNMENT: Danielson, Chair; Black and Feenstra

SSB 1224

STATE GOVERNMENT: Sodders, Chair; Danielson and Wieck

SSB 1225

STATE GOVERNMENT: Sodders, Chair; Danielson and Wieck

SSB 1226

STATE GOVERNMENT: Sodders, Chair; Danielson and Wieck

SSB 1227

APPROPRIATIONS: Dvorsky, Chair; Hancock and Noble

SSB 1228

APPROPRIATIONS: Dvorsky, Chair; Kettering and McCoy

SSB 1229

APPROPRIATIONS: Dvorsky, Chair; Danielson and Kettering

SSB 1230

APPROPRIATIONS: Dvorsky, Chair; Hatch and Johnson

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: SENATE FILE 176 (SSB 1162), a bill for an act 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.

Recommendation: APPROVED COMMITTEE BILL.

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.

ECONOMIC GROWTH

Bill Title: *SENATE FILE 194 (SSB 1084), a bill for an act relating to a sales tax exemption for the operation of nonprofit private performing arts centers and allowing a sales tax refund for construction of such centers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, 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 Economic Growth Committee on Senate File 194, and they were attached to the committee report.

EDUCATION

Bill Title: *SENATE FILE 177 (SSB 1175), a bill for an act relating to requirements for school districts providing transportation to students participating in open enrollment.

Recommendation: APPROVED COMMITTEE BILL.

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

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 Education Committee on Senate File 177, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 178 (SSB 1037), a bill for an act relating to a private cause of action for certain consumer fraud violations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Kreiman, Hogg, Fraise, Hancock, Horn, Jochum, Quirmbach, Schoenjahn, Sodders, 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 178, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 185 (formerly SF 78), a bill for an act relating to scrap metal transactions, prohibiting certain sales, and imposing criminal penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 185, and they were attached to the committee report.

NATURAL RESOURCES

Bill Title: SENATE FILE 187 (SSB 1174), a bill for an act providing for the issuance of special deer hunting licenses to residents who are nonambulatory.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Dearden, Hancock, Hahn, Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, and Seng. Nays, none. Absent, 1: Schoenjahn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: SENATE FILE 186 (SSB 1148), a bill for an act concerning preferential hiring treatment by government for veterans.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Beall, Warnstadt, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck. Nays, none. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S–3023 H.C.R. 3 Merlin Bartz

JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 19, 2009

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

Prayer was offered by Reverend Doug Peters, pastor of the Walnut Hills United Methodist Church in Urbandale, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, February 18, 2009, 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 February 18, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 256, a bill for an act relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions.

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

House File 281, a bill for an act relating to the administration of the Iowa water pollution control works and drinking water facilities financing program.

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

House File 283, a bill for an act relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators.

Read first time and attached to **companion Senate File 147**.

House File 311, a bill for an act requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date.

Read first time and referred to committee on **Commerce**.

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 9:49 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and Bartz, until they arrive, on request of Senator Kettering.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 147, 142, and 114.

Senate File 147

On motion of Senator Ragan, **Senate File 147**, a bill for an act relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators, was taken up for consideration.

Senator Ragan asked and received unanimous consent that **House File 283** be **substituted** for **Senate File 147**.

House File 283

On motion of Senator Ragan, **House File 283**, a bill for an act relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators, with report of committee recommending passage, was taken up for consideration.

Senator Ragan 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?" (H.F. 283), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Bartz	Houser

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

WITHDRAWN

Senator Ragan asked and received unanimous consent that **Senate File 147** be **withdrawn** from further consideration of the Senate.

Senate File 142

On motion of Senator Heckroth, **Senate File 142**, a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date, was taken up for consideration.

Senator McKinley asked and received unanimous consent that action on **Senate File 142** be **deferred**.

Senate File 114

On motion of Senator Rielly, **Senate File 114**, a bill for an act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date, was taken up for consideration.

Senator Rielly 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. 114), the vote was:

Yeas, 47:

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

Nays, 1:

Behn

Absent, 2:

Bartz Houser

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

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

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

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 48:

Appel	Feenstra	Johnson	Rielly
Beall	Fraise	Kapucian	Schmitz

Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Ward
Danielson	Heckroth	Olive	Warnstadt
Dearden	Hogg	Quirmbach	Wieck
Dotzler	Horn	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Bartz	Houser

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 114** and **House File 283** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 113.

Senate File 113

On motion of Senator Jochum, **Senate File 113**, a bill for an act relating to orders for postsecondary education subsidies, was taken up for consideration.

Senator Hartsuch offered amendment S–3020, filed by him on February 10, 2009, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3020 be adopted?" (S.F. 113), the vote was:

Yeas, 16:

Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Wieck
Hahn	Kapucian	Reynolds	Zaun

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 2:

Bartz	Houser

Amendment S–3020 lost.

Senator Jochum 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. 113), the vote was:

Yeas, 41:

Appel	Fraise	Kettering	Schoenjahn
Beall	Gronstal	Kibbie	Seng
Black	Hahn	Kreiman	Seymour
Boettger	Hancock	McCoy	Stewart
Bolkcom	Hatch	McKinley	Ward
Courtney	Heckroth	Noble	Warnstadt
Dandekar	Hogg	Olive	Wieck
Danielson	Horn	Quirmbach	Wilhelm
Dearden	Jochum	Ragan	
Dotzler	Johnson	Rielly	
Dvorsky	Kapucian	Schmitz	

Nays, 7:

Behn	Hamerlinck	Reynolds	Zaun
Feenstra	Hartsuch	Sodders	

Absent, 2:

Bartz	Houser

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 House Concurrent Resolution 3.

House Concurrent Resolution 3

On motion of Senator Gronstal, **House Concurrent Resolution 3**, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-third General Assembly, with report of committee recommending passage, was taken up for consideration.

Senator Boettger offered amendment S–3023, filed by Senator Bartz on February 18, 2009, to pages 16 and 17 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3023 be adopted?" (H.C.R. 3), the vote was:

Yeas, 16:

Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Wieck
Hahn	Kapucian	Reynolds	Zaun

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz

Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 2:

Bartz	Houser

Amendment S–3023 lost.

Senator Gronstal moved the adoption of House Concurrent Resolution 3, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 113** and **House Concurrent Resolution 3** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:30 a.m. until 1:00 p.m., Monday, February 23, 2009.

APPENDIX

CERTIFICATES OF RECOGNITION

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

His Excellency Narong Sasitorn, Consul General of Thailand—Recognizing him as a distinguished guest of the people of Iowa, thanking him for his address to the Senate, and proclaiming him an Honorary Iowan. Senator Beall (2/19/09).

Mrs. Chatana Sasitorn—Recognizing her as a distinguished guest of the people of Iowa and proclaiming her an Honorary Iowan. Senator Beall (2/19/09).

Lillian Blakey, Manson—For celebrating her 105th birthday. Senator Beall (2/19/09).

City of Iowa City—For being named the third City of Literature by UNESCO. Senator Dvorsky (2/19/09).

Mary Crawford, Arlington—For celebrating her 90th birthday. Senator Schoenjahn (2/19/09).

Philip Latessa—For his service to the state, the nation, and the world as Executive Director of Iowa Sister States. Senator Beall (2/19/09).

Andrew Dennis Loew, Madrid—For achieving the rank of Eagle Scout, Troop 150. Senator Behn (2/19/09).

Christopher Merrill, Iowa City—For his efforts leading to Iowa City being named the third City of Literature by UNESCO. Senator Dvorsky (2/19/09).

Tayler Petersen, Gladbrook—For receiving a Prudential Spirit of Community Award. Senator Kapucian (2/19/09).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Thursday, February 19, 2009, 2:10 p.m.

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

Members Absent: Houser, Ranking Member; and Wieck (both excused).

Committee Business: Approved SSBs 1165 and 1176, both as amended. Presentation by the Director of Economic Development.

Adjourned: 3:10 p.m.

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Thursday, February 19, 2009, 3:20 p.m.

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

Members Absent: None.

Committee Business: Passed SFs 79 and 135, both as amended, and SF 175.

Adjourned: 3:45 p.m.

HUMAN RESOURCES

Convened: Tuesday, February 17, 2009, 3:05 p.m.

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

Members Absent: Kreiman (excused).

Committee Business: Presentation by the Director of Department of Human Services.

Adjourned: 4:00 p.m.

ALSO:

Convened: Thursday, February 19, 2009, 1:05 p.m.

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

Members Absent: None.

Committee Business: Approved SSBs 1160 and 1180 and HF 122.

Adjourned: 2:00 p.m.

VETERANS AFFAIRS

Convened: Thursday, February 19, 2009, 12:50 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Sodders.

Members Absent: Wieck (excused).

Committee Business: Approved governor's appointments. Passed SF 112 and HF 214.

Adjourned: 1:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, February 19, 2009, 10:35 a.m.

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

Members Absent: Houser (excused).

Committee Business: Presentations by the Iowa Resource Conservation and Development and the Iowa League of RC&Ds

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, February 19, 2009, 10:35 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Executive Director of Iowa Public Television, the Regional Telecommunications Councils, and the Iowa Valley Community College.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, February 19, 2009, 10:30 a.m.

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

Members Absent: Hartsuch (excused).

Committee Business: Presentation on the IowaCare program.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, February 19, 2009, 10:35 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: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Thursday, February 19, 2009, 10:45 a.m.

Members Present: McCoy, Chair; Warnstadt, Vice Chair; and Beall.

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

Committee Business: Floodplain management presentation by the Environmental Services Division of the Department of Natural Resources.

Adjourned: 11:30 a.m.

INTRODUCTION OF BILLS

Senate File 195, by committee on Agriculture, a bill for an act relating to the grain depositors and sellers indemnity fund.

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

Senate File 196, by McKinley, a bill for an act relating to the civil commitment of a juvenile sexually violent predator.

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

Senate File 197, by committee on Labor and Business Relations, a bill for an act relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

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

Senate File 198, by committee on Judiciary, a bill for an act relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions.

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

Senate File 199, by committee on Judiciary, a bill for an act relating to the uniform athlete agents Act and providing remedies and penalties.

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

Senate File 200, by Hancock, a bill for an act creating a sales tax exemption for information technology devices during certain dates.

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

Senate File 201, by Johnson, a bill for an act relating to the civil liability of a physician acting as a volunteer emergency medical services director for acts or omissions occurring in the performance of the director's volunteer duties.

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

Senate File 202, by Johnson and Feenstra, a bill for an act relating to the medical assistance reimbursement rate for intermediate care facilities for persons with mental retardation.

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

Senate File 203, by committee on Human Resources, a bill for an act relating to the identification of the eligibility of tenants of an assisted living program for benefits through the United States department of veterans affairs.

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

STUDY BILLS RECEIVED

SSB 1231 State Government

Relating to public records and open meetings, including the creation of the public records, open meetings, and privacy advisory committee, and providing an effective date.

SSB 1232 State Government

Authorizing to post certain notices, actions, and information on an internet website.

SSB 1233 Environment and Energy Independence

Relating to environmental management system designation.

SSB 1234 Environment and Energy Independence

Relating to wastewater treatment.

SSB 1235 Natural Resources

Establishing an upland game bird study advisory committee and providing an immediate effective date.

SSB 1236 State Government

Establishing a special wine auction permit.

SSB 1237 Appropriations

Relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions.

SSB 1238 State Government

Concerning the acquisition of certain goods and services provided through the department of administrative services.

SUBCOMMITTEE ASSIGNMENTS

Senate File 138

TRANSPORTATION: Dandekar, Chair; Hahn and Hancock

Senate File 162

EDUCATION: Appel, Chair; Hamerlinck and Kreiman

Senate File 163

EDUCATION: Quirmbach, Chair; Feenstra and Wilhelm

Senate File 182

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

Senate File 189

VETERANS AFFAIRS: Black, Chair; Danielson and Seymour

Senate File 190

TRANSPORTATION: Hancock, Chair; Dandekar and Kapucian

Senate File 191

REBUILD IOWA: Stewart, Chair; Dvorsky and Hamerlinck

Senate File 192

STATE GOVERNMENT: Horn, Chair; Dearden and Seymour

House File 281

ENVIRONMENT AND ENERGY INDEPENDENCE: Hogg, Chair; Reynolds and Wilhelm

SSB 1231

STATE GOVERNMENT: Jochum, Chair; Behn and Danielson

SSB 1232

STATE GOVERNMENT: Appel, Chair; Danielson and Feenstra

SSB 1233

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

SSB 1234

ENVIRONMENT AND ENERGY INDEPENDENCE: Rielly, Chair; Stewart and Ward.

SSB 1235

NATURAL RESOURCES: Dearden, Chair; Johnson and Schoenjahn

SSB 1236

STATE GOVERNMENT: Black, Chair; Dearden and Seymour

SSB 1237

APPROPRIATIONS: Dvorsky, Chair; Kettering and McCoy

SSB 1238

STATE GOVERNMENT: Danielson, Chair; Appel and Feenstra

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 195 (SSB 1113), a bill for an act relating to the grain depositors and sellers indemnity fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Fraise, Olive, Johnson, Appel, Behn, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, Seng, and Sodders. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: HOUSE FILE 122 (HSB 7), a bill for an act relating to requiring reports for certain precursor substances and extending an information program for drug prescribing and dispensing and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 203 (SSB 1180), a bill for an act relating to the identification of the eligibility of tenants of an assisted living program for benefits through the United States department of veterans affairs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 198 (SSB 1173), a bill for an act relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 199 (SSB 1170), a bill for an act relating to the uniform athlete agents Act and providing remedies and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 199, and they were attached to the committee report.

LABOR AND BUSINESS RELATIONS

Bill Title: *SENATE FILE 197 (SSB 1052), a bill for an act relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Courtney, Jochum, Ward, Dearden, Dotzler, Hatch, Horn, Wieck, and Zaun. Nays, none. Absent, 2: Gronstal and Houser.

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 197, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: HOUSE FILE 214 (formerly HF 29), a bill for an act establishing the interstate compact on educational opportunity for military children and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan and Sodders. Nays, none. Absent, 1: Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 112, 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.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan and Sodders. Nays, none. Absent, 1: Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 19, 2009, when the votes were taken on House Concurrent Resolution 3, amendment S–3023 to House Concurrent Resolution 3, House File 283, Senate Files 113 and 114, and the En Bloc Confirmation Calendar. Had I been present, I would have voted "Yea" on all. Also, I was necessarily absent when the vote was taken on amendment S–3020 to Senate File 113. Had I been present, I would have voted "Nay."

MERLIN BARTZ

BILL REFERRED TO COMMITTEE

House File 260 was referred to the committee on **Local Government**.

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:

VETERANS AFFAIRS

Todd Jacobus – Commission of Veterans Affairs
Darlene McMartin – Commission of Veterans Affairs

AMENDMENT FILED

S–3024 S.F. 81 Bill Heckroth

JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY
TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 23, 2009

The Senate met in regular session at 12:58 p.m., President Kibbie presiding.

Prayer was offered by Pastor Brian McCracken of the Church of Christ in Osceola, Iowa. He was the guest of Senator Reynolds.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Mia Korneli.

The Journal of Thursday, February 19, 2009, was approved.

RECESS

On motion of Senator Ragan, the Senate recessed at 1:05 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:08 p.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:10 p.m. until 8:45 a.m., Tuesday, February 24, 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 FOR THE BLIND

Recycled Content Products and Soy-Based Inks Report for FY 2008, pursuant to Iowa Code section 216B.3(12d). Report received on February 23, 2009.

BOARD OF REGENTS

Annual Report on University of Iowa Hospitals and Clinics for 2007-2008, pursuant to Iowa Code section 263A.13. Report received on February 20, 2009.

DEPARTMENT OF EDUCATION

PSEO and Supplemental Weighting Report for 2008, pursuant to Iowa Code section 260C.14. Report received on February 20, 2009.

CERTIFICATES OF RECOGNITION

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

Coach Rick Caldwell, his assistant coaches, and the Waverly-Shell Rock High School Wrestlers—For winning their second consecutive Class 3A IHSAA State Tournament Championship. Senator Heckroth (2/23/09).

Robert and Sharon Deggendorf, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (2/23/09).

Ruth Hingst, Burlington—For celebrating her 96th birthday. Senator Courtney (2/23/09).

Marvin and Phyllis Loynachan—For celebrating their 60th wedding anniversary. Senator Gronstal (2/23/09).

Paul and Phyllis Roxlau, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (2/23/09).

Robert Starr, Charles City—For achieving the rank of Eagle Scout, Troop 1087. Senator Ragan (2/23/09).

Stephen Starr, Charles City—For achieving the rank of Eagle Scout, Troop 1087. Senator Ragan (2/23/09).

Paul T. Votaw, West Burlington—For achieving the rank of Eagle Scout, Troop 214. Senator Courtney (2/23/09).

Neil and Wanda Watts, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (2/23/09).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Monday, February 23, 2009, 5:15 p.m.

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

Members Absent: None.

Committee Business: Approved SSBs 1246 and 1247.

Adjourned: 6:00 p.m.

HUMAN RESOURCES

Convened: Monday, February 23, 2009, 4:05 p.m.

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

Members Absent: None.

Committee Business: Passed SF 38 and approved SSB 1200.

Adjourned: 4:45 p.m.

JUDICIARY

Convened: Monday, February 23, 2009, 2:20 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 104 and approved SSB 1098.

Adjourned: 2:45 p.m.

RULES AND ADMINISTRATION

Convened: Monday, February 23, 2009, 1:10 p.m.

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

Members Absent: None.

Committee Business: Approved governor's appointees.

Adjourned: 1:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, February 19, 2009, 10:35 a.m.

Members Present: Danielson, Chair; Jochum, Vice Chair; Behn and Kreiman.

Members Absent: Bartz, Ranking Member (excused).

Committee Business: Presentation by the Secretary of State.

Adjourned: 11:35 a.m.

INTRODUCTION OF BILLS

Senate File 204, by committee on Human Resources, a bill for an act relating to the department of elder affairs and services provided to older Iowans.

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

Senate File 205, by committee on Judiciary, a bill for an act relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services.

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

Senate File 206, by committee on Economic Growth, a bill for an act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision.

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

Senate File 207, by committee on Economic Growth, a bill for an act relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

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

Senate File 208, by committee on Environment and Energy Independence, a bill for an act relating to the membership and administration of the Iowa propane education and research council, increasing an assessment, and providing an effective date.

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

Senate File 209, by committee on Judiciary, a bill for an act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

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

Senate File 210, by Rielly, Bolkcom, McCoy, Hogg, Dvorsky, Kibbie, Danielson, and Black, a bill for an act concerning the manufacture and sale of native distilled spirits, and establishing a related permit fee and excise tax.

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

Senate File 211, by Kreiman, a bill for an act relating to certain business taxes by requiring combined corporate tax returns for unitary businesses, providing property tax relief for small businesses, and including retroactive applicability and other applicability date provisions.

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

Senate File 212, by Bolkcom, a bill for an act providing for public financing in state legislative campaigns, making an appropriation, making penalties applicable, and including an effective date provision.

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

Senate File 213, by Hatch, a bill for an act requiring testing and abatement of lead hazards in certain residential dwellings and child care facilities, requiring inspections of certain residential housing for lead hazards prior to sale, establishing a childhood lead poisoning prevention and control committee, and providing a penalty.

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

Senate File 214, by Rielly, a bill for an act relating to property tax exemption eligibility for methane gas conversion property and including an effective date and applicability date provision.

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

Senate File 215, by Kettering, McKinley, Behn, Boettger, Seymour, Ward, Hartsuch, Johnson, Feenstra, Hahn, Hamerlinck, Reynolds, Kapucian, Noble, and Zaun, a bill for an act relating to state revenues to be deposited in the TIME-21 fund and providing an appropriation.

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

Senate File 216, by committee on Environment and Energy Independence, a bill for an act modifying wind energy production tax credit eligibility requirements, providing for a refund of sales and use taxes, and including effective and retroactive applicability date provisions.

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

Senate File 217, by committee on Education, a bill for an act providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

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

Senate File 218, by committee on Education, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

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

STUDY BILLS RECEIVED

SSB 1239 Rebuild Iowa

Relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities in response to a natural disaster, designating certain activities as essential corporate purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, and including effective date and retroactive applicability date provisions.

SSB 1240 Rebuild Iowa

Relating to loan forgiveness under the jumpstart housing assistance program.

SSB 1241 Economic Growth

Relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

SSB 1242 State Government

Providing for the regulation of commercial establishments that house animals by the department of agriculture and land stewardship.

SSB 1243 Judiciary

Providing for unincorporated nonprofit associations, and providing for fees and penalties.

SSB 1244 Judiciary

Relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

SSB 1245 Local Government

Providing for the recognition and promotion of certified retirement communities.

SSB 1246 Education

Providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

SSB 1247 Education

Providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 4

WAYS AND MEANS: Bolkcom, Chair; Hamerlinck and McCoy

Senate File 169

COMMERCE: Warnstadt, Chair; Bolkcom and Ward

Senate File 170

COMMERCE: Bolkcom, Chair; Warnstadt and Wieck

Senate File 179

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Schmitz

Senate File 183

WAYS AND MEANS: Quirmbach, Chair; Dandekar and Zaun

Senate File 184

COMMERCE: Olive, Chair; Bolkcom and Kettering

Senate File 188

COMMERCE: Warnstadt, Chair; Behn and Courtney

Senate File 193

WAYS AND MEANS: Quirmbach, Chair; Bolkcom and Hamerlinck

Senate File 196

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Hartsuch

Senate File 200

WAYS AND MEANS: Quirmbach, Chair; Dotzler and Ward

Senate File 210

COMMERCE: Warnstadt, Chair; Behn and Courtney

Senate File 212

STATE GOVERNMENT: Dearden, Chair; Black and Feenstra

House File 45

HUMAN RESOURCES: Bolkcom, Chair; Bartz and Schmitz

House File 256

WAYS AND MEANS: Hogg, Chair; Bartz and Bolkcom

House File 311

COMMERCE: Rielly, Chair; Courtney and Hartsuch

SSB 1239

REBUILD IOWA: Hogg, Chair; Dvorsky and Hamerlinck

SSB 1240

REBUILD IOWA: Horn, Chair; Feenstra and Jochum

SSB 1241

ECONOMIC GROWTH: Olive, Chair; Dotzler, Houser, Stewart, and Wieck

SSB 1242

STATE GOVERNMENT: Jochum, Chair; Appel and Wieck

SSB 1243

JUDICIARY: Fraise, Chair; Hogg and Ward

SSB 1244

JUDICIARY: Jochum, Chair; Kreiman and Ward

SSB 1245

LOCAL GOVERNMENT: Beall, Chair; Kreiman and Reynolds

SSB 1246

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

SSB 1247

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

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH

Bill Title: *SENATE FILE 206 (SSB 1176), a bill for an act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Stewart, Olive, Beall, Dandekar, Dotzler, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm. Nays, 1: Hamerlinck. Absent, 2: Houser and Wieck.

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 Economic Growth Committee on Senate File 206, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 207 (SSB 1165), a bill for an act relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

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.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth Committee on Senate File 207, and they were attached to the committee report.

EDUCATION

Bill Title: SENATE FILE 217 (SSB 1247), a bill for an act providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Schmitz, Schoenjahn, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, Quirmbach, Sodders, and Wilhelm. Nays, 1: Boettger. Absent, 1: McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: Senate File 218 (SSB 1246), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Schmitz, Schoenjahn, Appel, Beall, Dvorsky, Heckroth, Kreiman, Quirmbach, Sodders, and Wilhelm. Nays, 5: Boettger, Feenstra, Hamerlinck, Johnson, and McKinley. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ENVIRONMENT AND ENERGY INDEPENDENCE

Bill Title: *SENATE FILE 208 (formerly SF 135), a bill for an act relating to the membership and administration of the Iowa propane education and research council, increasing an assessment, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Black, Hogg, Bolkcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, 1: Behn. 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 208, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 216 (formerly SF 79), a bill for an act modifying wind energy production tax credit eligibility requirements, providing for a refund of sales and use taxes, and including effective and retroactive applicability date provisions.

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 216, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *SENATE FILE 204 (SSB 1160), a bill for an act relating to the department of elder affairs and services provided to older Iowans.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, 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 204, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 205 (SSB 1062), a bill for an act relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 205, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 209 (SSB 1124), a bill for an act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 209, and they were attached to the committee report.

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar without recommendation for confirmation:

VETERANS AFFAIRS

Cecelia Schroeder – Commission of Veterans Affairs

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

	TERM
ADJUTANT GENERAL OF THE STATE OF IOWA (Sec. 29A.11)	
Colonel Timothy Orr, Johnston	03/26/2009 – Pleasure of the Governor
EXECUTIVE DIRECTOR OF THE IOWA FINANCE AUTHORITY (Sec. 16.6)	
Bret Mills, Johnston	05/01/09 – Pleasure of the Governor
COMMISSIONER OF INSURANCE (Sec. 505.2)	
Susan E. Voss, Des Moines	05/01/09 – 04/30/13
CEO OF THE IOWA LOTTERY AUTHORITY (Sec. 99G.5)	
Terry Rich, Urbandale	02/16/09 – 04/30/13
COMMISSIONER OF WORKERS' COMPENSATION (Sec. 86.1)	
Christopher Godfrey, Des Moines	05/01/09 – 04/30/15

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on February 23, 2009:

COMMERCE

Susan E. Voss – Commissioner of Insurance

LABOR AND BUSINESS RELATIONS

Christopher Godfrey – Workers' Compensation Commissioner

STATE GOVERNMENT

Terry Rich – Chief Executive Officer of the Iowa Lottery Authority

VETERANS AFFAIRS

Timothy Orr – Adjutant General of the State of Iowa

WAYS AND MEANS

Bret Mills – Executive Director of the Iowa Finance Authority

AMENDMENT FILED

S–3025 S.R. 6 Gene Fraise

JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 24, 2009

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

Prayer was offered by Reverend Scott Lothe, pastor of the United Methodist Church in Marshalltown, Iowa. He was the guest of Senator Sodders.

The Journal of Monday, February 23, 2009, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:22 a.m. until 5:15 p.m.

APPENDIX—1

CERTIFICATE OF RECOGNITION

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

Ambrose and Dorothy Roling, Preston—For celebrating their 65th wedding anniversary. Senator Hamerlinck (2/24/09).

REPORTS OF COMMITTEE MEETINGS

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Tuesday, February 24, 2009, 3:05 p.m.

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

Members Absent: None.

Committee Business: Passed SF 46, as amended, and HF 281.

Adjourned: 3:15 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, February 19, 2009, 10:40 a.m.

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

Members Absent: None.

Committee Business: Discussion with the Director of Criminal Investigation.

Adjourned: 11:05 a.m.

LABOR AND BUSINESS RELATIONS

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

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

Members Absent: Gronstal (excused).

Committee Business: Approved governor's appointees. Presentation by Iowa Workforce Development.

Adjourned: 5:00 p.m.

NATURAL RESOURCES

Convened: Tuesday, February 17, 2009, 4:00 p.m.

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

Members Absent: Schoenjahn (excused).

Committee Business: Approved SSB 1174.

Adjourned: 4:15 p.m.

REBUILD IOWA

Convened: Tuesday, February 24, 2009, 1:10 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: Presentations by nonprofit organizations.

Adjourned: 2:00 p.m.

STATE GOVERNMENT

Convened: Monday, February 23, 2009, 3:05 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: Passed SF 61 without recommendation and passed SF 90. Approved SSBs 1102 and 1130 without recommendation and approved SSB 1128.

Adjourned: 4:00 p.m.

VETERANS AFFAIRS

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

Members Present: Beall, Chair; Warnstadt, Vice Chair; Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck.

Members Absent: Seymour, Ranking Member (excused).

Committee Business: Presentation by the Gold Star Museum. Approved SSB 1148.

Adjourned: 1:45 p.m.

ALSO:

Convened: Tuesday, February 24, 2009, 1:05 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck.

Members Absent: Black and Danielson (both excused).

Committee Business: Passed SF 86, as amended. Approved SSBs 1005, as amended, and 1169.

Adjourned: 1:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, February 12, 2009, 10:20 a.m.

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

Members Absent: None.

Committee Business: Presentation by the U.S. Department of Agriculture.

Adjourned: 11:10 a.m.

ALSO:

Convened: Tuesday, February 24, 2009, 10:15 a.m.

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

Members Absent: Black, Vice Chair (excused).

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

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, February 12, 2009, 10:20 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Department of Economic Development.

Adjourned: 11:20 a.m.

ALSO:

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

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

Members Absent: None.

Committee Business: Presentations by the Department of Cultural Affairs and the Public Employment Relations Board.

Adjourned: 11:00 a.m.

ALSO:

Convened: Thursday, February 19, 2009, 10:35 a.m.

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

Members Absent: None.

Committee Business: Presentation by the University of Northern Iowa on the effects of the governor's budget recommendations for FY 2009 and FY 2010.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, February 24, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Department for the Blind and Iowa Vocational Rehabilitation Services.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, February 12, 2009, 10:20 a.m.

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

Members Absent: Hartsuch (excused).

Committee Business: Presentations by the Department of Human Services and the Department of Elder Affairs.

Adjourned: 11:25 a.m.

ALSO:

Convened: Tuesday, February 24, 2009, 10:10 a.m.

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

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Federal stimulus updates from the Department of Human Services, the Department of Public Health, and the Department of Elder Affairs.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, February 24, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Questions and answers with the State Court Administrator.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Thursday, February 12, 2009, 10:10 a.m.

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

Members Absent: McCoy, Chair; and Warnstadt, Vice Chair (both excused).

Committee Business: Presentations by the Des Moines Area Regional Transit Authority and the Department of Commerce.

Adjourned: 11:10 a.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 5, by committee on Judiciary, a joint resolution proposing an amendment to the Constitution of the State of Iowa eliminating a requirement that a criminal offense, where the maximum permissible penalty does not exceed thirty days of imprisonment, be prosecuted on information under oath.

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

INTRODUCTION OF BILLS

Senate File 219, by Johnson, a bill for an act abolishing county compensation boards.

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

Senate File 220, by Bolkcom, a bill for an act relating to lead wheel weights and making penalties applicable.

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

Senate File 221, by Kreiman, a bill for an act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability.

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

Senate File 222, by Danielson, a bill for an act relating to the state building code and local building regulations by requiring certain newly constructed residential buildings to include a storm shelter.

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

Senate File 223, by Danielson, a bill for an act providing an income tax credit for certain contributions to postsecondary education institutions and including a retroactive applicability date provision.

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

Senate File 224, by committee on State Government, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

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

Senate File 225, by committee on State Government, a bill for an act allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system.

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

Senate File 226, by committee on State Government a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters.

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

Senate File 227, by committee on State Government, a bill for an act relating to an agreement among the states to elect the president by national popular vote and providing an effective date.

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

Senate File 228, by Beall, a bill for an act relating to the construction and maintenance of walkways in rail yards and providing a penalty.

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

Senate File 229, by committee on Judiciary, a bill for an act relating to elections or appointments to a county magistrate appointing commission.

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

Senate File 230, by Seymour, a bill for an act relating to rules applicable to sanitary disposal projects.

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

Senate File 231, by committee on Human Resources, a bill for an act relating to reimbursing nonparticipating providers under the IowaCare program and creating a nonparticipating provider reimbursement fund.

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

STUDY BILLS RECEIVED

SSB 1248 Rebuild Iowa

Relating to home improvement contractor surety bonds.

SSB 1249 Commerce

Relating to acceptance and recognition of the national criminal history record check required of applicants for certain real estate licenses.

SSB 1250 Commerce

Providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date.

SSB 1251 Economic Growth

Relating to the availability of and eligibility for investment tax credits, eliminating the venture capital investment tax credit, and including retroactive applicability and other applicability date provisions.

SSB 1252 State Government

Establishing a special wine festival permit and providing a fee.

SSB 1253 Judiciary

Relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, public intoxication testing, operating a vehicle, motorboat, or sailboat while intoxicated testing, interception of

communications, and peace officers acting with federal agents, and providing penalties.

SSB 1254 Environment and Energy Independence

Providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment, and providing an effective date.

SSB 1255 Human Resources

Requiring a circulating nurse to be present in operating rooms during surgical procedures and providing an effective date.

SSB 1256 Rebuild Iowa

Providing for the establishment of a municipal energy enterprise under specified circumstances.

SSB 1257 Commerce

Concerning tax-sheltered investment contracts and including an effective date.

SSB 1258 Commerce

Concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable.

SUBCOMMITTEE ASSIGNMENTS

Senate File 18

TRANSPORTATION: Dandekar, Chair; Hancock and Reynolds

Senate File 59

TRANSPORTATION: Hancock, Chair; Dandekar and Hahn

Senate File 68

TRANSPORTATION: Hancock, Chair; Dandekar and Noble

Senate File 201

JUDICIARY: Kreiman, Chair; Fraise and Kettering

Senate File 202

HUMAN RESOURCES: Bolkcom, Chair; Bartz and Hatch

Senate File 211

WAYS AND MEANS: Seng, Chair; Quirmbach and Zaun

Senate File 213

HUMAN RESOURCES: Hatch, Chair; Bartz and Bolkcom

Senate File 214

WAYS AND MEANS: Hogg, Chair; Houser and Wilhelm

Senate File 219

LOCAL GOVERNMENT: Quirmbach, Chair; Houser and Rielly

Senate File 220

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

Senate File 222

REBUILD IOWA: Heckroth, Chair; Appel and Feenstra

SSB 1248

REBUILD IOWA: Dandekar, Chair; Hamerlinck and Stewart

SSB 1249

COMMERCE: Warnstadt, Chair; Behn and Heckroth

SSB 1250

COMMERCE: Heckroth, Chair; Dandekar and Wieck

SSB 1251

ECONOMIC GROWTH: Beall, Chair; Houser and Wilhelm

SSB 1252

STATE GOVERNMENT: Black, Chair; Dearden and Seymour

SSB 1253

JUDICIARY: Fraise, Chair; Kreiman and Noble

SSB 1254

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

SSB 1255

HUMAN RESOURCES: Bolkcom, Chair; Hartsuch and Wilhelm

SSB 1256

REBUILD IOWA: Hogg, Chair; Dvorsky and Hamerlinck

SSB 1257

COMMERCE: Olive, Chair; Courtney and Ward

SSB 1258

COMMERCE: Dandekar, Chair; Behn and Rielly

FINAL COMMITTEE REPORTS OF BILL ACTION

ENVIRONMENT AND ENERGY INDEPENDENCE

Bill Title: SENATE FILE 175, a bill for an act relating to a sales and use tax exemption on environmental test laboratory services.

Recommendation: DO PASS.

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.

ALSO:

Bill Title: HOUSE FILE 281 (HSB 123), a bill for an act relating to the administration of the Iowa water pollution control works and drinking water facilities financing program.

Recommendation: DO PASS.

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.

HUMAN RESOURCES

Bill Title: *SENATE FILE 231 (formerly SF 38), a bill for an act relating to reimbursing nonparticipating providers under the IowaCare program and creating a nonparticipating provider reimbursement fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, 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 231, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE JOINT RESOLUTION 5 (SSB 1081), a joint resolution proposing an amendment to the Constitution of the State of Iowa eliminating a requirement that a criminal offense, where the maximum permissible penalty does not exceed thirty days of imprisonment, be prosecuted on information under oath.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 Joint Resolution 5, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 229 (SSB 1098), a bill for an act relating to elections or appointments to a county magistrate appointing commission.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 229, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 224 (SSB 1102), or an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10 Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, and Sodders. Nays, 5: Feenstra, Behn, Hartsuch, Seymour, and Wieck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 225 (formerly SF 90), a bill for an act allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system.

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.

ALSO:

Bill Title: SENATE FILE 226 (formerly SF 61), a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters.

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.

ALSO:

Bill Title: SENATE FILE 227 (SSB 1128), a bill for an act relating to an agreement among the states to elect the president by national popular vote and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Appel, Kibbie, Courtney, Danielson, Dearden, Hatch, Jochum, and Sodders. Nays, 7: Feenstra, Behn, Black, Hartsuch, Horn, Seymour, and Wieck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EVENING SESSION

The Senate reconvened at 5:28 p.m., President Kibbie presiding.

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 February 24, 2009, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 2, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-third general assembly.

The Senate stood at ease at 5:30 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 6:07 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 218, 217, and 151.

Senate File 218

On motion of Senator Schmitz, **Senate File 218**, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

Senator Bartz offered amendment S–3031, filed by him from the floor to page 1 of the bill.

Senator Gronstal raised the point of order that amendment S–3031 was not germane to the bill and was out of order because it violates Iowa Code section 257.8(1), which restricts the subject matter of this bill.

The Chair ruled the point well-taken, amendment S–3031 did not comply with the statutory restriction and therefore was out of order.

Senator Schmitz 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. 218), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, none.

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

Senate File 217

On motion of Senator Schmitz, **Senate File 217**, a bill for an act providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

Senator Schmitz 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. 217), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, none.

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

Senate File 151

On motion of Senator Danielson, **Senate File 151**, a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund, was taken up for consideration.

Senator Danielson offered amendment S–3027, filed by Senator Rielly, et al., from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment S–3027 was adopted by a voice vote.

Senator Danielson 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. 151), 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	Quirmbach	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 151**, **217**, and **218** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:43 p.m. until 9:00 a.m., Wednesday, February 25, 2009.

APPENDIX—2

CERTIFICATE OF RECOGNITION

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

Marilyn Reyes, Davenport—For celebrating her 90th birthday. Senator Seng (2/24/09).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, February 24, 2009, 5:05 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 63. Approved governor's appointee.

Adjourned: 5:20 p.m.

ECONOMIC GROWTH

Convened: Tuesday, February 24, 2009, 4:10 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 SSB 1087, as amended. Presentation by Iowa State University Research and Economic Development.

Adjourned: 4:55 p.m.

NATURAL RESOURCES

Convened: Tuesday, February 24, 2009, 4:05 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: Presentation by the Deer Advisory Committee.

Adjourned: 4:35 p.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 6, by Zaun, Ward, Reynolds, Kapucian, Behn, McKinley, Kettering, Johnson, Wieck, and Feenstra, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the sessions of the General Assembly.

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

INTRODUCTION OF BILLS

Senate File 232, by Zaun, Ward, Reynolds, Kapucian, Behn, McKinley, Kettering, Johnson, Bartz, Hartsuch, Seymour, Hamerlinck, Boettger, Wieck, Feenstra, and Hahn, a bill for an act requiring drug testing for persons applying or receiving state assistance.

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

Senate File 233, by Johnson, Zaun, Feenstra, Boettger, Behn, Kettering, Reynolds, Kapucian, Seymour, and Wieck, a bill for an act relating to the determination of when life begins and acknowledging the rights, privileges, and immunities of an unborn child.

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

Senate File 234, by Johnson, Bartz, Kettering, McKinley, Behn, Kapucian, Reynolds, Seymour, Wieck, Hamerlinck, and Boettger, a bill for an act establishing a resident pheasant hunting season on certain public lands and providing a penalty.

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

Senate File 235, by Hancock, a bill for an act providing for the powers and duties of the Iowa soybean association's board of directors.

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

Senate File 236, by committee on Human Resources, a bill for an act relating to psychiatric medical institution for children services and providing an effective date.

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

Senate File 237, by committee on Judiciary, 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 **placed on calendar**.

Senate File 238, by Kibbie, a bill for an act relating to the sale of energy by specified alternate energy production facilities and the rates applicable to such sales.

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

Senate File 239, by Warnstadt, a bill for an act relating to the ballots used for voting at the commissioner's office or at a satellite absentee voting station.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: *SENATE FILE 236 (SSB 1200), a bill for an act relating to psychiatric medical institution for children services and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, 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 236, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 237 (formerly SF 104), a bill for an act relating to pseudoephedrine product sales by pharmacies and retailers, and providing penalties and contingent applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Schoenjahn, Sodders, Ward, Warnstadt, and Zaun. Nays, 1: Quirmbach. 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 237, and they were attached to the committee report.

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 24th day of February, 2009:

Senate File 82.

MICHAEL E. MARSHALL
Secretary of the Senate

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 24, 2009, to investigate the appointment and reappointment of the following appointees:

COMMERCE

As the Commissioner of Insurance:

SUSAN E. VOSS – Warnstadt, Chair; Heckroth and Wieck

LABOR AND BUSINESS RELATIONS

As the Commissioner of Workers' Compensation:

CHRISTOPHER GODFREY – Courtney, Chair; Dearden and Ward

STATE GOVERNMENT

As the Chief Executive Officer of the Iowa Lottery Authority:

TERRY RICH – Horn, Chair; Black and Seymour

WAYS AND MEANS

As the Executive Director of the Iowa Finance Authority:

BRET MILLS – Dotzler, Chair; Dandekar and Feenstra

VETERANS AFFAIRS

As the Adjutant General of the State of Iowa:

TIMOTHY ORR – Beall, Chair; Kibbie and Seymour

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

COMMERCE

Susan E. Voss – Commissioner of Insurance

AMENDMENTS FILED

S–3026	S.F.	49	John P. Kibbie
S–3027	S.F.	151	Tom Rielly Daryl Beall Swati A. Dandekar Jeff Danielson
S–3028	S.F.	117	Gene Fraise
S–3029	S.F.	117	Merlin Bartz
S–3030	S.F.	117	Matt McCoy
S–3031	S.F.	218	Merlin Bartz
S–3032	S.F.	81	David Johnson

S–3033	S.F.	81	David Johnson
S–3034	S.F.	81	David Johnson
S–3035	S.F.	81	David Johnson
S–3036	S.F.	117	Kim Reynolds
S–3037	S.F.	118	Keith A. Kreiman

JOURNAL OF THE SENATE

FORTY-FIFTH CALENDAR DAY
TWENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 25, 2009

The Senate met in regular session at 8:58 a.m., President Kibbie presiding.

Prayer was offered by Pastor Aaron James of the Plymouth Congregational United Church of Christ in Des Moines, Iowa. He was the guest of Senators McCoy and Ward.

The Journal of Tuesday, February 24, 2009, was approved.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 175**, **194**, **206**, **208**, **and 216** be referred from the Regular Calendar to the committee on **Ways and Means**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:17 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:19 a.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 81, 49, 117, and 112.

Senate File 81

On motion of Senator Heckroth, **Senate File 81**, a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property, was taken up for consideration.

The Senate stood at ease at 9:24 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 10:25 a.m., President Pro Tempore Danielson presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kapucian, until he arrives, on request of Senator McKinley.

Senator Heckroth withdrew amendment S–3022, filed by him on February 16, 2009, to pages 1–3 of the bill.

Senator Heckroth offered amendment S–3024, filed by him on February 19, 2009, to pages 1–3 of the bill.

Senator Johnson offered amendment S–3035, filed by him on February 24, 2009, to pages 1–3 and amending the title provisions of amendment S–3024, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3035 to amendment S–3024 be adopted?" (S.F. 81), the vote was:

Yeas, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Boettger	Houser	Reynolds	

Feenstra	Johnson	Seymour	
Hahn	Kettering	Ward	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Kapucian

Amendment S–3035 lost.

Senator Johnson offered amendment S–3040, filed by him from the floor to pages 1–3 and amending the title provisions of amendment S–3024, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3040 to amendment S–3024 be adopted?" (S.F. 81), the vote was:

Yeas, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Boettger	Houser	Reynolds	
Feenstra	Johnson	Seymour	
Hahn	Kettering	Ward	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Kapucian

Amendment S–3040 lost.

Senator Heckroth moved the adoption of amendment S–3024.

Amendment S–3024 was adopted by a voice vote.

With the adoption of amendment S–3024, the Chair ruled amendment S–3034, filed by Senator Johnson on February 24, 2009, to pages 2 and 3 and amending the title page of the bill, out of order.

Senator Johnson offered amendment S–3032, filed by him on February 24, 2009, to page 1 of the bill, and moved its adoption.

Amendment S–3032 was adopted by a voice vote.

Senator Johnson offered amendment S–3033, filed by him on February 24, 2009, to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3033 be adopted?" (S.F. 81), the vote was:

Yeas, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Boettger	Houser	Reynolds	
Feenstra	Johnson	Seymour	
Hahn	Kettering	Ward	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Kapucian

Amendment S–3033 lost.

Senator Heckroth 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. 81), the vote was:

Yeas, 36:

Appel	Dearden	Horn	Rielly
Bartz	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Boettger	Gronstal	McCoy	Seymour
Bolkcom	Hancock	Noble	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm

Nays, 13:

Behn	Hartsuch	McKinley	Zaun
Feenstra	Houser	Reynolds	
Hahn	Johnson	Ward	
Hamerlinck	Kettering	Wieck	

Absent, 1:

Kapucian

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

Senate File 49

On motion of Senator Kibbie, **Senate File 49**, a bill for an act relating to the administration of campaign disclosure laws, was taken up for consideration.

Senator Kibbie offered amendment S–3026, filed by him on February 24, 2009, to page 2 of the bill, and moved its adoption.

Amendment S–3026 was adopted by a voice vote.

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. 49), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Kapucian

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

Senate File 117

On motion of Senator McCoy, **Senate File 117**, a bill for an act relating to the operation of bicycles on a street or highway, providing requirements for motor vehicle operators encountering other vehicles or bicycles, and providing penalties, was taken up for consideration.

Senator McCoy offered amendment S–3030, filed by him on February 24, 2009, to page 1 of the bill.

Senator Noble asked and received unanimous consent that action on amendment S–3030 and **Senate File 117** be **deferred**.

Senate File 112

On motion of Senator Kibbie, **Senate File 112**, 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, with report of committee recommending passage, 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. 112), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Kapucian

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 49**, **81**, and **112** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:22 a.m. until 7:30 a.m., Thursday, February 26, 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 RACING AND GAMING COMMISSION

2008 Annual Report, pursuant to Iowa Code section 99D.21. Report received on February 25, 2009.

CERTIFICATES OF RECOGNITION

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

City of Clarence—On the occasion of its sesquicentennial celebration. Senator Hahn (2/25/09).

Lawrence and Norma Eilts, Cumberland—For celebrating their 60th wedding anniversary. Senator Boettger (2/25/09).

Friends of Pool 9, Lansing—For receiving the National Friends Group of the Year Award. Senator Wilhelm (2/25/09).

Wayne and Fay Jensen, Anita—For celebrating their 50th wedding anniversary. Senator Boettger (2/25/09).

Marjorie Larsen, Holstein—For celebrating her 90th birthday. Senator Seymour (2/25/09).

Herbert and Marjorie Nelson, Atlantic—For celebrating their 60th wedding anniversary. Senator Boettger (2/25/09).

Iris Witt, Battle Creek—For celebrating her 80th birthday. Senator Seymour (2/25/09).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, February 25, 2009, 11:25 a.m.

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

Members Absent: Kapucian and Sodders (both excused).

Committee Business: Presentations by Iowa State University. Passed SF 4.

Adjourned: 12:00 p.m.

EDUCATION

Convened: Wednesday, February 25, 2009, 2:15 p.m.

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

Members Absent: Johnson and McKinley (both excused).

Committee Business: Passed HF 233 and approved SSB 1207.

Adjourned: 2:30 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Wednesday, February 25, 2009, 2:15 p.m.

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

Members Absent: None.

Committee Business: Approved SSB 1106. Approved governor's appointee.

Adjourned: 2:45 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, February 25, 2009, 1:10 p.m.

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

Members Absent: Kapucian (excused).

Committee Business: Discussed SSBs 1186, 1188, 1213, 1218, 1219, and 1245.

Adjourned: 2:00 p.m.

RULES AND ADMINISTRATION

Convened: Wednesday, February 25, 2009, 9:10 a.m.

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

Members Absent: None.

Committee Business: Approved governor's appointee.

Adjourned: 9:15 a.m.

STATE GOVERNMENT

Convened: Wednesday, February 25, 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, Sodders, and Wieck.

Members Absent: None.

Committee Business: Passed SFs 115 and 181, both as amended. Approved SSBs 1166, 1123, and 1231, all as amended, and SSB 1242.

Adjourned: 2:10 p.m.

TRANSPORTATION

Convened: Wednesday, February 25, 2009, 3:05 p.m.

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

Members Absent: Kapucian (excused).

Committee Business: Passed SF 33, as amended.

Adjourned: 3:35 p.m.

WAYS AND MEANS

Convened: Tuesday, February 24, 2009, 2:10 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: Bartz (excused).

Committee Business: Passed HF 256. Presentation by the Department of Revenue.

Adjourned: 2:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, February 24, 2009, 10:15 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 Human Rights.

Adjourned: 11:45 a.m.

INTRODUCTION OF BILLS

Senate File 240, by Jochum, a bill for an act authorizing local authorities to permit parking on the left side of a roadway.

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

Senate File 241, by committee on Veterans Affairs, a bill for an act correcting references in the Code relating to the United States department of veterans affairs.

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

Senate File 242, by Kettering and McKinley, a bill for an act directing state aid funding for special education support services, media services, educational services, area education agency professional development supplement, and area education agency teacher salary supplement to the applicable school districts, allowing area education agencies and other organizations to bid to provide the services the funding supports, and providing an applicability date.

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

Senate File 243, by Hancock, a bill for an act concerning the purchasing of raffle tickets.

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

Senate File 244, by Rielly, a bill for an act providing a tax credit for certain small businesses offering wellness programs to employees and including effective and applicability date provisions.

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

Senate File 245, by committee on State Government, a bill for an act relating to the licensing of persons installing fire protection systems.

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

Senate File 246, by Zaun, a bill for an act requesting establishment of an interim study committee on automobile insurance direct repair programs.

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

Senate File 247, by Zaun, a bill for an act requiring that a person assisting another person with a disability by controlling an assistive animal be allowed to accompany the person with the disability and the assistive animal.

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

Senate File 248, by Zaun, a bill for an act relating to campaign finance by restricting campaign expenditures and the use of pledges in exchange for campaign contributions in campaigns for the general assembly or for statewide office.

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

Senate File 249, by committee on Commerce, a bill for an act relating to claims of adverse possession concerning pioneer cemeteries.

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

Senate File 250, by Sodders, a bill for an act providing for cash payments to certain military veterans working in skilled worker shortage areas.

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

Senate File 251, by Olive and Hancock, a bill for an act concerning off-premises consumption of resealed bottles of wine.

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

STUDY BILLS RECEIVED

SSB 1259 Rebuild Iowa

Providing for waivers of certain community attraction and tourism program requirements and including an effective date provision.

SSB 1260 Environment and Energy Independence

Relating to antidegradation protection for surface waters.

SSB 1261 Veterans Affairs

Relating to the encouragement and assistance of businesses owned by disabled veterans.

SSB 1262 Environment and Energy Independence

Relating to the operation and purview of the office of energy independence, by transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority.

SSB 1263 Environment and Energy Independence

Relating to renewable energy production by specifying an electricity distributed renewable generation standard.

SSB 1264 Environment and Energy Independence

Relating to energy efficiency by establishing a renewable energy transmission authority, and conferring bonding authority upon the authority.

SSB 1265 Appropriations

Relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters.

SSB 1266 Transportation

Relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national.

SUBCOMMITTEE ASSIGNMENTS

Senate File 215

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 228

TRANSPORTATION: Beall, Chair; Danielson and Zaun

Senate File 232

JUDICIARY: Kreiman, Chair; Warnstadt and Zaun

Senate File 233

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Hatch

Senate File 234

NATURAL RESOURCES: Dearden, Chair; Black and Johnson

Senate File 239

STATE GOVERNMENT: Kibbie, Chair; Black and Feenstra

Senate File 240

LOCAL GOVERNMENT: Rielly, Chair; Beall and Kapucian

Senate File 242

EDUCATION: Dvorsky, Chair; McKinley and Quirmbach

SSB 1259

REBUILD IOWA: Dandekar, Chair; Heckroth and Reynolds

SSB 1260

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

SSB 1261

VETERANS AFFAIRS: Ragan, Chair; Beall and Seymour

SSB 1262

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Rielly and Ward

SSB 1263

ENVIRONMENT AND ENERGY INDEPENDENCE: Rielly, Chair; Hancock and Ward

SSB 1264

ENVIRONMENT AND ENERGY INDEPENDENCE: Rielly, Chair; Hancock and Ward

SSB 1265

APPROPRIATIONS: Dvorsky, Chair; Dotzler and Kapucian

SSB 1266

TRANSPORTATION: Dandekar, Chair; Hancock and Noble

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *SENATE FILE 249 (formerly SF 63), a bill for an act relating to claims of adverse possession concerning pioneer cemeteries.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. 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 Commerce Committee on Senate File 249, and they were attached to the committee report.

EDUCATION

Bill Title: HOUSE FILE 233 (HSB 4), a bill for an act relating to the disposition of school property and providing an effective date.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 245 (SSB 1130), a bill for an act relating to the licensing of persons installing fire protection systems.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour, and Sodders. Nays, 4: Feenstra, Behn, Hartsuch, and Wieck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: SENATE FILE 241 (SSB 1169), a bill for an act correcting references in the Code relating to the United States department of veterans affairs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Beall, Warnstadt, Seymour, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck. Nays, none. Absent, 2: Black and Danielson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: HOUSE FILE 256 (HSB 139), a bill for an act relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Bolkcom, McCoy, Zaun, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, 1: Bartz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPOINTMENT

The following appointee was submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

	TERM
EXECUTIVE DIRECTOR OF THE REBUILD IOWA OFFICE (Sec. 10.2)	
Ron Dardis, Des Moines	02/09/2009 – Pleasure of the Governor

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointment to a state board, commission, or department to the Senate standing committee, as indicated for investigation on February 25, 2009:

REBUILD IOWA

Ron Dardis – Executive Director of the Rebuild Iowa Office

APPOINTMENT TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to the subcommittee of the standing committee on February 25, 2009, to investigate the appointment and reappointment of the following appointee:

REBUILD IOWA

As the Executive Director of the Rebuild Iowa Office:

Ron Dardis – Dvorsky, Chair; Heckroth and Reynolds

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

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

LABOR AND BUSINESS RELATIONS

Christopher Godfrey – Workers' Compensation Commissioner

STATE GOVERNMENT

Terry Rich – Chief Executive Officer of the Iowa Lottery Authority

REPORT OF THE DIRECTOR OF THE LEGISLATIVE SERVICES AGENCY

SECRETARY OF THE SENATE: Pursuant to Senate Concurrent Resolution 2, Glen P. Dickinson, Legislative Services Agency, submits the following list of position classifications in the Office of the Legislative Services Agency and the following list of the names, positions, and grades and steps of the employees in the Legislative Services Agency:

POSITION CLASSIFICATION	PAY GRADE
Capitol Tour Guide Supervisor 2	25
Capitol Tour Guide Supervisor 1	22
Capitol Tour Guide	18
Director	00
Division Director	43
Senior Finance Officer 2	35
Senior Finance Officer	31
Finance Officer 2	27
Finance Officer 1	24
Legislative Document Specialist 3	30
Legislative Document Specialist 2	27
Legislative Document Specialist 1	24
Legislative Document Specialist	21
Legis. Doc. Tech. Supervisor	28
Legislative Document Tech. 3	25
Legislative Document Tech. 2	22
Legislative Document Tech. 1	19
Legislative Document Tech.	16
Senior Librarian	27
Librarian	24
Assistant Librarian	22
LIO Director 3	38
LIO Director 2	35
LIO Director 1	32
LIO Officer 3	30
LIO Officer 2	27
LIO Officer 1	24
LSA Page	9
Systems Analyst	32
CSD Division Editor/Supervisor	36
Senior Computer Systems Analyst	35
Computer Systems Analyst 3	32
Computer Systems Analyst 2	29
Computer Systems Analyst 1	27
Computer Systems Analyst	24
Senior Computer Systems Engineer	35
Computer Systems Engineer 2	32
Computer Systems Engineer 1	29
Division Administrator 2	41
Division Administrator 1	38

Session Technology Floor Asst.	17
Senior Legislative Analyst	38
Legislative Analyst 3	35
Legislative Analyst 2	32
Legislative Analyst 1	29
Legislative Analyst	27
Assistant Editor 3	30
Assistant Editor 2	27
Assistant Editor 1	24
Code Editor	41
Deputy Code Editor	35
Index Supervisor	28
Indexer 2	25
Indexer 1	22
Assistant Indexer	19
Division Editor/Supervisor	39
Senior Legal Counsel	38
Legal Counsel 2	35
Legal Counsel 1	32
Legal Counsel	30
Publications Assistant	21
Senior Research Analyst	38
Research Analyst 3	35
Research Analyst 2	32
Research Analyst 1	29
Research Analyst	27

NAMES, POSITIONS, GRADES, AND STEPS OF EMPLOYEES IN THE LEGISLATIVE SERVICES AGENCY

NAME	POSITION	GRADE	STEP
M. Anfinson	Capitol Tour Guide	18	1
A. Arnett	Capitol Tour Guide	18	1
J. Arnett	Capitol Tour Guide Supervisor 2	25	7
M. Belieu	Capitol Tour Guide	18	1
C. Bergan	Page	9	1
M. Bray	Capitol Tour Guide	18	1
A. Bridges	Capitol Tour Guide	18	1
C. Coppock	Capitol Tour Guide	18	1
D. Craft	Legislative Document Technician 3	25	3
C. Cronbaugh	LIO Director 1	32	6
D. Degen	Legislative Document Technician 2	22	7
G. Dickinson	Director	$130,000.00 annually	
J. Douglas	Legislative Document Specialist 2	27	7
S. Downey	Capitol Tour Guide	18	1
T. Duncan	Legislative Document Technician 1	19	2
J. Ellenwood	Legislative Document Technician 2	22	3
T. Faller	Division Director	43	7
C. Fisher	Systems Analyst	32	7
M. Fisher	Capitol Tour Guide	18	1

G. Garrett	Legislative Doc. Tech. Supervisor	28	4
M. Hagen	Legislative Document Technician 2	22	2
J. Hanel	Page	9	1
N. Herselius	Capitol Tour Guide	18	1
S. Jennings	Legislative Document Technician 3	25	6
J. Jess	Capitol Tour Guide	18	1
T. Johnson	Capitol Tour Guide	18	1
D. Kirk	Legislative Document Technician 2	22	1
C. Koster	Legislative Document Technician 1	19	1
M. Kruse	Senior Finance Officer 2	35	4
B. Lamberti	LIO Officer 2	27	3
S. Laust	Legislative Doc. Tech. Supervisor	28	6
E. Lyons	Capitol Tour Guide	18	1
C. Mercati	Capitol Tour Guide	18	1
L. Morford	Legislative Document Technician 3	25	6
S. Nabholz	Legislative Document Technician 2	22	7
N. Navara	Legislative Document Technician 3	25	7
K. Nelson	Legislative Document Technician 2	22	2
K. Nichols	Legislative Document Technician 1	19	7
W. Paxson	Capitol Tour Guide	18	1
S. Person	Capitol Tour Guide	18	1
M. Powell	Page	9	1
E. Robinson	Capitol Tour Guide	18	1
T. Rudicil	Legislative Document Technician 1	19	5
T. Souer	Legislative Doc. Tech. Supervisor	28	7
M. Thompson	Legislative Document Technician 3	25	5
D. Vasey	Capitol Tour Guide	18	1
J. Warner	Legislative Document Technician 3	25	7
M. Weber	Capitol Tour Guide	18	1
K. Wesely	Senior Finance Officer 2	35	2
J. Wood	Capitol Tour Guide	18	1
D. Allen	Senior Computer Systems Analyst	35	4
J. Bellizzi	Computer Systems Analyst 2	29	5
B. Boyd	Division Administrator 1	38	7
M. Eaton	Division Administrator 1	38	7
D. Kair	Division Administrator 1	38	7
R. Knapp	Senior Computer Systems Analyst	35	7
J. Koth	Senior Computer Systems Engineer	35	5
J. Kroes	Senior Computer Systems Engineer	35	7
E. Meyer	Computer Systems Analyst 1	27	2
S. Miller	Senior Computer Systems Analyst	35	7
J. Rafdal	Senior Computer Systems Engineer	35	7
B. Rodenkirk	Computer Systems Engineer 2	32	3
G. Rudicil	Senior Computer Systems Analyst	35	7
M. Rykhoek	Computer Systems Analyst	24	3
J. Van Engelenhoven	Division Administrator 1	38	5
V. Van Vlair Hansen	Senior Computer Systems Analyst	35	5
J. Acton	Senior Legislative Analyst	38	2
J. Benson	Legislative Analyst 1	29	4
J. Brandstatter	Legislative Analyst	27	2
D. Ferguson	Senior Legislative Analyst	38	7
D. Helsen	Legislative Analyst	27	3

D. Kozel	Senior Legislative Analyst	38	6
B. Lenstra	Senior Legislative Analyst	38	7
S. Lerdal	Senior Legislative Analyst	38	7
H. Lyons	Division Director	43	7
R. Madison	Senior Legislative Analyst	38	2
M. Mellick	Legislative Analyst 2	32	6
D. Reynolds	Senior Legislative Analyst	38	7
J. Robinson	Senior Legislative Analyst	38	7
R. Robinson	Senior Legislative Analyst	38	3
M. Shipman	Division Editor/Supervisor	39	7
S. Snyder	Senior Legislative Analyst	38	7
M. Tannian	Legislative Analyst 1	29	2
D. Wulf	Division Administrator 2	41	7
D. Ackerman	Senior Research Analyst	38	4
D. Adkisson	Senior Legal Counsel	38	7
J. Clark	Publications Assistant	21	6
E. Cook	Senior Legal Counsel	38	7
J. Croatt	Assistant Editor 1	24	1
S. Crowley	Division Editor/Supervisor	39	7
N. Dugan	Assistant Editor 1	24	2
M. Duster	Legal Counsel	30	3
A. Erazo	Assistant Editor 1	24	2
P. Funaro	Senior Legal Counsel	38	7
M. Goedert	Senior Legal Counsel	38	7
K. Hanlon	Senior Research Analyst	38	7
L. Hickey	Iowa Code Editor	41	7
R. Hjelmaas	Senior Legal Counsel	38	3
S. Hoff	Deputy Administrative Code Editor	35	4
N. Hoffman	Division Editor/Supervisor	39	7
R. Johnson	Division Director	43	7
R. Karns	Assistant Editor 3	30	4
C. Kimsey	Publications Assistant	21	3
A. Knief	Legal Counsel 1	32	3
J. McEniry	Senior Legal Counsel	38	6
T. McDermott	Senior Legal Counsel	38	6
R. Nelson	Senior Legal Counsel	38	7
J. Page	Deputy Iowa Code Editor	35	7
J. Pollak	Division Administrator 2	41	7
J. Powell	Indexer 2	25	5
J. Royce	Senior Legal Counsel	38	7
R. Schulze	Assistant Editor 3	30	7
N. Swank	Research Analyst	27	1
C. Thurmond	Assistant Editor 1	24	3
T. Vander Linden	Assistant Editor 3	30	6
A. Ver Heul	Legal Counsel 2	35	4
M. Weiford	Assistant Editor 1	24	4
K. West	Administrative Code Editor	41	7
N. Westbrook	Assistant Editor 2	27	5
T. Whipple	Legal Counsel	30	3
P. Worden	Index Supervisor	28	7

AMENDMENTS FILED

S–3038	S.F.	117	Kim Reynolds
S–3039	S.F.	117	Kim Reynolds
S–3040	S.F.	81	David Johnson
S–3041	S.F.	117	Merlin Bartz
S–3042	S.F.	117	Merlin Bartz
S–3043	S.F.	187	Dick L. Dearden
S–3044	S.F.	117	James F. Hahn
S–3045	S.F.	117	Brad Zaun

JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 26, 2009

The Senate met in regular session at 7:31 a.m., President Kibbie presiding.

Prayer was offered by Reverend Michael Peters, pastor of the I Hope Ministries in Waterloo, Iowa. He was the guest of Senator Danielson.

The Journal of Wednesday, February 25, 2009, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz, until he arrives, on request of Senator McKinley.

The Senate stood at ease at 7:37 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 8:29 a.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 6.

Senate Resolution 6

On motion of Senator Fraise, **Senate Resolution 6**, a resolution relating to the Senate Rules Governing Lobbyists and their

interactions with the Senate and members of the Senate during the Eighty-third General Assembly, was taken up for consideration.

Senator Fraise offered amendment S–3025, filed by him on February 23, 2009, to page 5 of the bill, and moved its adoption.

Amendment S–3025 was adopted by a voice vote.

Senator Fraise moved the adoption of Senate Resolution 6, as amended, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Johnson, until he arrives, on request of Senator Kettering and Senator Hatch, until he arrives, on request of Senator Gronstal.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 118, 204, and 197.

Senate File 118

On motion of Senator Kreiman, **Senate File 118**, a bill for an act relating to the judicial branch including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action, was taken up for consideration.

Senator Kreiman offered amendment S–3037, filed by him on February 24, 2009, to page 1 of the bill, and moved its adoption.

Amendment S–3037 was adopted by a voice vote.

Senator Kreiman 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. 118), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Bartz	Hatch	Johnson

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

Senate File 204

On motion of Senator Bolkcom, **Senate File 204**, a bill for an act relating to the department of elder affairs and services provided to older Iowans, was taken up for consideration.

Senator Bolkcom 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. 204), the vote was:

Yeas, 47:

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

Danielson	Hogg	Quirmbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Houser	Reynolds	Zaun
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 3:

Bartz	Hatch	Johnson

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

Senate File 197

On motion of Senator Dotzler, **Senate File 197**, a bill for an act relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates, was taken up for consideration.

Senator Dotzler 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. 197), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Bartz	Hatch	Johnson

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 118**, **197**, and **204** 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 186, 177, 173, and 154.

Senate File 186

On motion of Senator Black, **Senate File 186**, a bill for an act concerning preferential hiring treatment by government for veterans, was taken up for consideration.

Senator Black 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. 186), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Bartz	Hatch	Johnson

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

Senate File 177

On motion of Senator Schmitz, **Senate File 177**, a bill for an act relating to requirements for school districts providing transportation to students participating in open enrollment, was taken up for consideration.

Senator Schmitz 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. 177), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Hatch	Johnson

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

Senate File 173

On motion of Senator Schoenjahn, **Senate File 173**, 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, was taken up for consideration.

Senator Schoenjahn 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. 173), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Hatch	Johnson

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

Senate File 154

On motion of Senator Schoenjahn, **Senate File 154**, a bill for an act relating to the authorized uses of local exchange service information by specified individuals and entities, was taken up for consideration.

Senator Schoenjahn 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. 154), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Hatch	Johnson

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 154**, **173**, **177**, and **186** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred February 25, 2009)

Senate File 117

The Senate resumed consideration of **Senate File 117**, a bill for an act relating to the operation of bicycles on a street or highway, providing requirements for motor vehicle operators encountering other vehicles or bicycles, and providing penalties, deferred February 25, 2009.

Senator Hahn offered amendment S–3044, filed by him on February 25, 2009, to pages 1 and 4 and amending the title page of the bill.

The Senate stood at ease at 9:28 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 9:44 a.m., President Kibbie presiding.

Senator Hahn moved the adoption of amendment S–3044.

Amendment S–3044 lost by a voice vote.

Senator Hamerlinck offered amendment S–3048, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3048 be adopted?" (S.F. 117), the vote was:

Yeas, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Boettger	Houser	Reynolds	
Feenstra	Kapucian	Seymour	
Hahn	Kettering	Ward	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 2:

Hatch	Johnson

Amendment S–3048 lost.

Senator McCoy moved the adoption of amendment S–3030, filed by him on February 24, 2009, to page 1 of the bill, previously deferred.

Amendment S–3030 was adopted by a voice vote.

With the adoption of amendment S–3030, the Chair ruled amendment S–3036, filed by Senator Reynolds on February 24, 2009, to page 1 of the bill out of order.

Senator Bartz offered amendment S–3029, filed by him on February 24, 2009, to pages 1 and 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3029 be adopted?" (S.F. 117), the vote was:

Yeas, 18:

Bartz	Hahn	Kettering	Ward
Behn	Hamerlinck	McKinley	Wieck
Black	Hartsuch	Noble	Zaun
Boettger	Houser	Reynolds	
Feenstra	Kapucian	Seymour	

Nays, 30:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	
Dotzler	Jochum	Schmitz	

Absent, 2:

Hatch	Johnson

Amendment S–3029 lost.

Senator Gronstal asked and received unanimous consent that action on **Senate File 117** be **deferred.**

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 February 25, 2009, **passed** the following bills in which the concurrence of the House was asked:

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.

Senate File 52, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

Senate File 101, a bill for an act establishing a shaken baby syndrome prevention program in the department of public health.

ALSO: That the House has on February 25, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 314, a bill for an act relating to health-related activities and regulation by the department of public health and making penalties applicable.

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:08 a.m. until 2:30 p.m.

APPENDIX—1

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: Wednesday, February 25, 2009, 4:05 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 124 and approved SSBs 1078 and 1171.

Adjourned: 4:55 p.m.

STATE GOVERNMENT

Convened: Thursday, February 26, 2009, 12:05 p.m.

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

Members Absent: Black, Hatch, and Seymour (all excused).

Committee Business: Approved SSBs 1222 and 1224, both as amended, and SSBs 1225 and 1238.

Adjourned: 12:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, February 26, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Governor's Drug Control Policy Director.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, February 26, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Department of Education and Iowa community colleges.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, February 26, 2009, 10:20 a.m.

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

Members Absent: None.

Committee Business: Discussion with Legislative Services Agency.

Adjourned: 11:00 a.m.

INTRODUCTION OF BILLS

Senate File 252, by Hatch, a bill for an act creating an excise tax on paint, primer, and specialty finish and directing moneys to fund the childhood lead poisoning prevention program.

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

Senate File 253, by committee on Veterans Affairs, a bill for an act relating to the time allowed certain active duty military personnel to file a state income tax return and including a retroactive applicability date provision.

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

Senate File 254, by committee on Veterans Affairs, a bill for an act requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs.

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

Senate File 255, by Rielly, a bill for an act relating to the entry upon land by a surveyor for land survey purposes.

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

Senate File 256, by Kettering, a bill for an act providing qualifying school districts with transportation foundation aid reimbursement.

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

Senate File 257, by Kapucian, a bill for an act relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits.

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

Senate File 258, by Dearden and Black, a bill for an act relating to the issuance of permits to carry weapons and providing an effective date.

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

Senate File 259, by Zaun, a bill for an act relating to statements of refund value on beverage containers for wine.

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

Senate File 260, by Courtney, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records.

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

Senate File 261, by Sodders and Noble, a bill for an act establishing a pilot physician assistant mental health fellowship program and making appropriations.

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

Senate File 262, by committee on Labor and Business Relations, a bill for an act relating to the imposition of penalty benefits in workers' compensation cases.

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

Senate File 263, by committee on Environment and Energy Independence, a bill for an act relating to Iowa national pollutant discharge elimination system program signage and providing a penalty.

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

Senate File 264, by committee on Local Government, a bill for an act concerning the appointment of members to local boards, commissions, committees, and councils.

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

Senate File 265, by committee on State Government, a bill for an act providing for the regulation of commercial establishments that house animals by the department of agriculture and land stewardship.

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

Senate File 266, by committee on Local Government, a bill for an act relating to publication of property assessment equalization orders.

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

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 6

STATE GOVERNMENT: Courtney, Chair; Behn and Dearden

Senate File 175

WAYS AND MEANS: Quirmbach, Chair; Bartz and Hogg

Senate File 194

WAYS AND MEANS: Seng, Chair; Feenstra and Schmitz

Senate File 208

WAYS AND MEANS: Stewart, Chair; Hamerlinck and Wilhelm

Senate File 216

WAYS AND MEANS: Hogg, Chair; Schmitz and Ward

Senate File 221

JUDICIARY: Schoenjahn, Chair; Kreiman and Ward

Senate File 243

STATE GOVERNMENT: Horn, Chair; Behn and Black

Senate File 244

WAYS AND MEANS: Schmitz, Chair; Feenstra and Jochum

Senate File 246

COMMERCE: McCoy, Chair; Olive and Ward

Senate File 247

STATE GOVERNMENT: Dearden, Chair; Black and Hartsuch

Senate File 248

STATE GOVERNMENT: Dearden, Chair; Black and Wieck

Senate File 250

VETERANS AFFAIRS: Sodders, Chair; Ragan and Seymour

Senate File 252

WAYS AND MEANS: Wilhelm, Chair; Seng and Zaun

Senate File 255

LOCAL GOVERNMENT: Rielly, Chair; Reynolds and Schoenjahn

Senate File 257

VETERANS AFFAIRS: Ragan, Chair; Kibbie and Seymour

Senate File 258

NATURAL RESOURCES: Black, Chair; Dearden and Noble

Senate File 260

LOCAL GOVERNMENT: Olive, Chair; Kapucian and Rielly

House File 314

HUMAN RESOURCES: Wilhelm, Chair; Johnson and Schmitz

SSB 1230
(Reassigned)

APPROPRIATIONS: Jochum, Chair; Hatch and Johnson

SSB 1267

REBUILD IOWA: Hogg, Chair; Feenstra and Heckroth

SSB 1268

REBUILD IOWA: Jochum, Chair; Appel and Reynolds

SSB 1269

COMMERCE: Bolkcom, Chair; Kettering and Warnstadt

FINAL COMMITTEE REPORTS OF BILL ACTION

ENVIRONMENT AND ENERGY INDEPENDENCE

Bill Title: *SENATE FILE 263 (formerly SF 46), a bill for an act relating to Iowa national pollutant discharge elimination system program signage and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Black, Hogg, Bolkcom, Hartsuch, Rielly, Stewart, and Wilhelm. Nays, 4: Behn, Hancock, Reynolds, and Ward. 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 263, and they were attached to the committee report.

LABOR AND BUSINESS RELATIONS

Bill Title: SENATE FILE 262 (SSB 1106), a bill for an act relating to the imposition of penalty benefits in workers' compensation cases.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Courtney, Jochum, Dearden, Dotzler, Hatch, Horn, and Houser. Nays, 3: Ward, Wieck, and Zaun. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: SENATE FILE 264 (SSB 1218), a bill for an act concerning the appointment of members to local boards, commissions, committees, and councils.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: Kapucian.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 266 (SSB 1188), a bill for an act relating to publication of property assessment equalization orders.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: Kapucian.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 265 (SSB 1242), a bill for an act providing for the regulation of commercial establishments that house animals by the department of agriculture and land stewardship.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour, and Sodders. Nays, 4: Feenstra, Behn, Hartsuch, and Wieck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: *SENATE FILE 253 (formerly SF 85), a bill for an act relating to the time allowed certain active duty military personnel to file a state income tax return and including a retroactive applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Beall, Warnstadt, Seymour, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck. Nays, none. Absent, 2: Black and Danielson.

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 Veterans Affairs Committee on Senate File 253, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 254 (SSB 1005), a bill for an act requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Beall, Warnstadt, Seymour, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck. Nays, none. Absent, 2: Black and Danielson.

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 Veterans Affairs Committee on Senate File 254, and they were attached to the committee report.

REPORT OF THE CITIZENS' AIDE/OMBUDSMAN

SECRETARY OF THE SENATE: Pursuant to Senate Concurrent Resolution 2, William P. Angrick II submits the following list of position classifications in the Office of the Citizens' Aide/Ombudsman and the following list of the names, positions, and grades and steps of the employees in the Office of the Citizens' Aide/Ombudsman

POSITION CLASSIFICATION	PAY GRADE
Senior Deputy	41
Deputy	38
Senior Legal Counsel	38
Legal Counsel 2	35
Legal Counsel 1	32
Senior Assistant	38
Assistant 3	35
Assistant 2	32
Assistant 1	29
Senior Finance Officer 2	35
Senior Finance Officer	31
Finance Officer 2	27
Finance Officer 1	24
Executive Secretary	24
Administrative Secretary	21
Citizens' Aide/Ombudsman Secretary/Receptionist	19
Legislative Intern	19

NAMES, POSITIONS, GRADES, AND STEPS OF EMPLOYEES IN THE OFFICE OF THE CITIZENS' AIDE/OMBUDSMAN

NAME	POSITION	GRADE	STEP
W. Angrick	Citizens' Aide/Ombudsman	45	6
L. Brundies	Assistant 1	29	2
J. Burdick Crane	Senior Finance Officer	35	3
J. Burnham	Senior Assistant	38	7
R. Calloway	Assistant 3	35	5
R. Cooperrider	Senior Deputy	41	7
B. Dalmer	Assistant 2	32	3
A. Dalton	Assistant 2	32	4
E. Hart	Assistant 2	32	4
K. Hirschman	Senior Assistant	38	7
D. Julien	CAO Secretary/Receptionist	19	2
E. Mitchell-Sadler	Assistant 2	32	5
C. Natynski	Legislative Intern	19	1
R. Rowland	Legal Counsel 1	32	3
A. Teas	Assistant 1	29	3
B. Van Allen	Assistant 2	32	3
K. White	Assistant 3	35	5

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 26, 2009, when the votes were taken on Senate Files 118, 186, 197, and 204. Had I been present, I would have voted "Yea" on all.

MERLIN BARTZ

AFTERNOON SESSION

The Senate reconvened at 2:45 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKinley, until he returns, on request of Senator Kettering and Senator Black, until he returns, on request of Senator Courtney.

BUSINESS PENDING

Senate File 117

The Senate resumed consideration of **Senate File 117**, a bill for an act relating to the operation of bicycles on a street or highway, providing requirements for motor vehicle operators encountering other vehicles or bicycles, and providing penalties, previously deferred.

Senator Reynolds offered amendment S–3038, filed by her on February 25, 2009, to pages 1 and 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3038 be adopted?" (S.F. 117), the vote was:

Yeas, 16:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Ward
Boettger	Hartsuch	Noble	Wieck
Feenstra	Houser	Reynolds	Zaun

Nays, 30:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm

Dearden	Horn	Rielly
Dotzler	Jochum	Schmitz

Absent, 4:

Black	Hatch	Johnson	McKinley

Amendment S–3038 lost.

Senator Fraise offered amendment S–3028, filed by him on February 24, 2009, to page 2 of the bill, and moved its adoption.

Amendment S–3028 was adopted by a voice vote.

Senator Bartz offered amendment S–3041, filed by him on February 25, 2009, to page 2 of the bill, and moved its adoption.

Amendment S–3041 lost by a voice vote.

Senator Bartz offered amendment S–3042, filed by him on February 25, 2009, to pages 2 and 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3042 be adopted?" (S.F. 117), the vote was:

Yeas, 16:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Ward
Boettger	Hartsuch	Noble	Wieck
Feenstra	Houser	Reynolds	Zaun

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart

Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 3:

Hatch	Johnson	McKinley

Amendment S–3042 lost.

Senator Reynolds offered amendment S–3039, filed by her on February 25, 2009, to pages 3 and 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3039 be adopted?" (S.F. 117), the vote was:

Yeas, 19:

Bartz	Hahn	Kapucian	Sodders
Behn	Hamerlinck	Kettering	Ward
Black	Hartsuch	Noble	Wieck
Boettger	Heckroth	Reynolds	Zaun
Feenstra	Houser	Seymour	

Nays, 28:

Appel	Dotzler	Jochum	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Bolkcom	Fraise	Kreiman	Schoenjahn
Courtney	Gronstal	McCoy	Seng
Dandekar	Hancock	Olive	Stewart
Danielson	Hogg	Quirmbach	Warnstadt
Dearden	Horn	Ragan	Wilhelm

Absent, 3:

Hatch	Johnson	McKinley

Amendment S–3039 lost.

Senator Zaun offered amendment S–3045, filed by him on February 25, 2009, to page 4 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3045 be adopted?" (S.F. 117), the vote was:

Yeas, 17:

Bartz	Hamerlinck	Kettering	Wieck
Behn	Hancock	Noble	Zaun
Boettger	Hartsuch	Reynolds	
Feenstra	Houser	Seymour	
Hahn	Kapucian	Ward	

Nays, 30:

Appel	Dotzler	Kibbie	Schoenjahn
Beall	Dvorsky	Kreiman	Seng
Black	Fraise	McCoy	Sodders
Bolkcom	Gronstal	Olive	Stewart
Courtney	Heckroth	Quirmbach	Warnstadt
Dandekar	Hogg	Ragan	Wilhelm
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	

Absent, 3:

Hatch	Johnson	McKinley

Amendment S–3045 lost.

Senator McCoy 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. 117), the vote was:

Yeas, 30:

Appel	Dotzler	Jochum	Schmitz
Bartz	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hancock	Olive	Warnstadt
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Nays, 17:

Behn	Hamerlinck	Noble	Wieck
Black	Hartsuch	Reynolds	Zaun
Boettger	Houser	Seymour	

Feenstra	Kapucian	Sodders
Hahn	Kettering	Ward

Absent, 3:

Hatch	Johnson	McKinley

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

UNFINISHED BUSINESS
(Deferred February 19, 2009)

Senate File 142

The Senate resumed consideration of **Senate File 142**, a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date, deferred February 19, 2009.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 142** be referred from the Regular Calendar to the committee on **Appropriations.**

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 117** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 150.

Senate File 150

On motion of Senator Quirmbach, **Senate File 150**, a bill for an act relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city, was taken up for consideration.

Senator Quirmbach 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. 150), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Hatch	Johnson	McKinley

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 File 150** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 4:31 p.m. until 5:15 p.m.

RECONVENED

The Senate reconvened at 5:17 p.m., President Kibbie presiding.

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 February 26, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 217, a bill for an act providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Senate File 218, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

ALSO: That the House has on February 26, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 414, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions.

Read first time and **passed on file**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:20 p.m. until 1:00 p.m., Monday, March 2, 2009.

APPENDIX—2

CERTIFICATES OF RECOGNITION

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

Clarence and Lucille Messerly, Badger—For celebrating their 75th wedding anniversary. Senator Beall (2/26/09).

Martha Louise Shirley, Fort Dodge—For celebrating her 100th birthday. Senator Beall (2/26/09).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Thursday, February 26, 2009, 2:05 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: Approved SSBs 1163, 1249, and 1250.

Adjourned: 2:25 p.m.

ECONOMIC GROWTH

Convened: Thursday, February 26, 2009, 4:40 p.m.

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

Members Absent: Hatch (excused).

Committee Business: Passed SF 110 and approved SSB 1086, both as amended.

Adjourned: 4:55 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, February 26, 2009, 10:25 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Iowa Hospital Association, the Board of Regents, Mercy Hospital, and Iowa Health System.

Adjourned: 12:10 p.m.

REBUILD IOWA

Convened: Thursday, February 26, 2009, 1:10 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: Discussed SSBs 1099, 1100, 1221, and 1240.

Adjourned: 1:45 p.m.

VETERANS AFFAIRS

Convened: Thursday, February 26, 2009, 1:05 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck.

Members Absent: None.

Committee Business: Passed SF 189 and approved SSB 1066. Reviewed governor's appointee.

Adjourned: 1:25 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, February 26, 2009, 10:20 a.m.

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

Members Absent: Black, Vice Chair (excused).

Committee Business: Presentations by the Department of Natural Resources.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, February 26, 2009, 10:10 a.m.

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

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

Committee Business: Subcommittee reports and budget priorities.

Adjourned: 10:55 a.m.

INTRODUCTION OF BILLS

Senate File 267, by Seng, a bill for an act providing for the taking of crops on land classified as a farm tenancy.

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

Senate File 268, by committee on Agriculture, a bill for an act providing for the award of local watershed improvement grants.

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

Senate File 269, by committee on Judiciary, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

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

Senate File 270, by committee on Education, a bill for an act transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters, and making penalties applicable.

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

Senate File 271, by Schmitz and Kreiman, a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting.

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

Senate File 272, by Kapucian, Zaun, Seymour, Behn, Kettering, Reynolds, and Danielson, a bill for an act providing for the display of a rear registration plate and a front window decal on certain low-profile motor vehicles and establishing a fee.

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

Senate File 273, by Reynolds, a bill for an act providing for depredation plans to harvest antlerless deer after the last established deer hunting season.

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

Senate File 274, by Heckroth, a bill for an act requiring the state board of education to adopt rules allowing school districts to charge fees for student field trips.

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

Senate File 275, by Heckroth, a bill for an act specifying general policy provisions applicable to telecommunications regulation.

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

Senate File 276, by committee on State Government, a bill for an act making technical changes to the laws relating to elections and voter registration, making a penalty applicable, and including effective date and applicability date provisions.

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

Senate File 277, by committee on State Government, a bill for an act concerning the deferred retirement option plan under the municipal fire and police retirement system of Iowa and providing an effective date.

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

STUDY BILLS RECEIVED

SSB 1267 Rebuild Iowa

Relating to the authority of the director of the department of natural resources in disaster emergencies.

SSB 1268 Rebuild Iowa

Relating to the prescription drug donation repository program.

SSB 1269 Commerce

Relating to the regulation of delayed deposit service businesses.

SSB 1270 Rebuild Iowa

Providing appropriations to support soil and water conservation efforts.

SSB 1271 Rebuild Iowa

Providing a contingent appropriation from the Iowa economic emergency fund to address the effects of a major disaster.

SUBCOMMITTEE ASSIGNMENTS

Senate File 251

COMMERCE: Olive, Chair; Rielly and Wieck

Senate File 256

EDUCATION: Dvorsky, Chair; Feenstra and Quirmbach

Senate File 261

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 275

COMMERCE: Heckroth, Chair; Behn and Warnstadt

SSB 1270

REBUILD IOWA: Dandekar, Chair; Reynolds and Stewart

SSB 1271

REBUILD IOWA: Dvorsky, Chair; Appel and Hamerlinck

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 268 (formerly SF 4), a bill for an act providing for the award of local watershed improvement grants.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Olive, Johnson, Appel, Behn, Black, Boettger, Courtney, Hahn, Hancock, Kibbie, Rielly, and Seng. Nays, none. Absent, 2: Kapucian and Sodders.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: *SENATE FILE 270 (SSB 1207), a bill for an act transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

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

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 Education Committee on Senate File 270, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 269 (formerly SF 124), a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *SENATE FILE 276 (SSB 1123), a bill for an act making technical changes to the laws relating to elections and voter registration, making a penalty applicable, and including effective date and applicability date provisions.

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 276, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 277 (SSB 1166), a bill for an act concerning the deferred retirement option plan under the municipal fire and police retirement system of Iowa and providing an effective date.

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 277, and they were attached to the committee report.

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

REBUILD IOWA

Ron Dardis – Executive Director of the Rebuild Iowa Office

WITHDRAWAL AND DEFERRAL OF GOVERNOR'S APPOINTEE

The following letters from the Governor were received in the office of the Secretary of the Senate on February 26, 2009:

I am withdrawing the name of Ghada Hamdan-Allen to serve as an Iowa Autism Council member from further consideration by the Senate.

Pursuant to Iowa Code sections 2.32(1a) and 256.35A, please accept this letter as the notice of deferment of the appointment to the Iowa Autism Council, formerly held by Ghada Hamdan-Allen. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,
CHESTER J. CULVER
Governor

BILLS 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 bills have 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 26th day of February, 2009:

Senate Files 217 and 218.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 26, 2009, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 82 – Adding four nonvoting members to the Iowa workforce development board.

AMENDMENTS FILED

S–3046	S.F.	142	Paul McKinley
S–3047	S.F.	236	Joe Bolkcom
S–3048	S.F.	117	Shawn Hamerlinck
S–3049	S.F.	104	Herman C. Quirmbach
S–3050	S.F.	237	Herman C. Quirmbach
S–3051	S.F.	249	Becky Schmitz

JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY
TWENTY-NINTH SESSION DAY

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

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

Prayer was offered by Reverend Susan Guy, pastor of the Walnut Hills United Methodist Church in Urbandale, Iowa. She was the guest of Senator Zaun.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Nathan Winters.

The Journal of Thursday, February 26, 2009, was approved.

The Senate stood at ease at 1:09 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:05 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 237, 207, 203, 199, and 176.

Senate File 237

On motion of Senator Sodders, **Senate File 237**, a bill for an act relating to pseudoephedrine product sales by pharmacies and retailers, and providing penalties and contingent applicability, was taken up for consideration.

Senator Quirmbach offered amendment S–3050, filed by him on February 26, 2009, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3050 be adopted?" (S.F. 237), the vote was:

Yeas, 9:

Beall	Dvorsky	McCoy
Bolkcom	Hatch	Olive
Dotzler	Jochum	Quirmbach

Nays, 41:

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

Absent, none.

Amendment S–3050 lost.

Senator Sodders 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. 237), the vote was:

Yeas, 44:

Appel	Feenstra	Jochum	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Seymour
Black	Hamerlinck	Kreiman	Sodders
Boettger	Hancock	McKinley	Stewart

Courtney	Hartsuch	Noble	Ward
Dandekar	Hatch	Olive	Warnstadt
Danielson	Heckroth	Ragan	Wieck
Dearden	Hogg	Reynolds	Wilhelm
Dotzler	Houser	Rielly	Zaun

Nays, 6:

Bolkcom	Horn	McCoy
Dvorsky	Johnson	Quirmbach

Absent, none.

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

Senate File 207

On motion of Senator Stewart, **Senate File 207**, a bill for an act relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund, was taken up for consideration.

Senator Kapucian withdrew amendment S–3052, filed by him from the floor to page 2 of the bill.

Senator Stewart 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. 207), 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	Quirmbach	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 203

On motion of Senator Wilhelm, **Senate File 203**, a bill for an act relating to the identification of the eligibility of tenants of an assisted living program for benefits through the United States department of veterans affairs, 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. 203), 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	Quirmbach	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 199

On motion of Senator Jochum, **Senate File 199**, a bill for an act relating to the uniform athlete agents Act and providing remedies and penalties, was taken up for consideration.

Senator Jochum 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. 199), 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	Quirmbach	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 176

On motion of Senator Schmitz, **Senate File 176**, a bill for an act 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, was taken up for consideration.

Senator Schmitz 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. 176), 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	Quirmbach	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 176**, **199**, **203**, **207**, and **237** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Susan E. Voss, Commissioner of Insurance

Todd Jacobus, Commission of Veterans Affairs
Darlene McMartin, Commission of Veterans Affairs

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" 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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:54 p.m. until 8:45 a.m., Tuesday, March 3, 2009.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Sister Mary Carla Koestner—For celebrating her 99th birthday. Senator Courtney (3/2/09).

Dorothy Klaus, Burlington—For celebrating her 100th birthday. Senator Courtney (3/2/09).

Henry and Alice Thie, Mediapolis—For celebrating their 45th wedding anniversary. Senator Courtney (3/2/09).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Monday, March 2, 2009, 3:05 p.m.

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

Members Absent: McKinley (excused).

Committee Business: Presentation by the PK-12 Division Administrator and the Iowa Testing on Writing Assessment.

Adjourned: 4:00 p.m.

GOVERNMENT OVERSIGHT

Convened: Tuesday, February 24, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Discussion of issues related to the Iowa Agriculture Development Authority.

Adjourned: 11:10 a.m.

HUMAN RESOURCES

Convened: Monday, March 2, 2009, 4:10 p.m.

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

Members Absent: None.

Committee Business: Approved SSB 1074, as amended.

Adjourned: 4:20 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Monday, March 2, 2009, 3:05 p.m.

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

Members Absent: Gronstal (excused).

Committee Business: Discussed SSB 1071 and approved SSB 1051, as amended.

Adjourned: 3:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Thursday, February 26, 2009, 10:15 a.m.

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

Members Absent: Hamerlinck (excused).

Committee Business: Presentations by the Iowa Natural Heritage Foundation and the Hungry Canyons Alliance.

Adjourned: 11:25 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 11, by Black, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

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

Senate Resolution 12, by Black, Beall, and Boettger, a resolution supporting a free trade agreement between the Republic of China on Taiwan and the United States.

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

INTRODUCTION OF BILLS

Senate File 278, by committee on Commerce, a bill for an act relating to acceptance and recognition of the national criminal history record check required of applicants for certain real estate licenses.

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

Senate File 279, by committee on Commerce, a bill for an act providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date.

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

Senate File 280, by committee on Rebuild Iowa, a bill for an act relating to disaster emergency assistance immunity.

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

Senate File 281, by committee on Veterans Affairs, a bill for an act to require the department of veterans affairs to conduct a study concerning the restoration and maintenance of the medal of honor memorial for the state of Iowa.

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

Senate File 282, by committee on State Government, a bill for an act relating to public records and open meetings, including the creation of the public records, open meetings, and privacy advisory committee, and providing an effective date.

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

Senate File 283, by committee on Judiciary, a bill for an act relating to the appointment of judicial officers, the appointment and retirement of senior judges, and providing for a future repeal.

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

Senate File 284, by committee on Transportation, a bill for an act relating to the hours of service for regional transit district drivers.

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

Senate File 285, by committee on Judiciary, a bill for an act relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty.

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

Senate File 286, by committee on State Government, a bill for an act establishing a recreational therapy board, requiring the licensure of recreational therapists, and providing for fees and penalties.

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

Senate File 287, by committee on State Government, a bill for an act establishing campaign contribution limits for candidates for statewide office or the general assembly and making civil and criminal penalties applicable and including an effective date.

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

Senate File 288, by committee on Local Government, a bill for an act relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

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

Senate File 289, by committee on Rebuild Iowa, a bill for an act relating to loan forgiveness under the jumpstart housing assistance program.

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

Senate File 290, by committee on Rebuild Iowa, a bill for an act creating a disaster aid local government assistance grant program and fund.

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

Senate File 291, by committee on Local Government, a bill for an act providing for the recognition and promotion of certified retirement communities.

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

Senate File 292, by committee on State Government, a bill for an act concerning the acquisition of certain goods and services provided through the department of administrative services.

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

Senate File 293, by Bolkcom, a bill for an act creating the medical marijuana Act including the creation of compassion centers, and providing for civil and criminal penalties and fees.

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

Senate File 294, by Kibbie, Kreiman, Schoenjahn, Olive, McCoy, Beall, Quirmbach, Hancock, Schmitz, Warnstadt, Stewart, Ragan, Fraise, Bartz, Bolkcom, Dotzler, Jochum, Dearden, Horn, Dvorsky, Sodders, Appel, Houser, Hogg, Danielson, Black, Heckroth, Wilhelm, Seng, Courtney, and Rielly, a bill for an act providing for motor fuel containing biodiesel, providing for tax credits, making penalties applicable, and including effective date and applicability provisions.

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

Senate File 295, by committee on State Government, a bill for an act concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department.

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

Senate File 296, by Appel, a bill for an act relating to resources for families with premature infants.

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

Senate File 297, by committee on Veterans Affairs, a bill for an act relating to an additional homestead credit for disabled veterans and including effective and applicability date provisions.

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

Senate File 298, by Seng, a bill for an act providing for the disposal of dead animal bodies by persons practicing veterinary medicine.

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

Senate File 299, by Black, a bill for an act relating to hybrid cats, by providing that a person may possess, breed, and transport the offspring of a domestic cat and a cat classified as a dangerous wild animal or a subsequent generation originating from that offspring, and providing an effective date.

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

Senate File 300, by Black, a bill for an act requiring additional information in a petition for involuntary annexation.

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

Senate File 301, by committee on State Government, a bill for an act relating to bidding requirements for public improvement projects completed by certain state entities.

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

Senate File 302, by committee on Economic Growth, a bill for an act providing a sales and use tax exemption, sales and use tax refunds, and a property tax exemption to certain data center businesses and including an applicability date provision.

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

Senate File 303, by Dotzler, a bill for an act relating to permissible prizes for use of an electrical and mechanical amusement device.

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

Senate File 304, by committee on Economic Growth, 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 **placed on calendar**.

Senate File 305, by committee on State Government, a bill for an act concerning audits conducted by a licensee conducting pari-mutuel wagering or gambling games and providing an effective date.

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

STUDY BILLS RECEIVED

SSB 1272 Environment and Energy Independence

Extending the time period during which a wind energy conversion facility shall be considered approved for purposes of the renewable energy tax credit under specified circumstances.

SSB 1273 Environment and Energy Independence

Authorizing cities to establish storm water drainage system utility districts for purposes of special assessments.

SSB 1274 Appropriations

Relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bond debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions.

SSB 1275 Judiciary

Relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date.

SSB 1276 Judiciary

Relating to the applicability of the motor vehicle dealer licensing requirements to certain financial institutions which are holders of retail installment contracts secured by motor vehicles.

SSB 1277 Judiciary

Relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

SSB 1278 Appropriations

Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

SSB 1279 Appropriations

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters.

SSB 1280 Appropriations

Relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 142

APPROPRIATIONS: Dotzler, Chair; Kapucian and Warnstadt

Senate File 235

AGRICULTURE: Hancock, Chair; Hahn and Kibbie

Senate File 271

HUMAN RESOURCES: Schmitz, Chair; Bartz and Kreiman

Senate File 274

EDUCATION: Heckroth, Chair; Beall and Boettger

House File 414

APPROPRIATIONS: Dvorsky, Chair; Kettering and McCoy

SSB 1161
(Reassigned)

LOCAL GOVERNMENT: Quirmbach, Chair; Kreiman and Reynolds

SSB 1272

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

SSB 1273

ENVIRONMENT AND ENERGY INDEPENDENCE: Hogg, Chair; Rielly and Ward

SSB 1274

APPROPRIATIONS: McCoy, Chair; Dvorsky and Kettering

SSB 1275

JUDICIARY: Kreiman, Chair; Hancock and Ward

SSB 1276

JUDICIARY: Kreiman, Chair; Schoenjahn and Boettger

SSB 1277

JUDICIARY: Sodders, Chair; Horn and Kettering

SSB 1278

APPROPRIATIONS: Seng, Chair; Dvorsky and Hahn

SSB 1279

APPROPRIATIONS: Schoenjahn, Chair; Dvorsky and Boettger

SSB 1280

APPROPRIATIONS: Hatch, Chair; Ragan and Johnson

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: SENATE FILE 278 (SSB 1249), a bill for an act relating to acceptance and recognition of the national criminal history record check required of applicants for certain real estate licenses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 279 (SSB 1250), a bill for an act providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH

Bill Title: *SENATE FILE 302 (SSB 1087), a bill for an act providing a sales and use tax exemption, sales and use tax refunds, and a property tax exemption to certain data center businesses and including an applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, 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 Economic Growth Committee on Senate File 302, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 304 (formerly SF 110), a bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm. Nays, none. Absent, 1: Hatch.

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 Economic Growth Committee on Senate File 304, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 283 (SSB 1078), a bill for an act relating to the appointment of judicial officers, the appointment and retirement of senior judges, and providing for a future repeal.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 283, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 285 (SSB 1171), a bill for an act relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 285, and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: *SENATE FILE 288 (SSB 1219), a bill for an act relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: Kapucian.

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 Local Government Committee on Senate File 288, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 291 (SSB 1245), a bill for an act providing for the recognition and promotion of certified retirement communities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: Kapucian.

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 Local Government Committee on Senate File 291, and they were attached to the committee report.

REBUILD IOWA

Bill Title: SENATE FILE 280 (SSB 1099), a bill for an act relating to disaster emergency assistance immunity.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 289 (SSB 1240), a bill for an act relating to loan forgiveness under the jumpstart housing assistance program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 290 (SSB 1221), a bill for an act creating a disaster aid local government assistance grant program and fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart. 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 Rebuild Iowa Committee on Senate File 290, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: *SENATE FILE 282 (SSB 1231), a bill for an act relating to public records and open meetings, including the creation of the public records, open meetings, and privacy advisory committee, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, and Sodders. Nays, 5: Feenstra, Behn, Hartsuch, Seymour, and Wieck. 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 282, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 286 (formerly SF 115), a bill for an act establishing a recreational therapy board, requiring the licensure of recreational therapists, and providing for fees and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck. Nays, 1: Hartsuch. 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 286, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 287 (formerly SF 181), a bill for an act establishing campaign contribution limits for candidates for statewide office or the general assembly and making civil and criminal penalties applicable and including an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, and Sodders. Nays, 5: Feenstra, Behn, Hartsuch, Seymour, and Wieck. 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 287, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 292 (SSB 1238), a bill for an act concerning the acquisition of certain goods and services provided through the department of administrative services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Appel, Kibbie, Courtney, Danielson, Dearden, Horn, Jochum, and Sodders. Nays, 4: Feenstra, Behn, Hartsuch, and Wieck. Absent, 3: Black, Hatch, and Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 295 (SSB 1225), a bill for an act concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Appel, Kibbie, Feenstra, Behn, Courtney, Danielson, Dearden, Hartsuch, Horn, Jochum, Sodders, and Wieck. Nays, none. Absent, 3: Black, Hatch, and Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 301 (SSB 1224), a bill for an act relating to bidding requirements for public improvement projects completed by certain state entities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Appel, Kibbie, Courtney, Danielson, Dearden, Horn, Jochum, and Sodders. Nays, 4: Feenstra, Behn, Hartsuch, and Wieck. Absent, 3: Black, Hatch, and Seymour.

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 301, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 305 (SSB 1222), a bill for an act concerning audits conducted by a licensee conducting pari-mutuel wagering or gambling games and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Appel, Kibbie, Behn, Courtney, Danielson, Dearden, Hartsuch, Horn, Jochum, Sodders, and Wieck. Nays, 1: Feenstra. Absent, 3: Black, Hatch, and Seymour.

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 305, and they were attached to the committee report.

TRANSPORTATION

Bill Title: *SENATE FILE 284 (formerly SF 33), a bill for an act relating to the hours of service for regional transit district drivers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, McCoy, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, 1: Kapucian.

Fiscal Note: APPROVED COMMITTEE BILL.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 284, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: SENATE FILE 281 (formerly SF 189), a bill for an act to require the department of veterans affairs to conduct a study concerning the restoration and maintenance of the medal of honor memorial for the state of Iowa.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 297 (SSB 1066), a bill for an act relating to an additional homestead credit for disabled veterans and including effective and applicability date provisions.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 27, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 217, a bill for an act providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Senate File 218, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

BILL REFERRED TO COMMITTEE

House File 414 was referred to the committee on **Appropriations**.

AMENDMENT FILED

S–3052 S.F. 207 Tim L. Kapucian

JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 3, 2009

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Father Walter Helms, pastor of the St. Thomas More Catholic Church in Iowa City, Iowa. He was the guest of Senator Dvorsky.

The Journal of Monday, March 2, 2009, was approved.

SPECIAL GUESTS

Senator Beall introduced to the Senate chamber the Consul General of Canada, Martin Loken, accompanied by the Honorary Consul General, Roger Lande from Muscatine, Iowa.

Consul General Loken addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:03 a.m. until 8:45 a.m., Wednesday, March 4, 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:

TOBACCO SETTLEMENT AUTHORITY

TSA Annual Report for FY 2008, pursuant to Iowa Code section 12E.15. Report received on March 3, 2009.

CERTIFICATE OF RECOGNITION

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

His Excellency Martin Loken, Consul General of Canada—Recognizing him as a distinguished guest of the people of Iowa, thanking him for his address to the Senate, and proclaiming him an Honorary Iowan. Senator Beall (3/3/09).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, March 3, 2009, 12:05 p.m.

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

Members Absent: None.

Committee Business: Passed HF 414.

Adjourned: 12:40 p.m.

JUDICIARY

Convened: Monday, March 2, 2009, 5:05 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: Approved SSBs 1026, 1137, and 1202.

Adjourned: 5:45 p.m.

REBUILD IOWA

Convened: Tuesday, March 3, 2009, 1:05 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: Discussed SSBs 1239, 1259, and 1270.

Adjourned: 1:55 p.m.

TRANSPORTATION

Convened: Monday, March 2, 2009, 3:05 p.m.

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

Members Absent: McCoy (excused).

Committee Business: Presentation by the Department of Transportation.

Adjourned: 4:05 p.m.

VETERANS AFFAIRS

Convened: Tuesday, March 3, 2009, 1:05 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck.

Members Absent: None.

Committee Business: Passed SF 250. Presentation by the State Public Policy Group.

Adjourned: 1:45 p.m.

WAYS AND MEANS

Convened: Tuesday, March 3, 2009, 2:05 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: None.

Committee Business: Approved SSB 1134. Presentation by the Legislative Services Agency.

Adjourned: 2:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

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

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

Members Absent: None.

Committee Business: Presentation by the Rebuild Iowa Office.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Tuesday, February 24, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Presentations by Iowa State University, the Institute for Physical Research and Technology, the Iowa Small Business Development Program, and the Grow Iowa Values Fund.

Adjourned: 11:20 a.m.

ALSO:

Convened: Thursday, February 26, 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 the University of Iowa.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

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

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

Members Absent: None.

Committee Business: Presentations by the University of Iowa, Iowa State University, the University of Northern Iowa, the Iowa School for the Deaf, and the Iowa Braille and Sight Saving School.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

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

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

Members Absent: None.

Committee Business: Presentation by the Nursing Facility Accountability Measures Workgroup.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

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

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

Members Absent: Hogg, Vice Chair (excused).

Committee Business: Discussed the justice system budget.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE AND CAPITALS

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

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

Members Absent: None.

Committee Business: Discussed LSB 1008JA.501 and draft of DOT appropriations bill.

Adjourned: 11:00 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 13, by Hatch, Horn, Bolkcom, Ragan, McCoy, Appel, Danielson, Quirmbach, Jochum, Olive, Schoenjahn, Heckroth, Beall, Sodders, Schmitz, Dotzler, Gronstal, Dvorsky, Warnstadt, Wilhelm, Seng, Dearden, Black, Stewart, Courtney, Kibbie, Fraise, Kreiman, Hogg, and Dandekar, 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**.

INTRODUCTION OF BILLS

Senate File 306, by Kettering, a bill for an act increasing the speed limit on certain primary roads.

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

Senate File 307, by Kibbie, a bill for an act regulating animal feeding operations, and making penalties applicable.

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

Senate File 308, by Kibbie, a bill for an act relating to the regulation of animal feeding operations, and providing for penalties.

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

Senate File 309, by committee on Economic Growth, a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs.

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

Senate File 310, by committee on Rebuild Iowa, a bill for an act creating a disaster assistance loan and credit guarantee program and fund, making appropriations, and providing an effective date.

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

Senate File 311, by committee on Commerce, a bill for an act relating to the regulation of the business of debt management and making penalties applicable.

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

Senate File 312, by Bolkcom, a bill for an act relating to radon information disclosures in residential real property transactions and making a penalty applicable.

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

STUDY BILL RECEIVED

SSB 1281 Commerce

Establishing an energy independence transmission franchise process which may be used under specified circumstances.

SUBCOMMITTEE ASSIGNMENTS

Senate File 230

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

Senate File 259

ENVIRONMENT AND ENERGY INDEPENDENCE: Bolkcom, Chair; Hartsuch and Hogg

Senate File 272

TRANSPORTATION: Kapucian, Chair; Danielson and Hancock

Senate File 294

TRANSPORTATION: Beall, Chair; Heckroth and Kapucian

Senate File 300

LOCAL GOVERNMENT: McCoy, Chair; Hamerlinck and Rielly

Senate File 303

STATE GOVERNMENT: Sodders, Chair; Behn and Jochum

Senate File 307

AGRICULTURE: Kibbie, Chair; Kapucian and Olive

Senate File 308

AGRICULTURE: Kibbie, Chair; Kapucian and Olive

SSB 1281

COMMERCE: Dandekar, Chair; Heckroth and Wieck

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 414 (HSB 212), a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Bill Title: *SENATE FILE 311 (SSB 1163), a bill for an act relating to the regulation of the business of debt management and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. 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 Commerce Committee on Senate File 311, and they were attached to the committee report.

ECONOMIC GROWTH

Bill Title: *SENATE FILE 309 (SSB 1086), a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm. Nays, none. Absent, 1: Hatch.

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 Economic Growth Committee on Senate File 309, and they were attached to the committee report.

REBUILD IOWA

Bill Title: *SENATE FILE 310 (SSB 1100), a bill for an act creating a disaster assistance loan and credit guarantee program and fund, making appropriations, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart. 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 Rebuild Iowa Committee on Senate File 310, and they were attached to the committee report.

BILLS 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 bills have 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 3rd day of March, 2009:

Senate Files 51, 52, and 101.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S–3053	S.F.	187	Merlin Bartz
S–3054	S.F.	282	David Johnson

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 Sodders.

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, Quirmbach, Sodders, 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, Bolkcom, 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, Sodders, 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 Sodders

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, Quirmbach, Schoenjahn, Sodders, and Wilhelm

SSB 1286

APPROPRIATIONS: Hancock, Chair; Hogg and Noble

SSB 1287

JUDICIARY: Kreiman, Chair; Boettger, Fraise, Hancock, Hogg, Horn, Jochum, Kettering, Noble, Quirmbach, Schoenjahn, Sodders, 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, Quirmbach, 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, Quirmbach, Schoenjahn, Sodders, 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, Quirmbach, Schoenjahn, Sodders, 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: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–3055	S.F.	283	Keith A. Kreiman
S–3056	S.F.	287	Staci Appel

JOURNAL OF THE SENATE

FIFTY-THIRD CALENDAR DAY
THIRTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 5, 2009

The Senate met in regular session at 8:46 a.m., President Kibbie presiding.

Prayer was offered by Bishop Richard Pates of the Des Moines Diocese of the Catholic Church in Des Moines, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, March 4, 2009, 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 March 4, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 177, a bill for an act relating to requirements for school districts providing transportation to students participating in open enrollment.

Senate File 204, a bill for an act relating to the department of elder affairs and services provided to older Iowans.

ALSO: That the House has on March 4, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 381, a bill for an act relating to the practice of pharmacy by establishing a registration program for pharmacy support persons and regulating the internet sale of prescription products, including a program of registration of pharmacy internet

sites, making penalties applicable, and establishing a general definition for the term "internet site".

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

SPECIAL GUESTS

Senator Beall introduced to the Senate chamber the Consul General of Thailand, Narong Sasitorn, accompanied by his wife, Chantana. Senator Beall, along with the International Relations committee, presented them with gifts.

Consul General Sasitorn addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 13.

Senate Resolution 13

On motion of Senator Hatch, **Senate Resolution 13**, a resolution encouraging a federal state collaboration to achieve quality, affordable health care for all, with report of committee recommending passage, was taken up for consideration.

Senator Hatch moved the adoption of Senate Resolution 13, which motion prevailed by a voice vote.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:11 a.m. until 3:00 p.m.

APPENDIX—1

REPORTS OF COMMITTEE MEETINGS

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Thursday, March 5, 2009, 12:20 p.m.

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

Members Absent: None.

Committee Business: Passed SF 172, as amended, and approved SSBs 1262 and 1273, both as amended.

Adjourned: 12:50 p.m.

JUDICIARY

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

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

Members Absent: Sodders (excused).

Committee Business: Passed SF 221 and approved SSBs 1216, 1244, 1253, and 1287.

Adjourned: 4:50 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, March 5, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Iowa Public Employees Retirement System.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, March 5, 2009, 10:25 a.m.

Members Present: Schoenjahn, Chair; Boettger, Ranking Member; and Horn.

Members Absent: Quirmbach, Vice Chair; and Feenstra (both excused).

Committee Business: Presentation by the State Library, the Cedar Rapids Community School District, and the Iowa State Education Association.

Adjourned: 11:45 a.m.

INTRODUCTION OF BILLS

Senate File 333, by Hahn, a bill for an act enhancing the criminal penalty for committing an assault to further the commission of a theft from a retailer.

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

Senate File 334, by Gronstal, a bill for an act relating to the legislative committees charged with providing government oversight.

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

Senate File 335, by Seymour, a bill for an act relating to permit fees for the diversion, storage, and withdrawal of water.

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

Senate File 336, by committee on Rebuild Iowa, a bill for an act providing for waivers of certain community attraction and tourism program requirements and including an effective date provision.

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

Senate File 337, by Zaun, Johnson, Kettering, Hamerlinck, Reynolds, Ward, Seymour, Noble, Houser, Hahn, Behn, Boettger, Feenstra McKinley, Wieck, Bartz, Hartsuch, and Kapucian, a bill for an act relating to public employers providing office space to employee organizations.

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

Senate File 338, by committee on Natural Resources, a bill for an act establishing an upland game bird study advisory committee, establishing the deer study advisory committee, and providing an immediate effective date.

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

Senate File 339, by committee on Environment and Energy Independence, a bill for an act relating to wastewater treatment.

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

Senate File 340, by committee on Judiciary, a bill for an act relating to the federal Adam Walsh Child Protection and Safety Act.

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

Senate File 341, by committee on State Government, a bill for an act requiring that a person assisting another person with a disability by controlling an assistive animal be allowed to accompany the person with the disability and the assistive animal.

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

Senate File 342, by committee on Agriculture, a bill for an act providing for the powers and duties of the Iowa soybean association's board of directors.

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

Senate File 343, by committee on Local Government, a bill for an act relating to local regulation of certain lawn applications.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 206

WAYS AND MEANS: Dotzler, Chair; Jochum and Zaun

Senate File 317

COMMERCE: Rielly, Chair; Hartsuch and Warnstadt

Senate File 323

HUMAN RESOURCES: Kreiman, Chair; Hartsuch and Ragan

Senate File 324

TRANSPORTATION: Hancock, Chair; Dandekar and Reynolds

Senate File 325

WAYS AND MEANS: Bolkcom, Chair; Hamerlinck and Quirmbach

Senate File 327

LOCAL GOVERNMENT: Beall, Chair; Houser and McCoy

Senate File 329

STATE GOVERNMENT: Horn, Chair; Feenstra and Hatch

Senate File 330

STATE GOVERNMENT: Horn, Chair; Hatch and Seymour

Senate File 332

COMMERCE: Heckroth, Chair; Behn and Warnstadt

House File 381

HUMAN RESOURCES: Kreiman, Chair; Hartsuch and Hatch

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 342 (formerly SF 235), a bill for an act providing for the powers and duties of the Iowa soybean association's board of directors.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Fraise, Olive, Johnson, Appel, Behn, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, Seng, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ENVIRONMENT AND ENERGY INDEPENDENCE

Bill Title: *SENATE FILE 339 (SSB 1234), a bill for an act relating to wastewater treatment.

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 339, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 340 (SSB 1287), a bill for an act relating to the federal Adam Walsh Child Protection and Safety Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Sodders.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: *SENATE FILE 343 (SSB 1213), a bill for an act relating to local regulation of certain lawn applications.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Quirmbach, Beall, Kapucian, Kreiman, Olive, Rielly, and Schoenjahn. Nays, 3: Reynolds, Hamerlinck, and Houser. Absent, 1: McCoy.

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 Local Government Committee on Senate File 343, and they were attached to the committee report.

NATURAL RESOURCES

Bill Title: *SENATE FILE 338 (SSB 1235), a bill for an act establishing an upland game bird study advisory committee, establishing the deer study advisory committee, and providing an immediate effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dearden, Hancock, Hahn, Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng. 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 Natural Resources Committee on Senate File 338, and they were attached to the committee report.

REBUILD IOWA

Bill Title: *SENATE FILE 336 (SSB 1259), a bill for an act providing for waivers of certain community attraction and tourism program requirements and including an effective date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart. 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 Rebuild Iowa Committee on Senate File 336, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 341 (formerly SF 247), a bill for an act requiring that a person assisting another person with a disability by controlling an assistive animal be allowed to accompany the person with the disability and the assistive animal.

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.

AFTERNOON SESSION

The Senate reconvened at 2:59 p.m., President Kibbie presiding.

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 5, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 321, a bill for an act exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur.

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

The Senate stood at ease at 3:00 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:38 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser, Johnson, McKinley, and Zaun, until they return, on request of Senator Kettering.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 241, 236, 229, and 231.

Senate File 241

On motion of Senator Beall, **Senate File 241**, a bill for an act correcting references in the Code relating to the United States department of veterans affairs, was taken up for consideration.

Senator Beall 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. 241), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Houser	Johnson	McKinley	Zaun

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

Senate File 236

On motion of Senator Bolkcom, **Senate File 236**, a bill for an act relating to psychiatric medical institution for children services and providing an effective date, was taken up for consideration.

Senator Bolkcom withdrew amendment S–3047, filed by him on February 26, 2009, to page 2 of the bill.

Senator Bolkcom offered amendment S–3058, filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S–3058 was adopted by a voice vote.

Senator Bolkcom 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. 236), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Houser	Johnson	McKinley	Zaun

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

Senate File 229

On motion of Senator Kreiman, **Senate File 229**, a bill for an act relating to elections or appointments to a county magistrate appointing commission, was taken up for consideration.

Senator Kreiman 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. 229), the vote was:

Yeas, 46:

Appel	Dvorsky	Jochum	Schmitz
Bartz	Feenstra	Kapucian	Schoenjahn
Beall	Fraise	Kettering	Seng

Behn	Gronstal	Kibbie	Seymour
Black	Hahn	Kreiman	Sodders
Boettger	Hamerlinck	McCoy	Stewart
Bolkcom	Hancock	Noble	Ward
Courtney	Hartsuch	Olive	Warnstadt
Dandekar	Hatch	Quirmbach	Wieck
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Reynolds	
Dotzler	Horn	Rielly	

Nays, none.

Absent, 4:

Houser	Johnson	McKinley	Zaun

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

Senate File 231

On motion of Senator Wilhelm, **Senate File 231**, a bill for an act relating to reimbursing nonparticipating providers under the IowaCare program and creating a nonparticipating provider reimbursement fund, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 231** be **deferred.**

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 414.

House File 414

On motion of Senator Dvorsky, **House File 414**, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Kettering offered amendment S–3060, filed by him from the floor to page 16 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3060 be adopted?" (H.F. 414), the vote was:

Yeas, 15:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McCoy	Ward
Boettger	Hartsuch	Noble	Wieck
Feenstra	Kapucian	Reynolds	

Nays, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	Kreiman	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Absent, 4:

Houser	Johnson	McKinley	Zaun

Amendment S–3060 lost.

Senator Kettering offered amendment S–3059, filed by him from the floor to page 17 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3059 be adopted?" (H.F. 414), the vote was:

Yeas, 14:

Bartz	Hahn	Kettering	Ward
Behn	Hamerlinck	Noble	Wieck
Boettger	Hartsuch	Reynolds	
Feenstra	Kapucian	Seymour	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 4:

Houser	Johnson	McKinley	Zaun

Amendment S–3059 lost.

Senator Kettering offered amendment S–3061, filed by him from the floor to page 17 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3061 be adopted?" (H.F. 414), the vote was:

Yeas, 15:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Ward
Boettger	Hancock	Noble	Wieck
Feenstra	Hartsuch	Reynolds	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 4:

Houser	Johnson	McKinley	Zaun

Amendment S–3061 lost.

Senator Bartz offered amendment S–3057, filed by Senators Bartz and Kettering from the floor to page 18 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3057 be adopted?" (H.F. 414), the vote was:

Yeas, 15:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McCoy	Ward
Boettger	Hartsuch	Noble	Wieck
Feenstra	Kapucian	Reynolds	

Nays, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	Kreiman	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Absent, 4:

Houser	Johnson	McKinley	Zaun

Amendment S–3057 lost.

Senator Dvorsky 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?" (H.F. 414), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders

Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 14:

Bartz	Hahn	Kettering	Ward
Behn	Hamerlinck	Noble	Wieck
Boettger	Hartsuch	Reynolds	
Feenstra	Kapucian	Seymour	

Absent, 4:

Houser	Johnson	McKinley	Zaun

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 229**, **236**, and **241** and **House File 414** 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 225 and 209 and House File 233.

Senate File 225

On motion of Senator Danielson, **Senate File 225**, a bill for an act allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system, was taken up for consideration.

Senator Danielson 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. 225), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Houser	Johnson	McKinley	Zaun

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

Senate File 209

On motion of Senator Quirmbach, **Senate File 209**, a bill for an act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage, was taken up for consideration.

Senator Quirmbach 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. 209), the vote was:

Yeas, 46:

Appel	Dvorsky	Jochum	Schmitz
Bartz	Feenstra	Kapucian	Schoenjahn
Beall	Fraise	Kettering	Seng
Behn	Gronstal	Kibbie	Seymour
Black	Hahn	Kreiman	Sodders
Boettger	Hamerlinck	McCoy	Stewart

Bolkcom	Hancock	Noble	Ward
Courtney	Hartsuch	Olive	Warnstadt
Dandekar	Hatch	Quirmbach	Wieck
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Reynolds	
Dotzler	Horn	Rielly	

Nays, none.

Absent, 4:

Houser	Johnson	McKinley	Zaun

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

House File 233

On motion of Senator Wilhelm, **House File 233**, 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?" (H.F. 233), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Houser	Johnson	McKinley	Zaun

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 209** and **225** and **House File 233** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Horn called up the appointment of Terry Rich as CEO of the Iowa Lottery Authority, placed on the Individual Confirmation Calendar on Wednesday, February 25, 2009, found on page 427 of the Senate Journal.

Senator Horn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Houser	Johnson	McKinley	Zaun

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Black called up the appointment of Cecelia Schroeder as a member of the Commission of Veterans Affairs, placed on the Individual Confirmation Calendar on Monday, February 23, 2009, found on page 383 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Houser	Johnson	McKinley	Zaun

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:44 p.m. until 1:00 p.m., Monday, March 9, 2009.

APPENDIX—2

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Wednesday, March 4, 2009, 5:05 p.m.

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

Members Absent: None.

Committee Business: Approved SSB 1274, as amended.

Adjourned: 5:45 p.m.

COMMERCE

Convened: Thursday, March 5, 2009, 2:05 p.m.

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

Members Absent: Courtney (excused).

Committee Business: Passed SF 275 and approved SSBs 1183 and 1258.

Adjourned: 2:35 p.m.

ECONOMIC GROWTH

Convened: Thursday, March 5, 2009, 1:10 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 SSB 1251.

Adjourned: 1:20 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, March 5, 2009, 10:25 a.m.

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

Members Absent: Courtney, Vice Chair (excused).

Committee Business: Presentation by the Iowa Grants Management Coordinator.

Adjourned: 11:20 a.m.

NATURAL RESOURCES

Convened: Thursday, March 5, 2009, 1:00 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 SSBs 1157 and 1159.

Adjourned: 1:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, March 5, 2009, 10:20 a.m.

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

Members Absent: None.

Committee Business: Discussed FY 2010 budget.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, March 5, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Reviewed budget proposals.

Adjourned: 11:05 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 15, by McCoy, a resolution honoring Rich Eychaner for over three decades of public service.

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

INTRODUCTION OF BILLS

Senate File 344, by committee on Economic Growth, a bill for an act relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

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

Senate File 345, by Sodders, a bill for an act providing for certain witness information in the minutes of evidence filed with a trial information or indictment and providing an effective date.

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

Senate File 346, by McCoy, a bill for an act providing for the sale of Iowa communications network assets, providing for related technical and substantive changes, and providing an effective date.

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

Senate File 347, by McCoy, a bill for an act relating to specified types of business solicitations, providing an exception from applicability of certain requirements for sales conducted by mail, the telephone, or the internet.

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

Senate File 348, by McCoy, a bill for an act prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

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

Senate File 349, by McCoy, a bill for an act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and requiring the department to provide certain data in bulk form to certain persons, and making a penalty applicable.

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

Senate File 350, by Dandekar, a bill for an act concerning driver education instruction by a teaching parent.

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

Senate File 351, by Dandekar, a bill for an act relating to the issuance of a one-year, nonrenewable alternative teaching license by the board of educational examiners to authorize a person to teach mathematics or science at the middle and secondary school levels.

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

Senate File 352, by McCoy, a bill for an act enhancing the criminal penalty for an assault on a transit employee.

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

Senate File 353, by McCoy, a bill for an act creating a religious freedom and civil marriage protection Act, providing a repeal, and providing effective dates.

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

Senate File 354, by McCoy, a bill for an act eliminating the inheritance tax on property passing to siblings of the decedent and including an applicability date provision.

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

STUDY BILLS RECEIVED

SSB 1288 Rules and Administration

Relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, and including effective date and applicability provisions.

SSB 1289 Rebuild Iowa

Relating to flooding by creating an Iowa flood center, allocating duties between the Iowa flood center and the water resources coordinating council, and making appropriations.

SSB 1290 State Government

Concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

SSB 1291 Rebuild Iowa

Relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, authorizing counties to issue bonds for road repair projects, amending provisions related to state

and local bonding authority and contract letting requirements, exempting certain bond proceeds and interest from state income taxation, and amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

SSB 1288

RULES AND ADMINISTRATION: Gronstal, Chair; Kettering and Ragan

SSB 1289

REBUILD IOWA: Hogg, Chair; Appel, Dandekar, Dvorsky, Feenstra, Hahn, Hamerlinck, Heckroth, Horn, Houser, Jochum, Reynolds, and Stewart

SSB 1290

STATE GOVERNMENT: Black, Chair; Dearden and Feenstra

SSB 1291

REBUILD IOWA: Hogg, Chair; Hamerlinck and Heckroth

FINAL COMMITTEE REPORT OF BILL ACTION

ECONOMIC GROWTH

Bill Title: *SENATE FILE 344 (SSB 1241), a bill for an act relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, 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 Economic Growth Committee on Senate File 344, and they were attached to the committee report.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 5, 2009, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 101 – Establishing a shaken baby syndrome prevention program in the department of public health.

AMENDMENTS FILED

S–3057	H.F.	414	Merlin Bartz Steve Kettering
S–3058	S.F.	236	Joe Bolkcom
S–3059	H.F.	414	Steve Kettering
S–3060	H.F.	414	Steve Kettering
S–3061	H.F.	414	Steve Kettering
S–3062	S.F.	231	Merlin Bartz
S–3063	S.F.	289	Robert M. Hogg

JOURNAL OF THE SENATE

FIFTY-SEVENTH CALENDAR DAY
THIRTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 9, 2009

The Senate met in regular session at 1:08 p.m., President Kibbie presiding.

Prayer was offered by Father Brian Dellert, pastor of St. Boniface Catholic Church in Garner, Iowa, and six parishes in Hancock and Winnebago counties. He was the guest of Senator Bartz.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Caitlin Kingery.

The Journal of Thursday, March 5, 2009, was approved.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

S.F.	265	Agriculture
S.F.	290	Appropriations
S.F.	302	Ways and Means
S.F.	309	Ways and Means
S.F.	310	Appropriations

The Senate stood at ease at 1:32 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:31 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Behn and Hartsuch, until they arrive, on request of Senator Johnson; and Senator Seng, until he arrives, on request of Senator Olive.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 328.

Senate File 328

On motion of Senator Stewart, **Senate File 328**, a bill for an act relating to reimbursement of hazardous substance cleanup costs, was taken up for consideration.

Senator Stewart 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. 328), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Behn	Hartsuch	Seng

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 322.

Senate File 322

On motion of Senator Jochum, **Senate File 322**, 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, was taken up for consideration.

Senator Jochum 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. 322), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Behn	Hartsuch	Seng

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 320, 319, and 318.

Senate File 320

On motion of Senator Hogg, **Senate File 320**, 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, was taken up for consideration.

Senator Hogg 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. 320), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Behn	Hartsuch	Seng

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

Senate File 319

On motion of Senator Kreiman, **Senate File 319**, 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, was taken up for consideration.

Senator Kreiman 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. 319), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Behn	Hartsuch	Seng

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

Senate File 318

On motion of Senator Dotzler, **Senate File 318**, a bill for an act pertaining to the duties and regulations under the purview of the labor commissioner, was taken up for consideration.

Senator Dotzler 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. 318), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Behn	Hartsuch	Seng

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 318**, **319**, **320**, **322**, and **328** 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 305, 295, 291, and 289.

Senate File 305

On motion of Senator Horn, **Senate File 305**, a bill for an act concerning audits conducted by a licensee conducting pari-mutuel wagering or gambling games and providing an effective date, was taken up for consideration.

Senator Horn 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. 305), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Behn	Hartsuch	Seng

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

Senate File 295

On motion of Senator Sodders, **Senate File 295**, a bill for an act concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department, was taken up for consideration.

Senator Sodders 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. 295), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Behn	Hartsuch	Seng

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

Senate File 291

On motion of Senator Beall, **Senate File 291**, a bill for an act providing for the recognition and promotion of certified retirement communities, was taken up for consideration.

Senator Beall 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. 291), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Behn	Hartsuch	Seng

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

Senate File 289

On motion of Senator Horn, **Senate File 289**, a bill for an act relating to loan forgiveness under the jumpstart housing assistance program, was taken up for consideration.

Senator Hogg offered amendment S–3063, filed by him on March 5, 2009, to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S–3063 was adopted by a voice vote.

Senator Horn 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. 289), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Behn	Hartsuch	Seng

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 289**, **291**, **295**, and **305** 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 288, 285, 270, and 268.

Senate File 288

On motion of Senator Rielly, **Senate File 288**, a bill for an act relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder, was taken up for consideration.

Senator Rielly 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. 288), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Behn	Hartsuch	Seng

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

Senate File 285

On motion of Senator Kreiman, **Senate File 285**, a bill for an act relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty, was taken up for consideration.

Senator Kreiman 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. 285), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Behn	Hartsuch	Seng

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

Senate File 270

On motion of Senator Quirmbach, **Senate File 270**, a bill for an act transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters, and making penalties applicable, was taken up for consideration.

Senator Quirmbach 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. 270), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Behn	Hartsuch	Seng

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

Senate File 268

On motion of Senator Hancock, **Senate File 268**, a bill for an act providing for the award of local watershed improvement grants, was taken up for consideration.

Senator Hancock 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. 268), the vote was:

Yeas, 48:

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

Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirmbach	Wieck
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Behn	Hartsuch

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 268**, **270**, **285**, and **288** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:36 p.m. until 4:30 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

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

Olinda Aschbrenner—For celebrating her 100th birthday. Senator Heckroth (3/9/09).

Ursula Behrens Watson Cordes, Arlington—For celebrating her 80th birthday. Senator Schoenjahn (3/9/09).

Matthew Burnstedt, Libertyville—For achieving the rank of Eagle Scout. Senator Schmitz (3/9/09).

Allan Busch—For achieving the rank of Eagle Scout, Troop 51. Senator Heckroth (3/9/09).

Brent Fangman, Dubuque—For achieving the rank of Eagle Scout, Troop 91. Senator Jochum (3/9/09).

Lois I. Foutch—For celebrating her 95th birthday. Senator Seymour (3/9/09).

Brian Gonner, Dubuque—For achieving the rank of Eagle Scout, Troop 91. Senator Jochum (3/9/09).

Cory Hancock, Dubuque—For achieving the rank of Eagle Scout, Troop 91. Senator Jochum (3/9/09).

Rex and Pat Humiston, Sperry—For celebrating their 45th wedding anniversary. Senator Courtney (3/9/09).

Jeremy Kenpper, Dubuque—For achieving the rank of Eagle Scout, Troop 91. Senator Jochum (3/9/09).

Margaret Leonard, Burlington—For celebrating her 90th birthday. Senator Courtney (3/9/09).

Alec Leytem, Dubuque—For achieving the rank of Eagle Scout, Troop 91. Senator Jochum (3/9/09).

Hazel Lord, Burlington—For celebrating her 98th birthday. Senator Courtney (3/9/09).

Bernice Webber—For celebrating her 80th birthday. Senator Seymour (3/9/09).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, March 5, 2009, 10:05 a.m.

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

Members Absent: None.

Committee Business: Presentations on community college workforce training programs.

Adjourned: 11:05 a.m.

INTRODUCTION OF BILLS

Senate File 355, by committee on Commerce, a bill for an act relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates.

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

Senate File 356, by committee on Transportation, a bill for an act relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national.

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

Senate File 357, by committee on Labor and Business Relations, a bill for an act relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, and providing penalties.

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

Senate File 358, by committee on Judiciary, a bill for an act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability.

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

Senate File 359, by committee on Education, a bill for an act relating to the establishment and implementation of a statewide writing assessment for public school students in grades three, six, and ten.

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

Senate File 360, by committee on Education, a bill for an act relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.

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

Senate File 361, by committee on Rebuild Iowa, a bill for an act providing appropriations to support soil and water conservation efforts.

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

Senate File 362, by committee on Environment and Energy Independence, a bill for an act authorizing cities to establish storm water drainage system utility districts for purposes of special assessments.

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

Senate File 363, by committee on Rebuild Iowa, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities in response to a natural disaster, designating certain activities as essential corporate purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, and including effective date and retroactive applicability date provisions.

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

Senate File 364, by committee on Judiciary, a bill for an act relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing effective date and applicability provisions.

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

Senate File 365, by committee on Judiciary, a bill for an act relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

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

Senate File 366, by committee on Judiciary, a bill for an act relating to the emancipation of a minor and family in need of assistance proceedings.

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

Senate File 367, by committee on Rebuild Iowa, a bill for an act relating to flood damage prevention and insurance.

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

Senate File 368, by committee on Environment and Energy Independence, 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 **placed on calendar**.

Senate File 369, by committee on Economic Growth, a bill for an act relating to the availability of and eligibility for investment tax credits, eliminating the venture capital investment tax credit, and including retroactive applicability and other applicability date provisions.

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

Senate File 370, by committee on Rebuild Iowa, a bill for an act relating to flooding by creating an Iowa flood center, allocating duties between the Iowa flood center and the water resources coordinating council, and making appropriations.

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

STUDY BILLS RECEIVED

SSB 1292 Local Government

Providing for the exclusion of costs associated with installation of a geothermal heating or cooling system from a residence's property value for purposes of property taxation and including an applicability date provision.

SSB 1293 Local Government

Relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property, authorizing the creation of a lien on real property that is the subject of a nuisance action, and providing a limitation on liability for cities and city employees.

SSB 1294 Local Government

Providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions.

SSB 1295 Judiciary

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 14

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

Senate File 298

AGRICULTURE: Seng, Chair; Fraise and Johnson

Senate File 333

JUDICIARY: Kreiman, Chair; Noble and Warnstadt

Senate File 335

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

Senate File 345

JUDICIARY: Sodders, Chair; Kreiman and Ward

Senate File 349

TRANSPORTATION: McCoy, Chair; Heckroth and Zaun

Senate File 350

TRANSPORTATION: Dandekar, Chair; Hahn and Hancock

Senate File 352

JUDICIARY: Kreiman, Chair; Noble and Warnstadt

Senate File 354

WAYS AND MEANS: Quirmbach, Chair; Hamerlinck and Jochum

House File 321

VETERANS AFFAIRS: Danielson, Chair; Seymour and Sodders

SSB 1292

LOCAL GOVERNMENT: Quirmbach, Chair; Kapucian and Kreiman

SSB 1293

LOCAL GOVERNMENT: Quirmbach, Chair; Kreiman and Reynolds

SSB 1294

LOCAL GOVERNMENT: Beall, Chair; McCoy and Reynolds

SSB 1295

JUDICIARY: Sodders, Chair; Jochum and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *SENATE FILE 355 (SSB 1196), a bill for an act relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. 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 Commerce Committee on Senate File 355, and they were attached to the committee report.

ECONOMIC GROWTH

Bill Title: SENATE FILE 369 (SSB 1251), a bill for an act relating to the availability of and eligibility for investment tax credits, eliminating the venture capital investment tax credit, and including retroactive applicability and other applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: *SENATE FILE 359 (SSB 1016), a bill for an act relating to the establishment and implementation of a statewide writing assessment for public school students in grades three, six, and ten.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Schmitz, Schoenjahn, Appel, Beall, Dvorsky, Heckroth, Kreiman, Quirmbach, Sodders, and Wilhelm. Nays, 5: Boettger, Feenstra, Hamerlinck, Johnson, and McKinley. 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 Education Committee on Senate File 359, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 360 (SSB 1101), a bill for an act relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Sodders, 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 Education Committee on Senate File 360, and they were attached to the committee report.

ENVIRONMENT AND ENERGY INDEPENDENCE

Bill Title: SENATE FILE 362 (SSB 1273), a bill for an act authorizing cities to establish storm water drainage system utility districts for purposes of special assessments.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Black, Hogg, Bolkcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, 1: Behn. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 368 (formerly SF 172), 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Black, Hogg, Bolkcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, 1: Behn. 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 368, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 358 (formerly SF 221), a bill for an act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Sodders.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 364 (SSB 1202), a bill for an act relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 365 (SSB 1244), a bill for an act relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Sodders.

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 365, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 366 (SSB 1216), a bill for an act relating to the emancipation of a minor and family in need of assistance proceedings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Kreiman, Hogg, Kettering, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Ward, Warnstadt, and Zaun. Nays, 1: Boettger. Absent, 1: Sodders.

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 366, and they were attached to the committee report.

LABOR AND BUSINESS RELATIONS

Bill Title: *SENATE FILE 357 (SSB 1071), a bill for an act relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Courtney, Jochum, Ward, Dearden, Dotzler, Horn, Houser, Wieck, and Zaun. Nays, none. Absent, 2: Gronstal and Hatch.

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 357, and they were attached to the committee report.

REBUILD IOWA

Bill Title: *SENATE FILE 361 (SSB 1270), a bill for an act providing appropriations to support soil and water conservation efforts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Hogg, Heckroth, Appel, Dandekar, Horn, Jochum, and Stewart. Nays, 5: Hamerlinck, Feenstra, Hahn, Houser, and Reynolds. Present, 1: Dvorsky. 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 Rebuild Iowa Committee on Senate File 361, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 363 (SSB 1239), a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities in response to a natural disaster, designating certain activities as essential corporate purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, and including effective date and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Hogg, Heckroth, Appel, Dandekar, Dvorsky, Horn, Jochum, and Stewart. Nays, 5: Hamerlinck, Feenstra, Hahn, Houser, and Reynolds. 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 Rebuild Iowa Committee on Senate File 363, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 367 (SSB 1194), a bill for an act relating to flood damage prevention and insurance.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Hogg, Heckroth, Appel, Dandekar, Dvorsky, Horn, Jochum, and Stewart. Nays, 5: Hamerlinck, Feenstra, Hahn, Houser, and Reynolds. 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 Rebuild Iowa Committee on Senate File 367, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 370 (SSB 1289), a bill for an act relating to flooding by creating an Iowa flood center, allocating duties between the Iowa flood center and the water resources coordinating council, and making appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Hogg, Heckroth, Appel, Dandekar, Horn, Jochum, and Stewart. Nays, 3: Hamerlinck, Hahn, and Reynolds. Present, 1: Dvorsky. Absent, 2: Feenstra and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: SENATE FILE 356 (SSB 1266), a bill for an act relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened at 4:40 p.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 254, 253, and 205.

Senate File 254

On motion of Senator Kibbie, **Senate File 254**, a bill for an act requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs, 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. 254), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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

Senate File 253

On motion of Senator Warnstadt, **Senate File 253**, a bill for an act relating to the time allowed certain active duty military personnel to file a state income tax return and including a retroactive applicability date provision, was taken up for consideration.

Senator Warnstadt 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. 253), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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

Senate File 205

On motion of Senator Fraise, **Senate File 205**, a bill for an act relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services, was taken up for consideration.

Senator Fraise 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. 205), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 256.

House File 256

On motion of Senator Hogg, **House File 256**, a bill for an act relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Hogg 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?" (H.F. 256), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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

WITHDRAWN

Senator Hogg asked and received unanimous consent that **Senate File 198** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 262.

Senate File 262

On motion of Senator Dearden, **Senate File 262**, a bill for an act relating to the imposition of penalty benefits in workers' compensation cases, was taken up for consideration.

Senator Dearden 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. 262), the vote was:

Yeas, 30:

Appel	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Black	Fraise	Kibbie	Sodders
Bolkcom	Gronstal	Kreiman	Stewart
Courtney	Hancock	McCoy	Warnstadt
Dandekar	Hatch	Quirmbach	Wilhelm
Danielson	Heckroth	Ragan	
Dearden	Hogg	Schmitz	

Nays, 19:

Bartz	Hartsuch	McKinley	Seymour
Boettger	Houser	Noble	Ward
Feenstra	Johnson	Olive	Wieck
Hahn	Kapucian	Reynolds	Zaun
Hamerlinck	Kettering	Rielly	

Absent, 1:

Behn

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 205**, **253**, **254**, and **262** and **House File 256** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:08 p.m. until 8:45 a.m., Tuesday, March 10, 2009.

APPENDIX—2

CERTIFICATE OF RECOGNITION

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

Mia Pierson, Story City—For being named State Winner of the 2009 Poetry Out Loud in Iowa contest. Senator Olive (3/9/09).

REPORT OF COMMITTEE MEETING

HUMAN RESOURCES

Convened: Monday, March 9, 2009, 3:45 p.m.

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

Members Absent: None.

Committee Business: Passed SF 271, as amended, and approved SSB 1255, as amended.

Adjourned: 4:25 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 16, by Kibbie, a senate resolution to urge Congress to support the horse processing industry.

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

INTRODUCTION OF BILLS

Senate File 371, by Hancock, a bill for an act relating to administrative rules for wastewater discharge from well drilling sites.

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

Senate File 372, by committee on Commerce, a bill for an act requesting the establishment of a telecommunications regulation interim study committee.

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

Senate File 373, by committee on Environment and Energy Independence, a bill for an act relating to the operation and purview of the office of energy independence, by transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority.

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

Senate File 374, by committee on Commerce, a bill for an act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable.

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

Senate File 375, by committee on Natural Resources, a bill for an act regulating various hunting, fishing, and trapping activities under the jurisdiction of the department of natural resources, modifying certain nonresident fees, and providing an immediate effective date.

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

Senate File 376, by committee on Appropriations, a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions.

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

Senate File 377, by committee on Rebuild Iowa, a bill for an act relating to the prescription drug donation repository program.

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

Senate File 378, by committee on Local Government, a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system.

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

Senate File 379, by committee on Commerce, a bill for an act relating to the use of insurance loss history in the issuance of dramshop liability insurance.

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

Senate File 380, by committee on Judiciary, a bill for an act relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 346

COMMERCE: Warnstadt, Chair; Behn and Courtney

Senate File 347

COMMERCE: Dandekar, Chair; Behn and McCoy

Senate File 348

COMMERCE: McCoy, Chair; Ward and Warnstadt

Senate File 351

EDUCATION: Dvorsky, Chair; Johnson and Quirmbach

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 376 (SSB 1274), a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 8: Kettering, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Present, 1: Bartz. Absent, 1: Hatch.

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 Appropriations Committee on Senate File 376, and they were attached to the committee report.

COMMERCE

Bill Title: *SENATE FILE 372 (formerly SF 275), a bill for an act requesting the establishment of a telecommunications regulation interim study committee.

Recommendation: APPROVED COMMITTEE BILL.

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

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 Commerce Committee on Senate File 372, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 374 (SSB 1258), a bill for an act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable.

Recommendation: APPROVED COMMITTEE BILL.

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

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 Commerce Committee on Senate File 374, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 379 (SSB 1183), a bill for an act relating to the use of insurance loss history in the issuance of dramshop liability insurance.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Warnstadt, Heckroth, Bolkcom, Dandekar, McCoy, Olive, Rielly, Schmitz, and Stewart. Nays, 5: Wieck, Behn, Hartsuch, Kettering, and Ward. Absent, 1: Courtney.

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 Commerce Committee on Senate File 379, and they were attached to the committee report.

ENVIRONMENT AND ENERGY INDEPENDENCE

Bill Title: *SENATE FILE 373 (SSB 1262), a bill for an act relating to the operation and purview of the office of energy independence, by transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Black, Hogg, Bolkcom, Hancock, Hartsuch, Rielly, Stewart, and Wilhelm. Nays, 3: Behn, Reynolds, and Ward. 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 373, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 380 (SSB 1253), a bill for an act relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Sodders.

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 380, and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: *SENATE FILE 378 (SSB 1212), a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Quirmbach, Beall, Kreiman, Olive, Rielly, and Schoenjahn. Nays, 3: Hamerlinck, Houser, and Kapucian. Present, 1: Reynolds. Absent, 1: McCoy.

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 Local Government Committee on Senate File 378, and they were attached to the committee report.

NATURAL RESOURCES

Bill Title: *SENATE FILE 375 (SSB 1159), a bill for an act regulating various hunting, fishing, and trapping activities under the jurisdiction of the department of natural resources, modifying certain nonresident fees, and providing an immediate effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dearden, Hancock, Hahn, Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng. 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 Natural Resources Committee on Senate File 375, and they were attached to the committee report.

REBUILD IOWA

Bill Title: *SENATE FILE 377 (SSB 1268), a bill for an act relating to the prescription drug donation repository program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Hahn, Horn, Jochum, Reynolds, and Stewart. Nays, none. Absent, 2: Feenstra and Houser.

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 Rebuild Iowa Committee on Senate File 377, and they were attached to the committee report.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 6, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 51 – Relating to electronic filing of campaign finance disclosure statements and reports by certain political committees and providing an effective date.

Senate File 52 – Relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

AMENDMENTS FILED

S–3064	S.F.	195	Gene Fraise
S–3065	S.F.	344	Rich Olive

JOURNAL OF THE SENATE

FIFTY-EIGHTH CALENDAR DAY
THIRTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 10, 2009

The Senate met in regular session at 8:46 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy Boettger, member of the Senate from Shelby County, Harlan, Iowa.

The Journal of Monday, March 9, 2009, was approved.

BILLS REFERRED TO COMMITTEE

Senator Courtney asked and received unanimous consent that **Senate Files 344, 361, and 370** be referred from the Regular Calendar to the committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 8:50 a.m. until 8:45 a.m., Wednesday, March 11, 2009.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Amanda Berneman, Mason City—For being named a National Merit Finalist. Senator Ragan (3/10/09).

Merle and Fran Bettcher, Harlan—For celebrating their 50th wedding anniversary. Senator Boettger (3/10/09).

Antoinette Bonderman, Sheldon—For celebrating her 100th birthday. Senator Johnson (3/10/09).

Bonard Christiansen, Schleswig—For celebrating his 80th birthday. Senator Seymour (3/10/09).

Guyla Cooper, Blencoe—For celebrating her 90th birthday. Senator Seymour (3/10/09).

Desmond Decker, Luana—For achieving the rank of Eagle Scout, Troop 64. Senator Wilhelm (3/10/09).

Denise Dolan, Dubuque—For receiving a Dubuque County Democrats Hall of Fame Lifetime Achievement Award. Senator Jochum (3/10/09).

Wayne and Rheta Dwyer, Manilla—For celebrating their 50th wedding anniversary. Senator Boettger (3/10/09).

Kenneth and Diane Fenton, Audubon—For celebrating their 50th wedding anniversary. Senator Boettger (3/10/09).

John Harris, Holstein—For achieving the rank of Eagle Scout. Senator Seymour (3/10/09).

Frances Heilman, Holstein—For celebrating her 80th birthday. Senator Seymour (3/10/09).

Stephen Henrich, Mason City—For being named a National Merit Finalist. Senator Ragan (3/10/09).

Mutia Herlina, Kirkwood Community College—For being a recipient of the Phi Theta Kappa Iowa Community Colleges 2009 All Academic Team. Senator Beall (3/10/09).

Rev. Anita Johnson, Friendship Haven in Fort Dodge—For serving as Chaplain of the Day. Senator Beall (3/10/09).

Pat Kelly, Dubuque—For receiving a Dubuque County Democrats Hall of Fame Lifetime Achievement Award. Senator Jochum (3/10/09).

Caitlin McAnally, Iowa Central Community College—For being a recipient of the Phi Theta Kappa Iowa Community Colleges 2009 All Academic Team. Senator Beall (3/10/09).

The McCauley Family (Sylvester, Mike, and JoAnn), Dubuque—For receiving a Dubuque County Democrats Hall of Fame Lifetime Achievement Award. Senator Jochum (3/10/09).

T.J. Mulgrew, Dubuque—For receiving a Dubuque County Democrats Hall of Fame Lifetime Achievement Award. Senator Jochum (3/10/09).

Royden and Gladys Putnam, Osage—For celebrating their 65th wedding anniversary. Senator Ragan (3/10/09).

Marifrances Stueve, Woodbine—For celebrating her 80th birthday. Senator Seymour (3/10/09).

Nellie Sundblad, Spencer—For celebrating her 94th birthday. Senator Johnson (3/10/09).

Oscar Sundblad, Spencer—For celebrating his 100th birthday. Senator Johnson (3/10/09).

Kathy Flynn Thurlow, Dubuque—For receiving a Dubuque County Democrats Hall of Fame Lifetime Achievement Award. Senator Jochum (3/10/09).

Theresa Elizabeth McHugh Topf, Charter Oak—For celebrating her 80th birthday. Senator Seymour (3/10/09).

Emi Wubben, Iowa Central Community College—For being a recipient of the Phi Theta Kappa Iowa Community Colleges 2009 All Academic Team. Senator Beall (3/10/09).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Tuesday, March 10, 2009, 9:05 a.m.

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

Members Absent: Behn (excused).

Committee Business: Passed SFs 174, 298, and 308.

Adjourned: 9:35 a.m.

COMMERCE

Convened: Tuesday, March 10, 2009, 11:00 a.m.

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

Members Absent: Behn (excused).

Committee Business: Passed SFs 170, 188, 317, 332, and 348.

Adjourned: 12:20 p.m.

REBUILD IOWA

Convened: Thursday, March 5, 2009, 9:50 a.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: Approved SSBs 1194 and 1289, both as amended.

Adjourned: 5:20 p.m.

TRANSPORTATION

Convened: Wednesday, March 4, 2009, 3:05 p.m.

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

Members Absent: None.

Committee Business: Considered SSBs 1185 and 1266.

Adjourned: 3:40 p.m.

VETERANS AFFAIRS

Convened: Tuesday, March 10, 2009, 2:35 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck.

Members Absent: None.

Committee Business: Approved governor's appointment. Approved SSBs 1006 and 1151.

Adjourned: 3:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, March 5, 2009, 10:10 a.m.

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

Members Absent: Ragan, Vice Chair; and Schmitz (both excused).

Committee Business: Discussed budget.

Adjourned: 10:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Tuesday, February 24, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentation by the State Court Administrator.

Adjourned: 11:20 a.m.

ALSO:

Convened: Thursday, March 5, 2009, 10:20 a.m.

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

Members Absent: None.

Committee Business: Approved LSB 1008, as amended.

Adjourned: 11:05 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 3, by Bolkcom, a concurrent resolution requesting the legislative council to establish a multigenerational and sustainable housing task force to address the barriers to citizens aging-in-place and to facilitate multigenerational or sustainable living arrangements in communities across the state.

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

Senate Joint Resolution 7, by Zaun, a joint resolution proposing an amendment to the Constitution of the State of Iowa to change the length of term of office and limit the term of service of members of the general assembly.

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

INTRODUCTION OF BILLS

Senate File 381, by Beall, a bill for an act relating to accommodations by employers for court-ordered visitation.

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

Senate File 382, by McKinley, a bill for an act providing for the transfer of the administration of the loan and credit guarantee program and including an effective date.

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

Senate File 383, by McKinley, a bill for an act establishing a pay-for-performance task force and demonstration program and an Iowa teacher excellence fund, and providing an effective date.

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

Senate File 384, by McKinley, a bill for an act requiring the board of directors of a school district to adopt a student promotion policy and providing for related matters.

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

Senate File 385, by McKinley, a bill for an act relating to alternative practitioner preparation pilot programs to prepare individuals to teach elementary and secondary students.

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

Senate File 386, by McKinley, a bill for an act relating to the minimum hours of instructional time in a school day for school districts, charter schools, and accredited nonpublic schools and including an effective date and applicability provision.

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

Senate File 387, by McKinley, a bill for an act relating to board of educational examiners testing requirements for applicants for teacher licensure or endorsement.

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

Senate File 388, by committee on Natural Resources, a bill for an act relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, and making penalties applicable.

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

Senate File 389, by committee on human resources, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates.

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

Senate File 390, by Seymour, a bill for an act providing for fees for permits related to the withdrawal or diversion of water from natural sources, and providing an effective date and retroactive applicability.

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

Senate File 391, by Johnson, a bill for an act authorizing issuance of group health insurance policies to health benefit purchasing cooperatives.

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

Senate File 392, by Danielson, a bill for an act prohibiting landlords from imposing financial penalties against tenants for certain actions in violation of city ordinances and making penalties applicable.

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

Senate File 393, by committee on Human Resources, a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting.

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

Senate File 394, by committee on Human Resources, a bill for an act requiring a circulating nurse to be present in operating rooms during surgical procedures and providing an effective date.

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

Senate File 395, by committee on Commerce, a bill for an act prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

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

Senate File 396, by committee on Commerce, 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 **placed on calendar**.

Senate File 397, by Hamerlinck, a bill for an act relating to air quality testing.

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

STUDY BILLS RECEIVED

SSB 1296 Natural Resources

Relating to sales and excise taxes imposed on the sales of bottled water with revenues deposited into a clean water fund in the department of natural resources.

SSB 1297 Local Government

Relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions.

SSB 1298 Rebuild Iowa

Relating to the issuance or approval of building plans, permits, licenses, certificates, and other documents by a local building department.

SSB 1299 Rebuild Iowa

Relating to the suspension of state or local building code provisions following a disaster.

SSB 1300 Veterans Affairs

Exempting from the computation of the state individual income tax certain benefits received from the veterans trust fund and including a retroactive applicability date provision.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 7

STATE GOVERNMENT: Courtney, Chair; Behn and Dearden

Senate File 290

APPROPRIATIONS: Appel, Chair; Feenstra and Hogg

Senate File 310

APPROPRIATIONS: Dotzler, Chair; Dvorsky and Feenstra

Senate File 344

APPROPRIATIONS: Dotzler, Chair; Kapucian and Warnstadt

Senate File 353

STATE GOVERNMENT: Courtney, Chair; Feenstra and Kibbie

Senate File 361

APPROPRIATIONS: Dvorsky, Chair; Fraise and Kettering

Senate File 370

APPROPRIATIONS: Dvorsky, Chair; Hogg and Kettering

Senate File 381

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

Senate File 382

ECONOMIC GROWTH: Stewart, Chair; Houser and Olive

SSB 1296

NATURAL RESOURCES: Dearden, Chair; Bartz and Bolkcom

SSB 1297

LOCAL GOVERNMENT: Quirmbach, Chair; Hamerlinck and McCoy

SSB 1298

REBUILD IOWA: Hogg, Chair; Hamerlinck and Heckroth

SSB 1299

REBUILD IOWA: Hogg, Chair; Hamerlinck and Heckroth

SSB 1300

VETERANS AFFAIRS: Kibbie, Chair; Ragan and Seymour

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: SENATE FILE 395 (formerly SF 348), a bill for an act prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Warnstadt, Heckroth, Bolkcom, Courtney, Dandekar, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, 3: Wieck, Hartsuch, and Kettering. Absent, 1: Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 396 (formerly SF 317), 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.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: *SENATE FILE 389 (formerly SF 48), a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Ragan, Schmitz, Bolkcom, Dotzler, Hatch, Kreiman, Quirmbach, and Wilhelm. Nays, 5: Hartsuch, Bartz, Boettger, Johnson, and Seymour. 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 389, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 393 (formerly SF 271), a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, 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 393, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 394 (SSB 1255), a bill for an act requiring a circulating nurse to be present in operating rooms during surgical procedures and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, 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 394, and they were attached to the committee report.

NATURAL RESOURCES

Bill Title: *SENATE FILE 388 (SSB 1157), a bill for an act relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dearden, Hancock, Hahn, Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng. 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 Natural Resources Committee on Senate File 388, and they were attached to the committee report.

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

VETERANS AFFAIRS

Timothy Orr – Adjutant General of the State of Iowa

AMENDMENT FILED

S–3066 S.F. 336 Swati A. Dandekar

JOURNAL OF THE SENATE

FIFTY-NINTH CALENDAR DAY
THIRTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 11, 2009

The Senate met in regular session at 8:51 a.m., President Kibbie presiding.

Prayer was offered by Pastor Anita Johnson, United Methodist Chaplain at the Friendship Retirement Home in Fort Dodge, Iowa. She was the guest of Senator Beall.

The Journal of Tuesday, March 10, 2009, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Robert Berntsen, the governor's appointee, to be the Chair of the Utilities Board. He was the guest of Senator Warnstadt and the committee on Commerce.

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 March 10, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 98, a bill for an act establishing a lean enterprise office within the department of management.

Senate File 270, a bill for an act transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters, and making penalties applicable.

Senate File 319, 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.

Senate File 328, a bill for an act relating to reimbursement of hazardous substance cleanup costs.

ALSO: That the House has on March 10, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 216, a bill for an act relating to cemeteries, including what constitutes a pioneer cemetery and claims of adverse possession concerning cemeteries or pioneer cemeteries.

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

House File 450, a bill for an act relating to the time of opening the polls for certain city elections.

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

House File 468, a bill for an act creating an unsewered community revolving loan program and fund.

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

House File 469, a bill for an act relating to licensing fees retained by the board of educational examiners and providing an effective date.

Read first time and referred to committee on **Education**.

House File 475, a bill for an act making technical changes to the laws relating to elections and voter registration, making a penalty applicable, and including effective date and applicability date provisions.

Read first time and attached to **similar Senate File 276**.

House File 478, a bill for an act relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates.

Read first time and referred to committee on **Commerce**.

House File 496, a bill for an act relating to the authority of a city to dispose of real property by gift.

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:03 a.m. until 5:30 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

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

Brian Hoffman, Goose Lake—For winning 7th place in the Iowa State Wrestling Tournament. Senator Hamerlinck (3/11/09).

Casey Kreiter, DeWitt—For winning 5th place in the Iowa State Wrestling Tournament. Senator Hamerlinck (3/11/09).

Geneil Mestad—For celebrating her 80th birthday. Senator Dotzler (3/11/09).

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: Wednesday, March 11, 2009, 2:00 p.m.

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

Members Absent: None.

Committee Business: Passed SF 179, as amended, and SF 323. Approved SSBs 1142 and 1179, both as amended, and 1002.

Adjourned: 3:30 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Wednesday, March 11, 2009, 9:45 a.m.

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

Members Absent: Gronstal (excused).

Committee Business: Passed SF 157, as amended.

Adjourned: 10:40 a.m.

TRANSPORTATION

Convened: Tuesday, March 10, 2009, 4:05 p.m.

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

Members Absent: None.

Committee Business: Failed to pass SF 272, passed SF 294, and deferred SF 350. Approved SSB 1185, as amended.

Adjourned: 5:05 p.m.

INTRODUCTION OF BILLS

Senate File 398, by Appel, a bill for an act relating to the imposition of a local option sales and services tax within the corporate boundaries of a city.

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

Senate File 399, by Dotzler, a bill for an act relating to the mitigation of violations by health care facilities in lieu of fines.

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

Senate File 400, by Dotzler, a bill for an act relating to the responsibility for the regulation of certain health-related facilities.

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

Senate File 401, by Dotzler, a bill for an act relating to the authority of the director of the department of inspections and appeals to modify or reverse a proposed decision rendered by an administrative law judge relating to a citation issued to a health care facility.

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

Senate File 402, by Hamerlinck, a bill for an act establishing a career and technical academy pilot program for junior and senior high school students at the Blong technology center at eastern Iowa community college.

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

Senate File 403, by committee on Commerce, a bill for an act concerning the sale of beer by native wineries.

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

Senate File 404, by committee on Commerce, 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 **placed on calendar**.

Senate File 405, by committee on Agriculture, a bill for an act providing for the disposal of dead animal bodies by persons practicing veterinary medicine.

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

Senate File 406, by committee on Agriculture, 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 **placed on calendar**.

Senate File 407, by committee on Veterans Affairs, a bill for an act relating to the rights and responsibilities of Iowa veterans home members.

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

Senate File 408, by committee on Transportation, a bill for an act providing for motor fuel containing biodiesel, providing for tax credits, making penalties applicable, and including effective date and applicability provisions.

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

Senate File 409, by committee on Commerce, a bill for an act requiring disclosure to customers of annual gas and electric utility charges.

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

Senate File 410, by McKinley, a bill for an act relating to free deer hunting licenses for active duty military personnel.

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

STUDY BILLS RECEIVED

SSB 1301 Judiciary

Relating to the acquisition of title to abandoned property by cities.

SSB 1302 Ways and Means

Eliminating the sales and use tax exemptions on the sale of certain aircraft, aircraft-related services and equipment, and specialized flying implements of husbandry.

SSB 1303 Ways and Means

Relating to county mental health, mental retardation, and developmental disabilities services funds, levy authority for such funds, and the state allowed growth factor adjustment funding for such services, and providing effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 302

WAYS AND MEANS: Dandekar, Chair; Bolkcom and Ward

Senate File 309

WAYS AND MEANS: Dotzler, Chair; Bartz and Bolkcom

Senate File 383

EDUCATION: Dvorsky, Chair; McKinley and Quirmbach

Senate File 384

EDUCATION: Dvorsky, Chair; McKinley and Quirmbach

Senate File 385

EDUCATION: Dvorsky, Chair; McKinley and Quirmbach

Senate File 386

EDUCATION: Dvorsky, Chair; McKinley and Quirmbach

Senate File 387

EDUCATION: Dvorsky, Chair; McKinley and Quirmbach

Senate File 391

COMMERCE: Dandekar, Chair; Hartsuch and Rielly

Senate File 392

LOCAL GOVERNMENT: Schoenjahn, Chair; Houser and McCoy

House File 216

LOCAL GOVERNMENT: Rielly, Chair; Houser and Schoenjahn

House File 496

LOCAL GOVERNMENT: Olive, Chair; Beall and Kapucian

SSB 1301

JUDICIARY: Hogg, Chair; Quirmbach and Ward

SSB 1302

WAYS AND MEANS: Jochum, Chair; Feenstra and Schmitz

SSB 1303

WAYS AND MEANS: Seng, Chair; Hamerlinck and Quirmbach

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: *SENATE FILE 405 (formerly SF 298), a bill for an act providing for the disposal of dead animal bodies by persons practicing veterinary medicine.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Fraise, Olive, Johnson, Appel, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, Seng, and Sodders. Nays, none. Absent, 1: Behn.

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 Agriculture Committee on Senate File 405, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 406 (formerly SF 174), 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Fraise, Olive, Johnson, Appel, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, Seng, and Sodders. Nays, none. Absent, 1: Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Bill Title: *SENATE FILE 403 (formerly SF 188), a bill for an act concerning the sale of beer by native wineries.

Recommendation: APPROVED COMMITTEE BILL.

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

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 Commerce Committee on Senate File 403, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 404 (formerly SF 332), 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.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 409 (formerly SF 170), a bill for an act requiring disclosure to customers of annual gas and electric utility charges.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Warnstadt, Heckroth, Bolkcom, Courtney, Dandekar, Hartsuch, McCoy, Olive, Rielly, Schmitz, and Stewart. Nays, 3: Wieck, Kettering, and Ward. Absent, 1: Behn.

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 Commerce Committee on Senate File 409, and they were attached to the committee report.

TRANSPORTATION

Bill Title: SENATE FILE 408 (formerly SF 294), a bill for an act providing for motor fuel containing biodiesel, providing for tax credits, making penalties applicable, and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Rielly, Beall, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, and Warnstadt. Nays, 4: Noble, Dandekar, Reynolds, and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: *SENATE FILE 407 (SSB 1151), a bill for an act relating to the rights and responsibilities of Iowa veterans home members.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, 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 Veterans Affairs Committee on Senate File 407, and they were attached to the committee report.

EVENING SESSION

The Senate reconvened at 5:43 p.m., President Kibbie presiding.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

S.F.	363	Ways and Means
S.F.	368	Appropriations
S.F.	369	Ways and Means
S.F.	375	Ways and Means

The Senate stood at ease at 5:44 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:22 p.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Joint Resolution 5.

Senate Joint Resolution 5

On motion of Senator Kreiman, **Senate Joint Resolution 5**, a joint resolution proposing an amendment to the Constitution of the State of Iowa eliminating a requirement that a criminal offense, where the maximum permissible penalty does not exceed thirty days of imprisonment, be prosecuted on information under oath. BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA, was taken up for consideration.

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

Senate Joint Resolution 5, a joint resolution proposing an amendment to the Constitution of the State of Iowa eliminating a requirement that a criminal offense, where the maximum permissible penalty does not exceed thirty days of imprisonment, be prosecuted on information under oath.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 11, unnumbered paragraph 1, of Article 1 of the Constitution of the State of Iowa, is amended to read as follows:

All offenses less than felony and in which imprisonment is permitted by law and the maximum permissible imprisonment does not exceed thirty days shall be tried summarily before an officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offense, unless on presentment or indictment by a grand jury, except in cases arising in the army, or navy, or in the militia, when in actual service, in time of war or public danger.

2. Section 11 of Article I of the Constitution of the State of Iowa is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

All offenses less than a felony and in which imprisonment is not permitted by law shall be tried summarily before an officer authorized by law, on information certified under penalty of perjury, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly, and the Secretary of State is directed to cause the proposed amendment to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the resolution be adopted?" (S.J.R. 5), 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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 356, 338, and 336.

Senate File 356

On motion of Senator Dandekar, **Senate File 356**, a bill for an act relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national, was taken up for consideration.

Senator Dandekar 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. 356), 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	Quirmbach	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 338

On motion of Senator Dearden, **Senate File 338**, a bill for an act establishing an upland game bird study advisory committee, establishing the deer study advisory committee, and providing an immediate effective date, was taken up for consideration.

Senator Dearden 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. 338), 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	Quirmbach	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 336

On motion of Senator Dandekar, **Senate File 336**, a bill for an act providing for waivers of certain community attraction and tourism program requirements and including an effective date provision, was taken up for consideration.

Senator Dandekar offered amendment S–3066, filed by her on March 10, 2009, to page 1 of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S–3066 and **Senate File 336** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Joint Resolution 5** and **Senate Files 338** and **356** 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 304 and 266.

Senate File 304

On motion of Senator Rielly, **Senate File 304**, a bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program, was taken up for consideration.

Senator Rielly 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. 304), 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	Quirmbach	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 266

On motion of Senator Beall, **Senate File 266**, a bill for an act relating to publication of property assessment equalization orders, was taken up for consideration.

Senator Zaun offered amendment S–3069, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3069 be adopted?" (S.F. 266), the vote was:

Yeas, 19:

Bartz	Hamerlinck	Kapucian	Seymour
Behn	Hartsuch	Kettering	Ward
Boettger	Heckroth	McKinley	Wieck
Feenstra	Houser	Noble	Zaun
Hahn	Johnson	Reynolds	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, none.

Amendment S–3069 lost.

Senator Beall 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. 266), 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	Quirmbach	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 266** and **304** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 376.

Senate File 376

On motion of Senator McCoy, **Senate File 376**, a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions, was taken up for consideration.

Senator McCoy offered amendment S–3070, filed by him from the floor to pages 6, 7, and 15–17 of the bill, and moved its adoption.

Amendment S–3070 was adopted by a voice vote.

Senator McCoy 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. 376), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn

Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

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 File 376** 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 195, 187, and 152.

Senate File 195

On motion of Senator Fraise, **Senate File 195**, a bill for an act relating to the grain depositors and sellers indemnity fund, was taken up for consideration.

Senator Fraise offered amendment S–3064, filed by him on March 9, 2009, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S–3064 was adopted by a voice vote.

Senator Fraise asked and received unanimous consent that **House File 374** be **substituted** for **Senate File 195**.

House File 374

On motion of Senator Fraise, **House File 374**, a bill for an act relating to the grain depositors and sellers indemnity fund, with report of committee recommending passage, was taken up for consideration.

Senator Fraise 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?" (H.F. 374), 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	Quirmbach	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, as amended, was agreed to.

WITHDRAWN

Senator Fraise asked and received unanimous consent that **Senate File 195** be **withdrawn** from further consideration of the Senate.

Senator Dearden asked and received unanimous consent to take up for consideration Senate File 187.

Senate File 187

On motion of Senator Dearden, **Senate File 187**, a bill for an act providing for the issuance of special deer hunting licenses to residents who are nonambulatory, was taken up for consideration.

Senator Bartz offered amendment S–3053, filed by him on March 3, 2009, to page 1 of the bill, and moved its adoption.

Amendment S–3053 was adopted by a voice vote.

With the adoption of amendment S–3053, the Chair ruled amendment S–3043, filed by Senator Dearden on February 25, 2009, to page 1 of the bill, out of order.

Senator Dearden 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. 187), 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	Quirmbach	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 152

On motion of Senator Kreiman, **Senate File 152**, a bill for an act relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law, was taken up for consideration.

Senator Kreiman offered amendment S–3068, filed by him from the floor to pages 5 and 6 of the bill, and moved its adoption.

Amendment S–3068 was adopted by a voice vote.

Senator Kreiman 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. 152), 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	Quirmbach	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 342

On motion of Senator Hancock, **Senate File 342**, a bill for an act providing for the powers and duties of the Iowa soybean association's board of directors, was taken up for consideration.

Senator Hancock offered amendment S–3071, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S–3071 was adopted by a voice vote.

Senator Hancock 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. 342), the vote was:

Yeas, 49:

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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Present, 1:

Zaun

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 152**, **187**, and **342** and **House File 374** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:25 p.m. until 8:45 a.m., Thursday, March 12, 2009.

APPENDIX—2

REPORTS OF COMMITTEE MEETINGS

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Wednesday, March 11, 2009, 4:00 p.m.

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

Members Absent: None.

Committee Business: Passed SR 14. Approved SSBs 1254 and 1260, both as amended, and SSB 1192.

Adjourned: 4:15 p.m.

JUDICIARY

Convened: Wednesday, March 11, 2009, 4:35 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 345. Approved SSBs 1206, 1275, 1277, 1284, 1295, and 1301.

Adjourned: 5:30 p.m.

AMENDMENTS FILED

S–3067	S.F.	365	Pam Jochum
S–3068	S.F.	152	Keith A. Kreiman
S–3069	S.F.	266	Brad Zaun
S–3070	S.F.	376	Matt McCoy
S–3071	S.F.	342	Tom Hancock

JOURNAL OF THE SENATE

SIXTIETH CALENDAR DAY
THIRTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 12, 2009

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

Prayer was offered by Reverend Roger Twito, pastor of the Ascension Lutheran Church in Waterloo, Iowa. He was the guest of Senator Danielson.

The Journal of Wednesday, March 11, 2009, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:56 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:04 a.m., President Kibbie presiding.

The Senate stood at ease at 9:06 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:57 a.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Boettger, until she arrives, on request of Senator Kettering.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 377 and 374.

Senate File 377

On motion of Senator Jochum, **Senate File 377**, a bill for an act relating to the prescription drug donation repository program, was taken up for consideration.

Senator Jochum 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. 377), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Boettger

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

Senate File 374

On motion of Senator Dandekar, **Senate File 374**, a bill for an act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable, was taken up for consideration.

Senator Dandekar 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. 374), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Boettger

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 374** and **377** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:08 a.m. until 1:00 p.m., Monday, March 16, 2009.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Aakash Dhuna, Burlington—For being named 2009 Iowa Presidential Scholar. Senator Courtney (3/12/09).

Matthew Mallet—For achieving the rank of Eagle Scout, Troop 269. Senator Seymour (3/12/09).

Rebecca Maughan, Story City—For being named Outstanding Jazz Soloist in Class 2A at the 2009 Tallcorn Jazz Festival. Senator Olive (3/12/09).

Matthew Newman—For achieving the rank of Eagle Scout, Troop 269. Senator Seymour (3/12/09).

Roland-Story High School Jazz Band—For its first place finish at the 2009 Tallcorn Jazz Festival. Senator Olive (3/12/09).

Roland-Wilbert Vault Company, Marion—For celebrating 100 years of business. Senator Dandekar (3/12/09).

Trevor Alen Thein—For achieving the rank of Eagle Scout, Troop 104. Senator Hahn (3/12/09).

Vincent Willey, Whiting—For celebrating his 80th birthday. Senator Seymour (3/12/09).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Thursday, March 12, 2009, 2:05 p.m.

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

Members Absent: McCoy, Vice Chair; and Feenstra (both excused).

Committee Business: Passed SFs 142 and 344.

Adjourned: 2:25 p.m.

EDUCATION

Convened: Wednesday, March 11, 2009, 9:40 a.m.

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

Members Absent: None.

Committee Business: Passed SF 314, as amended, and SF 326.

Adjourned: 8:35 p.m.

RULES AND ADMINISTRATION

Convened: Thursday, March 12, 2009, 8:55 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Courtney, Dearden, Dvorsky, Kettering, and Ragan.

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

Committee Business: Passed SF 334. Approved SSB 1288.

Adjourned: 9:05 a.m.

STATE GOVERNMENT

Convened: Thursday, March 12, 2009, 10:15 a.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: Approved SSB 1304, without recommendation, and SSBs 1290 and 1304. Passed SFs 77, 103, 125, and 303.

Adjourned: 11:00 a.m.

TRANSPORTATION

Convened: Thursday, March 12, 2009, 12:30 p.m.

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

Members Absent: None.

Committee Business: Procedural discussion.

Adjourned: 1:00 p.m.

WAYS AND MEANS

Convened: Thursday, March 12, 2009, 11:10 a.m.

Members Present: Bolkcom, Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirmbach, Seng, Stewart, Ward, and Wilhelm.

Members Absent: McCoy, Vice Chair; Hamerlinck, Houser, and Schmitz (all excused).

Committee Business: Presentation by the Department of Economic Development.

Adjourned: 12:00 p.m.

INTRODUCTION OF BILLS

Senate File 411, by McKinley, a bill for an act establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, and including an effective and retroactive applicability date provision.

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

Senate File 412, by McKinley, a bill for an act providing for a special education alternative reading instruction pilot project and including a contingency clause and an effective date.

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

Senate File 413, by committee on Labor and Business Relations, a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties, and including an effective date.

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

Senate File 414, by committee on Human Resources, a bill for an act providing for a pilot project supporting high-quality child care for low-income children.

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

Senate File 415, by committee on Judiciary, a bill for an act relating to the acquisition of title to abandoned property by cities.

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

Senate File 416, by committee on Education, 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 **placed on calendar**.

Senate File 417, by committee on Environment and Energy Independence, a bill for an act providing a task force on regional watershed, land use, and floodplain management policies.

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

Senate File 418, by committee on Human Resources, a bill for an act requiring health insurance coverage for costs relating to mental health conditions, including alcohol or substance abuse treatment services, and creating a mental health insurance advisory committee.

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

STUDY BILLS RECEIVED

SSB 1304 State Government

Concerning the department of human rights.

SSB 1305 Appropriations

Creating an Iowa jobs bond program, an Iowa jobs board, an Iowa jobs bond fund, authorizing the issuance of tax-exempt bonds, making and revising appropriations, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate File 410

NATURAL RESOURCES: Black, Chair; Dearden and Hahn

House File 450

STATE GOVERNMENT: Jochum, Chair; Behn and Black

SSB 1304

STATE GOVERNMENT: Appel, Chair; Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck

SSB 1305

APPROPRIATIONS: McCoy, Chair; Dvorsky, Kettering, Seymour, and Warnstadt

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: SENATE FILE 416 (formerly SF 326), 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Sodders, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ENVIRONMENT AND ENERGY INDEPENDENCE

Bill Title: SENATE RESOLUTION 14, a resolution urging the United States Environmental Protection Agency to authorize the use of higher blends of ethanol in nonflex fuel vehicles.

Recommendation: DO PASS.

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.

ALSO:

Bill Title: SENATE FILE 417 (SSB 1192), a bill for an act providing a task force on regional watershed, land use, and floodplain management policies.

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.

HUMAN RESOURCES

Bill Title: SENATE FILE 323, a bill for an act relating to the provision of health records of a child in foster care to the foster care provider.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Schmitz, Hartsuch, Bartz, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 414 (formerly SF 179), a bill for an act providing for a pilot project supporting high-quality child care for low-income children.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Ragan, Schmitz, Bartz, Bolkcom, Dotzler, Hatch, Kreiman, Quirmbach, and Wilhelm. Nays, 3: Hartsuch, Johnson, and Seymour. Absent, 1: Boettger.

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 414, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 418 (SSB 1002), a bill for an act requiring health insurance coverage for costs relating to mental health conditions, including alcohol or substance abuse treatment services, and creating a mental health insurance advisory committee.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Ragan, Schmitz, Bolkcom, Dotzler, Hatch, Kreiman, Quirmbach, and Wilhelm. Nays, 4: Hartsuch, Bartz, Johnson, and Seymour. Absent, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 415 (SSB 1301), a bill for an act relating to the acquisition of title to abandoned property by cities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LABOR AND BUSINESS RELATIONS

Bill Title: *SENATE FILE 413 (formerly SF 157), a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties, and including an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Courtney, Jochum, Dearden, Dotzler, Hatch, and Horn. Nays, 4: Ward, Houser, Wieck, and Zaun. 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 413, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE FILE 334, a bill for an act relating to the legislative committees charged with providing government oversight.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Kibbie, McKinley, Courtney, Dearden, Dvorsky, Kettering, and Ragan. Nays, none. Absent, 3: Boettger, Danielson, and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

SIXTY-FOURTH CALENDAR DAY
THIRTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 16, 2009

The Senate met in regular session at 1:09 p.m., President Kibbie presiding.

Prayer was offered by Reverend Michael De Boef, pastor of the New Hope Church of the Nazarene in Kansas City, Kansas. He was the guest of Senator Rielly.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Charlie Caris.

The Journal of Thursday, March 12, 2009, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Major General Ron Dardis, the governor's appointee, to be the Executive Director of the Rebuild Iowa Office. He was the guest of Senator Hogg and the committee on Rebuild Iowa.

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 March 12, 2009, **passed** the following bill in which the concurrence of the House was asked:

Senate File 197, a bill for an act relating to unemployment insurance benefits and compliance with federal law regarding and in

order to qualify for funding, and including effective and applicability dates.

ALSO: That the House has on March 12, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 618, a bill for an act relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, and providing penalties.

Read first time and attached to **similar Senate File 357**.

SPECIAL GUESTS

President Kibbie welcomed to the Senate chamber former Senators Frank Wood and Pat Deluhery.

The Senate rose and expressed its welcome.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 362, 388, and 408** be referred from the Regular Calendar to the committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:24 p.m. until 8:45 a.m., Tuesday, March 17, 2009.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: Monday, March 16, 2009, 3:05 p.m.

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

Members Absent: Kreiman (excused).

Committee Business: Passed HF 314.

Adjourned: 3:10 p.m.

STATE GOVERNMENT

Convened: Monday, March 16, 2009, 2:05 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: Organizational meeting.

Adjourned: 2:10 p.m.

INTRODUCTION OF BILLS

Senate File 419, by committee on Transportation, a bill for an act relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates.

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

Senate File 420, by committee on State Government, a bill for an act concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

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

Senate File 421, by committee on State Government, a bill for an act establishing a multiple sclerosis support fund and authorizing lottery games to benefit persons with multiple sclerosis.

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

Senate File 422, by committee on Human Resources, a bill for an act relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates.

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

Senate File 423, by committee on Environment and Energy Independence, a bill for an act providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment, and providing an effective date.

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

Senate File 424, by committee on State Government, a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable.

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

Senate File 425, by committee on Judiciary, a bill for an act providing for certain witness information in the minutes of evidence filed with a trial information or indictment and providing an effective date.

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

Senate File 426, by committee on Local Government, a bill for an act providing for the exclusion of costs associated with installation of a geothermal heating or cooling system from a residence's property value for purposes of property taxation and including an applicability date provision.

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

Senate File 427, by committee on State Government, a bill for an act concerning the department of human rights.

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

Senate File 428, by committee on State Government, a bill for an act relating to permissible prizes for use of an electrical and mechanical amusement device.

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

Senate File 429, by committee on Local Government, a bill for an act authorizing local authorities to permit parking on the left side of a roadway.

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

Senate File 430, by committee on Rules and Administration, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, and including effective date and applicability provisions.

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

Senate File 431, by committee on Judiciary, a bill for an act relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date.

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

Senate File 432, by committee on Agriculture, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties.

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

Senate File 433, by committee on Human Resources, a bill for an act relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties.

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

Senate File 434, by committee on Local Government, a bill for an act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property.

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

Senate File 435, by committee on Local Government, a bill for an act relating to the entry upon land by a surveyor for land survey purposes.

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

Senate File 436, by committee on Local Government, a bill for an act relating to observers at satellite absentee voting stations.

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

Senate File 437, by committee on Local Government, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records.

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

Senate File 438, by committee on Judiciary, a bill for an act relating to actions injurious to dependent adults and residents of health care facilities and providing penalties.

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

Senate File 439, by committee on Veterans Affairs, a bill for an act exempting from the computation of the state individual income tax certain benefits received from the veterans trust fund and including a retroactive applicability date provision.

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

Senate File 440, by committee on Veterans Affairs, a bill for an act relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits.

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

Senate File 441, by committee on Local Government, a bill for an act relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions.

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

Senate File 442, by committee on Environment and Energy Independence, a bill for an act relating to antidegradation protection for surface waters.

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

Senate File 443, by committee on State Government, a bill for an act requiring automated external defibrillators in all physical exercise clubs and clinical exercise centers, and providing an effective date.

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

Senate File 444, by committee on Judiciary, a bill for an act 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.

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

Senate File 445, by committee on Education, a bill for an act relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program.

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

STUDY BILL RECEIVED

SSB 1306 Human Resources

Relating to criteria under the medical assistance program for admission to a psychiatric medical institution for children.

SUBCOMMITTEE ASSIGNMENTS

Senate File 399

HUMAN RESOURCES: Dotzler, Chair; Schmitz and Seymour

Senate File 400

HUMAN RESOURCES: Dotzler, Chair; Schmitz and Seymour

Senate File 401

HUMAN RESOURCES: Dotzler, Chair; Schmitz and Seymour

House File 478

COMMERCE: Courtney, Chair; Hartsuch and Schmitz

SSB 1306

HUMAN RESOURCES: Bolkcom, Chair; Hartsuch and Hatch

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: *SENATE FILE 432 (formerly SF 308), a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Fraise, Olive, Johnson, Appel, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, Seng, and Sodders. Nays, none. Absent, 1: Behn.

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 Agriculture Committee on Senate File 432, and they were attached to the committee report.

APPROPRIATIONS

Bill Title: SENATE FILE 142 (SSB 1125), a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 23: Dvorsky, Kettering, Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt. Nays, none. Absent, 2: McCoy and Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 344 (SSB 1241), a bill for an act relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

Recommendation: DO PASS.

Final Vote: Ayes, 20: Dvorsky, Kettering, Bartz, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt. Nays, 3: Appel, Dearden, and Jochum. Absent, 2: McCoy and Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: *SENATE FILE 445 (formerly SF 314), a bill for an act relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Schmitz, Schoenjahn, Appel, Beall, Dvorsky, Heckroth, Kreiman, Quirmbach, Sodders, and Wilhelm. Nays, 5: Boettger, Feenstra, Hamerlinck, Johnson, and McKinley. 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 Education Committee on Senate File 445, and they were attached to the committee report.

ENVIRONMENT AND ENERGY INDEPENDENCE

Bill Title: *SENATE FILE 423 (SSB 1254), a bill for an act providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment, and providing an effective date.

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 423, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 442 (SSB 1260), a bill for an act relating to antidegradation protection for surface waters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Black, Behn, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, 2: Hogg and Bolkcom. 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 442, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *SENATE FILE 422 (SSB 1179), a bill for an act relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Schmitz, Hartsuch, Bartz, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, and Wilhelm. Nays, 1: Seymour. Absent, 1: Boettger.

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 422, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 433 (SSB 1142), a bill for an act relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, 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 433, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 314 (HSB 50), a bill for an act relating to health-related activities and regulation by the department of public health and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, 1: Kreiman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *SENATE FILE 425 (formerly SF 345), a bill for an act providing for certain witness information in the minutes of evidence filed with a trial information or indictment and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 425, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 431 (SSB 1275), a bill for an act relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 431, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 438 (SSB 1206), a bill for an act relating to actions injurious to dependent adults and residents of health care facilities and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 438, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 444 (SSB 1284), a bill for an act 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: SENATE FILE 426 (SSB 1292), a bill for an act providing for the exclusion of costs associated with installation of a geothermal heating or cooling system from a residence's property value for purposes of property taxation and including an applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 429 (formerly SF 240), a bill for an act authorizing local authorities to permit parking on the left side of a roadway.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 434 (SSB 1293), a bill for an act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. 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 Local Government Committee on Senate File 434, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 435 (formerly SF 255), a bill for an act relating to the entry upon land by a surveyor for land survey purposes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Quirmbach, Beall, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, 4: Reynolds, Hamerlinck, Houser, and Kapucian. 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 Local Government Committee on Senate File 435, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 436 (formerly SF 316), a bill for an act relating to observers at satellite absentee voting stations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 437 (formerly SF 260), a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 441 (SSB 1297), a bill for an act relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Quirmbach, Beall, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, 4: Reynolds, Hamerlinck, Houser, and Kapucian. 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 Local Government Committee on Senate File 441, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE FILE 430 (SSB 1288), a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Gronstal, Kibbie, McKinley, Courtney, Dearden, Dvorsky, Kettering, and Ragan. Nays, none. Absent, 3: Boettger, Danielson, and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 420 (SSB 1290), a bill for an act concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

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.

ALSO:

Bill Title: SENATE FILE 421 (formerly SF 77), a bill for an act establishing a multiple sclerosis support fund and authorizing lottery games to benefit persons with multiple sclerosis.

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.

ALSO:

Bill Title: SENATE FILE 424 (formerly SF 125), a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, and Sodders. Nays, 5: Feenstra, Behn, Hartsuch, Seymour, and Wieck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 427 (SSB 1304), a bill for an act concerning the department of human rights.

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.

ALSO:

Bill Title: SENATE FILE 428 (formerly SF 303), a bill for an act relating to permissible prizes for use of an electrical and mechanical amusement device.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Appel, Kibbie, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour, and Sodders. Nays, 5: Feenstra, Behn, Black, Hartsuch, and Wieck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 443 (formerly SF 103), a bill for an act requiring automated external defibrillators in all physical exercise clubs and clinical exercise centers, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Appel, Kibbie, Feenstra, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck. Nays, 1: Behn. 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 443, and they were attached to the committee report.

TRANSPORTATION

Bill Title: *SENATE FILE 419 (SSB 1185), a bill for an act relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, 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 Transportation Committee on Senate File 419, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: SENATE FILE 439 (SSB 1300), a bill for an act exempting from the computation of the state individual income tax certain benefits received from the veterans trust fund and including a retroactive applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 440 (formerly SF 257), a bill for an act relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Beall, Warnstadt, Seymour, Black, Danielson, Kibbie, Noble, Ragan, and Sodders. Nays, none. Absent, 2: Hartsuch and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS 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 13th day of March, 2009:

Senate File 270.

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 16th day of March, 2009:

Senate File 108.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S–3072	S.F.	389	Jack Hatch
S–3073	S.F.	389	Jack Hatch
S–3074	S.F.	357	Dick L. Dearden
S–3075	S.F.	436	Keith A. Kreiman
S–3076	S.F.	178	Tom Hancock Mary Jo Wilhelm Thomas G. Courtney Brian Schoenjahn Wally E. Horn Matt McCoy Nancy J. Boettger Rich Olive Becky Schmitz Shawn Hamerlinck Jeff Danielson Jerry Behn Ron Wieck

James A. Seymour
Pat Ward
Steve Kettering
William A. Dotzler, Jr.
Merlin Bartz
Randy Feenstra
Swati A. Dandekar
David Johnson
Dennis H. Black
Kim Reynolds
Brad Zaun
Herbert Houser
Tim L. Kapucian
Gene Fraise

JOURNAL OF THE SENATE

SIXTY-FIFTH CALENDAR DAY
THIRTY-EIGHTH SESSION DAY

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

The Senate met in regular session at 8:46 a.m., President Kibbie presiding.

Prayer was offered by Reverend Stan Johnson, pastor of the Free Church in Britt, Iowa. He was the guest of Senator Bartz.

The Journal of Monday, March 16, 2009, 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 March 16, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 237, a bill for an act relating to pseudoephedrine product sales by pharmacies and retailers, and providing penalties and contingent applicability.

Senate File 118, a bill for an act relating to the judicial branch including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

ALSO: That the House has on March 16, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 380, a bill for an act relating to the administration of programs under the jurisdiction of the department of public health and increasing a penalty and providing an effective date.

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

House File 571, a bill for an act relating to open meetings by applying the open meetings law to advisory bodies created by joint governmental entities and by modifying public notice requirements for meetings of boards of township trustees.

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:52 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:55 a.m., President Kibbie presiding.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

S.F.	297	Ways and Means
S.F.	422	Ways and Means
S.F.	426	Ways and Means
S.F.	427	State Government
S.F.	439	Ways and Means

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:57 a.m. until 2:00 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

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

Zach Bredlow, Clear Lake—For achieving the rank of Eagle Scout. Senator Bartz (3/17/09).

Brice Chapman, Muscatine—For achieving the rank of Eagle Scout, Troop 127. Senator Hahn (3/17/09).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Tuesday, March 17, 2009, 1:10 p.m.

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

Members Absent: Hamerlinck, Heckroth, and Wieck (all excused).

Committee Business: Considered governor's appointments.

Adjourned: 1:40 p.m.

RULES AND ADMINISTRATION

Convened: Tuesday, March 17, 2009, 8:50 a.m.

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

Members Absent: Danielson and Kettering (both excused).

Committee Business: Approved governor's appointment.

Adjourned: 8:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Tuesday, March 17, 2009, 10:30 a.m.

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

Members Absent: Houser (excused).

Committee Business: Discussion with the Director of Department of Natural Resources.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, March 17, 2009, 10:25 a.m.

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

Members Absent: None.

Committee Business: Caucus.

Adjourned: 11:00 a.m.

INTRODUCTION OF BILLS

Senate File 446, by committee on Judiciary, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

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

Senate File 447, by committee on Commerce, a bill for an act concerning off-premises consumption of resealed bottles of wine.

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

Senate File 448, by Zaun, a bill for an act providing a property assessment adjustment for certain persons who have attained the age of sixty-five, providing a penalty, and including retroactive applicability date provisions.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 362

WAYS AND MEANS: Wilhelm, Chair; Hamerlinck and Stewart

Senate File 363

WAYS AND MEANS: Hogg, Chair; Hamerlinck and Seng

Senate File 369

WAYS AND MEANS: Wilhelm, Chair; Houser and Stewart

Senate File 375

WAYS AND MEANS: Seng Chair; Bartz and Stewart

Senate File 388

WAYS AND MEANS: Seng, Chair; Bartz and McCoy

Senate File 402

EDUCATION: Beall, Chair; Hamerlinck and Kreiman

Senate File 408

WAYS AND MEANS: Quirmbach, Chair; Dandekar and Ward

Senate File 411

WAYS AND MEANS: Quirmbach, Chair; Jochum and Zaun

House File 380

HUMAN RESOURCES: Wilhelm, Chair; Bolkcom and Johnson

House File 469

EDUCATION: Kreiman, Chair; Beall and Johnson

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: SENATE FILE 447 (formerly SF 251), a bill for an act concerning off-premises consumption of resealed bottles of wine.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 446 (SSB 1277), a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 2:07 p.m., President Pro Tempore Danielson presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hahn, until he arrives, on request of Senator McKinley.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 394, 365, 364, 360, and 358.

Senate File 394

On motion of Senator Bolkcom, **Senate File 394**, a bill for an act requiring a circulating nurse to be present in operating rooms during surgical procedures and providing an effective date, was taken up for consideration.

Senator Bolkcom 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. 394), the vote was:

Yeas, 40:

Appel	Dvorsky	Jochum	Schmitz
Bartz	Fraise	Johnson	Schoenjahn
Beall	Gronstal	Kapucian	Seng
Black	Hamerlinck	Kibbie	Seymour
Boettger	Hancock	Kreiman	Sodders
Bolkcom	Hartsuch	McCoy	Stewart
Courtney	Hatch	Olive	Ward
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Horn	Ragan	Wieck
Dotzler	Houser	Rielly	Wilhelm

Nays, 9:

Behn	Hogg	Noble
Dandekar	Kettering	Reynolds
Feenstra	McKinley	Zaun

Absent, 1:

Hahn

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

Senate File 365

On motion of Senator Jochum, **Senate File 365**, a bill for an act relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions, was taken up for consideration.

Senator Jochum offered amendment S–3067, filed by her on March 11, 2009, to page 1 of the bill, and moved its adoption.

Amendment S–3067 was adopted by a voice vote.

Senator Jochum 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. 365), 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	Quirmbach	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 364

On motion of Senator Hogg, **Senate File 364**, a bill for an act relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing effective date and applicability provisions, was taken up for consideration.

Senator Hogg offered amendment S–3077, filed by him from the floor to pages 3, 4, 8, and 10 of the bill, and moved its adoption.

Amendment S–3077 was adopted by a voice vote.

Senator Hogg 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. 364), 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	Quirmbach	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 360

On motion of Senator Dvorsky, **Senate File 360**, a bill for an act relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts, was taken up for consideration.

Senator Dvorsky 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. 360), 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	Quirmbach	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.

President Kibbie took the chair at 2:28 p.m.

Senate File 358

On motion of Senator Schoenjahn, **Senate File 358**, a bill for an act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability, was taken up for consideration.

Senator Schoenjahn 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. 358), 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	Quirmbach	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 358**, **360**, **364**, **365**, and **394** 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 355, 341, 323, 301, and 286.

Senate File 355

On motion of Senator Dandekar, **Senate File 355**, a bill for an act relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates, was taken up for consideration.

Senator Dandekar 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. 355), 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	Quirmbach	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 341

On motion of Senator Dearden, **Senate File 341**, a bill for an act requiring that a person assisting another person with a disability by controlling an assistive animal be allowed to accompany the person with the disability and the assistive animal, was taken up for consideration.

Senator Dearden 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. 341), 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	Quirmbach	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 323

On motion of Senator Kreiman, **Senate File 323**, a bill for an act relating to the provision of health records of a child in foster care to the foster care provider, with report of committee recommending passage, was taken up for consideration.

Senator McKinley offered amendment S–3084, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S–3084 was adopted by a voice vote.

Senator Kreiman 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. 323), 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	Quirmbach	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, as amended, was agreed to.

Senate File 301

On motion of Senator Sodders, **Senate File 301**, a bill for an act relating to bidding requirements for public improvement projects completed by certain state entities, was taken up for consideration.

Senator Sodders 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. 301), 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	Quirmbach	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 286

On motion of Senator Jochum, **Senate File 286**, a bill for an act establishing a recreational therapy board, requiring the licensure of recreational therapists, and providing for fees and penalties, was taken up for consideration.

Senator Jochum 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. 286), the vote was:

Yeas, 34:

Appel	Dotzler	Johnson	Schoenjahn
Bartz	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Black	Gronstal	McCoy	Stewart
Bolkcom	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirmbach	Wieck

Dandekar	Hogg	Ragan	Wilhelm
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	

Nays, 16:

Behn	Hamerlinck	Kapucian	Reynolds
Boettger	Hancock	Kettering	Seymour
Feenstra	Hartsuch	McKinley	Ward
Hahn	Houser	Noble	Zaun

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 286**, **301**, **323**, **341**, and **355** 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 334, 281, 263 and House Files 281 and 214.

Senate File 334

On motion of Senator Gronstal, **Senate File 334**, a bill for an act relating to the legislative committees charged with providing government oversight, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal 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. 334), 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	Quirmbach	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 281

On motion of Senator Black, **Senate File 281**, a bill for an act to require the department of veterans affairs to conduct a study concerning the restoration and maintenance of the medal of honor memorial for the state of Iowa, was taken up for consideration.

Senator Black 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. 281), 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	Quirmbach	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 263

On motion of Senator Bolkcom, **Senate File 263**, a bill for an act relating to Iowa national pollutant discharge elimination system program signage and providing a penalty, was taken up for consideration.

Senator Bolkcom offered amendment S–3086, filed by him from the floor to page 1 of the bill, and moved its adoption.

Senator Bartz asked and received unanimous consent that action on amendment S–3086 and **Senate File 263** be **deferred**.

House File 281

On motion of Senator Hogg, **House File 281**, a bill for an act relating to the administration of the Iowa water pollution control works and drinking water facilities financing program, with report of committee recommending passage, was taken up for consideration.

Senator Hogg 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?" (H.F. 281), 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	Quirmbach	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.

President Pro Tempore Danielson took the chair at 3:39 p.m.

House File 214

On motion of Senator Kibbie, **House File 214**, a bill for an act establishing the interstate compact on educational opportunity for military children and providing an effective date, with report of committee recommending passage, 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?" (H.F. 214), 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	Quirmbach	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.

BUSINESS PENDING

Senate File 263

The Senate resumed consideration of **Senate File 263**, a bill for an act relating to Iowa national pollutant discharge elimination system program signage and providing a penalty, and amendment S–3086, previously deferred.

Senator Bolkcom moved the adoption of amendment S–3086.

Amendment S–3086 was adopted by a voice vote.

Senator Zaun asked and received unanimous consent that action on **Senate File 263** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 281** and **334** and **House Files 214** and **281** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:04 p.m. until 8:45 a.m., Wednesday, March 18, 2009.

APPENDIX—2

CERTIFICATE OF RECOGNITION

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

Robert and Delores Orr, LeClaire—For celebrating their 60th wedding anniversary. Senator Hamerlinck (3/17/09).

PRESENTATION OF VISITORS

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

Constituents from Senate District 9 and Michael Ohlson, the governor's appointee to be member of the Board of Optometry. Senator Heckroth.

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: Tuesday, March 17, 2009, 10:30 a.m.

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

Members Absent: None.

Committee Business: Update on recommendations by the Governor's Task Force on Dependent Adults with Mental Retardation.

Adjourned: 11:05 a.m.

REBUILD IOWA

Convened: Tuesday, March 17, 2009, 4:10 p.m.

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

Members Absent: Heckroth, Vice Chair; and Houser (both excused).

Committee Business: Presentations on wastewater treatment and railroads.

Adjourned: 4:40 p.m.

VETERANS AFFAIRS

Convened: Tuesday, March 17, 2009, 4:10 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck.

Members Absent: Black and Danielson (both excused).

Committee Business: Flags to be sent to troops in Afghanistan.

Adjourned: 4:15 p.m.

INTRODUCTION OF BILL

Senate File 449, by committee on Judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions.

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

STUDY BILLS RECEIVED

SSB 1307 Ways and Means

Modifying provisions relating to the regulation of delayed deposit service businesses, making penalties applicable, and providing an effective date.

SSB 1308 Ways and Means

Relating to city and county revenues by amending provisions related to city franchise fees and authorizing cities and counties to impose certain local taxes and fees and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 297

WAYS AND MEANS: Schmitz, Chair; Seng and Ward

Senate File 412

EDUCATION: Dvorsky, Chair; McKinley and Quirmbach

Senate File 422

WAYS AND MEANS: Bolkcom, Chair; Dotzler and Feenstra

Senate File 426

WAYS AND MEANS: Quirmbach, Chair; Dotzler and Feenstra

Senate File 439

WAYS AND MEANS: Seng, Chair; Hogg and Ward

House File 468

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

House File 571

LOCAL GOVERNMENT: Schoenjahn, Chair; Houser and Rielly

SSB 1307

WAYS AND MEANS: Stewart, Chair; Bolkcom and Feenstra

SSB 1308

WAYS AND MEANS: Bolkcom, Chair; Hamerlinck and Stewart

FINAL COMMITTEE REPORT OF BILL ACTION

JUDICIARY

Bill Title: *SENATE FILE 449 (SSB 1295), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, 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 449, and they were attached to the committee report.

BILLS 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 bills have 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 17th day of March, 2009:

Senate Files 98, 319, and 328.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 16, 2009, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 270 – Transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters, and making penalties applicable.

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

	TERM
ACCOUNTANCY EXAMINING BOARD (Sec. 542.4)	
Vicky Boyington, Clarion	05/01/2009 – 04/30/2012
Telford Lodden, West Des Moines	05/01/2009 – 04/30/2012
Tommy Thompson, Fairfield	05/01/2009 – 04/30/2012

DIRECTOR OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES (Sec. 8A.102)
Raymond Walton, Indianola 03/06/2009 – Pleasure of Governor

COMMISSION ON THE STATUS OF AFRICAN-AMERICANS (Sec. 216A.142)
A'Lisa Walker, Cedar Rapids 05/01/2009 – 04/30/2013

ALCOHOLIC BEVERAGES COMMISSION (Sec. 123.5)
James Clayton, Iowa City 05/01/2009 – 04/30/2014

ARCHITECTURAL EXAMINING BOARD (Sec. 544A.1)
Bruce Bassler, Ames 05/01/2009 – 04/30/2012
Martha Green, Des Moines 05/01/2009 – 04/30/2012

SUPERINTENDENT OF BANKING (Sec. 524.201)
Thomas Gronstal, Des Moines 05/01/2009 – 04/30/2013

BOARD OF BARBERING (Sec. 147.14 (1)(a))
Tammy Ortiz, Des Moines 05/01/2009 – 04/30/2012
Rhonda Reif, Burlington 05/01/2009 – 04/30/2012

BOARD OF BEHAVIORAL SCIENCE (Sec. 147.14 (1)(m))
Lonnie Marshall, Cedar Rapids 05/01/2009 – 04/30/2012
Barbara O'Rourke, North Liberty 05/01/2009 – 04/30/2012

COMMISSION FOR THE BLIND (Sec. 216B.2)
Steven Hagemoser, Des Moines 05/01/2009 – 04/30/2012

BOILER AND PRESSURE VESSEL BOARD (Sec. 89.14)
Robert Brecke, Cedar Rapids 05/01/2009 – 04/30/2013
Timothy Fehr, Iowa City 05/01/2009 – 04/30/2013
Amy Iles, Hastings 05/01/2009 – 04/30/2013

IOWA CAPITAL INVESTMENT BOARD (Sec. 15E.63)
Daniel Rogers, Cedar Rapids 05/01/2009 – 04/30/2014

CHILD ADVOCACY BOARD (Sec. 237.16)
Joseph DeHart, Kellogg 05/01/2009 – 04/30/2013
Paula Hohensee, Ankeny 05/01/2009 – 04/30/2013
Michael Isaacson, Denver 05/01/2009 – 04/30/2013
Katherine Kaminsky, Glenwood 05/01/2009 – 04/30/2013

CHILD WELFARE ADVISORY COMMITTEE (Sec. 234.3)
George Estle, Solon 05/01/2009 – 04/30/2012
Miriam Landsman, Iowa City 05/01/2009 – 04/30/2012
Jean McAleer, Mason City 05/01/2009 – 04/30/2012
Ronald Stehl, Des Moines 05/01/2009 – 04/30/2012
David VanNingen, Rock Valley 05/01/2009 – 04/30/2012

BOARD OF CHIROPRACTIC (Sec. 147.14(1)(h))
John Calisesi, Fort Dodge 05/01/2009 – 04/30/2012
Michael Powell, Cedar Rapids 05/01/2009 – 04/30/2012
Sharon Tate, Des Moines 05/01/2009 – 04/30/2012

CITY DEVELOPMENT BOARD (Sec. 368.9)
Barbara Brown, Cedar Falls 05/01/2009 – 04/30/2015
Jay Howe, Greenfield 05/01/2009 – 04/30/2015

IOWA STATE CIVIL RIGHTS COMMISSION (Sec. 216.3)
Mary Chapman, Des Moines 05/01/2009 – 04/30/2013
Frederick Morain, Jefferson 05/01/2009 – 04/30/2013
Nancy Witt, Reinbeck 05/01/2009 – 04/30/2013

COMMISSION ON COMMUNITY ACTION AGENCIES (Sec. 216A.92A)
Amber Crystal Amos, Des Moines 05/01/2009 – 04/30/2012
Marc Lindeen, Mt. Pleasant 05/01/2009 – 04/30/2012
Arthur (Ross) Wilburn, Iowa City 05/01/2009 – 04/30/2012

BOARD OF CORRECTIONS (Sec. 904.104)
David Erickson, West Des Moines 05/01/2009 – 04/30/2013
Johnie Hammond, Ames 05/01/2009 – 04/30/2013

BOARD OF COSMETOLOGY ARTS AND SCIENCES (Sec. 147.14(1)(n))
Jerry Talbott, Mt. Union 05/01/2009 – 04/30/2012

COUNTY FINANCE COMMITTEE (Sec. 333A.2)
Carol Copeland, Burlington 05/01/2009 – 04/30/2013
Kay Swanson, Oskaloosa 05/01/2009 – 04/30/2013

CREDIT UNION REVIEW BOARD (Sec. 533.107)
Dave Cale, Johnston 05/01/2009 – 04/30/2012
Denise Dolan, Dubuque 05/01/2009 – 04/30/2012
Timothy Marcsisak, Atlantic 05/01/2009 – 04/30/2012

COMMISSION ON THE DEAF (Sec. 216A.112)
August Cordero, Pleasant Hill 05/01/2009 – 04/30/2012
Theresa Legg, Ely 05/01/2009 – 04/30/2012

BOARD OF DENTISTRY (Sec. 147.14(1)(d))
Marijo Beasler, Cedar Rapids 05/01/2009 – 04/30/2012
Gary Roth, DDS, Fairfield 05/01/2009 – 04/30/2012

BOARD OF DIETETICS (Sec. 147.14(1)(k))
Susan Reams, West Des Moines 05/01/2009 – 04/30/2012
Jonathan Taylor, West Des Moines 05/01/2009 – 04/30/2012

PREVENTION OF DISABILITIES POLICY COUNCIL (Sec. 225B.3)
Christopher Atchison, Iowa City 05/01/2009 – 04/30/2012
Cheryll Jones, Bloomfield 05/01/2009 – 04/30/2012
Diane Schroeder, Des Moines 05/01/2009 – 04/30/2012
Frank Strong, Des Moines 05/01/2009 – 04/30/2012

IOWA DRUG POLICY ADVISORY COUNCIL (Sec. 80E.2)

Pamela Dettmann, Fruitland	05/01/2009 – 04/30/2013
Eric Snyder, Ames	02/27/2009 – 04/30/2010

DIRECTOR OF THE DEPARTMENT OF EDUCATION (Sec. 256.8)

Judy Jeffrey, Polk City	05/01/2009 – Pleasure of Governor

BOARD OF EDUCATIONAL EXAMINERS (Sec. 272.3)

Elizabeth Cecak, Cedar Rapids	05/01/2009 – 04/30/2013
Julio Almanza, Blue Grass	05/01/2009 – 04/30/2013
Oscar Ortiz, Chariton	05/01/2009 – 04/30/2013
Beverly Smith, Waterloo	05/01/2009 – 04/30/2013
Carol Trueg, North Liberty	05/01/2009 – 04/30/2013
Richard Wortmann, Bloomfield	05/01/2009 – 04/30/2013

COMMISSION OF ELDER AFFAIRS (Sec. 231.11)

Daniel Ernst, Dubuque	05/01/2009 – 04/30/2013
Frank Leu, Sibley	05/01/2009 – 04/30/2013
Kenneth Petersen, Council Bluffs	05/01/2009 – 04/30/2013

ELECTRICAL EXAMINING BOARD (Sec. 103.2)

Kevin Perley, Sioux City	05/01/2009 – 04/30/2012
Duane Quirk, New Hampton	05/01/2009 – 04/30/2012
Rodrick Van Wart, Windsor Heights	05/01/2009 – 04/30/2012

ELEVATOR SAFETY BOARD (Sec. 89A.13)

Kristine Kesterson, Williamsburg	05/01/2009 – 04/30/2013
Jennifer McConkey, Urbandale	05/01/2009 – 04/30/2013
Wayne Sims, Des Moines	05/01/2009 – 04/30/2013

IOWA EMERGENCY RESPONSE COMMISSION (Sec. 30.2)

Julie Bell, Winterset	05/01/2009 – 04/30/2012
Terry Butler, Pella	05/01/2009 – 04/30/2012

IOWA EMPOWERMENT BOARD (Sec. 28.3)

Christopher Carman, Cedar Rapids	05/01/2009 – 04/30/2012
Judy McCoy Davis, Des Moines	05/01/2009 – 04/30/2012
Marguerite (Peg) Macek, Davenport	05/01/2009 – 04/30/2012
Amy Kimball, Winterset	05/01/2009 – 04/30/2012
Ruth Krueger, Iowa Falls	05/01/2009 – 04/30/2012
Douglas Peters, West Des Moines	05/01/2009 – 04/30/2012
Patty Ritchie, Westside	05/01/2009 – 04/30/2012
Cathy Ryba, Treynor	05/01/2009 – 04/30/2012
Daniel Vogeler, Columbus Junction	05/01/2009 – 04/30/2012

ENGINEERING AND LAND SURVEYING EXAMINING BOARD (Sec. 542B.3)

Christy VanBuskirk, Hedrick	05/01/2009 – 04/30/2012
Marlee Walton, Ames	05/01/2009 – 04/30/2012

ENVIRONMENTAL PROTECTION COMMISSION (Sec. 455A.6)

Dale Cochran, Urbandale	05/01/2009 – 04/30/2013
Shearon Elderkin, Cedar Rapids	05/01/2009 – 04/30/2013

David Petty, Eldora 05/01/2009 – 04/30/2013
Martin Stimson, Center Point 05/01/2009 – 04/30/2013

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD (Sec. 68B.32)
James Albert, Urbandale 05/01/2009 – 04/30/2015
Saima Zafar, West Des Moines 05/01/2009 – 04/30/2015

IOWA FINANCE AUTHORITY (Sec. 16.2)
Darlys Baum, Burlington 05/01/2009 – 04/30/2015
Carmela Brown, Urbandale 05/01/2009 – 04/30/2015

GENERATION IOWA COMMISSION (Sec. 15.421)
Kate Gronstal, Council Bluffs 05/01/2009 – 04/30/2012
Rachel Judisch, Lake View 05/01/2009 – 04/30/2012
Erik Raker, Des Moines 05/01/2009 – 04/30/2012
Claudia Ramirez, Waterloo 05/01/2009 – 04/30/2012
Jodi Grover, Rowley 05/01/2009 – 04/30/2012

IOWA GREAT PLACES BOARD (Sec. 303.3C(2))
Scott Brennan, West Des Moines 05/01/2009 – 04/30/2012
Quentin Hart, Waterloo 05/01/2009 – 04/30/2012
Rita Vargas, Davenport 05/01/2009 – 04/30/2012

HEALTH FACILITIES COUNCIL (Sec. 135.62)
Cynthia Beauman, Spencer 05/01/2009 – 04/30/2015

HEALTHY AND WELL KIDS IN IOWA BOARD (HAWK-I) (Sec. 514I.5)
Susan Salter, Mt. Vernon 05/01/2009 – 04/30/2011
Selden Spencer, Huxley 05/01/2009 – 04/30/2011

BOARD OF HEARING AID DISPENSERS (Sec. 154A.2-3)
Dorothy Walters, Norwalk 05/01/2009 – 04/30/2012

IOWA HIGHER EDUCATION LOAN AUTHORITY (Sec. 261A.6)
Dennis Barnum, Gowrie 03/06/2009 – 04/30/2011
John Hartung, Indianola 05/01/2009 – 04/30/2015

DIRECTOR OF THE DEPARTMENT OF HUMAN RIGHTS (Sec. 216A.2)
Preston Daniels, Des Moines 05/01/2009 – Pleasure of Governor

COUNCIL ON HUMAN SERVICES (Sec. 217.2)
Sally Stutsman, Riverside 05/01/2009 – 04/30/2011
Roberta Yoder, Urbandale 05/01/2009 – 04/30/2015

INTERIOR DESIGN EXAMINING BOARD (Sec. 544C.2)
Sara Swaim Herman, Des Moines 05/01/2009 – 04/30/2012
Tom Triplett, Urbandale 05/01/2009 – 04/30/2012
Jennifer Voorhees, West Des Moines 05/01/2009 – 04/30/2012

INVESTMENT BOARD OF THE IPERS (Sec. 97B.8A)
David Creighton, Des Moines 05/01/2009 – 04/30/2015

STATE JUDICIAL NOMINATING COMMISSION (Sec. 46.1)
Steven Brody, Clive 05/01/2009 – 04/30/2015
Margaret Redenbaugh, Storm Lake 05/01/2009 – 04/30/2015

COMMISSION ON JUDICIAL QUALIFICATIONS (Sec. 602.2102)
Stephanie Netolicky, Ankeny 05/01/2009 – 04/30/2015
Henry (H.I.) Thomas, Des Moines 05/01/2009 – 04/30/2015

LANDSCAPE ARCHITECTURAL EXAMINING BOARD (Sec. 544B.3)
Tim Adams, Webster City 05/01/2009 – 04/30/2012
David Fjare, Council Bluffs 05/01/2009 – 04/30/2012

IOWA LAW ENFORCEMENT ACADEMY COUNCIL (Sec. 80B.6)
Randy Krukow, Spencer 05/01/2009 – 04/30/2013
Patty Link, Des Moines 05/01/2009 – 04/30/2013

BOARD OF MEDICINE (Sec. 147.14(1)(b))
Analisa Haberman, Mason City 05/01/2009 – 04/30/2012
Ambreen Mian, Ames 05/01/2009 – 04/30/2012
Siroos Shirazi, Iowa City 05/01/2009 – 04/30/2012

MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY COMMISSION (Sec. 225C.5(1))
Neil Broderick, West Des Moines 05/01/2009 – 04/30/2012
Janice Heikes, Decorah 05/01/2009 – 04/30/2012
Cindy Kaestner, Newhall 05/01/2009 – 04/30/2012
Linda Langston, Cedar Rapids 05/01/2009 – 04/30/2012
Craig Wood, Cedar Rapids 05/01/2009 – 04/30/2012

MENTAL HEALTH RISK POOL BOARD (Sec. 426B.5(2))
Rick Larkin, Fort Madison 05/01/2009 – 04/30/2012
Andrew Nielsen, Ankeny 05/01/2009 – 04/30/2012
Raymond Todd, Cedar Rapids 05/01/2009 – 04/30/2012
Linda Young-Streit, Urbandale 05/01/2009 – 04/30/2012

BOARD OF MORTUARY SCIENCE (Sec. 147.14(1)(p))
Bradley Hawn, Spencer 05/01/2009 – 04/30/2012
Paul Johnson, West Des Moines 05/01/2009 – 04/30/2012

NATURAL RESOURCE COMMISSION (Sec. 455A.5)
William Bird, Lehigh 05/01/2009 – 04/30/2015
Richard Francisco, Lucas 05/01/2009 – 04/30/2015

BOARD OF NURSING (Sec. 147.14(1)(c))
Connie Boyd, Fort Dodge 05/01/2009 – 04/30/2012

BOARD OF NURSING HOME ADMINISTRATORS (Sec. 155.2)
Patrice Herrera, Ankeny 05/01/2009 – 04/30/2012
Daniel Larmore, Traer 05/01/2009 – 04/30/2012
Joan Skogstrom, Urbandale 05/01/2009 – 04/30/2012
Michael Svejda, Mason City 05/01/2009 –04/30/2012

BOARD OF OPTOMETRY (Sec. 147.14(1)(f))
Michael Ohlson, West Union 05/01/2009 – 04/30/2012
Barbara Washburn, Cedar Rapids 05/01/2009 – 04/30/2012

BOARD OF PAROLE (Sec. 904A.1)
Nancy Boyd, Urbandale 05/01/2009 – 04/30/2013
Walter Reed, Jr., Waterloo 05/01/2009 – 04/30/2013

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD (Sec. 455G.4)
Douglas Beech, Ankeny 05/01/2009 – 04/30/2013

BOARD OF PHARMACY (Sec. 147.14(1)(e))
Mark Anliker, Emmetsburg 05/01/2009 – 04/30/2012
Susan Frey, Villisca 05/01/2009 – 04/30/2012

BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY (Sec. 147.14 (1)(j))
Helen McNurlen, Grinnell 05/01/2009 – 04/30/2012

BOARD OF PHYSICIAN ASSISTANTS (Sec. 147.14 (1)(l))
John Olson, Marshalltown 05/01/2009 – 04/30/2012
Mara Swanson, West Des Moines 05/01/2009 – 04/30/2012
Patricia Weishaar, Manson 05/01/2009 – 04/30/2012

PLUMBING AND MECHANICAL SYSTEMS EXAMINING BOARD (Sec. 105.3)
Mickey Gage, New Hampton 05/01/2009 – 04/30/2012
Dennis Molden, Sioux City 05/01/2009 – 04/30/2012
Susan Salsman, St. Charles 05/01/2009 – 04/30/2012

BOARD OF PODIATRY (Sec. 147.14(1)(s))
Kelly Kadel, New London 05/01/2009 – 04/30/2012
Bridget Maher, Solon 05/01/2009 – 04/30/2012

IOWA POWER FUND BOARD (Sec. 469.6)
Peter Hemken, West Des Moines 05/01/2009 – 04/30/2012
Carrie LaSeur, Mount Vernon 05/01/2009 – 04/30/2012
Mary Norton, Clive 05/01/2009 – 04/30/2012

BOARD OF PSYCHOLOGY (Sec. 147.14(1)(g))
John Dilley, Clive 05/01/2009 – 04/30/2012
Ronelle Langley, Cedar Falls 05/01/2009 – 04/30/2012

STATE RACING AND GAMING COMMISSION (Sec. 99D.5)
Andrea Rivera-Harrison, Des Moines 05/01/2009 – 04/30/2012
Toni Urban, Des Moines 05/01/2009 – 04/30/2012

REAL ESTATE APPRAISER EXAMINING BOARD (Sec. 543D.4)
Maxine Ballard, Grimes (appointment) 02/27/2009 – 04/30/2009
Maxine Ballard, Grimes (reappointment) 05/01/2009 – 04/30/2012
John Larson, Indianola 05/01/2009 – 04/30/2012
Judith Zwanziger, Indianola 05/01/2009 – 04/30/2012

REAL ESTATE COMMISSION (Sec. 543B.8)
Laurie Dawley, Walford 05/01/2009 – 04/30/2012
Richard Robert, Cedar Falls 05/01/2009 – 04/30/2012

STATE BOARD OF REGENTS (Sec. 262.2)
Robert Downer, Iowa City 05/01/2009 – 04/30/2015
Ruth Harkin, Cumming 05/01/2009 – 04/30/2015
Greta Johnson, Le Mars 05/01/2009 – 04/30/2015

RENEWABLE FUEL INFRASTRUCTURE BOARD (Sec. 15G.202)
Kenneth Pangburn, Corning 05/01/2009 – 04/30/2014
Brian Wiegert, Martensdale 05/01/2009 – 04/30/2014

BOARD OF RESPIRATORY CARE (Sec. 147.14 (1)(o))
Arlene Lee, Fort Dodge 05/01/2009 – 04/30/2012
Robert Zeman, Solon 05/01/2009 – 04/30/2012

SCHOOL BUDGET REVIEW COMMITTEE (Sec. 257.30)
Jane Babcock, Monroe 05/01/2009 – 04/30/2012

BOARD OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS (Sec. 147.14(1)(u))
Freeman Harper, Iowa City 05/01/2009 – 04/30/2012
Diana Kautzky, Johnston 05/01/2009 – 04/30/2012
Cynthia Smith-Byer, Davenport 05/01/2009 – 04/30/2012
Brent Welsch, Council Bluffs 03/06/2009 – 04/30/2011

SMALL BUSINESS ADVISORY COUNCIL (Sec. 15.108(7)(h)(l))
Bryan Dalton, Vail 05/01/2009 – 04/30/2013
James Petro, Waukee 05/01/2009 – 04/30/2013

BOARD OF SOCIAL WORK (Sec. 147.14 (1)(t))
David Stout, Ankeny 05/01/2009 – 04/30/2012
Mary Tasler, Webster City 05/01/2009 – 04/30/2012

STATE SOIL CONSERVATION COMMITTEE (Sec. 161A.4)
Jean Eells, Webster City 05/01/2009 – 04/30/2015
Sherman Lundy, Cedar Falls 05/01/2009 – 04/30/2015
James Tobin, New Market 05/01/2009 – 04/30/2015

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY (Sec. 147.14(1)(i))
Jon Schuttinga, Denison 05/01/2009 – 04/30/2012
Rebecca Vilda, Iowa City 05/01/2009 – 10/17/2011

STATE BOARD OF TAX REVIEW (Sec. 421.1)
Michael Milligan, West Des Moines 05/01/2009 – 04/30/2015

TECHNOLOGY GOVERNANCE BOARD (Sec. 8A.204)
Susan Leatherwood, Cedar Rapids 05/01/2009 – 04/30/2011

TITLE GUARANTY DIVISION BOARD (Sec. 16.2A)
Timothy Reilly, Cedar Falls 05/01/2009 – 04/30/2015

COMMISSION ON TOBACCO USE PREVENTION AND CONTROL (Sec. 142A.3)
Timothy Hungerford, Marshalltown 05/01/2009 – 04/30/2012
Bobby Russell, Polk City 05/01/2009 – 04/30/2012

STATE TRANSPORTATION COMMISSION (Sec. 307.3)
Michael Blouin, Dubuque 05/01/2009 – 04/30/2013
Loree Miles, West Des Moines 05/01/2009 – 04/30/2013

CHAIR OF UTILITIES BOARD (Sec. 474.1)
Robert Berntsen, Evansville, IN 05/01/2009 – 04/30/2011

UTILITIES BOARD (Sec. 474.1)
Robert Berntsen, Evansville, IN 05/01/2009 – 04/30/2015
Krista Tanner, Clive 05/01/2009 – 04/30/2011

IOWA BOARD OF VETERINARY MEDICINE (Sec. 169.5)
Rick Cooper, Toledo 05/01/2009 – 04/30/2012
Anne Duffy, Cedar Rapids 05/01/2009 – 05/21/2011

VISION IOWA BOARD (Sec. 15F.102)
Regenia Bailey, Iowa City 05/01/2009 – 04/30/2012
Ernest Greiner, Ollie 05/01/2009 – 04/30/2012
Cathy Reece, Chariton 05/01/2009 – 04/30/2012
Charese Yanney, Sioux City 05/01/2009 – 04/30/2012

BY THE IOWA DEPARTMENT OF
AGRICULTURE AND LAND STEWARDSHIP

IOWA GRAPE AND WINE DEVELOPMENT COMMISSION (Sec. 175A.2)
Benjamin Jung, Des Moines 05/01/2009 – 04/30/2012

The appointments were referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 17, 2009:

AGRICULTURE

Benjamin Jung – Grape and Wine Development Commission

Jean Eells – State Soil Conservation Committee
Sherman Lundy – State Soil Conservation Committee
James Tobin – State Soil Conservation Committee

COMMERCE

Thomas Gronstal – Superintendent of Banking

Dave Cale – Credit Union Review Board
Denise Dolan – Credit Union Review Board
Timothy Marcsisak – Credit Union Review Board

Timothy Reilly – Title Guaranty Division Board

Robert Berntsen – Chair of the Utilities Board

Krista Tanner – Utilities Board
Robert Berntsen – Utilities Board

ECONOMIC GROWTH

Daniel Rogers – Iowa Capital Investment Board

Scott Brennan – Iowa Great Places Board
Quentin Hart – Iowa Great Places Board
Rita Vargas – Iowa Great Places Board

Peter Hemken – Iowa Power Fund Board
Carrie LaSeur – Iowa Power Fund Board
Mary Norton – Iowa Power Fund Board

Bryan Dalton – Small Business Advisory Council
James Petro – Small Business Advisory Council

EDUCATION

Judy Jeffrey – Director of the Department of Education

Julio Almanza – Board of Educational Examiners
Elizabeth Cecak – Board of Educational Examiners
Oscar Ortiz – Board of Educational Examiners
Beverly Smith – Board of Educational Examiners
Carol Trueg – Board of Educational Examiners
Richard Wortmann – Board of Educational Examiners

Christopher Carman – Iowa Empowerment Board
Amy Kimball – Iowa Empowerment Board
Ruth Krueger – Iowa Empowerment Board
Marguerite (Peg) Macek – Iowa Empowerment Board
Judy McCoy Davis – Iowa Empowerment Board
Douglas Peters – Iowa Empowerment Board
Patty Ritchie – Iowa Empowerment Board
Cathy Ryba – Iowa Empowerment Board
Daniel Vogeler – Iowa Empowerment Board

Dennis Barnum – Iowa Higher Education Loan Authority
John Hartung – Iowa Higher Education Loan Authority

Robert Downer – State Board of Regents
Ruth Harkin – State Board of Regents
Greta Johnson – State Board of Regents

Jane Babcock – School Budget Review Committee

Susan Leatherwood – Technology Governance Board

ENVIRONMENT AND ENERGY INDEPENDENCE

Dale Cochran – Environmental Protection Commission
Shearon Elderkin – Environmental Protection Commission
David Petty – Environmental Protection Commission
Martin Stimson – Environmental Protection Commission

Douglas Beech – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Kenneth Pangburn – Renewable Fuel Infrastructure Board
Brian Wiegert – Renewable Fuel Infrastructure Board

HUMAN RESOURCES

Lonnie Marshall – Board of Behavioral Science
Barbara O'Rourke – Board of Behavioral Science

Joseph DeHart – Child Advocacy Board
Paula Hohensee – Child Advocacy Board

Michael Isaacson – Child Advocacy Board
Katherine Kaminsky – Child Advocacy Board

George Estle – Child Welfare Advisory Committee
Miriam Landsman – Child Welfare Advisory Committee
Jean McAleer – Child Welfare Advisory Committee
Ronald Stehl – Child Welfare Advisory Committee
David VanNingen – Child Welfare Advisory Committee

Christopher Atchison – Prevention of Disabilities Policy Council
Cheryll Jones – Prevention of Disabilities Policy Council
Diane Schroeder – Prevention of Disabilities Policy Council
Frank Strong – Prevention of Disabilities Policy Council

Daniel Ernst – Commission of Elder Affairs
Frank Leu – Commission of Elder Affairs
Kenneth Petersen – Commission of Elder Affairs

Cynthia Beauman – Health Facilities Council

Susan Salter – Healthy and Well Kids in Iowa (HAWK-I) Board
Selden Spencer – Healthy and Well Kids in Iowa (HAWK-I) Board

Sally Stutsman – Council on Human Services
Roberta Yoder – Council on Human Services

Neil Broderick – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Janice Heikes – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Cindy Kaestner – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Linda Langston – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Craig Wood – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Freeman Harper – Board of Sign Language Interpreters and Transliterators
Diana Kautzky – Board of Sign Language Interpreters and Transliterators
Cynthia Smith-Byer – Board of Sign Language Interpreters and Transliterators
Brent Welsch – Board of Sign Language Interpreters and Transliterators

Timothy Hungerford – Commission on Tobacco Use Prevention and Control
Bobby Russell – Commission on Tobacco Use Prevention and Control

JUDICIARY

Mary Chapman – Iowa State Civil Rights Commission
Frederick Morain – Iowa State Civil Rights Commission
Nancy Witt – Iowa State Civil Rights Commission

David Erickson – Board of Corrections
Johnie Hammond – Board of Corrections

Pamela Dettmann – Iowa Drug Policy Advisory Council
Eric Snyder – Iowa Drug Policy Advisory Council

Steven Brody – State Judicial Nominating Commission
Margaret Redenbaugh – State Judicial Nominating Commission

Stephanie Netolicky – Commission on Judicial Qualifications
Henry Thomas – Commission on Judicial Qualifications

Randy Krukow – Iowa Law Enforcement Academy Council
Patty Link – Iowa Law Enforcement Academy Council

Nancy Boyd – Board of Parole
Walter Reed, Jr. – Board of Parole

LABOR AND BUSINESS RELATIONS

Mickey Gage – Plumbing & Mechanical Systems Examining Board
Dennis Molden – Plumbing & Mechanical Systems Examining Board
Susan Salsman – Plumbing & Mechanical Systems Examining Board

LOCAL GOVERNMENT

Barbara Brown – City Development Board
Jay Howe – City Development Board

Carol Copeland – County Finance Committee
Kay Swanson – County Finance Committee

Rick Larkin – Mental Health Risk Pool Board
Andrew Nielsen – Mental Health Risk Pool Board
Raymond Todd – Mental Health Risk Pool Board
Linda Young-Streit – Mental Health Risk Pool Board

NATURAL RESOURCES

William Bird – Natural Resource Commission
Richard Francisco – Natural Resource Commission

STATE GOVERNMENT

Vicky Boyington – Accountancy Examining Board
Telford Lodden – Accountancy Examining Board
Tommy Thompson – Accountancy Examining Board

Raymond Walton – Director of the Department of Administrative Services

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

James Clayton – Alcoholic Beverages Commission

Bruce Bassler – Architectural Examining Board
Martha Green – Architectural Examining Board

Tammy Ortiz – Board of Barbering
Rhonda Reif – Board of Barbering

Steven Hagemoser – Commission for the Blind

Robert Brecke – Boiler and Pressure Vessel Board
Timothy Fehr – Boiler and Pressure Vessel Board
Amy Iles – Boiler and Pressure Vessel Board

John Calisesi – Board of Chiropractic
Michael Powell – Board of Chiropractic
Sharon Tate – Board of Chiropractic

Amber Crystal Amos – Commission on Community Action Agencies
Marc Lindeen – Commission on Community Action Agencies
Arthur (Ross) Wilburn – Commission on Community Action Agencies

Jerry Talbott – Board of Cosmetology Arts and Sciences

August Cordero – Commission on the Deaf
Theresa Legg – Commission on the Deaf

Marijo Beasler – Board of Dentistry
Gary Roth – Board of Dentistry

Susan Reams – Board of Dietetics
Jonathan Taylor – Board of Dietetics

Kevin Perley – Electrical Examining Board
Duane Quirk – Electrical Examining Board
Rodrick Van Wart – Electrical Examining Board

Kristine Kesterson – Elevator Safety Board
Jennifer McConkey – Elevator Safety Board
Wayne Sims – Elevator Safety Board

Julie Bell – Iowa Emergency Response Commission
Terry Butler – Iowa Emergency Response Commission

Christy VanBuskirk – Engineering and Land Surveying Examining Board
Marlee Walton – Engineering and Land Surveying Examining Board

James Albert – Iowa Ethics and Campaign Disclosure Board
Saima Zafar – Iowa Ethics and Campaign Disclosure Board

Kate Gronstal – Generation Iowa Commission
Jodi Grover – Generation Iowa Commission
Rachel Judisch – Generation Iowa Commission
Erik Raker – Generation Iowa Commission
Claudia Ramirez – Generation Iowa Commission

Dorothy Walters – Board of Hearing Aid Dispensers

Preston Daniels – Director of the Department of Human Rights

Sara Swaim Herman – Interior Design Examining Board
Tom Triplett – Interior Design Examining Board
Jennifer Voorhees – Interior Design Examining Board

David Creighton, Sr. – Investment Board of the IPERS

Tim Adams – Landscape Architectural Examining Board
David Fjare – Landscape Architectural Examining Board

Analisa Haberman – Board of Medicine
Ambreen Mian – Board of Medicine
Siroos Shirazi – Board of Medicine

Bradley Hawn – Board of Mortuary Science
Paul Johnson – Board of Mortuary Science

Connie Boyd – Board of Nursing

Patrice Herrera – Board of Nursing Home Administrators
Daniel Larmore – Board of Nursing Home Administrators
Joan Skogstrom – Board of Nursing Home Administrators
Michael Svejda – Board of Nursing Home Administrators

Michael Ohlson – Board of Optometry
Barbara Washburn – Board of Optometry

Mark Anliker – Board of Pharmacy
Susan Frey – Board of Pharmacy

Helen McNurlen – Board of Physical and Occupational Therapy

John Olson – Board of Physician Assistants
Mara Swanson – Board of Physician Assistants
Patricia Weishaar – Board of Physician Assistants

Kelly Kadel – Board of Podiatry
Bridget Maher – Board of Podiatry

John Dilley – Board of Psychology
Ronelle Langley – Board of Psychology

Andrea Rivera-Harrison – State Racing and Gaming Commission
Toni Urban – State Racing and Gaming Commission

Maxine Ballard – Real Estate Appraiser Examining Board
John Larson – Real Estate Appraiser Examining Board
Judith Zwanziger – Real Estate Appraiser Examining Board

Laurie Dawley – Real Estate Commission
Richard Robert – Real Estate Commission

Arlene Lee – Board of Respiratory Care
Robert Zeman – Board of Respiratory Care

David Stout – Board of Social Work
Mary Tasler – Board of Social Work

Jon Schuttinga – Board of Speech Pathology and Audiology
Rebecca Vilda – Board of Speech Pathology and Audiology

Rick Cooper – Iowa Board of Veterinary Medicine
Anne Duffy – Iowa Board of Veterinary Medicine

Regenia Bailey – Vision Iowa Board
Ernest Greiner – Vision Iowa Board
Cathy Reece – Vision Iowa Board
Charese Yanney – Vision Iowa Board

TRANSPORTATION

Michael Blouin – State Transportation Commission
Loree Miles – State Transportation Commission

WAYS AND MEANS

Darlys Baum – Iowa Finance Authority
Carmela Brown – Iowa Finance Authority

Michael Milligan – State Board of Tax Review

GOVERNOR'S DEFERRAL LETTERS

The following letters from the Governor were received in the office of the Secretary of the Senate on March 15, 2009:

Pursuant to Iowa Code section 147.14(1)(r), please accept this letter as the notice of deferment of the appointment to the Board of Athletic Training, formerly held by Terri Craft. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 147.14(1)(r), please accept this letter as the notice of deferment of the appointment to the Board of Athletic Training, formerly held by Daniel McGuire. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 147.14(1)(m), please accept this letter as the notice of deferment of the appointment to the Board of Behavioral Science, formerly held by John Freeland. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 216.3, please accept this letter as the notice of deferment of the appointment to the Iowa State Civil Rights Commission, formerly held by Timothy Tutt. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 147.14(1)(d), please accept this letter as the notice of deferment of the appointment to the Board of Dentistry, formerly held by Elizabeth Brennan. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 28.3, please accept this letter as the notice of deferment of the appointment to the Iowa Empowerment Board, formerly held by Michael Bergan. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 28.3, please accept this letter as the notice of deferment of the appointment to the Iowa Empowerment Board, formerly held by Arnold Honkamp. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 455A.6, please accept this letter as the notice of deferment of the appointment to the Environmental Protection Commission, formerly held by Henry Marquard. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 303.3C(2), please accept this letter as the notice of deferment of the appointment to the Iowa Great Places Board, formerly held by William Menner. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 217.2, please accept this letter as the notice of deferment of the appointment to the Council on Human Services, formerly held by Ruth Mosher. This appointment has been deferred because our Administration has

initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 216A.2, please accept this letter as the notice of deferred appointment of the Division Administrator of the Latino Affairs Commission in the Department of Human Rights. This Administration will continue its work on the selection process which will result in determining the most appropriate person to nominate for this position. Further correspondence will be provided when an appointment is complete.

Pursuant to Iowa Code section 8.4, please accept this letter as the notice of deferred appointment of the Director of Department of Management. This Administration will begin the selection process which will result in determining the most appropriate person to nominate for this position. Further correspondence will be provided when an appointment is complete.

Pursuant to Iowa Code section 155.2, please accept this letter as the notice of deferment of the appointment to the Board of Nursing Home Administrators, formerly held by Audrae Zoeckler. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 455G.4, please accept this letter as the notice of deferment of the appointment to the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board, formerly held by James Holcomb. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 421.1A, please accept this letter as the notice of deferment of the appointment to the Chair of the Property Assessment Appeal Board, formerly held by Richard Stradley. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 421.1A, please accept this letter as the notice of deferment of the appointment to the Property Assessment Appeal Board, formerly held by D. Kevin Burggraaf. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 13B.2, please accept this letter as the notice of deferred appointment of the State Public Defender in the Department of Inspections and Appeals. This Administration will continue its work on the selection process which will result in determining the most appropriate person to nominate for this position. Further correspondence will be provided when an appointment is complete.

Pursuant to Iowa Code section 159A.4, please accept this letter as the notice of deferment of the appointment to the Renewable Fuels and Coproducts Advisory Committee, formerly held by Karen Andersen-Schank. This appointment has been deferred because our Administration has initiated, but has not yet completed, the

selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 159A.4, please accept this letter as the notice of deferment of the appointment to the Renewable Fuels and Coproducts Advisory Committee, formerly held by William Furlong. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 159A.4, please accept this letter as the notice of deferment of the appointment to the Renewable Fuels and Coproducts Advisory Committee, formerly held by Greg Hayes. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 159A.4, please accept this letter as the notice of deferment of the appointment to the Renewable Fuels and Coproducts Advisory Committee, formerly held by John Ryan. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15G.202, please accept this letter as the notice of deferment of the appointment to the Renewable Fuel Infrastructure Board, formerly held by Brenda Neville. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15.108(7)(h)(l), please accept this letter as the notice of deferment of the appointment to the Small Business Advisory Council, formerly held by Dana Ingerslev. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 147.14(1)(i), please accept this letter as the notice of deferment of the appointment to the Board of Speech Pathology and Audiology, formerly held by Kent Webb. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 142A.3, please accept this letter as the notice of deferment of the appointment to the Commission on Tobacco use Prevention and Control, formerly held by Andrea Coziahr. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 35D.13, please accept this letter as the notice of deferred appointment of the Commandant of the Iowa Veterans Home. This Administration will begin the selection process which will result in determining the most appropriate person to nominate for this position. Further correspondence will be provided when an appointment is complete.

Sincerely,
CHESTER J. CULVER
Governor

AMENDMENTS FILED

S–3077	S.F.	364	Robert M. Hogg
S–3078	S.F.	159	Merlin Bartz
S–3079	S.F.	159	Merlin Bartz
S–3080	S.F.	435	Keith A. Kreiman
S–3081	S.F.	366	Keith A. Kreiman
S–3082	S.F.	372	Steve Warnstadt Jerry Behn
S–3083	S.F.	418	Becky Schmitz
S–3084	S.F.	323	Paul McKinley
S–3085	S.F.	159	Merlin Bartz
S–3086	S.F.	263	Joe Bolkcom
S–3087	S.F.	396	Tom Rielly
S–3088	S.F.	159	Merlin Bartz
S–3089	S.F.	441	Herman C. Quirmbach
S–3090	S.F.	344	Rich Olive

JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY
THIRTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 18, 2009

The Senate met in regular session at 8:41 a.m., President Kibbie presiding.

Prayer was offered by Reverend Timothy Bees, pastor of the First Baptist Church in Dubuque, Iowa, and the President of Dubuque Area Congregations United. He was the guest of Senator Jochum.

The Journal of Tuesday, March 17, 2009, 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 March 17, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 27, a bill for an act relating to the crime of human trafficking.

Senate File 49, a bill for an act relating to the administration of campaign disclosure laws.

Senate File 209, a bill for an act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

Senate File 241, a bill for an act correcting references in the Code relating to the United States department of veterans affairs.

Senate File 288, a bill for an act relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

Senate File 295, a bill for an act concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department.

Senate File 305, a bill for an act concerning audits conducted by a licensee conducting pari-mutuel wagering or gambling games and providing an effective date.

ALSO: That the House has on March 17, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 266, a bill for an act relating to recording proceedings before a magistrate.

Read first time and referred to committee on **Judiciary**.

House File 488, a bill for an act relating to including the maintenance of service animals as an eligible service reimbursable under the home and community-based services waivers.

Read first time and referred to committee on **Human Resources**.

House File 505, a bill for an act requiring record checks for persons who are prospective or current volunteers for the Iowa veterans home.

Read first time and referred to committee on **Veterans Affairs**.

House File 670, a bill for an act relating to absentee voting by requiring the counting of absentee ballots to begin the day before the general election.

Read first time and referred to committee on **State Government**.

House File 671, a bill for an act providing volunteer emergency services providers protection from employment termination.

Read first time and referred to committee on **Judiciary**.

House File 676, a bill for an act modifying provisions relating to a final hearing in a civil commitment proceeding for a sexually violent predator.

Read first time and referred to committee on **Judiciary**.

House File 684, a bill for an act relating to the membership and administration of the Iowa propane education and research council.

Read first time and referred to committee on **Ways and Means**.

SPECIAL GUEST

President Kibbie introduced to the Senate chamber the Honorable William Fink, former member of the Senate from Warren County, Carlisle, Iowa.

The Senate rose and expressed its welcome.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 378** be referred from the Regular Calendar to the committee on **Ways and Means**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:06 a.m. until 2:00 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

John Johnson—For achieving the rank of Eagle Scout, Troop 51. Senator Heckroth (3/18/09).

His Excellency Orli Gil, Consul General of Israel—Recognizing him as a distinguished guest of the people of Iowa and proclaiming him an Honorary Iowan. Senator Beall (3/18/09).

REPORT OF COMMITTEE MEETING

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Tuesday, March 17, 2009, 4:50 p.m.

Members Present: Black, Chair; Hogg, Vice Chair; Behn, Ranking Member; Bolkcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, and Wilhelm.

Members Absent: Ward (excused).

Committee Business: Presentation by Des Moines Water Works.

Adjourned: 5:35 p.m.

INTRODUCTION OF BILLS

Senate File 450, by Behn, a bill for an act relating to tax credits for school tuition organizations and tuition and textbooks and including an applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 451, by committee on Veterans Affairs, a bill for an act relating to the definition of resident for purposes of tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges.

Read first time under Rule 28 and **placed on calendar**.

FINAL COMMITTEE REPORT OF BILL ACTION

VETERANS AFFAIRS

Bill Title: *SENATE FILE 451 (SSB 1006), a bill for an act relating to the definition of resident for purposes of tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, 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 Veterans Affairs Committee on Senate File 451, and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 2:23 p.m., President Kibbie presiding.

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 March 18, 2009, **passed** the following bill in which the concurrence of the House was asked:

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.

ALSO: That the House has on March 18, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 697, a bill for an act relating to interference with judicial acts, and providing a penalty.

Read first time and referred to committee on **Judiciary**.

House File 705, a bill for an act concerning community safe rooms and storm shelters in newly constructed public buildings.

Read first time and referred to committee on **Rebuild Iowa**.

House File 707, a bill for an act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing an effective date.

Read first time and referred to committee on **State Government**.

House File 710, a bill for an act relating to the agricultural development authority, by providing for the reporting of its operations.

Read first time and referred to committee on **Agriculture**.

House File 713, a bill for an act creating the uniform child abduction prevention Act.

Read first time and referred to committee on **Judiciary**.

House File 720, a bill for an act relating to boiler and pressure vessel inspections and the boiler and pressure vessel board that oversees the inspections.

Read first time and referred to committee on **Labor and Business Relations**.

QUORUM CALL

Senator Courtney requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

UNFINISHED BUSINESS
(Deferred March 17, 2009)

Senate File 263

The Senate resumed consideration of **Senate File 263**, a bill for an act relating to Iowa national pollutant discharge elimination system program signage and providing a penalty, deferred March 17, 2009.

Senator Bolkcom 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. 263), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 26:

Appel	Dvorsky	Jochum	Schmitz
Beall	Fraise	Kibbie	Seng
Black	Gronstal	Kreiman	Sodders

Bolkcom	Hatch	McCoy	Stewart
Danielson	Heckroth	Olive	Warnstadt
Dearden	Hogg	Quirmbach	
Dotzler	Horn	Ragan	

Nays, 24:

Bartz	Hahn	Kapucian	Schoenjahn
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hancock	McKinley	Ward
Courtney	Hartsuch	Noble	Wieck
Dandekar	Houser	Reynolds	Wilhelm
Feenstra	Johnson	Rielly	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate Files 441, 440, and 438.

Senate File 441

On motion of Senator Quirmbach, **Senate File 441**, a bill for an act relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions, was taken up for consideration.

Senator Quirmbach offered amendment S–3089, filed by him on March 13, 2009, to page 1 of the bill, and moved its adoption.

Amendment S–3089 was adopted by a voice vote.

Senator Quirmbach 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. 441), 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	Quirmbach	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 440

On motion of Senator Ragan, **Senate File 440**, a bill for an act relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits, was taken up for consideration.

Senator Ragan 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. 440), 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	Quirmbach	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 438

On motion of Senator Jochum, **Senate File 438**, a bill for an act relating to actions injurious to dependent adults and residents of health care facilities and providing penalties, was taken up for consideration.

Senator Jochum offered amendment S–3094, filed by her from the floor, amending the title page of the bill, and moved its adoption.

Amendment S–3094 was adopted by a voice vote.

Senator Jochum 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. 438), 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	Quirmbach	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, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate Files 263**, **438**, **440**, and **441** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate Files 437, 428, and 425.

Senate File 437

On motion of Senator Olive, **Senate File 437**, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records, was taken up for consideration.

Senator Olive 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. 437), 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	Quirmbach	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 428

On motion of Senator Sodders, **Senate File 428**, a bill for an act relating to permissible prizes for use of an electrical and mechanical amusement device, was taken up for consideration.

Senator Sodders 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. 428), the vote was:

Yeas, 44:

Appel	Dvorsky	Kapucian	Schmitz
Bartz	Fraise	Kettering	Schoenjahn
Beall	Gronstal	Kibbie	Seng
Black	Hahn	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hatch	Noble	Stewart
Courtney	Heckroth	Olive	Ward
Dandekar	Hogg	Quirmbach	Warnstadt
Danielson	Horn	Ragan	Wieck
Dearden	Houser	Reynolds	Wilhelm
Dotzler	Jochum	Rielly	Zaun

Nays, 6:

Behn	Hamerlinck	Johnson
Feenstra	Hartsuch	McKinley

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

SPECIAL GUEST

President Kibbie introduced to the Senate chamber the Honorable Richard Running, former member of the Senate from Linn County, Cedar Rapids, Iowa.

The Senate rose and expressed its welcome.

Senate File 425

On motion of Senator Sodders, **Senate File 425**, a bill for an act providing for certain witness information in the minutes of evidence filed with a trial information or indictment and providing an effective date, was taken up for consideration.

Senator Sodders offered amendment S–3092, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S–3092 was adopted by a voice vote.

Senator Sodders 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. 425), 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	Quirmbach	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 Courtney asked and received unanimous consent that **Senate Files 425**, **428**, and **437** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate Files 436, 159, and 414.

Senate File 436

On motion of Senator Beall, **Senate File 436**, a bill for an act relating to observers at satellite absentee voting stations, was taken up for consideration.

Senator Kreiman withdrew amendment S–3075, filed by him on March 16, 2009, to page 1 of the bill.

Senator Kreiman offered amendment S–3102, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S–3102 was adopted by a voice vote.

Senator Beall 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. 436), 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	Quirmbach	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 159

On motion of Senator Sodders, **Senate File 159**, a bill for an act relating to electrician licensure by modifying existing provisions and specifying new classifications, was taken up for consideration.

Senator Boettger offered amendment S–3095, filed by Senator Boettger, et al. from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3095 be adopted?" (S.F. 159), the vote was:

Yeas, 20:

Bartz	Hamerlinck	Kettering	Reynolds
Behn	Hartsuch	Kreiman	Seymour
Boettger	Houser	McKinley	Ward
Feenstra	Johnson	Noble	Wieck
Hahn	Kapucian	Olive	Zaun

Nays, 30:

Appel	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Black	Fraise	Kibbie	Sodders
Bolkcom	Gronstal	McCoy	Stewart

Courtney	Hancock	Quirmbach	Warnstadt
Dandekar	Hatch	Ragan	Wilhelm
Danielson	Heckroth	Rielly	
Dearden	Hogg	Schmitz	

Absent, none.

Amendment S–3095 lost.

Senator Boettger offered amendment S–3096, filed by Senator Boettger, et al. from the floor to page 1 of the bill, and moved its adoption.

Senator Boettger asked and received unanimous consent that action on amendment S–3096 and **Senate File 159** be **deferred**.

President Pro Tempore Danielson took the chair at 4:09 p.m.

Senate File 414

On motion of Senator Bolkcom, **Senate File 414**, a bill for an act providing for a pilot project supporting high-quality child care for low-income children, was taken up for consideration.

Senator Bolkcom 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. 414), the vote was:

Yeas, 33:

Appel	Dotzler	Jochum	Schoenjahn
Bartz	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Black	Gronstal	McCoy	Stewart
Bolkcom	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wilhelm
Dandekar	Heckroth	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Nays, 17:

Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun

Feenstra	Johnson	Reynolds
Hahn	Kapucian	Seymour
Hamerlinck	Kettering	Ward

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 Courtney asked and received unanimous consent that **Senate Files 414** and **436** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate Files 431, 430, 429, and 142.

Senate File 431

On motion of Senator Kreiman, **Senate File 431**, a bill for an act relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date, was taken up for consideration.

Senator Kreiman 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. 431), 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	Quirmbach	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 430

On motion of Senator Gronstal, **Senate File 430**, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, and including effective date and applicability provisions, was taken up for consideration.

Senator Gronstal offered amendment S–3105, filed by him from the floor to pages 1 and 5 and amending the title page of the bill, and moved its adoption.

Amendment S–3105 was adopted by a voice vote.

Senator Gronstal 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. 430), 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	Quirmbach	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, as amended, was agreed to.

Senate File 429

On motion of Senator Rielly, **Senate File 429**, a bill for an act authorizing local authorities to permit parking on the left side of a roadway, was taken up for consideration.

Senator Rielly 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. 429), 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	Quirmbach	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.

UNFINISHED BUSINESS
(Deferred February 26, 2009)

Senate File 142

The Senate resumed consideration of **Senate File 142**, a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date, with report of committee recommending passage, deferred February 26, 2009.

Senator McKinley offered amendment S–3046, filed by him on February 26, 2009, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3046 be adopted?" (S.F. 142), the vote was:

Yeas, 19:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Ward
Black	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	

Nays, 31:

Appel	Dvorsky	Jochum	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm
Dotzler	Horn	Rielly	

Absent, none.

Amendment S–3046 lost.

Senator Heckroth 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. 142), 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	Quirmbach	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 142**, **429**, **430**, and **431** 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 423 and 405.

Senate File 423

On motion of Senator Hancock, **Senate File 423**, a bill for an act providing for the dispensing of ethanol blended gasoline by

authorizing the use of secondary containment, and providing an effective date, was taken up for consideration.

Senator Hancock 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. 423), 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	Quirmbach	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 405

On motion of Senator Seng, **Senate File 405**, a bill for an act providing for the disposal of dead animal bodies by persons practicing veterinary medicine, was taken up for consideration.

Senator Seng offered amendment S–3098, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S–3098 was adopted by a voice vote.

Senator Johnson offered amendment S–3093, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S–3093 was adopted by a voice vote.

Senator Seng 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. 405), 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	Quirmbach	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, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 405** and **423** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:17 p.m. until 8:45 a.m., Thursday, March 19, 2009.

APPENDIX—2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Nadine and Chuck Avey, Stuart—For celebrating their 50th wedding anniversary. Senator Boettger (3/18/09).

Sharon and Earl Carroll, Greenfield—For celebrating their 50th wedding anniversary. Senator Boettger (3/18/09).

ZonaBelle and Ivel Carroll, Panora—For celebrating their 70th wedding anniversary. Senator Boettger (3/18/09).

Lillie and Glee Huey, Audubon—For celebrating their 60th wedding anniversary. Senator Boettger (3/18/09).

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: Wednesday, March 18, 2009, 1:10 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Schmitz, Seng, Ward, and Wilhelm.

Members Absent: Quirmbach and Stewart (both excused).

Committee Business: Approved governor's appointment.

Adjourned: 1:15 p.m.

STUDY BILL RECEIVED

SSB 1309 Appropriations

Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

SUBCOMMITTEE ASSIGNMENTS

House File 260

LOCAL GOVERNMENT: McCoy, Chair; Olive and Reynolds

House File 266

JUDICIARY: Jochum, Chair; Boettger and Horn

House File 488

HUMAN RESOURCES: Quirmbach, Chair; Hartsuch and Wilhelm

House File 505

VETERANS AFFAIRS: Sodders, Chair; Ragan and Seymour

House File 671

JUDICIARY: Hancock, Chair; Fraise and Ward

House File 676

JUDICIARY: Kreiman, Chair; Sodders and Ward

House File 705

REBUILD IOWA: Heckroth, Chair; Horn and Reynolds

House File 720

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Jochum and Wieck

SSB 1309

APPROPRIATIONS: McCoy, Chair; Warnstadt and Seymour

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 18, 2009, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As a member of the Grape and Wine Development Commission:

BENJAMIN JUNG – Appel, Chair; Seng and Kapucian

As members of the State Soil Conservation Committee:

JEAN EELLS – Olive, Chair; Kibbie and Behn
SHERMAN LUNDY – Hancock, Chair; Rielly and Kapucian
JAMES TOBIN – Black, Chair; Appel and Johnson

COMMERCE

As the Superintendent of Banking:

THOMAS GRONSTAL – Heckroth, Chair; Courtney and Wieck

As members of the Credit Union Review Board:

DAVE CALE – McCoy, Chair; Bolkcom and Kettering
DENISE DOLAN – Schmitz, Chair; Stewart and Hartsuch
TIMOTHY MARCSISAK – Schmitz, Chair; Stewart and Ward

As a member of the Title Guaranty Division Board:

TIMOTHY REILLY – Rielly, Chair; Olive and Behn

As Chair of the Utilities Board:

ROBERT BERNTSEN – Warnstadt, Chair; McCoy and Behn

As members of the Utilities Board:

ROBERT BERNTSEN – Warnstadt, Chair; McCoy and Behn
KRISTA TANNER – McCoy, Chair; Warnstadt and Ward

ECONOMIC GROWTH

As a member of the Iowa Capital Investment Board:

DANIEL ROGERS – Dandekar, Chair; Stewart and Kapucian

As members of the Iowa Great Places Board:

SCOTT BRENNAN – Hatch, Chair; Dandekar and Reynolds
QUENTIN HART – Dotzler, Chair; Hatch and Hamerlinck
RITA VARGAS – Schmitz, Chair; Olive and Hamerlinck

As members of the Iowa Power Fund Board:

PETER HEMKEN – Beall, Chair; Stewart and Houser
CARRIE LASEUR – Stewart, Chair; Dandekar and Houser
MARY NORTON – Heckroth, Chair; Stewart and Houser

As members of the Small Business Advisory Council:

BRYAN DALTON – Olive, Chair; Dotzler and Wieck
JAMES PETRO – Wilhelm, Chair; Rielly and Reynolds

EDUCATION

As the Director of the Department of Education:

JUDY JEFFREY – Schmitz, Chair; Schoenjahn and McKinley

As members of the Iowa Board of Educational Examiners:

JULIO ALMANZA – Quirmbach, Chair; Beall and Boettger
ELIZABETH CECAK – Dvorsky, Chair; Feenstra and Sodders
OSCAR ORTIZ – Kreiman, Chair; Wilhelm and Hamerlinck
BEVERLY SMITH – Heckroth, Chair; Appel and Johnson
CAROL TRUEG – Dvorsky, Chair; Sodders and McKinley
RICHARD WORTMANN – Kreiman, Chair; Wilhelm and Boettger

As members of the Iowa Empowerment Board:

CHRISTOPHER CARMAN – Dvorsky, Chair; Sodders and Feenstra
AMY KIMBALL – Appel, Chair; Heckroth and Hamerlinck
RUTH KRUEGER – Schmitz, Chair; Appel and Johnson
MARGUERITE (PEG) MACEK – Schmitz, Chair; Appel and Johnson
JUDY MCCOY DAVIS – Appel, Chair; Schmitz and Johnson
DOUGLAS PETERS – Wilhelm, Chair; Kreiman and Feenstra
PATTY RITCHIE – Wilhelm, Chair; Kreiman and Feenstra
CATHY RYBA – Wilhelm, Chair; Kreiman and Feenstra
DANIEL VOGELER – Quirmbach, Chair; Beall and Hamerlinck

As members of the Iowa Higher Education Loan Authority:

DENNIS BARNUM – Beall, Chair; Quirmbach and Hamerlinck
JOHN HARTUNG – Appel, Chair; Heckroth and Boettger

As members of the State Board of Regents:

ROBERT DOWNER – Dvorsky, Chair; Sodders and Boettger

RUTH HARKIN – Heckroth, Chair; Appel and McKinley
GRETA JOHNSON – Heckroth, Chair; Appel and Boettger

As a member of the School Budget Review Committee:

JANE BABCOCK – Sodders, Chair; Schoenjahn and Johnson

As a member of the Technology Governance Board:

SUSAN LEATHERWOOD – Sodders, Chair; Schoenjahn and Johnson

ENVIRONMENT AND ENERGY INDEPENDENCE

As members of the Environmental Protection Commission:

DALE COCHRAN – Black, Chair; Bolkcom and Behn
DAVID PETTY – Ward, Chair; Hancock and Stewart
SHEARON ELDERKIN – Hogg, Chair; Hancock and Reynolds
MARTIN STIMSON – Hogg, Chair; Hartsuch and Bolkcom

As a member of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board:

DOUGLAS BEECH – Stewart, Chair; Ward and Wilhelm

As members of the Renewable Fuel Infrastructure Board:

KENNETH PANGBURN – Behn, Chair; Hancock and Stewart
BRIAN WIEGERT – Reynolds, Chair; Stewart and Rielly

HUMAN RESOURCES

As members of the Board of Behavioral Science:

LONNIE MARSHALL – Seymour, Chair; Schmitz and Kreiman
BARBARA O'ROURKE – Seymour, Chair; Ragan and Bolkcom

As members of the Child Advocacy Board:

JOSEPH DEHART – Seymour, Chair; Schmitz and Kreiman
PAULA HOHENSEE – Schmitz, Chair; Kreiman and Seymour
MICHAEL ISAACSON – Johnson, Chair; Schmitz and Kreiman
KATHERINE KAMINSKY – Johnson, Chair; Schmitz and Kreiman

As members of the Child Welfare Advisory Committee:

GEORGE ESTLE – Dotzler, Chair; Johnson and Wilhelm
MIRIAM LANDSMAN – Bolkcom, Chair; Ragan and Seymour
JEAN MCALEER – Ragan, Chair; Bolkcom and Johnson
RONALD STEHL – Bartz, Chair; Bolkcom and Ragan
DAVID VANNINGEN – Bartz, Chair; Bolkcom and Ragan

As members of the Prevention of Disabilities Policy Council:

CHRISTOPHER ATCHISON – Bolkcom, Chair; Ragan and Bartz
CHERYLL JONES – Kreiman, Chair; Schmitz and Bartz
DIANE SCHROEDER – Boettger, Chair; Bolkcom and Ragan
FRANK STRONG – Hatch, Chair; Quirmbach and Boettger

As members of the Commission of Elder Affairs:

DANIEL ERNST – Boettger, Chair; Wilhelm and Dotzler
FRANK LEU – Johnson, Chair; Wilhelm and Dotzler
KENNETH PETERSEN – Boettger, Chair; Wilhelm and Dotzler

As a member of the Health Facilities Council:

CYNTHIA BEAUMAN – Johnson, Chair; Quirmbach and Hatch

As members of the Healthy and Well Kids in Iowa (HAWK-I) Board:

SUSAN SALTER – Bolkcom, Chair; Ragan and Seymour
SELDEN SPENCER – Quirmbach, Chair; Hatch and Seymour

As members of the Council on Human Services:

SALLY STUTSMAN – Schmitz, Chair; Bolkcom and Hartsuch
ROBERTA YODER – Quirmbach, Chair; Hatch and Boettger

As members of the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission:

NEIL BRODERICK – Dotzler, Chair; Wilhelm and Johnson
JANICE HEIKES – Wilhelm, Chair; Boettger and Dotzler
CINDY KAESTNER – Bartz, Chair; Wilhelm and Dotzler
LINDA LANGSTON – Schmitz, Chair; Hartsuch and Kreiman
CRAIG WOOD – Hartsuch, Chair; Schmitz and Kreiman

As members of the Board of Sign Language Interpreters and Transliterators:

FREEMAN HARPER – Hartsuch, Chair; Quirmbach and Hatch
DIANA KAUTZKY – Hartsuch, Chair; Wilhelm and Dotzler
CYNTHIA SMITH-BYER – Hartsuch, Chair; Schmitz and Kreiman
BRENT WELSCH – Wilhelm, Chair; Hartsuch and Dotzler

As members of the Commission on Tobacco Use Prevention and Control:

TIMOTHY HUNGERFORD – Quirmbach, Chair; Hatch and Bartz
BOBBY RUSSELL – Quirmbach, Chair; Hatch and Bartz

JUDICIARY

As members of the Iowa State Civil Rights Commission:

MARY CHAPMAN – Jochum, Chair; Horn and Zaun
FREDERICK MORAIN – Quirmbach, Chair; Warnstadt and Noble
NANCY WITT – Sodders, Chair; Fraise and Boettger

As members of the Board of Corrections:

DAVID ERICKSON – Hogg, Chair; Schoenjahn and Ward
JOHNIE HAMMOND – Quirmbach, Chair; Warnstadt and Noble

As members of the Iowa Drug Policy Advisory Council:

PAMELA DETTMANN – Fraise, Chair; Schoenjahn and Kettering
ERIC SNYDER – Quirmbach, Chair; Warnstadt and Noble

As members of the State Judicial Nominating Commission:

STEVEN BRODY – Hogg, Chair; Jochum and Ward
MARGARET REDENBAUGH – Warnstadt, Chair; Hogg and Kettering

As members of the Commission on Judicial Qualifications:

STEPHANIE NETOLICKY – Jochum, Chair; Schoenjahn and Noble
HENRY THOMAS – Hogg, Chair; Hancock and Zaun

As members of the Iowa Law Enforcement Academy Council:

RANDY KRUKOW – Sodders, Chair; Warnstadt and Kettering
PATTY LINK – Sodders, Chair; Schoenjahn and Ward

As members of the Board of Parole:

NANCY BOYD – Hancock, Chair; Hogg and Zaun
WALTER REED, JR. – Hogg, Chair; Hancock and Boettger

LABOR AND BUSINESS RELATIONS

As members of the Plumbing and Mechanical Systems Examining Board:

MICKEY GAGE – Dearden, Chair; Hatch and Houser
DENNIS MOLDEN – Jochum, Chair; Courtney and Wieck
SUSAN SALSMAN – Dearden, Chair; Hatch and Zaun

LOCAL GOVERNMENT

As members of the City Development Board:

BARBARA BROWN – Rielly, Chair; Schoenjahn and Reynolds
JAY HOWE – Rielly, Chair; Schoenjahn and Hamerlinck

As members of the County Finance Committee:

CAROL COPELAND – McCoy, Chair; Olive and Kapucian
KAY SWANSON – McCoy, Chair; Olive and Reynolds

As members of the Mental Health Risk Pool Board:

RICK LARKIN – Beall, Chair; Kreiman and Houser
ANDREW NIELSEN – Beall, Chair; Kreiman and Reynolds
RAYMOND TODD – Beall, Chair; Kreiman and Kapucian
LINDA YOUNG-STREIT – Beall, Chair; Kreiman and Kapucian

NATURAL RESOURCES

As members of the Natural Resource Commission:

WILLIAM BIRD – Bolkcom, Chair; Bartz and Black
RICHARD FRANCISCO – Bolkcom, Chair; Bartz and Black

STATE GOVERNMENT

As members of the Accountancy Examining Board:

VICKY BOYINGTON – Kibbie, Chair; Appel and Wieck
TELFORD LODDEN – Kibbie, Chair; Appel and Wieck
TOMMY THOMPSON – Kibbie, Chair; Appel and Wieck

As the Director of the Department of Administrative Services:

RAYMOND WALTON – Appel, Chair; Horn and Feenstra

As a member of the Commission on the Status of African-Americans:

A'LISA WALKER – Kibbie, Chair; Appel and Wieck

As a member of the Alcoholic Beverages Commission:

JAMES CLAYTON – Kibbie, Chair; Appel and Wieck

As members of the Architectural Examining Board:

BRUCE BASSLER – Kibbie, Chair; Appel and Wieck
MARTHA GREEN – Kibbie, Chair; Appel and Wieck

As members of the Board of Barbering:

TAMMY ORTIZ – Kibbie, Chair; Appel and Wieck
RHONDA REIF – Kibbie, Chair; Appel and Wieck

As a member of the Commission for the Blind:

STEVEN HAGEMOSER – Kibbie, Chair; Appel and Wieck

As members of the Boiler and Pressure Vessel Board:

ROBERT BRECKE – Horn, Chair; Hatch and Hartsuch
TIMOTHY FEHR – Horn, Chair; Hatch and Hartsuch
AMY ILES – Horn, Chair; Hatch and Hartsuch

As members of the Board of Chiropractic:

JOHN CALISESI – Horn, Chair; Hatch and Hartsuch
MICHAEL POWELL – Horn, Chair; Hatch and Hartsuch
SHARON TATE – Horn, Chair; Hatch and Hartsuch

As members of the Commission on Community Action Agencies:

AMBER CRYSTAL AMOS – Horn, Chair; Hatch and Hartsuch
MARC LINDEEN – Horn, Chair; Hatch and Hartsuch
ARTHUR (ROSS) WILBURN –Horn, Chair; Hatch and Hartsuch

As a member of the Board of Cosmetology Arts and Sciences:

JERRY TALBOTT – Horn, Chair; Hatch and Hartsuch

As members of the Commission on the Deaf:

AUGUST CORDERO – Black, Chair; Dearden and Behn
THERESA LEGG – Black, Chair; Dearden and Behn

As members of the Board of Dentistry:

MARIJO BEASLER – Black, Chair; Dearden and Behn
GARY ROTH, DDS – Black, Chair; Dearden and Behn

As members of the Board of Dietetics:

SUSAN REAMS – Black, Chair; Dearden and Behn
JONATHAN TAYLOR – Black, Chair; Dearden and Behn

As members of the Electrical Examining Board:

KEVIN PERLEY – Black, Chair; Dearden and Behn
DUANE QUIRK – Black, Chair; Dearden and Behn
RODRICK VAN WART – Black, Chair; Dearden and Behn

As members of the Elevator Safety Board:

KRISTINE KESTERSON – Black, Chair; Dearden and Behn
JENNIFER MCCONKEY – Jochum, Chair; Sodders and Feenstra
WAYNE SIMS – Jochum, Chair; Sodders and Feenstra

As members of the Iowa Emergency Response Commission:

JULIE BELL – Jochum, Chair; Sodders and Feenstra
TERRY BUTLER – Jochum, Chair; Sodders and Feenstra

As members of the Engineering and Land Surveying Examining Board:

CHRISTY VANBUSKIRK – Jochum, Chair; Sodders and Feenstra
MARLEE WALTON – Jochum, Chair; Sodders and Feenstra

As members of the Iowa Ethics and Campaign Disclosure Board:

JAMES ALBERT – Jochum, Chair; Sodders and Feenstra
SAIMA ZAFAR – Jochum, Chair; Sodders and Feenstra

As members of the Generation Iowa Commission:

KATE GRONSTAL – Jochum, Chair; Sodders and Feenstra
JODI GROVER – Jochum, Chair; Sodders and Feenstra
RACHEL JUDISCH – Jochum, Chair; Sodders and Feenstra
ERIK RAKER – Jochum, Chair; Sodders and Feenstra
CLAUDIA RAMIREZ – Jochum, Chair; Sodders and Feenstra

As a member of the Board of Hearing Aid Dispensers:

DOROTHY WALTERS – Jochum, Chair; Sodders and Feenstra

As the Director of the Department of Human Rights:

PRESTON DANIELS – Hatch, Chair; Horn and Behn

As members of the Interior Design Examining Board:

SARA SWAIM HERMAN – Horn, Chair; Hatch and Hartsuch
TOM TRIPLETT – Horn, Chair; Hatch and Hartsuch
JENNIFER VOORHEES – Black, Chair; Dearden and Behn

As a member of the Investment Board of the IPERS:

DAVID CREIGHTON, SR. – Horn, Chair; Hatch and Hartsuch

As members of the Landscape Architectural Examining Board:

TIM ADAMS – Black, Chair; Dearden and Behn
DAVID FJARE – Black, Chair; Dearden and Behn

As members of the Board of Medicine:

ANALISA HABERMAN – Dearden, Chair; Black and Behn
AMBREEN MIAN – Courtney, Chair; Danielson and Seymour
SIROOS SHIRAZI – Courtney, Chair; Danielson and Seymour

As members of the Board of Mortuary Science:

BRADLEY HAWN – Courtney, Chair; Danielson and Seymour
PAUL JOHNSON – Courtney, Chair; Danielson and Seymour

As a member of the Board of Nursing:

CONNIE BOYD – Courtney, Chair; Danielson and Seymour

As members of the Board of Nursing Home Administrators:

PATRICE HERRERA – Courtney, Chair; Danielson and Seymour
DANIEL LARMORE – Courtney, Chair; Danielson and Seymour
JOAN SKOGSTROM – Courtney, Chair; Danielson and Seymour
MICHAEL SVEJDA – Courtney, Chair; Danielson and Seymour

As members of the Board of Optometry:

MICHAEL OHLSON – Courtney, Chair; Danielson and Seymour
BARBARA WASHBURN – Dearden, Chair; Black and Behn

As members of the Board of Pharmacy:

MARK ANLIKER – Dearden, Chair; Black and Behn
SUSAN FREY – Dearden, Chair; Black and Behn

As a member of the Board of Physical and Occupational Therapy:

HELEN MCNURLEN – Dearden, Chair; Black and Behn

As members of the Board of Physician Assistants:

JOHN OLSON – Dearden, Chair; Black and Behn
MARA SWANSON – Dearden, Chair; Black and Behn
PATRICIA WEISHAAR – Dearden, Chair; Black and Behn

As members of the Board of Podiatry:

KELLY KADEL – Dearden, Chair; Black and Behn
BRIDGET MAHER – Dearden, Chair; Black and Behn

As a member of the Board of Psychology:

JOHN DILLEY – Dearden, Chair; Black and Behn
RONELLE LANGLEY – Sodders, Chair; Jochum and Feenstra

As members of the State Racing and Gaming Commission:

ANDREA RIVERA-HARRISON – Sodders, Chair; Jochum and Feenstra
TONI URBAN – Sodders, Chair; Jochum and Feenstra

As members of the Real Estate Appraiser Examining Board:

MAXINE BALLARD – Sodders, Chair; Jochum and Feenstra
JOHN LARSON – Sodders, Chair; Jochum and Feenstra
JUDITH ZWANZIGER – Sodders, Chair; Jochum and Feenstra

As members of the Real Estate Commission:

LAURIE DAWLEY – Sodders, Chair; Jochum and Feenstra
RICHARD ROBERT – Sodders, Chair; Jochum and Feenstra

As members of the Board of Respiratory Care:

ARLENE LEE – Sodders, Chair; Jochum and Feenstra
ROBERT ZEMAN – Sodders, Chair; Jochum and Feenstra

As members of the Board of Social Work:

DAVID STOUT – Danielson, Chair; Courtney and Seymour
MARY TASLER – Danielson, Chair; Courtney and Seymour

As members of the Board of Speech Pathology and Audiology:

JON SCHUTTINGA – Danielson, Chair; Courtney and Seymour
REBECCA VILDA – Danielson, Chair; Courtney and Seymour

As members of the Iowa Board of Veterinary Medicine:

RICK COOPER – Danielson, Chair; Courtney and Seymour
ANNE DUFFY – Danielson, Chair; Courtney and Seymour

As members of the Vision Iowa Board:

REGENIA BAILEY – Danielson, Chair; Courtney and Seymour
ERNEST GREINER – Danielson, Chair; Courtney and Seymour
CATHY REECE – Danielson, Chair; Courtney and Seymour
CHARESE YANNEY – Danielson, Chair; Courtney and Seymour

TRANSPORTATION

As members of the State Transportation Commission:

MICHAEL BLOUIN – Hancock, Chair; Danielson and Hahn
LOREE MILES – McCoy, Chair; Warnstadt and Zaun

WAYS AND MEANS

As members of the Iowa Finance Authority:

DARLYS BAUM – Dandekar, Chair; Dotzler and Bartz
CARMELA BROWN – Dandekar, Chair; Dotzler and Zaun

As a member of the State Board of Tax Review:

MICHAEL MILLIGAN – Wilhelm, Chair; Stewart and Feenstra

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

WAYS AND MEANS

Bret Mills – Executive Director of the Iowa Finance Authority

AMENDMENTS FILED

S–3091	S.F.	378	Herman C. Quirmbach
S–3092	S.F.	425	Steven J. Sodders
S–3093	S.F.	405	David Johnson
S–3094	S.F.	438	Pam Jochum
S–3095	S.F.	159	Nancy J. Boettger
			James A. Seymour
			David Hartsuch
			David Johnson
			Kim Reynolds
			Tim L. Kapucian
			James F. Hahn
			Steve Kettering
S–3096	S.F.	159	Nancy J. Boettger
			James A. Seymour
			Pat Ward
			Larry Noble
			David Hartsuch
			David Johnson
			Kim Reynolds
			Tim L. Kapucian
			James F. Hahn
			Steve Kettering
S–3097	S.F.	404	Bill Heckroth
S–3098	S.F.	405	Joe M. Seng
S–3099	S.F.	310	Rich Olive
			Roger Stewart
S–3100	S.F.	389	Jack Hatch
S–3101	S.F.	159	Merlin Bartz
S–3102	S.F.	436	Keith A. Kreiman

S–3103	S.F.	449	Judiciary
S–3104	S.F.	159	Steven J. Sodders
S–3105	S.F.	430	Michael E. Gronstal
S–3106	S.F.	393	Becky Schmitz
S–3107	S.F.	159	Steven J. Sodders
			Merlin Bartz
S–3108	S.F.	339	Tom Rielly
S–3109	S.F.	415	Robert M. Hogg

JOURNAL OF THE SENATE

SIXTY-SEVENTH CALENDAR DAY
FORTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 19, 2009

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by Reverend Tim Phillips, pastor of the Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, March 18, 2009, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Ray Walton, the governor's appointee, to be the Director of the Department of Administrative Services. He was the guest of Senator Appel and the committee on State Government.

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 March 18, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 364, a bill for an act relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing effective date and applicability provisions.

Senate File 365, a bill for an act relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

ALSO: That the House has on March 18, 2009, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 137, a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy. (S–3110)

ALSO: That the House has on March 18, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 243, a bill for an act providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision.

Read first time and attached to **similar Senate File 133**.

House File 317, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

Read first time and referred to committee on **Human Resources**.

House File 487, a bill for an act requiring postsecondary institutions and schools to provide students with specific textbook information.

Read first time and referred to committee on **Education**.

House File 706, a bill for an act relating to and publicizing mortgage foreclosure and real estate obligation protections for members of the national guard, and the reserve or regular component of the armed forces of the United States in active duty service, and providing a penalty.

Read first time and referred to committee on **Veterans Affairs**.

House File 723, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities act; insurance division; 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 an immediate effective date and retroactive applicability.

Read first time and referred to committee on **Commerce**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate File 389.

Senate File 389

On motion of Senator Hatch, **Senate File 389**, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates, was taken up for consideration.

The Senate stood at ease at 9:09 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:20 a.m., President Kibbie presiding.

RECESS

On motion of Senator Hancock, the Senate recessed at 10:21 a.m. until 2:00 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jessica Eilers, Reinbeck—For receiving a 2009 Great Iowa Nurses Award. Senator Kapucian (3/19/09).

Brooke Moore, Newhall—For receiving a 2009 Great Iowa Nurses Award. Senator Kapucian (3/19/09).

Tawnya Salsbery, Newhall—For receiving a 2009 Great Iowa Nurses Award. Senator Kapucian (3/19/09).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Thursday, March 19, 2009, 12:05 p.m.

Members Present: Dvorsky, Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Feenstra, Fraise, Hahn, Hancock, Hogg, Jochum, Noble, Ragan, Schoenjahn, Seng, and Warnstadt.

Members Absent: McCoy, Vice Chair; Dotzler, Hatch, Johnson, Kapucian, and Seymour (all excused).

Committee Business: Passed SF 368, as amended.

Adjourned: 12:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, March 19, 2009, 10:30 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Boettger, Ranking Member; Feenstra and Horn.

Members Absent: None.

Committee Business: Discussed budget priorities.

Adjourned: 11:10 a.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 378

WAYS AND MEANS: Quirmbach, Chair; Bartz and McCoy

Senate File 448

WAYS AND MEANS: Jochum, Chair; Quirmbach and Zaun

Senate File 450

WAYS AND MEANS: Quirmbach, Chair; Bolkcom and Ward

House File 670

STATE GOVERNMENT: Dearden, Chair; Black and Wieck

House File 684

WAYS AND MEANS: Stewart, Chair; Feenstra and Wilhelm

House File 697

JUDICIARY: Kreiman, Chair; Fraise and Noble

House File 707

STATE GOVERNMENT: Courtney, Chair; Danielson and Seymour

House File 713

JUDICIARY: Kreiman, Chair; Sodders and Ward

House File 723

COMMERCE: Heckroth, Chair; Stewart and Wieck

SSB 1310

APPROPRIATIONS: Danielson, Chair; Bartz and Dvorsky

SSB 1311

WAYS AND MEANS: Jochum, Chair; Hamerlinck and Stewart

AFTERNOON SESSION

The Senate reconvened at 2:10 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Johnson and Ward, until they arrive, on request of Senator McKinley.

BUSINESS PENDING

Senate File 389

The Senate resumed consideration of **Senate File 389**, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates, previously deferred.

Senator Hatch offered amendment S–3072, filed by him on March 16, 2009, to pages 1, 2, 8–10, 22, 27, and 28 of the bill.

Senator Hatch offered amendment S–3100, filed by him on March 18, 2009, pages 4 and 5 of amendment S–3072, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3100 to amendment S–3072 be adopted?" (S.F. 389) the vote was:

Yeas, 33:

Appel	Dotzler	Jochum	Schoenjahn
Bartz	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Black	Gronstal	McCoy	Stewart
Bolkcom	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wilhelm
Dandekar	Heckroth	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Nays, 15:

Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun
Hahn	Kapucian	Reynolds	

Absent, 2:

Johnson	Ward

Amendment S–3100 was adopted.

Senator Hatch offered amendment S–3115, filed by him from the floor to page 8 of amendment S–3072, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3115 to amendment S–3072 be adopted?" (S.F. 389) the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun

Absent, 2:

Johnson	Ward

Amendment S–3115 was adopted.

Senator Hatch moved the adoption of amendment S–3072, as amended.

A record roll call was requested.

On the question "Shall amendment S–3072, as amended, be adopted?" (S.F. 389) the vote was:

Yeas, 29:

Appel	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Black	Gronstal	McCoy	Stewart
Bolkcom	Hatch	Quirmbach	Warnstadt
Courtney	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	
Dotzler	Jochum	Schoenjahn	

Nays, 19:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hancock	McKinley	Wieck
Dandekar	Hartsuch	Noble	Zaun
Feenstra	Houser	Olive	

Absent, 2:

Johnson	Ward

Amendment S–3072, as amended, was adopted.

Senator Hatch offered amendment S–3073, filed by him on March 16, 2009, to pages 32, 35, 47, 49–51, 53–56, 58–61, 69, 71, and 73–75 of the bill.

Senator Bolkcom offered amendment S–3111, filed by Senators Bolkcom and McCoy from the floor to pages 4–6 of amendment S–3073.

Senator Bolkcom called for the following division of amendment S–3111:

Division S–3111A: Page 1, lines 3–10; and
Division S–3111B: Page 1, lines 11–24.

Senator Bolkcom asked and received unanimous consent to withdraw division B of amendment S–3111.

Senator Bolkcom moved the adoption of division S–3111A, to S–3073.

A record roll call was requested.

On the question "Shall division S–3111A be adopted?" (S.F. 389) the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun

Absent, 2:

Johnson	Ward

Division S–3111A was adopted.

Senator Hatch moved the adoption of amendment S–3073, as amended.

A record roll call was requested.

On the question "Shall amendment S–3073, as amended, be adopted?" (S.F. 389) the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart

Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun

Absent, 2:

Johnson	Ward

Amendment S–3073, as amended, was adopted.

Senator Hatch 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. 389), the vote was:

Yeas, 30:

Appel	Dvorsky	Jochum	Schoenjahn
Beall	Fraise	Kibbie	Seng
Black	Gronstal	Kreiman	Sodders
Bolkcom	Hancock	McCoy	Stewart
Courtney	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	
Dotzler	Horn	Schmitz	

Nays, 18:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McKinley	Wieck
Boettger	Hartsuch	Noble	Zaun
Dandekar	Houser	Olive	
Feenstra	Kapucian	Reynolds	

Absent, 2:

Johnson	Ward

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 File 389** be **immediately messaged** to the House.

The Senate stood at ease at 3:22 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:34 p.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 451, 449, 447, 446, and 445.

Senate File 451

On motion of Senator Kibbie, **Senate File 451**, a bill for an act relating to the definition of resident for purposes of tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges, 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. 451), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck

Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 449

On motion of Senator Sodders, **Senate File 449**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions, was taken up for consideration.

Senator Kreiman offered amendment S–3103, filed by committee on Judiciary on March 18, 2009, to pages 7 and 130 of the bill, and moved its adoption.

Amendment S–3103 was adopted by a voice vote.

Senator Sodders 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. 449), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt

Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 447

On motion of Senator Olive, **Senate File 447**, a bill for an act concerning off-premises consumption of resealed bottles of wine, was taken up for consideration.

Senator Zaun offered amendment S–3121, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3121 be adopted?" (S.F. 447) the vote was:

Yeas, 15:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Wieck
Boettger	Hartsuch	McKinley	Zaun
Feenstra	Houser	Reynolds	

Nays, 33:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Black	Gronstal	McCoy	Sodders
Bolkcom	Hancock	Noble	Stewart
Courtney	Hatch	Olive	Warnstadt
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	

Dearden	Horn	Rielly
Dotzler	Jochum	Schmitz

Absent, 2:

Johnson	Ward

Amendment S–3121 lost.

Senator Olive 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. 447), the vote was:

Yeas, 47:

Appel	Dvorsky	Houser	Rielly
Bartz	Feenstra	Jochum	Schmitz
Beall	Fraise	Kapucian	Schoenjahn
Behn	Gronstal	Kettering	Seng
Black	Hahn	Kibbie	Seymour
Boettger	Hamerlinck	McCoy	Sodders
Bolkcom	Hancock	McKinley	Stewart
Courtney	Hartsuch	Noble	Warnstadt
Dandekar	Hatch	Olive	Wieck
Danielson	Heckroth	Quirmbach	Wilhelm
Dearden	Hogg	Ragan	Zaun
Dotzler	Horn	Reynolds	

Nays, 1:

Kreiman

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 446

On motion of Senator Sodders, **Senate File 446**, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability, was taken up for consideration.

Senator Sodders 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. 446), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 445

On motion of Senator Schoenjahn, **Senate File 445**, a bill for an act relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program, was taken up for consideration.

Senator Schoenjahn 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. 445), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun

Absent, 2:

Johnson	Ward

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 445**, **446**, **447**, **449**, and **451** 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 443, 432, 424, and 420.

Senate File 443

On motion of Senator Jochum, **Senate File 443**, a bill for an act requiring automated external defibrillators in all physical exercise clubs and clinical exercise centers, and providing an effective date, was taken up for consideration.

Senator Sodders offered amendment S–3118, filed by Senators Sodders and Hartsuch from the floor to page 2 of the bill, and moved its adoption.

Amendment S–3118 was adopted by a voice vote.

Senator Jochum 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. 443), the vote was:

Yeas, 40:

Appel	Dvorsky	Horn	Rielly
Bartz	Feenstra	Houser	Schmitz
Beall	Fraise	Jochum	Schoenjahn
Black	Gronstal	Kibbie	Seng
Bolkcom	Hahn	Kreiman	Seymour
Courtney	Hancock	McCoy	Sodders
Dandekar	Hartsuch	Noble	Stewart
Danielson	Hatch	Olive	Warnstadt
Dearden	Heckroth	Quirmbach	Wieck
Dotzler	Hogg	Ragan	Wilhelm

Nays, 8:

Behn	Hamerlinck	Kettering	Reynolds
Boettger	Kapucian	McKinley	Zaun

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 432

On motion of Senator Kibbie, **Senate File 432**, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 432** be **deferred**.

Senate File 424

On motion of Senator Dearden, **Senate File 424**, a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable, was taken up for consideration.

Senator Dearden 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. 424), the vote was:

Yeas, 35:

Appel	Dotzler	Hogg	Rielly
Bartz	Dvorsky	Horn	Schmitz
Beall	Fraise	Jochum	Schoenjahn
Black	Gronstal	Kibbie	Seng
Bolkcom	Hahn	Kreiman	Sodders
Courtney	Hamerlinck	McCoy	Stewart
Dandekar	Hancock	Olive	Warnstadt
Danielson	Hatch	Quirmbach	Wilhelm
Dearden	Heckroth	Ragan	

Nays, 13:

Behn	Houser	Noble	Zaun
Boettger	Kapucian	Reynolds	
Feenstra	Kettering	Seymour	
Hartsuch	McKinley	Wieck	

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Kibbie took the chair at 5:38 p.m.

Senate File 420

On motion of Senator Black, **Senate File 420**, a bill for an act concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine, was taken up for consideration.

Senator Black 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. 420), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

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 March 19, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 315, a bill for an act creating an Iowa collaboration for youth development council and state of Iowa youth advisory council in the department of human rights.

Read first time and **passed on file**.

House File 672, a bill for an act relating to individual development accounts available to certain persons with low income and providing effective and applicability date provisions.

Read first time and **passed on file**.

House File 735, 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 and attached to **companion Senate File 406**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 420**, **424**, and **443** 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 419, 415, 407, 406, and 404.

Senate File 419

On motion of Senator Danielson, **Senate File 419**, a bill for an act relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates, was taken up for consideration.

Senator Danielson 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. 419), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 415

On motion of Senator Hogg, **Senate File 415**, a bill for an act relating to the acquisition of title to abandoned property by cities, was taken up for consideration.

Senator Hogg offered amendment S–3109, filed by him on March 18, 2009, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S–3109 was adopted by a voice vote.

Senator Hogg 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. 415), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 407

On motion of Senator Sodders, **Senate File 407**, a bill for an act relating to the rights and responsibilities of Iowa veterans home members, was taken up for consideration.

Senator Sodders 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. 407), the vote was:

Yeas, 46:

Appel	Dvorsky	Jochum	Schmitz
Bartz	Feenstra	Kapucian	Schoenjahn
Beall	Fraise	Kettering	Seng
Behn	Gronstal	Kibbie	Seymour
Black	Hahn	McCoy	Sodders
Boettger	Hamerlinck	McKinley	Stewart
Bolkcom	Hancock	Noble	Warnstadt
Courtney	Hartsuch	Olive	Wieck

Dandekar	Hatch	Quirmbach	Wilhelm
Danielson	Heckroth	Ragan	Zaun
Dearden	Hogg	Reynolds	
Dotzler	Houser	Rielly	

Nays, 2:

Horn	Kreiman

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 406

On motion of Senator Olive, **Senate File 406**, 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, was taken up for consideration.

Senator Olive asked and received unanimous consent that **House File 735** be **substituted** for **Senate File 406**.

House File 735

On motion of Senator Olive, **House File 735**, 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, with report of committee recommending passage, was taken up for consideration.

Senator Olive 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?" (H.F. 735), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz

Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Olive asked and received unanimous consent that **Senate File 406** be **withdrawn** from further consideration of the Senate.

Senate File 404

On motion of Senator Heckroth, **Senate File 404**, 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, was taken up for consideration.

Senator Heckroth offered amendment S–3097, filed by him on March 18, 2009, to page 1 of the bill, and moved its adoption.

Amendment S–3097 was adopted by a voice vote.

Senator Heckroth 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. 404), the vote was:

Yeas, 36:

Appel	Dvorsky	Houser	Ragan
Beall	Fraise	Jochum	Rielly

Black	Gronstal	Kettering	Schmitz
Bolkcom	Hahn	Kibbie	Schoenjahn
Courtney	Hancock	Kreiman	Seng
Dandekar	Hatch	McCoy	Sodders
Danielson	Heckroth	Noble	Stewart
Dearden	Hogg	Olive	Warnstadt
Dotzler	Horn	Quirmbach	Wilhelm

Nays, 12:

Bartz	Feenstra	Kapucian	Seymour
Behn	Hamerlinck	McKinley	Wieck
Boettger	Hartsuch	Reynolds	Zaun

Absent, 2:

Johnson	Ward

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 404**, **407**, **415**, and **419** and **House File 735** 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 403, 380, 379, 372, and 366.

Senate File 403

On motion of Senator Warnstadt, **Senate File 403**, a bill for an act concerning the sale of beer by native wineries, was taken up for consideration.

Senator Warnstadt 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. 403), the vote was:

Yeas, 47:

Appel	Dvorsky	Houser	Rielly
Bartz	Feenstra	Jochum	Schmitz
Beall	Fraise	Kapucian	Schoenjahn
Behn	Gronstal	Kettering	Seng
Black	Hahn	Kibbie	Seymour
Boettger	Hamerlinck	McCoy	Sodders
Bolkcom	Hancock	McKinley	Stewart
Courtney	Hartsuch	Noble	Warnstadt
Dandekar	Hatch	Olive	Wieck
Danielson	Heckroth	Quirmbach	Wilhelm
Dearden	Hogg	Ragan	Zaun
Dotzler	Horn	Reynolds	

Nays, 1:

Kreiman

Absent, 2:

Johnson Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 380

On motion of Senator Fraise, **Senate File 380**, a bill for an act relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties, was taken up for consideration.

Senator Fraise 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. 380), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly

Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 379

On motion of Senator Rielly, **Senate File 379**, a bill for an act relating to the use of insurance loss history in the issuance of dramshop liability insurance, was taken up for consideration.

Senator Rielly 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. 379), the vote was:

Yeas, 34:

Appel	Dvorsky	Jochum	Schoenjahn
Beall	Fraise	Kibbie	Seng
Black	Gronstal	Kreiman	Sodders
Bolkcom	Hahn	McCoy	Stewart
Courtney	Hancock	Olive	Warnstadt
Dandekar	Hatch	Quirmbach	Wilhelm
Danielson	Heckroth	Ragan	Zaun
Dearden	Hogg	Rielly	
Dotzler	Horn	Schmitz	

Nays, 14:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McKinley	Wieck

Boettger	Houser	Noble
Feenstra	Kapucian	Reynolds

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 372

On motion of Senator Heckroth, **Senate File 372**, a bill for an act requesting the establishment of a telecommunications regulation interim study committee, was taken up for consideration.

Senator Warnstadt offered amendment S–3082, filed by Senators Warnstadt and Behn on March 17, 2009, to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S–3082 was adopted by a voice vote.

Senator Heckroth 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. 372), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 366

On motion of Senator Kreiman, **Senate File 366**, a bill for an act relating to the emancipation of a minor and family in need of assistance proceedings, was taken up for consideration.

Senator Kreiman offered amendment S–3081, filed by him on March 17, 2009, to page 4 of the bill, and moved its adoption.

Amendment S–3081 was adopted by a voice vote.

Senator Kreiman 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. 366), the vote was:

Yeas, 46:

Appel	Fraise	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun
Dvorsky	Houser	Reynolds	
Feenstra	Jochum	Rielly	

Nays, 2:

Behn	Boettger

Absent, 2:

Johnson	Ward

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 366**, **372**, **379**, **380**, and **403** 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 357, 339, 336, 311, and 280.

Senate File 357

On motion of Senator Dearden, **Senate File 357**, a bill for an act relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, and providing penalties, was taken up for consideration.

Senator Dearden offered amendment S–3074, filed by him on March 16, 2009, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S–3074 was adopted by a voice vote.

Senator Dearden asked and received unanimous consent that **House File 618** be **substituted** for **Senate File 357**.

House File 618

On motion of Senator Dearden, **House File 618**, a bill for an act relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, and providing

penalties, with report of committee recommending passage, was taken up for consideration.

Senator Dearden 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?" (H.F. 618), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Dearden asked and received unanimous consent that **Senate File 357** be **withdrawn** from further consideration of the Senate.

Senate File 339

On motion of Senator Rielly, **Senate File 339**, a bill for an act relating to wastewater treatment, was taken up for consideration.

Senator Rielly offered amendment S–3108, filed by him on March 18, 2009, to pages 1, 3, 4, 11, and 12 and amending the title page of the bill.

Senator Rielly offered amendment S–3120, filed by him from the floor to page 1 of amendment S–3108, and moved its adoption.

Amendment S–3120 was adopted by a voice vote.

Senator Rielly moved the adoption of amendment S–3108, as amended.

Amendment S–3108, as amended, was adopted by a voice vote.

Senator Rielly offered amendment S–3119, filed by him from the floor to page 9 of the bill, and moved its adoption.

Amendment S–3119 was adopted by a voice vote.

Senator Rielly 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. 339), the vote was:

Yeas, 46:

Appel	Feenstra	Jochum	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Seymour
Black	Hamerlinck	Kreiman	Sodders
Boettger	Hancock	McKinley	Stewart
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Hatch	Olive	Wieck
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	Zaun
Dotzler	Horn	Reynolds	
Dvorsky	Houser	Rielly	

Nays, 2:

Dearden	McCoy

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

UNFINISHED BUSINESS
(Deferred March 11, 2009)

Senate File 336

The Senate resumed consideration of **Senate File 336**, a bill for an act providing for waivers of certain community attraction and tourism program requirements and including an effective date provision, and amendment S–3066, deferred March 11, 2009.

Senator Dandekar withdrew amendment S–3066, filed by her on March 10, 2009, to page 1 of the bill.

Senator Hogg offered amendment S–3114, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S–3114 was adopted by a voice vote.

Senator Dandekar 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. 336), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders

Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 311

On motion of Senator Heckroth, **Senate File 311**, a bill for an act relating to the regulation of the business of debt management and making penalties applicable, was taken up for consideration.

Senator Heckroth 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. 311), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 280

On motion of Senator Horn, **Senate File 280**, a bill for an act relating to disaster emergency assistance immunity, was taken up for consideration.

Senator Hogg offered amendment S–3113, filed by him from the floor striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S–3113 was adopted by a voice vote.

Senator Horn 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. 280), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson Ward

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 280**, **311**, **336**, and **339** and **House File 618** 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 279, 231, 153, and 133.

Senate File 279

On motion of Senator Heckroth, **Senate File 279**, a bill for an act providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date, was taken up for consideration.

Senator Heckroth offered amendment S–3116, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S–3116 was adopted by a voice vote.

Senator Heckroth 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. 279), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz

Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred March 5, 2009)

Senate File 231

The Senate resumed consideration of **Senate File 231**, a bill for an act relating to reimbursing nonparticipating providers under the IowaCare program and creating a nonparticipating provider reimbursement fund, deferred March 5, 2009.

Senator Bartz withdrew amendment S–3062, filed by him on March 5, 2009, to page 2 of the bill.

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. 231), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders

Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 153

On motion of Senator Dotzler, **Senate File 153**, a bill for an act to allow medical or osteopathic physicians, physician assistants, and nurse practitioners to form limited liability companies or professional corporations, was taken up for consideration.

Senator Dotzler offered amendment S–3112, filed by him from the floor to pages 1–4 and amending the title page of the bill, and moved its adoption.

Amendment S–3112 was adopted by a voice vote.

Senator Dotzler 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. 153), the vote was:

Yeas, 35:

Appel	Dvorsky	Kapucian	Rielly
Bartz	Fraise	Kibbie	Schmitz
Beall	Gronstal	Kreiman	Schoenjahn
Boettger	Hamerlinck	McCoy	Seng
Bolkcom	Hancock	Noble	Sodders
Courtney	Hatch	Olive	Stewart
Danielson	Horn	Quirmbach	Wilhelm
Dearden	Houser	Ragan	Zaun
Dotzler	Jochum	Reynolds	

Nays, 13:

Behn	Hahn	Kettering	Wieck
Black	Hartsuch	McKinley	
Dandekar	Heckroth	Seymour	
Feenstra	Hogg	Warnstadt	

Absent, 2:

Johnson	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 133

On motion of Senator Sodders, **Senate File 133**, a bill for an act providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision, was taken up for consideration.

Senator Sodders offered amendment S–3117, filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S–3117 was adopted by a voice vote.

Senator Sodders asked and received unanimous consent that **House File 243** be **substituted** for **Senate File 133**.

House File 243

On motion of Senator Sodders, **House File 243**, a bill for an act providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **House File 243** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 153**, **231**, and **279** be **immediately messaged** to the House.

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that the following bills be placed on the Unfinished Business Calendar:

H.F. 122
H.F. 180
H.F. 314
S.F. 276 and attached H.F. 475

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

S.F.	227	State Government
S.F.	359	Appropriations
S.F.	373	Appropriations

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 March 19, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 477, a bill for an act relating to declaration of value forms for the conveyance of real estate by making social security numbers and tax identification numbers confidential.

Read first time and **passed on file**.

House File 502, a bill for an act providing for petition and election to approve the use of increased local sales and services tax revenues to fund urban renewal projects.

Read first time and **passed on file**.

House File 562, a bill for an act relating to the council on human services and the state child care advisory council.

Read first time and **passed on file**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:50 p.m. until 1:00 p.m., Monday, March 23, 2009.

APPENDIX—2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Joe Frisbie, Sioux City—For his nearly 42 years of service on the Sioux City Police Department. Senator Warnstadt (3/19/09).

2008 Iowa State Cyclones Volleyball Team—For an outstanding season and the team's appearance in the NCAA Women's Volleyball Tournament. Senator Quirmbach (3/19/09).

Coach Kevin Miller, Coach Brad Randall, and the Solon Spartans—For being the first Class 2-A school to complete the football/basketball State Champion sweep. Senator Dvorsky (3/19/09).

Coach Brad Randall and the Solon Spartans—For winning the 2009 Iowa State 2-A Basketball Championship. Senator Dvorsky (3/19/09).

Surf Ballroom, Clear Lake—Honoring it as a Rock and Roll Hall of Fame historical landmark on the 50th anniversary of Buddy Holly's last performance and applauding its contributions to the State of Iowa as a cultural icon. Senators Bartz and Ragan (3/19/09).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Thursday, March 19, 2009. 1:05 p.m.

Members Present: Warnstadt, Chair; Heckroth, Vice Chair; Wieck, Ranking Member; Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, and Stewart.

Members Absent: Ward (excused).

Committee Business: Passed HFs 311 and 478. Approved governor's appointments.

Adjourned: 2:00 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, March 19, 2009, 10:40 a.m.

Members Present: Olive, Chair; Courtney, Vice Chair; and Wieck.

Members Absent: Ward, Ranking Member; and Sodders (both excused).

Committee Business: Discussions with the Division of Criminal Investigation and the Office of Citizens' Aide/Ombudsman.

Adjourned: 11:40 a.m.

STUDY BILLS RECEIVED

SSB 1310 Appropriations

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

SSB 1311 Ways and Means

Eliminating the sales tax exemption for certain video rental sales.

SUBCOMMITTEE ASSIGNMENT

House File 317

HUMAN RESOURCES: Ragan, Chair; Boettger and Wilhelm

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *HOUSE FILE 311, a bill for an act requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date.

Recommendation: AMEND AND DO PASS (S–3124).

Final Vote: Ayes, 10: Warnstadt, Heckroth, Bolkcom, Courtney, Dandekar, McCoy, Olive, Rielly, Schmitz, and Stewart. Nays, 4: Wieck, Behn, Hartsuch and Kettering. Absent, 1: Ward.

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 Commerce Committee on House File 311, and they were attached to the committee report.

ALSO

Bill Title: HOUSE FILE 478, a bill for an act relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Warnstadt, Heckroth, Bolkcom, Courtney, Dandekar, McCoy, Olive, Rielly, Schmitz, and Stewart. Nays, 4: Wieck, Behn, Hartsuch and Kettering. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 19, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 98 – Establishing a lean enterprise office within the department of management.

Senate File 108 – Relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision.

Senate File 319 – 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.

Senate File 328 – Relating to reimbursement of hazardous substance cleanup costs.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

COMMERCE

Dave Cale – Credit Union Review Board
Timothy Marcsisak – Credit Union Review Board

Thomas Gronstal – Superintendent of Banking

Timothy Reilly – Title Guaranty Division Board

AMENDMENTS FILED

S–3110	S.F.	137	House
S–3111	S.F.	389	Joe Bolkcom Matt McCoy
S–3112	S.F.	153	William A. Dotzler, Jr.
S–3113	S.F.	280	Robert M. Hogg
S–3114	S.F.	336	Robert M. Hogg
S–3115	S.F.	389	Jack Hatch
S–3116	S.F.	279	Bill Heckroth
S–3117	S.F.	133	Steven J. Sodders
S–3118	S.F.	443	Steven J. Sodders David Hartsuch
S–3119	S.F.	339	Tom Rielly
S–3120	S.F.	339	Tom Rielly
S–3121	S.F.	447	Brad Zaun
S–3122	S.F.	250	Steven J. Sodders
S–3123	S.F.	367	Pam Jochum
S–3124	H.F.	311	Commerce

JOURNAL OF THE SENATE

SEVENTY-FIRST CALENDAR DAY
FORTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 23, 2009

The Senate met in regular session at 1:13 p.m., President Kibbie presiding.

Prayer was offered by Reverend Jeff Datisman, pastor of the First Methodist Church in Clinton, Iowa. He was the guest of Senator Stewart.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jefferson Fink.

The Journal of Thursday, March 19, 2009, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Preston Daniels, the governor's appointee to be the Director of the Department of Human Rights. He was the guest of Senators Appel and Zaun and the committee on State Government.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

S.F.	331	Appropriations
S.F.	344	Ways and Means

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:31 p.m. until 6:00 p.m.

APPENDIX—1

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:

OFFICE OF DRUG CONTROL POLICY

Iowa's application to the U.S. Department of Justice for funds under the Edward Byrne Memorial Justice Assistance Grant Program for FY 2009. Application received on March 23, 2009.

DEPARTMENT OF HUMAN SERVICES

Report on the redesign of the Nursing Facility Accountability Measures Program, pursuant to 2008 Iowa Acts, SF 2425(33). Report received on March 23, 2009.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

His Royal Highness the Crown Prince of Denmark—Recognizing him as a distinguished guest of the people of Iowa and proclaiming him an Honorary Iowan. Senator Beall (3/23/09).

Her Royal Highness the Crown Princess of Denmark—Recognizing her as a distinguished guest of the people of Iowa and proclaiming her an Honorary Iowan. Senator Beall (3/23/09).

Jordan Brady Evans, Bettendorf—For achieving the rank of Eagle Scout, Troop 662. Senator Hamerlinck (3/23/09).

Joseph Houseman, Burlington—For celebrating his 91st birthday. Senator Courtney (3/23/09).

Viola Johnson, West Burlington—For celebrating her 90th birthday. Senator Courtney (3/23/09).

Butch and Betty Keese, Dysart—For celebrating their 50th wedding anniversary. Senator Heckroth (3/23/09).

Charles and Sylvia Orndoff, Burlington—For celebrating their 60th wedding anniversary. Senator Courtney (3/23/09).

Justin Pothast—For achieving the rank of Eagle Scout, Troop 69. Senator Heckroth (3/23/09).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Monday, March 23, 2009, 3:45 p.m.

Members Present: Schmitz, Chair; Schoenjahn, Vice Chair; Boettger, Ranking Member; Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, Quirmbach, Sodders, and Wilhelm.

Members Absent: McKinley (excused).

Committee Business: Approved governor's appointments.

Adjourned: 4:05 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Monday, March 23, 2009, 3:45 p.m.

Members Present: Courtney, Chair; Jochum, Vice Chair; Dearden, Dotzler, Horn, Houser, Wieck, and Zaun.

Members Absent: Ward, Ranking Member; Gronstal and Hatch (all excused).

Committee Business: Passed HF 720 and approved governor's appointments.

Adjourned: 3:55 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 17, by Beall, Appel, Bartz, Behn, Black, Boettger, Bolkcom, Courtney, Dandekar, Danielson, Dearden, Dotzler, Dvorsky, Feenstra, Fraise, Hahn, Hamerlinck, Hancock, Hartsuch, Hatch, Heckroth, Hogg, Horn, Jochum, Kapucian, Kettering, Kibbie, Kreiman, McCoy, McKinley, Noble, Olive, Quirmbach, Ragan, Reynolds, Rielly, Schmitz, Schoenjahn, Seng, Seymour, Sodders, Stewart, Warnstadt, Wieck, Wilhelm, and Zaun, a resolution honoring Iowa's women military veterans.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 452, by committee on Appropriations, 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 **placed on Appropriations calendar**.

Senate File 453, by McKinley, a bill for an act providing for a creativity and innovation task force.

Read first time under Rule 28 and referred to committee on **Economic Growth**.

Senate File 454, by McKinley, a bill for an act providing for a new jobs tax credit and including an effective and applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 455, by McKinley, a bill for an act creating a small business advocate's office and a solutions to minimize unreasonable government committee and providing for an appropriation.

Read first time under Rule 28 and referred to committee on **Appropriations**.

STUDY BILLS RECEIVED

SSB 1312 Ways and Means

Relating to the taxation of persons who are self-generators of electricity solely for their own consumption and including a retroactive applicability date provision.

SSB 1313 Ways and Means

Relating to motor fuel containing biodiesel, providing for tax credits, making penalties applicable, and including effective date and applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 359

APPROPRIATIONS: Dvorsky, Chair; and Kettering

House File 477

COMMERCE: Schmitz, Chair; Behn and Heckroth

House File 706

VETERANS AFFAIRS: Danielson, Chair; Ragan and Seymour

House File 710

AGRICULTURE: Courtney, Chair; Kapucian and Olive

SSB 1312

WAYS AND MEANS: Jochum, Chair; Bolkcom and Ward

SSB 1313

WAYS AND MEANS: Bolkcom, Chair; Stewart and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 452 (formerly SF 368), 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 19: Dvorsky, Kettering, Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Feenstra, Fraise, Hahn, Hancock, Hogg, Jochum, Noble, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, none. Absent, 6: McCoy, Dotzler, Hatch, Johnson, Kapucian, and Seymour.

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 Appropriations Committee on Senate File 452, and they were attached to the committee report.

LABOR AND BUSINESS RELATIONS

Bill Title: HOUSE FILE 720 (formerly HF 542), a bill for an act relating to boiler and pressure vessel inspections and the boiler and pressure vessel board that oversees the inspections.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Courtney, Jochum, Dearden, Dotzler, Horn, Houser, and Wieck. Nays, none. Absent, 4: Ward, Gronstal, Hatch, and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 241, the following correction was made:

1. Page 8, line 18: delete asterisk.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS REFERRED TO COMMITTEE

President Kibbie announced the assignment of the following bills to committee:

H.F.	315	Human Resources
H.F.	477	Commerce
H.F.	502	Local Government
H.F.	562	Human Resources
H.F.	672	Human Resources

EVENING SESSION

The Senate reconvened at 6:15 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Ward, until she arrives, on request of Senator Kettering.

UNFINISHED BUSINESS

House File 122

On motion of Senator Kreiman, **House File 122**, a bill for an act relating to requiring reports for certain precursor substances and extending an information program for drug prescribing and dispensing and providing an effective date, placed on the Unfinished Business Calendar on March 19, 2009, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman 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?" (H.F. 122), the vote was:

Yeas, 49:

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	Warnstadt
Courtney	Hatch	Noble	Wieck

Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 314

On motion of Senator Wilhelm, **House File 314**, a bill for an act relating to health-related activities and regulation by the department of public health and making penalties applicable, placed on the Unfinished Business Calendar on March 19, 2009, 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?" (H.F. 314), the vote was:

Yeas, 49:

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	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Seymour, until he arrives, on request of Senator Boettger.

UNFINISHED BUSINESS
(Deferred March 18, 2009)

Senate File 159

The Senate resumed consideration of **Senate File 159**, a bill for an act relating to electrician licensure by modifying existing provisions and specifying new classifications, and amendment S–3096, deferred March 18, 2009.

Senator Boettger asked and received unanimous consent to withdraw amendment S–3096, filed by Senator Boettger, et al., on March 18, 2009, to page 1 of the bill.

Senator Bartz withdrew amendment S–3078, filed by him on March 17, 2009, to page 4 of the bill.

Senator Bartz withdrew amendment S–3079, filed by him on March 17, 2009, to page 4 of the bill.

Senator Bartz withdrew amendment S–3085, filed by him on March 17, 2009, to page 4 of the bill.

Senator Bartz withdrew amendment S–3088, filed by him on March 17, 2009, to page 4 of the bill.

Senator Bartz withdrew amendment S–3101, filed by him on March 18, 2009, to page 4 of the bill.

Senator Sodders withdrew amendment S–3104, filed by him on March 18, 2009, to page 4 of the bill.

Senator Sodders offered amendment S–3107, filed by Senators Sodders and Bartz on March 18, 2009, to page 4 of the bill, and moved its adoption.

Amendment S–3107 was adopted by a voice vote.

Senator Sodders 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. 159), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Ragan
Bartz	Feenstra	Jochum	Reynolds
Beall	Fraise	Johnson	Rielly
Behn	Gronstal	Kapucian	Schmitz
Black	Hahn	Kettering	Schoenjahn
Boettger	Hamerlinck	Kibbie	Seng
Bolkcom	Hancock	Kreiman	Sodders
Courtney	Hartsuch	McCoy	Stewart
Dandekar	Hatch	McKinley	Warnstadt
Danielson	Heckroth	Noble	Wieck
Dearden	Hogg	Olive	Wilhelm
Dotzler	Horn	Quirmbach	Zaun

Nays, none.

Absent, 2:

Seymour	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 269 and 283.

Senate File 269

On motion of Senator Jochum, **Senate File 269**, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers, was taken up for consideration.

Senator Rielly asked and received unanimous consent that action on **Senate File 269** be **deferred**.

Senate File 283

On motion of Senator Kreiman, **Senate File 283**, a bill for an act relating to the appointment of judicial officers, the appointment and retirement of senior judges, and providing for a future repeal, was taken up for consideration.

Senator Kreiman withdrew amendment S–3055, filed by him on March 4, 2009, to page 12 and amending the title page of the bill.

Senator Kreiman 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. 283), the vote was:

Yeas, 45:

Appel	Feenstra	Johnson	Schoenjahn
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Black	Hahn	Kibbie	Sodders
Boettger	Hancock	Kreiman	Stewart
Bolkcom	Hartsuch	McCoy	Warnstadt
Courtney	Hatch	Olive	Wieck
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	Zaun
Dearden	Horn	Reynolds	
Dotzler	Houser	Rielly	
Dvorsky	Jochum	Schmitz	

Nays, 4:

Behn Hamerlinck McKinley Noble

Absent, 1:

Ward

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 159** and **283** and **House Files 122** and **314** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 344 (SSB 1241), a bill for an act relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 16: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 367, 393, 413, and 344.

Senate File 367

On motion of Senator Jochum, **Senate File 367**, a bill for an act relating to flood damage prevention and insurance, was taken up for consideration.

Senator Jochum offered amendment S–3123, filed by her on March 19, 2009, to pages 1 and 2 and amending the title page of the bill, and moved its adoption.

Amendment S–3123 was adopted by a voice vote.

Senator Jochum 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. 367), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 17:

Bartz	Hamerlinck	Kettering	Wieck
Behn	Hartsuch	McKinley	Zaun
Boettger	Houser	Noble	
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 393

On motion of Senator Schmitz, **Senate File 393**, a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting, was taken up for consideration.

Senator Schmitz offered amendment S–3106, filed by her on March 18, 2009, to page 1 of the bill, and moved its adoption.

Amendment S–3106 was adopted by a voice vote.

Senator Schmitz 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. 393), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Johnson	Schmitz
Behn	Gronstal	Kapucian	Schoenjahn
Black	Hahn	Kettering	Seng
Boettger	Hamerlinck	Kibbie	Seymour
Bolkcom	Hancock	Kreiman	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, 1:

McCoy

Absent, 1:

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Boettger, until she returns, on request of Senator Behn.

Senate File 413

On motion of Senator Dotzler, **Senate File 413**, a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties, and including an effective date, was taken up for consideration.

Senator Dotzler offered amendment S–3126, filed by him from the floor to pages 3–5 of the bill, and moved its adoption.

Amendment S–3126 was adopted by a voice vote.

Senator Dotzler 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. 413), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 16:

Bartz	Hamerlinck	Kapucian	Reynolds
Behn	Hartsuch	Kettering	Seymour
Feenstra	Houser	McKinley	Wieck
Hahn	Johnson	Noble	Zaun

Absent, 2:

Boettger	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 344

On motion of Senator Olive, **Senate File 344**, a bill for an act relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program, with report of committee recommending passage, was taken up for consideration.

Senator Olive offered amendment S–3090, filed by him on March 17, 2009, to pages 1, 10, and 13 of the bill, and moved its adoption.

Amendment S–3090 was adopted by a voice vote.

Senator Olive offered amendment S–3065, filed by him on March 9, 2009, to page 7 of the bill, and moved its adoption.

Amendment S–3065 was adopted by a voice vote.

Senator Zaun offered amendment S–3132, filed by him from the floor to page 14 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3132 be adopted?" (S.F. 344) the vote was:

Yeas, 20:

Appel	Hamerlinck	Johnson	Noble
Bartz	Hancock	Kapucian	Reynolds
Behn	Hartsuch	Kettering	Seymour
Feenstra	Hatch	Kreiman	Wieck
Hahn	Houser	McKinley	Zaun

Nays, 28:

Beall	Dotzler	Jochum	Schmitz
Black	Dvorsky	Kibbie	Schoenjahn
Bolkcom	Fraise	McCoy	Seng
Courtney	Gronstal	Olive	Sodders

Dandekar	Heckroth	Quirmbach	Stewart
Danielson	Hogg	Ragan	Warnstadt
Dearden	Horn	Rielly	Wilhelm

Absent, 2:

Boettger	Ward

Amendment S–3132 lost.

Senator Hamerlinck offered amendment S–3133, filed by him from the floor to page 15 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3133 be adopted?" (S.F. 344) the vote was:

Yeas, 47:

Appel	Feenstra	Jochum	Rielly
Bartz	Fraise	Johnson	Schmitz
Beall	Gronstal	Kapucian	Schoenjahn
Behn	Hahn	Kettering	Seng
Black	Hamerlinck	Kibbie	Seymour
Bolkcom	Hancock	Kreiman	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	Zaun
Dvorsky	Houser	Reynolds	

Nays, 1:

McCoy

Absent, 2:

Boettger	Ward

Amendment S–3133 was adopted.

Senator Dearden offered amendment S–3128, filed by him from the floor to pages 16, 18, 28, and 38 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3128 be adopted?" (S.F. 344) the vote was:

Yeas, 16:

Bartz	Courtney	Heckroth	McCoy
Beall	Dearden	Jochum	Quirmbach
Black	Fraise	Kibbie	Seng
Bolkcom	Hatch	Kreiman	Sodders

Nays, 32:

Appel	Hahn	Kapucian	Schmitz
Behn	Hamerlinck	Kettering	Schoenjahn
Dandekar	Hancock	McKinley	Seymour
Danielson	Hartsuch	Noble	Stewart
Dotzler	Hogg	Olive	Warnstadt
Dvorsky	Horn	Ragan	Wieck
Feenstra	Houser	Reynolds	Wilhelm
Gronstal	Johnson	Rielly	Zaun

Absent, 2:

Boettger	Ward

Amendment S–3128 lost.

Senator Olive 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. 344), the vote was:

Yeas, 40:

Appel	Fraise	Kapucian	Schmitz
Bartz	Gronstal	Kibbie	Schoenjahn
Beall	Hancock	Kreiman	Seng
Black	Hatch	McCoy	Seymour
Courtney	Heckroth	Noble	Sodders
Dandekar	Hogg	Olive	Stewart
Danielson	Horn	Quirmbach	Warnstadt
Dotzler	Houser	Ragan	Wieck
Dvorsky	Jochum	Reynolds	Wilhelm
Feenstra	Johnson	Rielly	Zaun

Nays, 8:

Behn	Dearden	Hamerlinck	Kettering
Bolkcom	Hahn	Hartsuch	McKinley

Absent, 2:

Boettger	Ward

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 344**, **367**, **393**, and **413** 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 416, 433, and 434.

Senate File 416

On motion of Senator Schmitz, **Senate File 416**, 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, was taken up for consideration.

Senator Schmitz offered amendment S–3127, filed by her from the floor to page 2 of the bill, and moved its adoption.

Amendment S–3127 was adopted by a voice vote.

Senator Bartz offered amendment S–3131, filed by him from the floor to page 11 of the bill.

Senator Kreiman raised the point of order that amendment S–3131 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S–3131 in order.

Senator Bartz moved the adoption of amendment S–3131.

A nonrecord roll call was requested.

The yeas were 14, nays 29, absent 2.

Amendment S–3131 lost.

Senator Schmitz 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. 416), the vote was:

Yeas, 48:

Appel	Feenstra	Jochum	Reynolds
Bartz	Fraise	Johnson	Rielly
Beall	Gronstal	Kapucian	Schmitz
Behn	Hahn	Kettering	Schoenjahn
Black	Hamerlinck	Kibbie	Seng
Bolkcom	Hancock	Kreiman	Seymour
Courtney	Hartsuch	McCoy	Sodders
Dandekar	Hatch	McKinley	Stewart
Danielson	Heckroth	Noble	Warnstadt
Dearden	Hogg	Olive	Wieck
Dotzler	Horn	Quirmbach	Wilhelm
Dvorsky	Houser	Ragan	Zaun

Nays, none.

Absent, 2:

Boettger	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 433

On motion of Senator Dotzler, **Senate File 433**, a bill for an act relating to the classification and assessment of violations in health

care facilities and assisted living programs and providing penalties, was taken up for consideration.

Senator Dotzler offered amendment S–3125, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S–3125 was adopted by a voice vote.

Senator Dotzler 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. 433), the vote was:

Yeas, 48:

Appel	Feenstra	Jochum	Reynolds
Bartz	Fraise	Johnson	Rielly
Beall	Gronstal	Kapucian	Schmitz
Behn	Hahn	Kettering	Schoenjahn
Black	Hamerlinck	Kibbie	Seng
Bolkcom	Hancock	Kreiman	Seymour
Courtney	Hartsuch	McCoy	Sodders
Dandekar	Hatch	McKinley	Stewart
Danielson	Heckroth	Noble	Warnstadt
Dearden	Hogg	Olive	Wieck
Dotzler	Horn	Quirmbach	Wilhelm
Dvorsky	Houser	Ragan	Zaun

Nays, none.

Absent, 2:

Boettger	Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 434

On motion of Senator Quirmbach, **Senate File 434**, a bill for an act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property, was taken up for consideration.

Senator Quirmbach offered amendment S–3134, filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S–3134 was adopted by a voice vote.

Senator Quirmbach 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. 434), the vote was:

Yeas, 48:

Appel	Feenstra	Jochum	Reynolds
Bartz	Fraise	Johnson	Rielly
Beall	Gronstal	Kapucian	Schmitz
Behn	Hahn	Kettering	Schoenjahn
Black	Hamerlinck	Kibbie	Seng
Bolkcom	Hancock	Kreiman	Seymour
Courtney	Hartsuch	McCoy	Sodders
Dandekar	Hatch	McKinley	Stewart
Danielson	Heckroth	Noble	Warnstadt
Dearden	Hogg	Olive	Wieck
Dotzler	Horn	Quirmbach	Wilhelm
Dvorsky	Houser	Ragan	Zaun

Nays, none.

Absent, 2:

Boettger	Ward

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 416**, **433**, and **434** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Mary Percival – Iowa Autism Council

Dave Cale – Credit Union Review Board
Timothy Marcsisak – Credit Union Review Board

Timothy Reilly – Title Guaranty Division Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 48:

Appel	Feenstra	Jochum	Reynolds
Bartz	Fraise	Johnson	Rielly
Beall	Gronstal	Kapucian	Schmitz
Behn	Hahn	Kettering	Schoenjahn
Black	Hamerlinck	Kibbie	Seng
Bolkcom	Hancock	Kreiman	Seymour
Courtney	Hartsuch	McCoy	Sodders
Dandekar	Hatch	McKinley	Stewart
Danielson	Heckroth	Noble	Warnstadt
Dearden	Hogg	Olive	Wieck
Dotzler	Horn	Quirmbach	Wilhelm
Dvorsky	Houser	Ragan	Zaun

Nays, none.

Absent, 2:

Boettger	Ward

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Ron Dardis as Executive Director of the Rebuild Iowa Office, placed on the Individual Confirmation Calendar on Thursday, February 26, 2009, found on page 468 of the Senate Journal.

Senator Dvorsky moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 48:

Appel	Feenstra	Jochum	Reynolds
Bartz	Fraise	Johnson	Rielly
Beall	Gronstal	Kapucian	Schmitz
Behn	Hahn	Kettering	Schoenjahn
Black	Hamerlinck	Kibbie	Seng
Bolkcom	Hancock	Kreiman	Seymour
Courtney	Hartsuch	McCoy	Sodders
Dandekar	Hatch	McKinley	Stewart
Danielson	Heckroth	Noble	Warnstadt
Dearden	Hogg	Olive	Wieck
Dotzler	Horn	Quirmbach	Wilhelm
Dvorsky	Houser	Ragan	Zaun

Nays, none.

Absent, 2:

Boettger	Ward

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:30 p.m. until 8:45 a.m., Tuesday, March 24, 2009.

APPENDIX—2

REPORT OF COMMITTEE MEETING

HUMAN RESOURCES

Convened: Monday, March 23, 2009, 5:15 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Hartsuch, Ranking Member; Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm.

Members Absent: None.

Committee Business: Passed HFs 45, 380, and 381.

Adjourned: 6:05 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 331

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 455

APPROPRIATIONS: Dvorsky, Chair; and Kettering

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: HOUSE FILE 45 , a bill for an act relating to the suspension or termination of medical assistance during the period that an individual is committed to certain facilities or institutions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3135.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 380 (HSB 132), a bill for an act relating to the administration of programs under the jurisdiction of the department of public health and increasing a penalty and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 381 (HSB 51), a bill for an act relating to the practice of pharmacy by establishing a registration program for pharmacy support persons and regulating the internet sale of prescription products, including a program of registration of pharmacy internet sites, making penalties applicable, and establishing a general definition for the term "internet site".

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: SENATE FILE 250, a bill for an act providing for cash payments to certain military veterans working in skilled worker shortage areas.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Noble, Ragan, Sodders, and Wieck. Nays, none. Absent, 1: Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

PETITION

The following petition was presented and placed on file:

From Iowa private college students in support of restoring the Iowa Tuition Grant Program to its original funding level. Senator Gronstal.

BILLS 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 bills have 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 20th day of March, 2009:

Senate File 177.

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have 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 23rd day of March, 2009:

Senate Files 118, 197, 204, 209, 237, 241, 295, and 305.

MICHAEL E. MARSHALL
Secretary of the Senate

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

LABOR AND BUSINESS RELATIONS

Dennis Molden – Plumbing and Mechanical Systems Examining Board

STATE GOVERNMENT

Preston Daniels – Director of the Department of Human Rights

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

EDUCATION

Elizabeth Cecak – Board of Educational Examiners
Beverly Smith – Board of Educational Examiners
Carol Trueg – Board of Educational Examiners

Christopher Carman – Iowa Empowerment Board
Amy Kimball – Iowa Empowerment Board
Judy McCoy Davis – Iowa Empowerment Board
Douglas Peters – Iowa Empowerment Board
Patty Ritchie – Iowa Empowerment Board
Cathy Ryba – Iowa Empowerment Board

Dennis Barnum – Iowa Higher Education Loan Authority
John Hartung – Iowa Higher Education Loan Authority

Robert Downer – State Board of Regents
Ruth Harkin – State Board of Regents
Greta Johnson – State Board of Regents

Jane Babcock – School Budget Review Committee

Susan Leatherwood – Technology Governance Board

LABOR AND BUSINESS RELATIONS

Mickey Gage – Plumbing and Mechanical Systems Examining Board
Susan Salsman – Plumbing and Mechanical Systems Examining Board

STATE GOVERNMENT

Robert Brecke – Boiler and Pressure Vessel Board
Timothy Fehr – Boiler and Pressure Vessel Board
Amy Iles – Boiler and Pressure Vessel Board

John Calisesi – Board of Chiropractic
Michael Powell – Board of Chiropractic
Sharon Tate – Board of Chiropractic

Amber Crystal Amos – Commission on Community Action Agencies
Marc Lindeen – Commission on Community Action Agencies
Arthur (Ross) Wilburn – Commission on Community Action Agencies

Jerry Talbott – Board of Cosmetology Arts and Sciences

August Cordero – Commission on the Deaf
Theresa Legg – Commission on the Deaf

Marijo Beasler – Board of Dentistry
Gary Roth, DDS – Board of Dentistry

Susan Reams – Board of Dietetics
Jonathan Taylor – Board of Dietetics

Kevin Perley – Electrical Examining Board
Duane Quirk – Electrical Examining Board
Rodrick Van Wart – Electrical Examining Board

Kristine Kesterson – Elevator Safety Board
Jennifer McConkey – Elevator Safety Board
Wayne Sims – Elevator Safety Board

Julie Bell – Iowa Emergency Response Commission
Terry Butler – Iowa Emergency Response Commission

Christy VanBuskirk – Engineering and Land Surveying Examining Board
Marlee Walton – Engineering and Land Surveying Examining Board

James Albert – Iowa Ethics and Campaign Disclosure Board
Saima Zafar – Iowa Ethics and Campaign Disclosure Board

Kate Gronstal – Generation Iowa Commission
Jodi Grover – Generation Iowa Commission
Rachel Judisch – Generation Iowa Commission
Erik Raker – Generation Iowa Commission
Claudia Ramirez – Generation Iowa Commission

Dorothy Walters – Board of Hearing Aid Dispensers

Sara Swaim Herman – Interior Design Examining Board
Tom Triplett – Interior Design Examining Board
Jennifer Voorhees – Interior Design Examining Board

David Creighton, Sr. – IPERS Investment Board

Tim Adams – Landscape Architectural Examining Board
David Fjare – Landscape Architectural Examining Board

Analisa Haberman – Board of Medicine
Ambreen Mian – Board of Medicine
Siroos Shirazi – Board of Medicine

Bradley Hawn – Board of Mortuary Science
Paul Johnson – Board of Mortuary Science

Connie Boyd – Board of Nursing

Patrice Herrera – Board of Nursing Home Administrators
Daniel Larmore – Board of Nursing Home Administrators
Joan Skogstrom – Board of Nursing Home Administrators
Michael Svejda – Board of Nursing Home Administrators

Michael Ohlson – Board of Optometry
Barbara Washburn – Board of Optometry

Mark Anliker – Board of Pharmacy
Susan Frey – Board of Pharmacy

Helen McNurlen – Board of Physical and Occupational Therapy

John Olson – Board of Physician Assistants
Mara Swanson – Board of Physician Assistants
Patricia Weishaar – Board of Physician Assistants

Kelly Kadel – Board of Podiatry
Bridget Maher – Board of Podiatry

John Dilley – Board of Psychology
Ronelle Langley – Board of Psychology

Andrea Rivera-Harrison – State Racing and Gaming Commission
Toni Urban – State Racing and Gaming Commission

Maxine Ballard – Real Estate Appraiser Examining Board
John Larson – Real Estate Appraiser Examining Board
Judith Zwanziger – Real Estate Appraiser Examining Board

Laurie Dawley – Real Estate Commission
Richard Robert – Real Estate Commission

Arlene Lee – Board of Respiratory Care
Robert Zeman – Board of Respiratory Care

David Stout – Board of Social Work
Mary Tasler – Board of Social Work

Jon Schuttinga – Board of Speech Pathology and Audiology
Rebecca Vilda – Board of Speech Pathology and Audiology

Rick Cooper – Iowa Board of Veterinary Medicine
Anne Duffy – Iowa Board of Veterinary Medicine

Regenia Bailey – Vision Iowa Board
Ernest Greiner – Vision Iowa Board
Cathy Reece – Vision Iowa Board
Charese Yanney – Vision Iowa Board

AMENDMENTS FILED

S–3125	S.F.	433	William A. Dotzler, Jr.
S–3126	S.F.	413	William A. Dotzler, Jr.
S–3127	S.F.	416	Becky Schmitz
S–3128	S.F.	344	Dick L. Dearden
S–3129	H.F.	671	Tom Hancock
S–3130	S.F.	64	Merlin Bartz
S–3131	S.F.	416	Merlin Bartz
S–3132	S.F.	344	Brad Zaun
S–3133	S.F.	344	Shawn Hamerlinck
S–3134	S.F.	434	Herman C. Quirmbach
S–3135	H.F.	45	Human Resources

JOURNAL OF THE SENATE

SEVENTY-SECOND CALENDAR DAY
FORTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 24, 2009

The Senate met in regular session at 8:52 a.m., President Kibbie presiding.

Prayer was offered by Reverend Allan Wiese, pastor of the First United Methodist Church in Chariton, Iowa. He was the guest of Senator McKinley.

The Journal of Monday, March 23, 2009, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Judy Jeffrey, the governor's appointee, to be the Director of Education. She was the guest of Senators Schmitz and Schoenjahn and the committee on Education.

The Secretary of the Senate introduced Timothy Orr, the governor's appointee, to be the Adjutant General of the State of Iowa. He was the guest of Senators Beall and Seymour and the committee on Veterans Affairs.

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 March 23, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 154, a bill for an act relating to the authorized uses of local exchange service information by specified individuals and entities.

Senate File 199, a bill for an act relating to the uniform athlete agents Act and providing remedies and penalties.

Senate File 268, a bill for an act providing for the award of local watershed improvement grants.

Senate File 280, a bill for an act relating to disaster emergency assistance immunity.

Senate File 311, a bill for an act relating to the regulation of the business of debt management and making penalties applicable.

Senate File 320, 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.

Senate File 446, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

ALSO: That the House has on March 23, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 266, a bill for an act relating to publication of property assessment equalization orders. (S–3136)

ALSO: That the House has on March 23, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 375, a bill for an act specifying a duty of agency applicable to licensed mortgage brokers and making penalties applicable.

Read first time and referred to committee on **Commerce**.

House File 400, a bill for an act relating to the licensing of persons installing fire protection systems.

Read first time and attached to **similar Senate File 245**.

House File 552, a bill for an act concerning the appointment of airport commissioners.

Read first time and referred to committee on **Transportation**.

House File 580, a bill for an act relating to reimbursement of nonparticipating providers for eligible services provided to IowaCare program members.

Read first time and referred to committee on **Human Resources**.

House File 682, a bill for an act requiring a postelection audit after each general election and including effective and applicability date provisions.

Read first time and referred to committee on **State Government**.

House File 708, a bill for an act relating to absentee ballots delivered to applicants who are patients or residents of hospitals or health care facilities.

Read first time and referred to committee on **State Government**.

House File 722, a bill for an act relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, establishing an upland game bird study advisory committee, making penalties applicable, and providing an immediate effective date.

Read first time and referred to committee on **Natural Resources**.

House File 726, a bill for an act providing for unincorporated nonprofit associations, and providing for fees and penalties.

Read first time and referred to committee on **Judiciary**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:59 a.m. until 2:30 p.m.

APPENDIX—1

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:

IOWA CHILD ADVOCACY BOARD

2008 Annual Report, pursuant to Iowa Code section 237.18(8). Report received on March 23, 2009.

BOARD OF REGENTS

University of Iowa Hospitals and Clinics Annual Reports for FYs 2006–2008, pursuant to Iowa Code section 263A.13. Reports received on March 20, 2009.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Senator Dennis Black, Grinnell—For receiving the 2009 Herbert Hoover Uncommon Public Service Award in recognition of his lifelong commitment to conservation and natural resources. Iowa Senate (3/24/09).

REPORTS OF COMMITTEE MEETINGS

LOCAL GOVERNMENT

Convened: Thursday, March 12, 2009, 10:15 a.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: Passed SF 255, as amended, and SFs 240, 260, and 316. Approved SSBs 1293 and 1297, both as amended, and 1292.

Adjourned: 11:10 a.m.

STATE GOVERNMENT

Convened: Monday, March 23, 2009, 3:25 p.m.

Members Present: Appel, Chair; Feenstra, Ranking Member; Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Horn, Jochum, Seymour, Sodders, and Wieck.

Members Absent: Kibbie, Vice Chair; and Hatch (both excused).

Committee Business: Approved governor's appointments.

Adjourned: 3:45 p.m.

VETERANS AFFAIRS

Convened: Thursday, March 12, 2009, 1:05 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Kibbie, Noble, Ragan, and Sodders.

Members Absent: Hartsuch and Wieck (both excused).

Committee Business: Passed SF 257 and approved SSB 1300.

Adjourned: 1:20 p.m.

WAYS AND MEANS

Convened: Monday, March 23, 2009, 4:10 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm.

Members Absent: Ward (excused).

Committee Business: Passed SF 344 without recommendation, SFs 216, 363, and 426, all as amended, and SF 362.

Adjourned: 5:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, March 24, 2009, 10:10 a.m.

Members Present: Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; Behn and Kreiman.

Members Absent: None.

Committee Business: Budget discussion.

Adjourned: 10:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, March 19, 2009, 10:20 a.m.

Members Present: Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; and Wilhelm.

Members Absent: Houser (excused).

Committee Business: Budget discussion with the Secretary of Agriculture.

Adjourned: 12:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Tuesday, March 17, 2009, 10:25 a.m.

Members Present: Dotzler, Chair; Kapucian, Ranking Member; Dandekar and Reynolds.

Members Absent: Heckroth, Vice Chair (excused).

Committee Business: Presentation by the Councils of Government. Budget work.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, March 24, 2009, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; Fraise and Zaun.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 10:20 a.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 373

APPROPRIATIONS: Hancock, Chair; Hogg and Johnson

Senate File 453

ECONOMIC GROWTH: Stewart, Chair; Dotzler and Houser

House File 502

LOCAL GOVERNMENT: McCoy, Chair; Hamerlinck and Rielly

House File 722

NATURAL RESOURCES: Black, Chair; Noble and Schoenjahn

SSB 1314

APPROPRIATIONS: Dvorsky, Chair; and Kettering

AFTERNOON SESSION

The Senate reconvened at 2:36 p.m., President Kibbie presiding.

QUORUM CALL

Senator Hatch requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent, and a quorum present.

The Senate stood at ease at 2:40 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:45 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate File 452.

Senate File 452

On motion of Senator Bolkcom, **Senate File 452**, 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, was taken up for consideration.

Senator Bolkcom 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. 452), the vote was:

Yeas, 36:

Appel	Dearden	Horn	Rielly
Bartz	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng

Boettger	Gronstal	McCoy	Sodders
Bolkcom	Hahn	Olive	Ward
Courtney	Hatch	Quirmbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Reynolds	Zaun

Nays, 14:

Behn	Hartsuch	Kettering	Stewart
Feenstra	Houser	McKinley	Wieck
Hamerlinck	Johnson	Noble	
Hancock	Kapucian	Seymour	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate File 444.

Senate File 444

On motion of Senator Jochum, **Senate File 444**, a bill for an act 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, was taken up for consideration.

Senator Kreiman asked and received unanimous consent that action on **Senate File 444** be **deferred**.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate File 452** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate Files 435 and 343.

Senate File 435

On motion of Senator Rielly, **Senate File 435**, a bill for an act relating to the entry upon land by a surveyor for land survey purposes, was taken up for consideration.

Senator Kreiman asked and received unanimous consent to withdraw amendment S–3138, filed by Senators Kreiman and Reynolds from the floor to page 1 of the bill.

Senator Kreiman offered amendment S–3139, filed by Senators Kreiman and Reynolds from the floor to page 1 of the bill, and moved its adoption.

Amendment S–3139 was adopted by a voice vote.

With the adoption of amendment S–3139, the Chair ruled amendment S–3080, filed by Senator Kreiman on March 17, 2009, to page 1 of the bill, out of order.

Senator Rielly 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. 435), 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	Quirmbach	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 343

On motion of Senator Quirmbach, **Senate File 343**, a bill for an act relating to local regulation of certain lawn applications, was taken up for consideration.

Senator Quirmbach 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. 343), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 28:

Appel	Dotzler	Jochum	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Courtney	Hatch	Olive	Sodders
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 22:

Bartz	Hamerlinck	Kapucian	Stewart
Behn	Hancock	Kettering	Ward
Boettger	Hartsuch	McKinley	Wieck

Dandekar	Horn	Noble	Zaun
Feenstra	Houser	Reynolds	
Hahn	Johnson	Seymour	

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 Courtney asked and received unanimous consent that **Senate Files 343** and **435** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dearden, until he returns, on request of Senator Courtney.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Courtney called up the appointment of Preston Daniels as Director of the Department of Human Rights, placed on the Individual Confirmation Calendar on March 23, 2009, found on page 803 of the Senate Journal.

Senator Hatch moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	Hahn	Kibbie	Seymour
Behn	Hamerlinck	Kreiman	Sodders
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun

Dotzler	Houser	Reynolds
Dvorsky	Jochum	Rielly
Feenstra	Johnson	Schmitz

Nays, none.

Absent, 1:

Dearden

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Courtney called up the appointment of Timothy Orr as Adjutant General of the State of Iowa, placed on the Individual Confirmation Calendar on March 10, 2009, found on page 597 of the Senate Journal.

Senator Beall moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

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	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Present, 1:

Warnstadt

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Courtney called up the following eligible appointees on the En Bloc Confirmation Calendar:

Robert Brecke – Boiler and Pressure Vessel Board

John Calisesi – Board of Chiropractic
Michael Powell – Board of Chiropractic
Sharon Tate – Board of Chiropractic

Marc Lindeen – Commission on Community Action Agencies

Jerry Talbott – Board of Cosmetology Arts and Sciences

Theresa Legg – Commission on the Deaf

Marijo Beasler – Board of Dentistry
Gary Roth – Board of Dentistry

Susan Reams – Board of Dietetics

Elizabeth Cecak – Board of Educational Examiners
Carol Trueg – Board of Educational Examiners

Kevin Perley – Electrical Examining Board
Duane Quirk – Electrical Examining Board
Rodrick Van Wart – Electrical Examining Board

Kristine Kesterson – Elevator Safety Board
Jennifer McConkey – Elevator Safety Board
Wayne Sims – Elevator Safety Board

Terry Butler – Iowa Emergency Response Commission

Christopher Carman – Iowa Empowerment Board
Cathy Ryba – Iowa Empowerment Board

Christy VanBuskirk – Engineering and Land Surveying Examining Board

Saima Zafar – Iowa Ethics and Campaign Disclosure Board

Jodi Grover – Generation Iowa Commission

Dorothy Walters – Board of Hearing Aid Dispensers

Dennis Barnum – Iowa Higher Education Loan Authority

Jennifer Voorhees – Interior Design Examining Board

David Creighton, Sr. – Investment Board of the IPERS

David Fjare – Landscape Architectural Examining Board

Analisa Haberman – Board of Medicine
Siroos Shirazi – Board of Medicine

Bradley Hawn – Board of Mortuary Science
Paul Johnson – Board of Mortuary Science

Connie Boyd – Board of Nursing

Patrice Herrera – Board of Nursing Home Administrators
Daniel Larmore – Board of Nursing Home Administrators
Michael Svejda – Board of Nursing Home Administrators

Michael Ohlson – Board of Optometry
Barbara Washburn – Board of Optometry

Mark Anliker – Board of Pharmacy
Susan Frey – Board of Pharmacy

Helen McNurlen – Board of Physical and Occupational Therapy

John Olson – Board of Physician Assistants

Mickey Gage – Plumbing and Mechanical Systems Examining Board
Susan Salsman – Plumbing and Mechanical Systems Examining Board

Bridget Maher – Board of Podiatry

Ronelle Langley – Board of Psychology

Maxine Ballard – Real Estate Appraiser Examining Board (Appointment and Reappointment)

Laurie Dawley – Real Estate Commission
Richard Robert – Real Estate Commission

Robert Downer – State Board of Regents
Ruth Harkin – State Board of Regents

Arlene Lee – Board of Respiratory Care
Robert Zeman – Board of Respiratory Care

Jane Babcock – School Budget Review Committee

David Stout – Board of Social Work

Rebecca Vilda – Board of Speech Pathology and Audiology

Susan Leatherwood – Technology Governance Board

Ernest Greiner – Vision Iowa Board
Cathy Reece – Vision Iowa Board
Charese Yanney – Vision Iowa Board

Senator Courtney moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 44:

Appel	Dvorsky	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hancock	Kreiman	Seymour
Bolkcom	Hatch	McCoy	Sodders
Courtney	Heckroth	Noble	Stewart
Dandekar	Hogg	Olive	Ward
Danielson	Horn	Quirmbach	Warnstadt
Dearden	Houser	Ragan	Wieck
Dotzler	Jochum	Reynolds	Wilhelm

Nays, 6:

Behn	Hamerlinck	McKinley
Feenstra	Hartsuch	Zaun

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sodders, until he returns, on request of Senator Courtney.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate File 119.

Senate File 119

On motion of Senator Quirmbach, **Senate File 119**, a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases, was taken up for consideration.

Senator Quirmbach offered amendment S–3137, filed by him from the floor striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S–3137 was adopted by a voice vote.

Senator Quirmbach 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. 119), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Seymour
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Sodders

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate File 119** be **immediately messaged** to the House.

The Senate stood at ease at 4:50 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:16 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hartsuch, until he returns, on request of Senator Kettering.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Dennis Molden as a member of the Plumbing and Mechanical Systems Examining Board, placed on the Individual Confirmation Calendar on March 23, 2009, found on page 803 of the Senate Journal.

Senator Jochum moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Hartsuch

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 180.

House File 180

On motion of Senator Dandekar, **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, placed on the Unfinished Business Calendar on March 19, 2009, with report of committee recommending passage, was taken up for consideration.

Senator Dandekar 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?" (H.F. 180), 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	Quirmbach	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.

WITHDRAWN

Senator Dandekar asked and received unanimous consent that **Senate File 148** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 180** be **immediately messaged** to the House.

The Senate stood at ease at 5:27 p.m. until the fall of the gavel.

The Senate resumed session at 6:31 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 224.

Senate File 224

On motion of Senator Danielson, **Senate File 224**, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision, was taken up for consideration.

Senator Danielson offered amendment S–3141, filed by him from the floor to pages 1, 3, 4, and 8 of the bill.

Senator Black offered amendment S–3142, filed by him from the floor to page 2 of amendment S–3141, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 24, nays 26.

Amendment S–3142 lost.

Senator Danielson moved the adoption of amendment S–3141.

Amendment S–3141 was adopted by a voice vote.

Senator Zaun offered amendment S–3140, filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3140 be adopted?" (S.F. 224) the vote was:

Yeas, 19:

Bartz	Hamerlinck	Kapucian	Seymour
Behn	Hancock	Kettering	Ward
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun
Hahn	Johnson	Reynolds	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, none.

Amendment S–3140 lost.

Senator Danielson 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. 224), the vote was:

Yeas, 30:

Appel	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hatch	Quirmbach	Ward

Dandekar	Heckroth	Ragan	Warnstadt
Danielson	Hogg	Rielly	Wilhelm
Dearden	Horn	Schmitz	
Dotzler	Jochum	Schoenjahn	

Nays, 20:

Bartz	Hahn	Johnson	Olive
Behn	Hamerlinck	Kapucian	Reynolds
Black	Hancock	Kettering	Seymour
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun

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 File 224** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 276.

Senate File 276

On motion of Senator Sodders, **Senate File 276**, a bill for an act making technical changes to the laws relating to elections and voter registration, making a penalty applicable, and including effective date and applicability date provisions, placed on the Unfinished Business Calendar on March 19, 2009, was taken up for consideration.

Senator Sodders offered amendment S–3143, filed by him from the floor to pages 9, 15, 26, 28, 29, 32, 36, 37, and 40 of the bill, and moved its adoption.

Amendment S–3143 was adopted by a voice vote.

Senator Sodders asked and received unanimous consent that **House File 475** be **substituted** for **Senate File 276**.

House File 475

On motion of Senator Sodders, **House File 475**, a bill for an act making technical changes to the laws relating to elections and voter registration, making a penalty applicable, and including effective date and applicability date provisions, placed on the Unfinished Business Calendar on March 19, 2009, with report of committee recommending passage, was taken up for consideration.

Senator Sodders 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?" (H.F. 475), 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	Quirmbach	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.

WITHDRAWN

Senator Sodders asked and received unanimous consent that **Senate File 276** be **withdrawn** from further consideration of the Senate.

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 March 24, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 278, a bill for an act requiring notification of occupancy rates for certain premises licensed to permit on-premises consumption of alcohol.

Read first time and **passed on file**.

House File 687, a bill for an act relating to certain reporting requirements or actions required of the department of education, school districts, accredited nonpublic schools, and community colleges.

Read first time and **passed on file**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 475** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:29 p.m. until 8:45 a.m., Wednesday, March 25, 2009.

APPENDIX—2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

The Reverend Michael Crawford, Pastor, Grace Baptist Church, Fort Dodge—For serving as Chaplain of the Day. Senator Beall (3/24/09).

Leland and Barb Nelsen, Anita—For celebrating their 50th wedding anniversary. Senator Boettger (3/24/09).

Ronald Rahlf, Moscow—For receiving the National Defense Medal, the Republic of Vietnam Service Medal, the Vietnam Campaign Medal, three Purple Hearts, five Bronze Stars, and numerous other commendations. Senator Hahn (3/24/09).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, March 24, 2009, 2:10 p.m.

Members Present: Warnstadt, Chair; Heckroth, Vice Chair; Wieck, Ranking Member; Behn, Bolkcom, Dandekar, Hartsuch, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward.

Members Absent: Courtney and Kettering (both excused).

Committee Business: Passed HF 477. Approved governor's appointments.

Adjourned: 2:20 p.m.

ECONOMIC GROWTH

Convened: Tuesday, March 24, 2009, 1:05 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 governor's appointments.

Adjourned: 1:20 p.m.

REBUILD IOWA

Convened: Tuesday, March 24, 2009, 1:35 p.m.

Members Present: Hogg, Chair; Heckroth, Vice Chair; Hamerlinck, Ranking Member; Appel, Dandekar, Feenstra, Hahn, Horn, Jochum, Reynolds, and Stewart.

Members Absent: Dvorsky and Houser (both excused).

Committee Business: Presentation by the Rebuild Iowa Office.

Adjourned: 2:05 p.m.

TRANSPORTATION

Convened: Monday, March 23, 2009, 5:05 p.m.

Members Present: Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, Warnstadt, and Zaun.

Members Absent: None.

Committee Business: Approved governor's appointments.

Adjourned: 5:15 p.m.

VETERANS AFFAIRS

Convened: Tuesday, March 24, 2009, 1:40 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck.

Members Absent: Black and Danielson (both excused).

Committee Business: Discussion of the Vietnam Veterans Tribute and the Gold Star Museum trip.

Adjourned: 1:45 p.m.

INTRODUCTION OF BILLS

Senate File 456, by committee on Ways and Means, a bill for an act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 457, by committee on Ways and Means, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 458, by committee on Ways and Means, a bill for an act authorizing cities to establish storm water drainage system utility districts for purposes of special assessments.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 459, by committee on Ways and Means, a bill for an act providing a property tax exemption for construction or installation of a geothermal heating or cooling system and including an applicability date provision.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

STUDY BILL RECEIVED

SSB 1314 Appropriations

Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund and the technology reinvestment fund and related matters.

SUBCOMMITTEE ASSIGNMENTS

House File 315

HUMAN RESOURCES: Hatch, Chair; Boettger and Kreiman

House File 375

COMMERCE: Olive, Chair; Kettering and Stewart

House File 552

TRANSPORTATION: Heckroth, Chair; Danielson and Reynolds

House File 562

HUMAN RESOURCES: Quirmbach, Chair; Bartz and Wilhelm

House File 580

HUMAN RESOURCES: Ragan, Chair; Seymour and Wilhelm

House File 672

HUMAN RESOURCES: Bolkcom, Chair; Johnson and Schmitz

House File 682

STATE GOVERNMENT: Courtney, Chair; Feenstra and Horn

House File 708

STATE GOVERNMENT: Jochum, Chair; Dearden and Hartsuch

House File 726

JUDICIARY: Hogg, Chair; Horn and Noble

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: HOUSE FILE 477 (HSB 154), a bill for an act relating to declaration of value forms for the conveyance of real estate by making social security numbers and tax identification numbers confidential.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Dandekar, Hartsuch, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 2: Courtney and Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *SENATE FILE 456 (formerly SF 216), a bill for an act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, none. Absent, 1: Ward.

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 Ways and Means Committee on Senate File 456, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 457 (formerly SF 363), a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Bolkcom, McCoy, Dandekar, Dotzler, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 5: Zaun, Bartz, Feenstra, Hamerlinck, and Houser. Absent, 1: Ward.

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 Ways and Means Committee on Senate File 457, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 458 (formerly SF 362), a bill for an act authorizing cities to establish storm water drainage system utility districts for purposes of special assessments.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Bolkcom, McCoy, Dotzler, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 5 Zaun, Bartz, Feenstra, Hamerlinck, and Houser. Present, 1: Dandekar. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 459 (formerly SF 426), a bill for an act providing a property tax exemption for construction or installation of a geothermal heating or cooling system and including an applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, none. Absent, 1: Ward.

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 Ways and Means Committee on Senate File 459, and they were attached to the committee report.

BILLS 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 bills have 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 24th day of March, 2009:

Senate Files 27, 50, and 288.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 23, 2009, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 177 – Relating to requirements for school districts providing transportation to students participating in open enrollment.

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar without recommendation for confirmation:

ECONOMIC GROWTH

Carrie LaSeur – Iowa Power Fund Board

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

COMMERCE

Denise Dolan – Credit Union Review Board

Robert Berntsen – Chair of the Utilities Board

Robert Berntsen – Utilities Board
Krista Tanner – Utilities Board

ECONOMIC GROWTH

Daniel Rogers – Iowa Capital Investment Board

Scott Brennan – Iowa Great Places Board
Quentin Hart – Iowa Great Places Board
Rita Vargas – Iowa Great Places Board

Peter Hemken – Iowa Power Fund Board
Mary Norton – Iowa Power Fund Board

Bryan Dalton – Small Business Advisory Council
James Petro – Small Business Advisory Council

HUMAN RESOURCES

Lonnie Marshall – Board of Behavioral Science
Barbara O'Rourke – Board of Behavioral Science

Joseph DeHart – Child Advocacy Board
Michael Isaacson – Child Advocacy Board
Katherine Kaminsky – Child Advocacy Board

George Estle – Child Welfare Advisory Committee
Miriam Landsman – Child Welfare Advisory Committee
Jean McAleer – Child Welfare Advisory Committee
David VanNingen – Child Welfare Advisory Committee

Christopher Atchison – Prevention of Disabilities Policy Council
Cheryll Jones – Prevention of Disabilities Policy Council
Diane Schroeder – Prevention of Disabilities Policy Council

Daniel Ernst – Commission of Elder Affairs
Frank Leu – Commission of Elder Affairs
Kenneth Petersen – Commission of Elder Affairs

Cynthia Beauman – Health Facilities Council

Susan Salter – Healthy and Well Kids in Iowa (HAWK-I) Board
Selden Spencer – Healthy and Well Kids in Iowa (HAWK-I) Board

Neil Broderick – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Janice Heikes – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Cindy Kaestner – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Linda Langston – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Brent Welsch – Board of Sign Language Interpreters and Transliterators Board

Bobby Russell – Commission on Tobacco Use Prevention and Control

TRANSPORTATION

Michael Blouin – State Transportation Commission
Loree Miles – State Transportation Commission

AMENDMENTS FILED

S–3136	S.F.	266	House
S–3137	S.F.	119	Herman C. Quirmbach
S–3138	S.F.	435	Keith A. Kreiman Kim Reynolds
S–3139	S.F.	435	Keith A. Kreiman Kim Reynolds
S–3140	S.F.	224	Brad Zaun
S–3141	S.F.	224	Jeff Danielson
S–3142	S.F.	224	Dennis H. Black
S–3143	S.F.	276	Steven J. Sodders
S–3144	S.F.	456	Robert M. Hogg

JOURNAL OF THE SENATE

SEVENTY-THIRD CALENDAR DAY
FORTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 25, 2009

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by Reverend Ken Stuber, pastor of the First Presbyterian Church in Des Moines, Iowa. He was the guest of Senator Dearden.

The Journal of Tuesday, March 24, 2009, 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 March 24, 2009, **passed** the following bill in which the concurrence of the House was asked:

Senate File 159, a bill for an act relating to electrician licensure by modifying existing provisions and specifying new classifications.

ALSO: That the House has on March 24, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 503, a bill for an act concerning the definition of veteran and providing an effective date.

Read first time and referred to committee on **Veterans Affairs**.

House File 703, a bill for an act relating to the indicators used to assess the effectiveness of school ready children grants under the community empowerment initiative.

Read first time and referred to committee on **Education**.

House File 758, a bill for an act relating to damages recoverable for the wrongful or negligent injury or death of a person.

Read first time and referred to committee on **Judiciary**.

House File 759, a bill for an act requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program.

Read first time and referred to committee on **Rebuild Iowa**.

House File 776, a bill for an act prohibiting the use of false caller identification for campaign purposes and providing penalties.

Read first time and referred to committee on **State Government**.

House File 801, 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 and referred to committee on **State Government**.

SPECIAL GUEST

President Kibbie introduced to the Senate chamber the Honorable Norman Rodgers, former member of the Senate from Dallas County, Adel, Iowa.

The Senate rose and expressed its welcome.

The Senate stood at ease at 8:56 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:00 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:01 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:05 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:07 a.m. until 5:00 p.m.

APPENDIX—1

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Jack Thomas Goodlaxson, Spirit Lake—For achieving the rank of Eagle Scout, Troop 152. Senator Johnson (3/25/09).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Wednesday, March 25, 2009, 12:00 p.m.

Members Present: Schmitz, Chair; Schoenjahn, Vice Chair; Boettger, Ranking Member; Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, Quirmbach, Sodders, and Wilhelm.

Members Absent: McKinley (excused).

Committee Business: Passed HF 687. Approved governor's appointments.

Adjourned: 1:00 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, March 25, 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 bills and appointments.

Adjourned: 2:10 p.m.

RULES AND ADMINISTRATION

Convened: Wednesday, March 25, 2009, 10:00 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Boettger, Courtney, Danielson, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: Dearden (excused).

Committee Business: Passed SR 18.

Adjourned: 10:05 a.m.

STATE GOVERNMENT

Convened: Wednesday, March 25, 2009, 1:10 p.m.

Members Present: Appel, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Sodders, and Wieck.

Members Absent: Seymour (excused).

Committee Business: Approved governor's appointments. Passed HFs 450, 670, and 707.

Adjourned: 1:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Wednesday, March 25, 2009, 10:15 a.m.

Members Present: Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; Behn and Kreiman.

Members Absent: None.

Committee Business: Discussed budget.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Wednesday, March 25, 2009, 10:15 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; and Fraise.

Members Absent: Zaun (excused).

Committee Business: Caucus.

Adjourned: 10:25 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 18, by Wilhelm, a resolution designating March 2009 as Iowa Women's History Month.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 460, by Bolkcom, a bill for an act requiring approval of the department of education for school districts to spend sales tax revenues for new construction or major renovation projects pursuant to a revenue purpose statement adopted or amended on or after July 1, 2009.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

STUDY BILL RECEIVED

SSB 1315 Ways and Means

Concerning the manufacture and sale of native distilled spirits, and establishing a related permit fee and excise tax.

SUBCOMMITTEE ASSIGNMENTS

Senate File 373

APPROPRIATIONS: Hancock, Chair; Dotzler, Dvorsky, Hogg, Johnson, and Kettering

House File 278

STATE GOVERNMENT: Dearden, Chair; Black and Seymour

House File 758

JUDICIARY: Kreiman, Chair; Jochum and Kettering

House File 759

REBUILD IOWA: Jochum, Chair; Hamerlinck and Hogg

House File 776

STATE GOVERNMENT: Horn, Chair; Behn and Sodders

House File 801

STATE GOVERNMENT: Danielson, Chair; Feenstra and Jochum

SSB 1315

WAYS AND MEANS: McCoy, Chair; Dotzler and Hamerlinck

BILLS REFERRED TO COMMITTEE

President Kibbie announced the assignment of the following bills to committee:

H.F.	278	State Government
H.F.	687	Education

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: HOUSE FILE 687 (HSB 26), a bill for an act relating to certain reporting requirements or actions required of the department of education, school districts, accredited nonpublic schools, and community colleges.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Schmitz, Schoenjahn, Appel, Beall, Dvorsky, Heckroth, Johnson, Kreiman, Quirmbach, Sodders, and Wilhelm. Nays, 2: Boettger and Hamerlinck. Absent, 2: Feenstra and McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 18, a resolution designating March 2009 as Iowa Women's History Month.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, McKinley, Boettger, Courtney, Danielson, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, 1: Dearden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 25, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 27 – Relating to the crime of human trafficking.

Senate File 50 – Relating to the payment of a salary or other compensation to a candidate's family member, and making a penalty applicable.

Senate File 118 – Relating to the judicial branch including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

Senate File 197 – Relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

Senate File 204 – Relating to the department of elder affairs and services provided to older Iowans.

Senate File 209 – Relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

Senate File 237 – Relating to pseudoephedrine product sales by pharmacies and retailers, and providing penalties and contingent applicability.

Senate File 241 – Correcting references in the Code relating to the United States department of veterans affairs.

Senate File 288 – Relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

Senate File 295 – Concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department.

Senate File 305 – Concerning audits conducted by a licensee conducting pari-mutuel wagering or gambling games and providing an effective date.

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

EDUCATION

Judy Jeffrey – Director of the Department of Education

STATE GOVERNMENT

Raymond Walton – Director of the Department of Administrative Services

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

EDUCATION

Julio Almanza – Board of Educational Examiners
Oscar Ortiz – Board of Educational Examiners
Richard Wortmann – Board of Educational Examiners

Ruth Krueger – Iowa Empowerment Board
Marguerite (Peg) Macek – Iowa Empowerment Board
Daniel Vogeler – Iowa Empowerment Board

LOCAL GOVERNMENT

Barbara Brown – City Development Board
Jay Howe – City Development Board

Carol Copeland – County Finance Committee
Kay Swanson – County Finance Committee

Rick Larkin – Mental Health Risk Pool Board
Andrew Nielsen – Mental Health Risk Pool Board
Raymond Todd – Mental Health Risk Pool Board
Linda Young-Streit – Mental Health Risk Pool Board

STATE GOVERNMENT

Vicky Boyington – Accountancy Examining Board
Telford Lodden – Accountancy Examining Board
Tommy Thompson – Accountancy Examining Board

A'Lisa Walker – Commission on the Status of African-Americans

James Clayton – Alcoholic Beverages Commission

Bruce Bassler – Architectural Examining Board
Martha Green – Architectural Examining Board

Tammy Ortiz – Board of Barbering
Rhonda Reif – Board of Barbering

Steven Hagemoser – Commission for the Blind

EVENING SESSION

The Senate reconvened at 5:54 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dandekar, until she arrives, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 226.

Senate File 226

On motion of Senator Danielson, **Senate File 226**, a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters, was taken up for consideration.

Senator Danielson offered amendment S–3145, filed by him from the floor to pages 1 and 2 and amending the title page of the bill.

Senator Sodders asked and received unanimous consent to withdraw amendment S–3146, filed by Senator Sodders, et al., from the floor to page 1 of amendment S–3145.

Senator Sodders offered amendment S–3149, filed by Senator Sodders, et al., from the floor to page 1 of amendment S–3145, and moved its adoption.

Amendment S–3149 was adopted by a voice vote.

Senator Danielson moved the adoption of amendment S–3145, as amended.

Amendment S–3145, as amended, was adopted by a voice vote.

Senator Hamerlinck offered amendment S–3150, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3150 be adopted?" (S.F. 226) the vote was:

Yeas, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McKinley	Ward
Boettger	Houser	Noble	Wieck
Feenstra	Johnson	Reynolds	Zaun
Hahn	Kapucian	Rielly	

Nays, 30:

Appel	Dvorsky	Jochum	Schoenjahn
Beall	Fraise	Kibbie	Seng
Black	Gronstal	Kreiman	Sodders
Bolkcom	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	Wilhelm
Dearden	Hogg	Ragan	
Dotzler	Horn	Schmitz	

Absent, 1:

Dandekar

Amendment S–3150 lost.

Senator Danielson 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. 226), the vote was:

Yeas, 39:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kibbie	Seng
Beall	Hamerlinck	Kreiman	Seymour
Black	Hancock	McCoy	Sodders
Bolkcom	Hatch	Noble	Stewart
Courtney	Heckroth	Olive	Ward
Danielson	Hogg	Quirmbach	Warnstadt

Dearden	Horn	Ragan	Wilhelm
Dotzler	Houser	Rielly	Zaun
Dvorsky	Jochum	Schmitz	

Nays, 10:

Behn	Hahn	Kettering	Wieck
Boettger	Hartsuch	McKinley	
Feenstra	Johnson	Reynolds	

Absent, 1:

Dandekar

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 226** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Telford Lodden – Accountancy Examining Board
Tommy Thompson – Accountancy Examining Board

A'Lisa Walker – Commission on the Status of African-Americans

James Clayton – Alcoholic Beverages Commission

Martha Green – Architectural Examining Board

Tammy Ortiz – Board of Barbering
Rhonda Reif – Board of Barbering

Lonnie Marshall – Board of Behavioral Science
Barbara O'Rourke – Board of Behavioral Science

Steven Hagemoser – Commission for the Blind

Daniel Rogers – Iowa Capital Investment Board

Joseph DeHart – Child Advocacy Board
Michael Isaacson – Child Advocacy Board
Katherine Kaminsky – Child Advocacy Board

George Estle – Child Welfare Advisory Committee
Jean McAleer – Child Welfare Advisory Committee
David VanNingen – Child Welfare Advisory Committee

Barbara Brown – City Development Board

Denise Dolan – Credit Union Review Board

Christopher Atchison – Prevention of Disabilities Policy Council
Cheryll Jones – Prevention of Disabilities Policy Council
Diane Schroeder – Prevention of Disabilities Policy Council

Julio Almanza – Board of Educational Examiners
Oscar Ortiz – Board of Educational Examiners
Richard Wortmann – Board of Educational Examiners

Daniel Ernst – Commission of Elder Affairs
Frank Leu – Commission of Elder Affairs
Kenneth Petersen – Commission of Elder Affairs

Julie Bell – Iowa Emergency Response Commission

Marguerite (Peg) Macek – Iowa Empowerment Board
Judy McCoy Davis – Iowa Empowerment Board
Daniel Vogeler – Iowa Empowerment Board

James Albert – Iowa Ethics and Campaign Disclosure Board

Kate Gronstal – Generation Iowa Commission

Scott Brennan – Iowa Great Places Board
Rita Vargas – Iowa Great Places Board

Cynthia Beauman – Health Facilities Council

Susan Salter – Healthy and Well Kids in Iowa (HAWK-I) Board
Selden Spencer – Healthy and Well Kids in Iowa (HAWK-I) Board

Cindy Kaestner – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Linda Langston – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Rick Larkin – Mental Health Risk Pool Board
Andrew Nielsen – Mental Health Risk Pool Board

Peter Hemken – Iowa Power Fund Board
Mary Norton – Iowa Power Fund Board

Andrea Rivera-Harrison – State Racing and Gaming Commission

John Larson – Real Estate Appraiser Examining Board
Judith Zwanziger – Real Estate Appraiser Examining Board

Greta Johnson – State Board of Regents

Brent Welsch – Board of Sign Language Interpreters and Transliterators

James Petro – Small Business Advisory Council

Bobby Russell – Commission on Tobacco Use Prevention and Control

Michael Blouin – State Transportation Commission
Loree Miles – State Transportation Commission

Robert Berntsen – Chair of Utilities Board

Robert Berntsen – Utilities Board
Krista Tanner – Utilities Board

Rick Cooper – Iowa Board of Veterinary Medicine
Anne Duffy – Iowa Board of Veterinary Medicine

Regenia Bailey – Vision Iowa Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	Hahn	Kibbie	Seymour
Behn	Hamerlinck	Kreiman	Sodders
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Danielson	Hogg	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Dandekar

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

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 25, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 762, a bill for an act relating to reserve certified peace officers and training requirements.

Read first time and referred to committee on **Judiciary**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:36 p.m. until 8:45 a.m., Thursday, March 26, 2009.

APPENDIX—2

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: Wednesday, March 25, 2009, 3:10 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Hartsuch, Ranking Member; Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm.

Members Absent: None.

Committee Business: Passed HFs 315, 317, 488, 562, 580, and 672.

Adjourned: 3:50 p.m.

JUDICIARY

Convened: Wednesday, March 25, 2009, 2:10 p.m.

Members Present: Kreiman, Chair; Hogg, Vice Chair; Kettering, Ranking Member; Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, and Warnstadt.

Members Absent: Zaun (excused).

Committee Business: Approved governor's appointments. Passed HF 758, without recommendation, and HFs 266, 671, 676, 697, and 713.

Adjourned: 3:05 p.m.

TRANSPORTATION

Convened: Wednesday, March 25, 2009, 3:15 p.m.

Members Present: Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Danielson, Hahn, Hancock, Heckroth, Reynolds, Warnstadt, and Zaun.

Members Absent: Dandekar, Kapucian, and McCoy (all excused).

Committee Business: Passed HF 552.

Adjourned: 3:30 p.m.

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: HOUSE FILE 315 (HSB 8), a bill for an act creating an Iowa collaboration for youth development council and state of Iowa youth advisory council in the department of human rights.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 317 (formerly HF 57), a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 488 (formerly HF 106), a bill for an act relating to including the maintenance of service animals as an eligible service reimbursable under the home and community-based services waivers.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 562 (formerly HF 383), a bill for an act relating to the council on human services and the state child care advisory council.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 580 (formerly HF 354), a bill for an act relating to reimbursement of nonparticipating providers for eligible services provided to IowaCare program members.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 672 (HSB 227), a bill for an act relating to individual development accounts available to certain persons with low income and providing effective and applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: HOUSE FILE 266, a bill for an act relating to recording proceedings before a magistrate.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3153.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, and Warnstadt. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 671 (formerly HF 82), a bill for an act providing volunteer emergency services providers protection from employment termination.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3148.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, and Warnstadt. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 676 (formerly HF 441), a bill for an act modifying provisions relating to a final hearing in a civil commitment proceeding for a sexually violent predator.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, and Warnstadt. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 697 (HSB 82), a bill for an act relating to interference with judicial acts, and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, and Warnstadt. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 713 (HSB 220), a bill for an act creating the uniform child abduction prevention Act.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, and Warnstadt. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 758 (HSB 172), a bill for an act relating to damages recoverable for the wrongful or negligent injury or death of a person.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 10: Kreiman, Hogg, Fraise, Hancock, Horn, Jochum, Quirmbach, Schoenjahn, Sodders, and Warnstadt. Nays, 4: Kettering, Boettger, Noble, and Ward. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: HOUSE FILE 260 (HSB 110), a bill for an act relating to the operation of county, city, and memorial hospitals and the duties and powers of hospital trustees and commissioners.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 496 (formerly HF 159), a bill for an act relating to the authority of a city to dispose of real property by gift.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 571 (HSB 207), a bill for an act relating to open meetings by applying the open meetings law to advisory bodies created by joint governmental entities and by modifying public notice requirements for meetings of boards of township trustees.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: HOUSE FILE 450 (HSB 138), a bill for an act relating to the time of opening the polls for certain city elections.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Jochum, Sodders, and Wieck. Nays, 1: Horn. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 670 (HSB 133), a bill for an act relating to absentee voting by requiring the counting of absentee ballots to begin the day before the general election.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Sodders, and Wieck. Nays, none. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 707 (formerly HF 133), a bill for an act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Sodders, and Wieck. Nays, none. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: HOUSE FILE 552 (formerly HF 28), a bill for an act concerning the appointment of airport commissioners.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Rielly, Beall, Noble, Danielson, Hahn, Hancock, Heckroth, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, 3: Dandekar, Kapucian, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 388 (SSB 1157), a bill for an act relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Bolkcom, McCoy, Zaun, Bartz, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, 1: Dandekar.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 684 (formerly HF 296), a bill for an act relating to the membership and administration of the Iowa propane education and research council.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Bolkcom, McCoy, Zaun, Bartz, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, 1: Dandekar.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–3145	S.F.	226	Jeff Danielson
S–3146	S.F.	226	Steven J. Sodders Joe Bolkcom Mary Jo Wilhelm William A. Dotzler, Jr. Amanda Ragan Gene Fraise Dennis H. Black Staci Appel John P. Kibbie Pam Jochum Dick L. Dearden Jeff Danielson Wally E. Horn Thomas G. Courtney Robert E. Dvorsky Jack Hatch

			Michael E. Gronstal
			Robert M. Hogg
			Steve Warnstadt
			Becky Schmitz
			Bill Heckroth
S–3147	H.F.	758	David Johnson
S–3148	H.F.	671	Judiciary
S–3149	S.F.	226	Steven J. Sodders
			Joe Bolkcom
			Mary Jo Wilhelm
			William A. Dotzler, Jr.
			Amanda Ragan
			Gene Fraise
			Dennis H. Black
			Staci Appel
			John P. Kibbie
			Pam Jochum
			Brian Schoenjahn
			Dick L. Dearden
			Jeff Danielson
			Wally E. Horn
			Thomas G. Courtney
			Robert E. Dvorsky
			Jack Hatch
			Michael E. Gronstal
			Robert M. Hogg
			Steve Warnstadt
			Becky Schmitz
			Bill Heckroth
			Herman C. Quirmbach
			Daryl Beall
			Keith A. Kreiman
			Matt McCoy
S–3150	S.F.	226	Shawn Hamerlinck
S–3151	H.F.	758	David Johnson
S–3152	S.F.	459	Herman C. Quirmbach
S–3153	H.F.	266	Judiciary

JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY
FORTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 26, 2009

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by Reverend Michael Crawford, pastor of the Faith Baptist Church in Fort Dodge, Iowa, and an Army Chaplain and Captain in the Iowa Army National Guard. He was the guest of Senator Beall.

The Journal of Wednesday, March 25, 2009, was approved.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 18.

Senate Resolution 18

On motion of Senator Wilhelm, **Senate Resolution 18**, a resolution designating March 2009 as Iowa Women's History Month, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm moved the adoption of Senate Resolution 18, which motion prevailed by a voice vote.

SPECIAL GUESTS

In celebration of Women's History Month, Senators Reynolds and Wilhelm welcomed student winners of the 25th Annual "Write Women Back Into History" Essay Contest to the Senate chamber.

The contest is sponsored by the Iowa Commission on the Status of Women, the Iowa Department of Education, and the State Historical Society of Iowa.

Sixth and Seventh Grades:

First Place: Brandon Farr of Prairie Middle School in Cedar Rapids
Second Place: Madison Noble of Parkview Middle School in Ankeny
Third Place: Maddie Fields of Prairie Middle School in Cedar Rapids

Eighth and Ninth Grades:

First Place: Kelsiann Halbloom of West Marshall Middle School in State Center

Best Essay on Women in Science and Engineering for Sixth and Seventh Grades:

First Place: Aaron Christensen of Prairie Middle School in Cedar Rapids
Second Place: Morgan Exline of Prairie Middle School of Cedar Rapids

The Senate rose and expressed its welcome.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Bret Mills, the governor's appointee to be the Executive Director of the Iowa Finance Authority. He was the guest of Senator Dotzler and the committee on Ways and Means.

The Senate stood at ease at 9:00 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:00 a.m., President Pro Tempore Danielson presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Warnstadt, until he arrives, on request of Senator Stewart.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 456.

Senate File 456

On motion of Senator Hogg, **Senate File 456**, a bill for an act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Hogg offered amendment S–3144, filed by him on March 24, 2009, to page 1 of the bill, and moved its adoption.

Amendment S–3144 was adopted by a voice vote.

Senator Hogg 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. 456), the vote was:

Yeas, 49:

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	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Warnstadt

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred March 19, 2009)

Senate File 432

The Senate resumed consideration of **Senate File 432**, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties, deferred March 19, 2009.

Senator Olive offered amendment S–3154, filed by him from the floor to pages 2, 5, 8, 11, and 17 of the bill, and moved its adoption.

Amendment S–3154 was adopted by a voice vote.

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. 432), the vote was:

Yeas, 43:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Seymour
Black	Hamerlinck	Kreiman	Sodders
Boettger	Hancock	McKinley	Stewart
Courtney	Hartsuch	Noble	Ward
Dandekar	Heckroth	Olive	Wieck
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Reynolds	Zaun
Dvorsky	Houser	Rielly	

Nays, 6:

Bolkcom	Hatch	McCoy
Dotzler	Jochum	Quirmbach

Absent, 1:

Warnstadt

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 432** and **456** be **immediately messaged** to the House.

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 26, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 481, a bill for an act providing an excess weight allowance for special trucks hauling distillers grains.

Read first time and referred to committee on **Transportation**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:20 a.m. until 1:00 p.m., Monday, March 30, 2009.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Joseph Beason—For achieving the rank of Eagle Scout, Troop 127. Senator Hahn (3/26/09).

Aaron Christensen—First Place Winner for "Best Essay on Women in Science and Engineering" for 6th and 7th grades. Senator Dvorsky (3/26/09).

Morgan Exline—Second Place Winner for "Best Essay on Women in Science and Engineering" for 6th and 7th grades. Senator Dandekar (3/26/09).

Brandon Farr—First Place Winner of the "Write Women Back Into History" contest. Senator Dvorsky (3/26/09).

Maddie Fields—Third Place Winner of the "Write Women Back Into History" contest. Senator Horn (3/26/09).

Kelsiann Halbloom—First Place Winner of the "Write Women Back Into History" contest for 8th and 9th grades. Senator Sodders (3/26/09).

Madison Noble—Second Place Winner of the "Write Women Back Into History" contest. Senator Noble (3/26/09).

Matt Sanford, New Hampton—For achieving the rank of Eagle Scout, Troop 48. Senator Wilhelm (3/26/09).

Tom Sanford, New Hampton—For achieving the rank of Eagle Scout, Troop 48. Senator Wilhelm (3/26/09).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, March 26, 2009, 12:10 p.m.

Members Present: Fraise, Chair; Olive, Vice Chair; Johnson, Ranking Member; Appel, Behn, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, Seng, and Sodders.

Members Absent: None.

Committee Business: Passed HF 710. Approved governor's appointments.

Adjourned: 12:15 p.m.

COMMERCE

Convened: Thursday, March 26, 2009, 2:05 p.m.

Members Present: Heckroth, Vice Chair; Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward.

Members Absent: Warnstadt, Chair; and Wieck, Ranking Member (both excused).

Committee Business: Passed HF 723.

Adjourned: 2:10 p.m.

NATURAL RESOURCES

Convened: Thursday, March 26, 2009, 1:05 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: Considered HF 722 and governor's appointments.

Adjourned: 1:30 p.m.

REBUILD IOWA

Convened: Thursday, March 26, 2009, 3:20 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: Passed HFs 705 and 759.

Adjourned: 4:00 p.m.

WAYS AND MEANS

Convened: Wednesday, March 25, 2009, 4:05 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: Dandekar (excused).

Committee Business: Passed SF 378, SF 388, and HF 684. Approved SSBs 1190, 1211, and 1307.

Adjourned: 5:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, March 26, 2009, 10:40 a.m.

Members Present: Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; Behn and Kreiman.

Members Absent: None.
Committee Business: Approved LSB 1000JA, as amended.

Adjourned: 12:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Wednesday, March 25, 2009, 10:30 a.m.

Members Present: Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; and Wilhelm.

Members Absent: Houser (excused).

Committee Business: Discussed appropriations bill draft.

Adjourned: 11:30 a.m.

ALSO:

Convened: Thursday, March 26, 2009, 10:50 a.m.

Members Present: Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; Houser and Wilhelm.

Members Absent: None.

Committee Business: Discussed and voted on proposed budget.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Tuesday, March 24, 2009, 10:15 a.m.

Members Present: Dotzler, Chair; Heckroth, Vice Chair; Kapucian, Ranking Member; Dandekar and Reynolds.

Members Absent: None.

Committee Business: Budget shell discussion.

Adjourned: 11:00 a.m.

ALSO:

Convened: Wednesday, March 25, 2009, 10:20 a.m.

Members Present: Dotzler, Chair; Heckroth, Vice Chair; Kapucian, Ranking Member; Dandekar and Reynolds.

Members Absent: None.

Committee Business: Budget appropriations.

Adjourned: 11:05 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 19, by Kibbie, Gronstal, and McKinley, a resolution to protect and preserve the battleship USS Iowa.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 20, by Schmitz, Hatch, Ragan, Seymour, and Hartsuch, a resolution expressing support for improved adolescent health.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 461, by committee on Ways and Means, a bill for an act repealing the authorization to use local sales and services tax revenue to fund urban renewal projects and including an effective date provision.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 462, by McKinley, a bill for an act restricting certain expenditures by the general assembly.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate File 463, by committee on Ways and Means, a bill for an act modifying provisions relating to the regulation of delayed deposit service businesses, making penalties applicable, and providing an effective date.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

SUBCOMMITTEE ASSIGNMENTS

Senate File 460

WAYS AND MEANS: Hogg, Chair; Dotzler and Ward

House File 503

VETERANS AFFAIRS: Kibbie, Chair; Seymour and Warnstadt

House File 703

EDUCATION: Schmitz, Chair; Appel and Boettger

House File 762

JUDICIARY: Kreiman, Chair; Noble and Sodders

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: HOUSE FILE 710 (HSB 148), a bill for an act relating to the agricultural development authority, by providing for the reporting of its operations.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Fraise, Olive, Johnson, Appel, Behn, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, Seng, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Bill Title: HOUSE FILE 723 (HSB 151), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities act; insurance division; 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 an immediate effective date and retroactive applicability.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Heckroth, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 2: Warnstadt and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES

Bill Title: HOUSE FILE 722 (HSB 136), a bill for an act relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, establishing an upland game bird study advisory committee, making penalties applicable, and providing an immediate effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dearden, Hancock, Hahn, Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 461 (SSB 1211), a bill for an act repealing the authorization to use local sales and services tax revenue to fund urban renewal projects and including an effective date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Bolkcom, McCoy, Dotzler, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 5: Zaun, Bartz, Feenstra, Hamerlinck, and Ward. Absent, 1: Dandekar.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 463 (SSB 1307), a bill for an act modifying provisions relating to the regulation of delayed deposit service businesses, making penalties applicable, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, McCoy, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, 2: Zaun and Bartz. Absent, 1: Dandekar.

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 Ways and Means Committee on Senate File 463, and they were attached to the committee report.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

AGRICULTURE

Benjamin Jung – Grape and Wine Development Commission

Jean Eells – State Soil Conservation Committee
Sherman Lundy – State Soil Conservation Committee
James Tobin – State Soil Conservation Committee

ENVIRONMENT AND ENERGY INDEPENDENCE

Dale Cochran – Environmental Protection Commission
Shearon Elderkin – Environmental Protection Commission
David Petty – Environmental Protection Commission
Martin Stimson – Environmental Protection Commission

Douglas Beech – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Kenneth Pangburn – Renewable Fuel Infrastructure Board
Brian Wiegert – Renewable Fuel Infrastructure Board

HUMAN RESOURCES

Paula Hohensee – Child Advocacy Board

Ronald Stehl – Child Welfare Advisory Committee

Frank Strong – Prevention of Disabilities Policy Council

Sally Stutsman – Council on Human Services
Roberta Yoder – Council on Human Services

Craig Wood – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Freeman Harper – Board of Sign Language Interpreters and Transliterators
Diana Kautzky – Board of Sign Language Interpreters and Transliterators
Cynthia Smith-Byer – Board of Sign Language Interpreters and Transliterators

Timothy Hungerford – Commission on Tobacco Use Prevention and Control

JUDICIARY

Mary Chapman – Iowa State Civil Rights Commission
Frederick Morain – Iowa Sate Civil Rights Commission
Nancy Witt – Iowa State Civil Rights Commission

David Erickson – Board of Corrections
Johnie Hammond – Board of Corrections
Pamela Dettmann – Iowa Drug Policy Advisory Council
Eric Snyder – Iowa Drug Policy Advisory Council

Steven Brody – State Judicial Nominating Commission
Margaret Redenbaugh – State Judicial Nominating Commission

Stephanie Netolicky – Commission on Judicial Qualifications
Henry Thomas – Commission on Judicial Qualifications

Randy Krukow – Iowa Law Enforcement Academy Council
Patty Link – Iowa Law Enforcement Academy Council

Nancy Boyd – Board of Parole
Walter Reed, Jr. – Board of Parole

NATURAL RESOURCES

William Bird – Natural Resource Commission
Richard Francisco – Natural Resource Commission

WAYS AND MEANS

Darlys Baum – Iowa Finance Authority
Carmela Brown – Iowa Finance Authority

Michael Milligan – State Board of Tax Review

AMENDMENTS FILED

S–3154	S.F.	432	Rich Olive
S–3155	H.F.	758	David Johnson

JOURNAL OF THE SENATE

SEVENTY-EIGHTH CALENDAR DAY
FORTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 30, 2009

The Senate met in regular session at 1:04 p.m., President Kibbie presiding.

Prayer was offered by Reverend Kevin Glessner, chaplain for Vermeer Corporation in Pella, Iowa. He was the guest of Senator McKinley.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Amber Schuler.

The Journal of Thursday, March 26, 2009, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Thomas Gronstal, the governor's appointee, to be the Supervisor of Banking. He was the guest of Senator Heckroth and the committee on Commerce.

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 26, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 420, a bill for an act concerning civil service commissions, disciplinary procedures, and residency requirements for civil service employees.

Read first time and referred to committee on **State Government**.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following bills be referred from the Regular Calendar to the following committees:

S.F.	250	Appropriations
H.F.	722	Ways and Means

The Senate stood at ease at 1:20 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:15 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Seymour, until he arrives, on request of Senator Bartz.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Amy Iles – Boiler and Pressure Vessel Board

Paula Hohensee – Child Advocacy Board

Ronald Stehl – Child Welfare Advisory Committee

Jay Howe – City Development Board

Mary Chapman – Iowa State Civil Rights Commission
Nancy Witt – Iowa State Civil Rights Commission

Arthur (Ross) Wilburn – Commission on Community Action Agencies

David Erickson – Board of Corrections
Johnie Hammond – Board of Corrections

Kay Swanson – County Finance Committee

Frank Strong, Jr. – Prevention of Disabilities Policy Council

Eric Snyder – Iowa Drug Policy Advisory Council

Patty Ritchie – Iowa Empowerment Board

Marlee Walton – Engineering and Land Surveying Examining Board

Darlys Baum – Iowa Finance Authority
Carmela Brown – Iowa Finance Authority

Rachel Judisch – Generation Iowa Commission

Sally Stutsman – Council on Human Services

Steven Brody – State Judicial Nominating Commission

Stephanie Netolicky – Commission on Judicial Qualifications
Henry Thomas – Commission on Judicial Qualifications

Randy Krukow – Iowa Law Enforcement Academy Council

Ambreen Mian – Board of Medicine

Neil Broderick – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Janice Heikes – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission
Craig Wood – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

William Bird – Natural Resource Commission
Richard Francisco – Natural Resource Commission

Nancy Boyd – Board of Parole

Kelly Kadel – Board of Podiatry

John Dilley – Board of Psychology

Kenneth Pangburn – Renewable Fuel Infrastructure Board
Brian Wiegert – Renewable Fuel Infrastructure Board

Freeman Harper – Board of Sign Language Interpreters and Transliterators
Diana Kautzky – Board of Sign Language Interpreters and Transliterators
Cynthia Smith-Byer – Board of Sign Language Interpreters and Transliterators

Jean Eells – State Soil Conservation Committee
Sherman Lundy – State Soil Conservation Committee
James Tobin – State Soil Conservation Committee

Michael Milligan – State Board of Tax Review

Timothy Hungerford – Commission on Tobacco Use Prevention and Control

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Seymour

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Raymond Walton as Director of the Department of Administrative Services, placed on the Individual Confirmation Calendar on March 25, 2009, found on page 849 of the Senate Journal.

Senator Appel moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Seymour

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Bret Mills as Executive Director of the Iowa Finance Authority, placed on the Individual Confirmation Calendar on March 18, 2009, found on page 731 of the Senate Journal.

Senator Dotzler moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Seymour

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Christopher Godfrey as Workers' Compensation Commissioner, placed on the Individual Confirmation Calendar on February 25, 2009, found on page 427 of the Senate Journal.

Senator Courtney moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Seymour

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:25 p.m. until 10:00 a.m., Tuesday, March 31, 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 EDUCATION

Child Development Coordinating Council's Shared Visions Annual Report for 2008, pursuant to Iowa Code section 256A.3(4). Report received on March 27, 2009.

Kindergarten Literacy Assessment Report, pursuant to Iowa Code section 279.60. Report received on March 27, 2009.

DEPARTMENT OF PUBLIC HEALTH

Anatomical Gifts Annual Donation and Compliance Report for 2008, pursuant to Iowa Code section 142C.17. Report received on March 30, 2009.

Child Death Review Team Annual Report for 2008, pursuant to Iowa Code section 135.43(3)(b). Report received on March 30, 2009.

Hemophilia Advisory Council Annual Report for 2008, pursuant to Iowa Code section 135N.6. Report received on March 30, 2009.

Iowa Board of Medicine/Iowa Board of Physicians Assistants Collaboration Report, pursuant to Iowa Code section 148C.12. Report received on March 30, 2009.

DEPARTMENT OF REVENUE

Biofuel Producers Tax Credits Program Evaluation Study, pursuant to Iowa Code section 452A.33. Report received on March 30, 2009.

AGENCY ICN REPORT

An Iowa Communications Network (ICN) usage report for FY 2008, pursuant to Iowa Code section 8D.10, was received from the following agency:

DEPARTMENT OF PUBLIC HEALTH – Report received on March 30, 2009.

REPORTS OF COMMITTEE MEETINGS

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Thursday, March 26, 2009, 4:30 p.m.

Members Present: Black, Chair; Hogg, Vice Chair; Behn, Ranking Member; Bolkcom, Hancock, Reynolds, Rielly, Stewart, Ward, and Wilhelm.

Members Absent: Hartsuch (excused).

Committee Business: Approved governor's appointments.

Adjourned: 4:40 p.m.

STATE GOVERNMENT

Convened: Thursday, March 26, 2009, 4:45 p.m.

Members Present: Appel, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour, and Sodders.

Members Absent: Behn, Hartsuch, and Wieck (all excused).

Committee Business: Discussed HFs 278, 708, 776, and 801.

Adjourned: 4:55 p.m.

VETERANS AFFAIRS

Convened: Thursday, March 26, 2009, 3:20 p.m.

Members Present: Beall, Chair; Seymour, Ranking Member; Danielson, Kibbie, Noble, Ragan, and Sodders.

Members Absent: Warnstadt, Vice Chair; Black, Hartsuch, and Wieck (all excused).

Committee Business: Presentations by the Iowa Veterans Home.

Adjourned: 4:30 p.m.

INTRODUCTION OF BILLS

Senate File 464, by committee on Ways and Means, a bill for an act relating to motor fuel containing biodiesel, providing for tax credits, making penalties applicable, and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 465, by committee on Ways and Means, a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 466, by committee on Ways and Means, a bill for an act relating to the administration of the tax and related laws, including the administration of the income tax, the franchise tax, hotel and motel tax, the motor fuel tax, and of fees for new vehicle registration, modifying certain civil penalties, providing an exemption filing deadline extension and for the abatement or refund of property taxes for certain property owners, changing the ownership interest provisions related to certain automobile racetrack facilities, and including effective date, retroactive applicability date, and other applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

STUDY BILLS RECEIVED

SSB 1316 Ways and Means

Relating to state taxes by eliminating and limiting tax credits available under certain economic development programs and agricultural assets transfer agreements, eliminating the carryback of net operating losses, modifying refund interest provisions, and including retroactive applicability date and other applicability date provisions.

SSB 1317 Ways and Means

Relating to the individual income tax by providing for reduced tax rates, the elimination of federal deductibility, increasing the credits for elderly and blind individuals, increasing the amount of the earned income tax credit, and adjusting the eligibility for the child and dependent care tax credit and early childhood development tax credit and including a retroactive applicability date provision.

SSB 1318 Appropriations

Relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters.

SSB 1319 Appropriations

Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

SUBCOMMITTEE ASSIGNMENTS

Senate File 373

APPROPRIATIONS: Hogg, Chair; Dotzler, Dvorsky, Johnson, and Kettering

House File 420

STATE GOVERNMENT: Danielson, Chair; Courtney and Seymour

SSB 1316

WAYS AND MEANS: Jochum, Chair; Bolkcom and Zaun

SSB 1317

WAYS AND MEANS: Bolkcom, Chair; Quirmbach and Zaun

SSB 1318

APPROPRIATIONS: Dotzler, Chair; Dvorsky and Kapucian

SSB 1319

APPROPRIATIONS: Seng, Chair; Dvorsky and Hahn

FINAL COMMITTEE REPORTS OF BILL ACTION

ENVIRONMENT AND ENERGY INDEPENDENCE

Bill Title: HOUSE FILE 468 (formerly HF 69), a bill for an act creating an unsewered community revolving loan program and fund.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Black, Hogg, Behn, Bolkcom, Hancock, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, none. Absent, 1: Hartsuch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REBUILD IOWA

Bill Title: *HOUSE FILE 705 (HSB 180), a bill for an act concerning community safe rooms and storm shelters in newly constructed public buildings.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3156.

Final Vote: Ayes, 11: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Jochum, Reynolds, and Stewart. Nays, 1: Horn. Absent, 1: Houser.

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 Rebuild Iowa Committee on House File 705, and they were attached to the committee report.

ALSO:

Bill Title: *HOUSE FILE 759 (HSB 181), a bill for an act requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S–3157.

Final Vote: Ayes, 12: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Jochum, Reynolds, and Stewart. Nays, none. Absent, 1: Houser.

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 Rebuild Iowa Committee on House File 759, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: HOUSE FILE 278, a bill for an act requiring notification of occupancy rates for certain premises licensed to permit on-premises consumption of alcohol.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Appel, Kibbie, Feenstra, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour, Sodders. Nays, none. Absent, 3: Behn, Hartsuch, and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 708 (formerly HF 274), a bill for an act relating to absentee ballots delivered to applicants who are patients or residents of hospitals or health care facilities.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Appel, Kibbie, Feenstra, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour, Sodders. Nays, none. Absent, 3: Behn, Hartsuch, and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 776 (formerly HF 37), a bill for an act prohibiting the use of false caller identification for campaign purposes and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Appel, Kibbie, Feenstra, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour, Sodders. Nays, none. Absent, 3: Behn, Hartsuch, and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *SENATE FILE 464 (SSB 1313), a bill for an act relating to motor fuel containing biodiesel, providing for tax credits, making penalties applicable, and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Bolkcom, McCoy, Dandekar, Dotzler, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 5: Zaun, Bartz, Feenstra, Hamerlinck, and Ward. Absent, 1: Houser.

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 Ways and Means Committee on Senate File 464, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 465 (formerly SF 378), a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 14: Bolkcom, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, 1: Hamerlinck. Present, 1: McCoy. Absent, 1: Houser.

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 Ways and Means Committee on Senate File 465, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 466 (SSB 1190), a bill for an act relating to the administration of the tax and related laws, including the administration of the income tax, the franchise tax, hotel and motel tax, the motor fuel tax, and of fees for new vehicle registration, modifying certain civil penalties, providing an exemption filing deadline extension and for the abatement or refund of property taxes for certain property owners, changing the ownership interest provisions related to certain automobile racetrack facilities, and including effective date, retroactive applicability date, and other applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Bolkcom, McCoy, Dandekar, Dotzler, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 5: Zaun, Bartz, Feenstra, Hamerlinck, and Ward. Absent, 1: Houser.

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 Ways and Means Committee on Senate File 466, and they were attached to the committee report.

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following names be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

Dale Cochran – Environmental Protection Commission
Shearon Elderkin – Environmental Protection Commission

MERLIN BARTZ

BILLS 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 bills have 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 30th day of March, 2009:

Senate Files 154, 199, 311, and 320.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S–3156	H.F.	705	Rebuild Iowa
S–3157	H.F.	759	Rebuild Iowa
S–3158	H.F.	670	Dick L. Dearden

JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY
FORTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 31, 2009

The Senate met in regular session at 10:03 a.m., President Kibbie presiding.

Prayer was offered by Reverend Mike Van Hamersveld, pastor of the First Reformed Church in Rock Valley, Iowa. He was the guest of Senator Feenstra.

The Journal of Monday, March 30, 2009, 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 March 30, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 112, 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.

Senate File 150, a bill for an act relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city.

Senate File 207, a bill for an act relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties

of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

Senate File 253, a bill for an act relating to the time allowed certain active duty military personnel to file a state income tax return and including a retroactive applicability date provision.

ALSO: That the House has on March 30, 2009, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 187, a bill for an act providing for the issuance of special deer hunting licenses to residents who are nonambulatory. (S–3160)

Senate File 380, a bill for an act relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties. (S–3159)

ALSO: That the House has on March 30, 2009, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 7, a concurrent resolution relating to Pioneer Lawmakers.

Read first time and referred to committee on **Rules and Administration**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:20 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:22 a.m., President Kibbie presiding.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 292** be referred from the Regular Calendar to the committee on **State Government**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:23 a.m. until 2:15 p.m.

APPENDIX—1

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Eight members of the Nifty Newark 4-H Club from Webster County, accompanied by Linda Kline, Barb Martin, and Janice Hammitt. Senator Beall.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Alfred Frahm, Evansdale—For celebrating his 90th birthday. Senator Dotzler (3/31/09).

Lewis Hobby, Burlington—For celebrating his 90th birthday. Senator Courtney (3/31/09).

Harvey and Kay Johnson, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (3/31/09).

Corley and Hazel Junge, Keystone—For celebrating their 60th wedding anniversary. Senator Kapucian (3/31/09).

Pearl Peterson, Keosauqua—For celebrating her 100th birthday. Senator Schmitz (3/31/09).

John Uhal, Dubuque—For achieving the rank of Eagle Scout, Nativity Troop 10. Senator Jochum (3/31/09).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: Tuesday, March 31, 2009, 10:20 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Boettger, Courtney, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: Danielson (excused).

Committee Business: Passed HCR 7.

Adjourned: 10:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Monday, March 30, 2009, 3:20 p.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Boettger, Ranking Member; Feenstra and Horn.

Members Absent: None.

Committee Business: Presentation by the Legislative Services Agency's Fiscal Services Division.

Adjourned: 4:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Monday, March 30, 2009, 3:25 p.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; Fraise and Zaun.

Members Absent: None.

Committee Business: Discussion with Legislative Services Agency.

Adjourned: 3:40 p.m.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 446, the following correction was made:

1. Page 17, line 21: changed "are" to "is" to reflect what is being amended (lead-in).

MICHAEL E. MARSHALL
Secretary of the Senate

AFTERNOON SESSION

The Senate reconvened at 2:24 p.m., President Kibbie presiding.

The Senate stood at ease at 2:25 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:47 p.m., President Pro Tempore Danielson presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Bruce Bassler – Architectural Examining Board

Thomas Gronstal – Superintendent of Banking

Carol Copeland – County Finance Committee

Jonathan Taylor – Board of Dietetics

Amy Kimball – Iowa Empowerment Board
Douglas Peters – Iowa Empowerment Board

David Petty – Environmental Protection Commission

Benjamin Jung – Grape and Wine Development Commission

Roberta Yoder – Council on Human Services

Sara Swaim Herman – Interior Design Examining Board

Margaret Redenbaugh – State Judicial Nominating Commission

Linda Young-Streit – Mental Health Risk Pool Board

Joan Skogstrom – Board of Nursing Home Administrators

Toni Urban – State Racing and Gaming Commission

Bryan Dalton – Small Business Advisory Council

Jon Schuttinga – Board of Speech Pathology and Audiology

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" 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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 459.

Senate File 459

On motion of Senator Quirmbach, **Senate File 459**, a bill for an act providing a property tax exemption for construction or installation of a geothermal heating or cooling system and including an applicability date provision, was taken up for consideration.

Senator Quirmbach offered amendment S–3152, filed by him on March 25, 2009, to page 1 of the bill, and moved its adoption.

Amendment S–3152 was adopted by a voice vote.

Senator Quirmbach 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. 459), 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	Quirmbach	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 BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 380, 317, 315, and 266.

House File 380

On motion of Senator Wilhelm, **House File 380**, a bill for an act relating to the administration of programs under the jurisdiction of the department of public health and increasing a penalty 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?" (H.F. 380), the vote was:

Yeas, 33:

Appel	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Black	Gronstal	McCoy	Stewart
Bolkcom	Hancock	Olive	Ward
Courtney	Hatch	Quirmbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	
Dotzler	Jochum	Schoenjahn	

Nays, 17:

Bartz	Hamerlinck	Kettering	Wieck
Behn	Hartsuch	McKinley	Zaun
Boettger	Houser	Noble	
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 317

On motion of Senator Ragan, **House File 317**, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly, with report of committee recommending passage, was taken up for consideration.

Senator Ragan 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?" (H.F. 317), 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	Quirmbach	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.

House File 315

On motion of Senator Hatch, **House File 315**, a bill for an act creating an Iowa collaboration for youth development council and state of Iowa youth advisory council in the department of human rights, with report of committee recommending passage, was taken up for consideration.

Senator Hatch 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?" (H.F. 315), the vote was:

Yeas, 39:

Appel	Dvorsky	Johnson	Schoenjahn
Bartz	Fraise	Kibbie	Seng
Beall	Gronstal	Kreiman	Seymour
Black	Hamerlinck	McCoy	Sodders
Bolkcom	Hancock	Noble	Stewart
Courtney	Hatch	Olive	Ward
Dandekar	Heckroth	Quirmbach	Warnstadt

Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	Zaun
Dotzler	Jochum	Schmitz	

Nays, 11:

Behn	Hahn	Kapucian	Reynolds
Boettger	Hartsuch	Kettering	Wieck
Feenstra	Houser	McKinley	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 266

On motion of Senator Jochum, **House File 266**, a bill for an act relating to recording proceedings before a magistrate, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kreiman offered amendment S–3153, filed by the committee on Judiciary on March 25, 2009, to page 1 of the bill, and moved its adoption.

Amendment S–3153 was adopted by a voice vote.

Senator Jochum 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?" (H.F. 266), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	Hahn	Kibbie	Seymour
Behn	Hamerlinck	Kreiman	Sodders
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward
Courtney	Hatch	Noble	Warnstadt
Dandekar	Heckroth	Olive	Wieck
Danielson	Hogg	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	

Dvorsky	Jochum	Rielly
Feenstra	Johnson	Schmitz

Nays, 1:

Bolkcom

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 File 459** and **House Files 266**, **315**, **317**, and **380** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:24 p.m. until 8:45 a.m., Wednesday, April 1, 2009.

APPENDIX—2

CERTIFICATE OF RECOGNITION

Bryce Althoff—For achieving the rank of Eagle Scout, Troop 60. Senator Hancock (3/31/09).

REPORTS OF COMMITTEE MEETINGS

STATE GOVERNMENT

Convened: Tuesday, March 31, 2009, 2:05 p.m.

Members Present: Appel, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, and Wieck.

Members Absent: Behn, Black, Courtney, and Sodders (all excused).

Committee Business: Passed HF 420.

Adjourned: 2:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, March 31, 2009, 3:35 p.m.

Members Present: Schoenjahn, Chair, Quirmbach, Vice Chair; Boettger, Ranking Member; Feenstra and Horn.

Members Absent: None.

Committee Business: Passed LSB 1003JA.

Adjourned: 4:15 p.m.

INTRODUCTION OF BILL

Senate File 467, by committee on Appropriations, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILLS RECEIVED

SSB 1320 Ways and Means

Relating to renewable energy by establishing an energy independence renewable energy transmission franchise process which may be used under specified circumstances, providing for an annual transmission line surcharge, and providing for renewable energy job training grants.

SSB 1321 Appropriations

Relating to bonding authority for the Iowa comprehensive petroleum underground storage tank fund and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate File 250

APPROPRIATIONS: Dvorsky, Chair; and Kettering

SSB 1320

WAYS AND MEANS: Hogg, Chair; Feenstra and McCoy

SSB 1321

APPROPRIATIONS: Dvorsky, Chair; Kettering and Warnstadt

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 467 (SSB 1319), a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: HOUSE CONCURRENT RESOLUTION 7, a concurrent resolution relating to Pioneer Lawmakers.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, McKinley, Boettger, Courtney, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, 1: Danielson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: HOUSE FILE 420 (formerly HF 80), a bill for an act concerning civil service commissions, disciplinary procedures, and residency requirements for civil service employees.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Appel, Kibbie, Feenstra, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, and Wieck. Nays, none. Absent, 4: Behn, Black, Courtney, and Sodders.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS 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 bills have 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 31st day of March, 2009:

Senate Files 159, 280, and 446.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S–3159	S.F.	380	House
S–3160	S.F.	187	House
S–3161	S.F.	457	Robert M. Hogg
S–3162	H.F.	571	Herman C. Quirmbach

JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 1, 2009

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by Reverend John Seitz, pastor of the Antioch Christian Church in Marion, Iowa. He was the guest of Senator Hogg.

The Journal of Tuesday, March 31, 2009, 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 March 31, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 360, a bill for an act relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.

Senate File 449, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions.

ALSO: That the House has on March 31, 2009, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 186, a bill for an act concerning preferential hiring treatment by government for veterans. (S–3163)

Senate File 254, a bill for an act requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs. (S–3164)

Senate File 291, a bill for an act providing for the recognition and promotion of certified retirement communities. (S–3165)

Senate File 339, a bill for an act relating to wastewater treatment. (S–3166)

Senate File 436, a bill for an act relating to observers at satellite absentee voting stations. (S–3167)

Senate File 441, a bill for an act relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions. (S–3168)

SPECIAL GUESTS

Senator McKinley introduced to the Senate chamber the 74th Annual Pella Tulip Festival Queen Morgan Kuiper and her court: Leah Dykstra, Karlie Monsma, Amelia Tripp, and Rachel Van Gorp.

Queen Kuiper presented President Kibbie a package of the famous Pella Dutch pastries and invited the Senate chamber to attend the Tulip Time Festival in Pella on May 7, 8, and 9, 2009.

The Queen, her attendants, and their parents distributed pastries to the senators and staff.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolution 7.

House Concurrent Resolution 7

On motion of Senator Gronstal, **House Concurrent Resolution 7**, a concurrent resolution relating to Pioneer Lawmakers, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 7, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolution 7** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until 1:45 p.m.

RECONVENED

The Senate reconvened at 1:50 p.m., President Kibbie presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

The Senate proceeded to the House chamber, in accordance with House Concurrent Resolution 7, in columns of two led by the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION
PIONEER LAWMAKERS

Sixtieth Biennial Session
House Chamber

In accordance with House Concurrent Resolution 7, duly adopted, the joint convention was called to order at 2:00 p.m., President Kibbie presiding.

President Kibbie declared a quorum present and the joint convention duly organized.

Senator Gronstal moved that a committee of eight be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed by a voice vote, and the President appointed as such committee Senators Dvorsky, Stewart, Noble, and Ward on the part of the Senate and Representatives Cohoon, Lensing, Wagner, and Deyoe on the part of the House.

The committee escorted the Pioneer Lawmakers to seats in the House chamber.

President Kibbie presented the Honorable Jeff Danielson, President Pro Tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Kibbie presented the Honorable Pat Murphy, Speaker of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House.

President Kibbie presented the Honorable Dennis Cohoon, member of the Senate and President of the Pioneer Lawmakers Association, who responded to the welcome.

Senator Connolly announced the following 1989 class of Pioneer Lawmakers: Mark Hagerla, Kay Hedge, Paul Pate, Elaine Szymoniak, Maggie Tinsman, Brad Banks, Bill Brand, Joel Brown, Dave Hibbard, Glenn Jesse, Robert Kistler, Jim Lykam, Dolores Mertz, Joyce Nielson, Mark Shearer, Greg Spenner, and Bill Trent.

Honorary members of the 2009 class were the following: Maynard Boatwright, Suki Cell, John Flannery, Marv Hollingshead, Joe Kelly, and Bill Krieg.

Representative Cohoon presented O. Kay Henderson, Radio Iowa reporter, who addressed the joint convention:

Thank you, Representative Cohoon.

Pioneer lawmakers, members of the 83rd General Assembly, legislative staff, clerks and guests. Thank you for your welcome.

Representative Cohoon cornered me back in the House lounge a few weeks ago about this speaking gig. I asked Representative Cohoon when this event would be held. He told me April 1st and you know what immediately ran through my mind.

Cohoon quickly assured me this is no April Fool's Day joke.

I then asked Representative Cohoon what he wanted the speech to be about. He said: "About 10 or 15 minutes...Just don't go on and on and on."

I don't plan to go on and on and on, but I am going to go back – all the way back to 1989.

It was a momentous year in world history and worthy of a little review.

- Apartheid was being ushered out in South Africa.
- Pro-democracy protesters in Tiananmen Square were beaten back by the communists – as many of us watched on television.
- The Berlin Wall came down.

Back on the home front:

- The first episodes of "Seinfeld" and "The Simpsons" aired in 1989.
- The Rolling Stones set out on their first "Steel Wheels" tour.
- The B-52s sang about a Love Shack.
- And Cher was suggesting we "Turn Back Time" – way before Senator Jack Kibbie ever suggested it.

Two decades ago, I was a 24-year-old statehouse reporter working for Radio Iowa. That may sound young, but let me remind you that two decades ago Representatives Pat Grassley and Matt Windschitl were in kindergarten.

These folks sitting in front of us today were among the newbies, the rookies, "The Class of 1989." They arrived at the statehouse on Monday, January 9 – dressed in their first-day-of-session clothes.

Democrats were in control. There were 61 Democrats in the House and 30 Democrats in the Senate.

Don Avenson of Oelwein was the House Speaker. Some called him "the lead sled dog." I sat in the Law Library this week, reading through the House and Senate Journals from 1989. I read Avenson's opening day speech and it occurred to me that Barack Obama may have read it, too. As you may recall, Obama said this in a speech to supporters last year: "We are the ones we've been waiting for."

Avenson had almost copyrighted the sentiment two decades earlier. Back in 1989, Avenson said: "We have met Iowa's leaders and they are us."

The list of legislation which cleared the 1989 legislature is long. The General Assembly voted to establish a state minimum wage that was higher than the national

minimum wage. Governor Terry Branstad surprised his fellow Republicans and signed it into law.

The 1989 Iowa Legislature established the Resource Enhancement and Protection Act – REAP. They really loved the environment, so much so that the House Rules were changed and Styrofoam cups were banned from the floor.

But the issue which received the most public attention that year was riverboat gambling. Yes, 1989 is the year the Iowa legislature voted to legalize gambling on boats that cruised the state's rivers. Governor Branstad signed the bill into law and the floating casinos opened their doors on April 1st, 1990.

But just a year earlier, in 1989, the riverboat gambling bill hit a lot of waves – and sunk a couple of times – before it made it through the House and Senate.

First, the House debated the bill for seven-and-a-half hours. The votes were cast. The bill failed. It soon resurfaced, though, and passed the House on a 51 to 47 vote.

A short while later in this precarious process, a group of reporters stood around Senator Wally Horn. Horn was the floor manger of the riverboat gambling bill. A reporter asked Horn if he had the votes to pass the bill.

Here is Horn's answer: "Well, I can tell you I've got 26 "yes" votes and 24 "no" votes – and two people are still undecided."

Horn may have been closer on that math that we thought, though, as when the bill first came up for debate in the senate, it failed.

Then, a senator from Waukee – a Methodist! – switched his vote and helped pass the bill.

But passing the bill wasn't easy even when the votes were there. It was a long debate, mainly due to the Herculean effort of Senator William Dieleman, a staunch gambling foe. At one point during debate in the wee hours of the morning, Senator Dick Drake of Muscatine yelled: "Point of order."

Drake had his foot up on his senate desk chair. His elbow was resting on his knee. He was sort of leaning over his microphone. Drake croaked into the microphone: "How long are you going to keep us here, Senator Dieleman?"

Dieleman kept on, but one local senator missed much of the floor show. Senator George Kinley, who lived on the south side of Des Moines, went home that night and got a good night's sleep. He got up early, showered and suited up. Kinley arrived back at the statehouse in the early morning light – fresh as a daisy and ready to vote for the riverboat gambling bill – when that vote finally came.

On another occasion – the old-timers around this place aren't quite sure it was in 1989, but it's a good story so I'm going to tell it – two Democratic staff members in the Iowa Senate had to go to church on a Sunday morning to round up a senator. The "yes" vote of Senator Joe Coleman of Fort Dodge was needed to pass one of the final bills pending in the session. Theresa Kehoe and Debbie O'Leary were dispatched by Senate Majority Leader Bill Hutchins to find Coleman and they did. They found Senator Coleman standing in the communion line at one of the Catholic churches in town. The two women grabbed Coleman by the elbows and steered him out of church and back here to the statehouse.

There's another story to tell, featuring John Connors. Connors was in the speaker's chair and it was near the end of the session. The House was voting on some long-forgotten bill and a legislator who ended up serving just the one term in the House was standing with his hand in the air, indicating he was voting yes. Connors motioned to Joe O'Hern, the chief clerk. "Who is that?" Connors asked. There were three legislators who looked an awful lot alike. O'Hern said he didn't know who it was. So, this is what Connors announced: "The gentleman in the back of the room votes aye."

There are a million stories to tell about this place and that year. The 1989 legislature dared to take on the "fourth rail" in Iowa politics: small schools.

Lawmakers passed an "open enrollment" bill which allowed parents to enroll their children in a neighboring school if they were unhappy with the district in which they lived. And legislators back in 1989 started the process of ending those "phantom students." No, kids, that's not a ghost story, but an honest-to-goodness term that was uttered almost as much as the phrase "federal deductibility" has been uttered here this year.

The 1989 legislature passed an increase in the gas tax. They passed a "comparable worth" bill which said women and men in state government should be paid the same salary when they're doing the same job.

Because of my job, back in 1989 I got to sleep on the floor underneath the press bench here in the House. That's because the House started its last "day" early on Friday morning and ended that "day" on Sunday.

In his closing remarks that year – on Sunday, May 7th, 1989 – House Speaker Don Avenson had a list of words to describe legislators' work product: "Epic, trailblazing, foresighted, Ben Hurian, George Pattonish."

Avenson went on to say he was always amazed that, in his words, "farmers, workers, lawyers, teachers and small business people can end up doing what (YOU) do every year. Coming from a hundred different locations and a hundred different family backgrounds," in the end, Avenson said, the Iowa legislature always seems to end up with something of which they can be proud.

And I have now "ended up with something" that's about 10 or 15 minutes long. Thank you for the kind invitation to speak with you today. From this member of "The Class of 1985" – best wishes to "The Class of 1989."

Representative McCarthy moved that the joint convention be dissolved.

The motion prevailed by a voice vote.

The Senate returned to the Senate chamber.

RECESS

On motion of Senator Ragan, the Senate recessed at 3:15 p.m. until 4:30 p.m.

RECONVENED

The Senate reconvened at 4:32 p.m., President Kibbie presiding.

The Senate stood at ease at 4:33 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:05 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Olive asked and received unanimous consent to take up for consideration Senate File 467.

Senate File 467

On motion of Senator Seng, **Senate File 467**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, was taken up for consideration.

Senator Seng offered amendment S–3172, filed by him from the floor to pages 5 and 13 and amending the title page of the bill.

Senator Bartz called for the following division of amendment S–3172:

Division S–3172A: Page 1, lines 2–17; and
Division S–3172B: Page 1, lines 18–50 and Page 2, lines 1–38.

Senator Seng moved the adoption of division S–3172A.

A record roll call was requested.

On the question "Shall division S–3172A be adopted?" (S.F. 467) the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 19:

Bartz	Hamerlinck	Kapucian	Seymour
Behn	Hancock	Kettering	Ward

Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun
Hahn	Johnson	Reynolds	

Absent, none.

Division S–3172A was adopted.

Senator Seng moved the adoption of division S–3172B.

Division S–3172B was adopted by a voice vote.

Senator Sodders withdrew amendment S–3171, filed by him from the floor to page 13 of the bill.

Senator Seng 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. 467), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 467** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 458.

Senate File 458

On motion of Senator Wilhelm, **Senate File 458**, a bill for an act authorizing cities to establish storm water drainage system utility districts for purposes of special assessments, 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. 458), the vote was:

Yeas, 32:

Appel	Dvorsky	Jochum	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Noble	Stewart
Danielson	Heckroth	Quirmbach	Ward
Dearden	Hogg	Ragan	Warnstadt
Dotzler	Horn	Rielly	Wilhelm

Nays, 18:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Wieck

Boettger	Hartsuch	McKinley	Zaun
Dandekar	Houser	Olive	
Feenstra	Johnson	Reynolds	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 687 and 311.

House File 687

On motion of Senator Schmitz, **House File 687**, a bill for an act relating to certain reporting requirements or actions required of the department of education, school districts, accredited nonpublic schools, and community colleges, with report of committee recommending passage, was taken up for consideration.

Senator Boettger offered amendment S–3173, filed by her from the floor to pages 1 and 3 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3173 be adopted?" (H.F. 687) the vote was:

Yeas, 19:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Warnstadt
Boettger	Houser	Noble	Wieck
Feenstra	Johnson	Reynolds	Zaun
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng

Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Wilhelm
Dearden	Hogg	Ragan	

Absent, none.

Amendment S–3173 lost.

Senator Ward offered amendment S–3174, filed by her from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3174 be adopted?" (H.F. 687) the vote was:

Yeas, 22:

Appel	Hahn	Kettering	Seymour
Bartz	Hamerlinck	Kreiman	Ward
Behn	Hartsuch	McCoy	Wieck
Boettger	Houser	McKinley	Zaun
Dotzler	Johnson	Noble	
Feenstra	Kapucian	Reynolds	

Nays, 28:

Beall	Dvorsky	Horn	Schmitz
Black	Fraise	Jochum	Schoenjahn
Bolkcom	Gronstal	Kibbie	Seng
Courtney	Hancock	Olive	Sodders
Dandekar	Hatch	Quirmbach	Stewart
Danielson	Heckroth	Ragan	Warnstadt
Dearden	Hogg	Rielly	Wilhelm

Absent, none.

Amendment S–3174 lost.

Senator Schmitz 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?" (H.F. 687), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Johnson	Seng
Bolkcom	Gronstal	Kibbie	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Nays, 19:

Bartz	Hamerlinck	Kreiman	Seymour
Behn	Hartsuch	McCoy	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Kapucian	Noble	Zaun
Hahn	Kettering	Reynolds	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 311

On motion of Senator Rielly, **House File 311**, a bill for an act requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Rielly offered amendment S–3124, filed by the committee on Commerce on March 19, 2009, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S–3124 was adopted by a voice vote.

Senator Rielly 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?" (H.F. 311), the vote was:

Yeas, 40:

Appel	Dvorsky	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kibbie	Seng
Black	Hancock	Kreiman	Seymour
Bolkcom	Hatch	McCoy	Sodders
Courtney	Heckroth	Noble	Stewart
Dandekar	Hogg	Olive	Ward
Danielson	Horn	Quirmbach	Warnstadt
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Rielly	Zaun

Nays, 10:

Behn	Hahn	Kettering	Wieck
Boettger	Hamerlinck	McKinley	
Feenstra	Hartsuch	Reynolds	

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 File 458** and **House Files 311** and **687** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Martin Stimson as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on February 10, 2009, found on page 276 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Judy Jeffrey as Director of the Department of Education, placed on the Individual Confirmation Calendar on March 25, 2009, found on page 849 of the Senate Journal.

Senator Schmitz moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 36:

Appel	Dotzler	Houser	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Johnson	Schoenjahn
Boettger	Gronstal	Kibbie	Seng
Bolkcom	Hancock	Kreiman	Seymour
Courtney	Hatch	McCoy	Sodders

Dandekar	Heckroth	Olive	Stewart
Danielson	Hogg	Quirmbach	Warnstadt
Dearden	Horn	Ragan	Wilhelm

Nays, 14:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Feenstra	Kapucian	Reynolds	
Hahn	Kettering	Ward	

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Eugene Ver Steeg as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on February 10, 2009, found on page 276 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Dale Cochran as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on March 30, 2009, found on page 892 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, 1:

Hamerlinck

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:16 p.m. until 8:45 a.m., Thursday, April 2, 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:

DEPARTMENT OF REVENUE

Iowa Historic Preservation and Cultural and Entertainment District Tax Credit Program Evaluation Study, pursuant to Iowa Code section 404A.5. Report received on March 31, 2009.

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: Wednesday, April 1, 2009, 1:30 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 HF 762.

Adjourned: 1:35 p.m.

TRANSPORTATION

Convened: Wednesday, April 1, 2009, 1:15 p.m.

Members Present: Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Hancock, Heckroth, McCoy, Reynolds, and Warnstadt.

Members Absent: Kapucian and Zaun (both excused).

Committee Business: Considered HF 481.

Adjourned: 1:30 p.m.

VETERANS AFFAIRS

Convened: Wednesday, April 1, 2009, 1:05 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Sodders.

Members Absent: Wieck (excused).

Committee Business: Passed HFs 321, 503, 505, and 706.

Adjourned: 1:15 p.m.

WAYS AND MEANS

Convened: Wednesday, April 1, 2009, 10:10 a.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: None.

Committee Business: Passed SF 116. Approved SSB 1317.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, March 31, 2009, 10:00 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; Fraise and Zaun.

Members Absent: None.

Committee Business: Voted on LSB 1005JA Justice System and LSB 1006JA Judicial Branch appropriation.

Adjourned: 12:10 p.m.

INTRODUCTION OF BILLS

Senate File 468, by committee on Ways and Means, a bill for an act relating to the individual income tax by providing for reduced tax rates, the elimination of federal deductibility, increasing the credits for elderly and blind individuals, increasing the amount of the earned income tax credit, and adjusting the eligibility for the child and

dependent care tax credit and early childhood development tax credit and including a retroactive applicability date provision.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 469, by committee on Appropriations, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILLS RECEIVED

SSB 1322 Appropriations

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates.

SSB 1323 Appropriations

Relating to and making appropriations to the judicial branch, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

SSB 1322

APPROPRIATIONS: Schoenjahn, Chair; Boettger and Dvorsky

SSB 1323

APPROPRIATIONS: Hancock, Chair; Dvorsky and Noble

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 469 (SSB 1318), a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 8: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, and Noble. Absent, 1: Seymour.

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 Appropriations Committee on Senate File 469, and they were attached to the committee report.

JUDICIARY

Bill Title: HOUSE FILE 762 (formerly HF 470), a bill for an act relating to reserve certified peace officers and training requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Sodders, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: HOUSE FILE 481 (formerly HF 77), a bill for an act providing an excess weight allowance for special trucks hauling distillers grains.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, McCoy, Reynolds, and Warnstadt. Nays, none. Absent, 2: Kapucian and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: HOUSE FILE 321 (HSB 10), a bill for an act exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Beall, Warnstadt, Seymour, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Sodders. Nays, none. Absent, 2: Black and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 503 (HSB 65), a bill for an act concerning the definition of veteran and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Sodders. Nays, none. Absent, 1: Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 505 (HSB 129), a bill for an act requiring record checks for persons who are prospective or current volunteers for the Iowa veterans home.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Sodders. Nays, none. Absent, 1: Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 706 (formerly HF 251), a bill for an act relating to and publicizing mortgage foreclosure and real estate obligation protections for members of the national guard, and the reserve or regular component of the armed forces of the United States in active duty service, and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Sodders. Nays, none. Absent, 1: Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 116, a bill for an act providing that the casual sales exemption under the state sales tax does not apply to the sales of all-terrain vehicles, snowmobiles, off-road motorcycles, and off-road utility vehicles.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Bolkcom, McCoy, Dandekar, Dotzler, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 6: Zaun, Bartz, Feenstra, Hamerlinck, Houser, and Ward. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 468 (SSB 1317), a bill for an act relating to the individual income tax by providing for reduced tax rates, the elimination of federal deductibility, increasing the credits for elderly and blind individuals, increasing the amount of the earned income tax credit, and adjusting the eligibility for the child and dependent care tax credit and early childhood development tax credit and including a retroactive applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Bolkcom, McCoy, Dandekar, Dotzler, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 6: Zaun, Bartz, Feenstra, Hamerlinck, Houser, and Ward. 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 Ways and Means Committee on Senate File 468, and they were attached to the committee report.

AMENDMENTS FILED

S–3163	S.F.	186	House
S–3164	S.F.	254	House
S–3165	S.F.	291	House
S–3166	S.F.	339	House
S–3167	S.F.	436	House
S–3168	S.F.	441	House
S–3169	H.F.	671	Tom Hancock
S–3170	H.F.	580	Amanda Ragan
S–3171	S.F.	467	Steven J. Sodders
S–3172	S.F.	467	Joe M. Seng
S–3173	H.F.	687	Nancy Boettger
S–3174	H.F.	687	Pat Ward
S–3175	S.F.	465	Herman C. Quirmbach

JOINT MEMORIAL SERVICE

EIGHTY-THIRD GENERAL ASSEMBLY
SENATE CHAMBER
WEDNESDAY, APRIL 1, 2009

PROGRAM

Senator John P. Kibbie, Presiding

Prelude ..... Ruth Cooperrider
"Precious Lord" ..... Memorial Choir
Invocation ..... Senate President John P. Kibbie

MEMORIALS

Readers: Senator Fraise, Senator Hogg, Senator Johnson, Senator Beall

Hon. Benda (S)	Hon. Drake (S)	Hon. Larson (S)	Hon. Merritt (S)
Hon. Craft (S)	Hon. Ely, Jr. (S/H)	Hon. Lundby (S/H)	Hon. Norpel (S/H)
Hon. Doyle (S/H)	Hon. Gaudineer (S/H)	Hon. McCartney (S/H)	Hon. Nurse (S)
Hon. Vest (S)			

"Peace Like a River" ..... Memorial Choir

MEMORIALS

Readers: Representative T. Taylor, Speaker Murphy, Representative Pettengill, Representative Winckler, Representative Drake

Hon. Bennett (H)	Hon. Corey (H)	Hon. Hanrahan (H)	Hon. Nagle (H)
Hon. Conn (H)	Hon. Dunlap (H)	Hon. Holmes (H)	Hon. Rex (H)
Hon. Connors (H)	Hon. Finch (H)	Hon. Lageschulte (H)	Hon. Thomson (H)

Responsorial Reading ..... Led by Sen. Kibbie
"I'll Fly Away" ..... Memorial Choir

* Senate – (S) and House – (H)

IN MEMORIAM

SERVED IN THE SENATE

Honorable Kenneth J. Benda (Poweshiek): 60th, 60th X, 61st, 62nd, 63rd General Assemblies (1963-1970)

Honorable Rolf Vaughn Craft (Winneshiek): 67th, 67th X, 68th, 69th, 69th X, 69th XX General Assemblies (1977-1982)

Honorable Thomas C. Larson (Taylor): 55th, 56th General Assemblies (1953-1956)

Honorable Milo H. Merritt (Mitchell): 66th, 67th, 67th X General Assemblies (1975-1978)

Honorable H. Kenneth Nurse (Harrison): 61st, 62nd General Assemblies (1965-1968)

Honorable Alan W. Vest (Sac): 54th, 55th, 56th, 57th General Assemblies (1951-1958)

SERVED IN THE SENATE AND THE HOUSE OF REPRESENTATIVES

Honorable Donald V. Doyle (Woodbury): 57th, 58th, 61st, 63rd, 64th, 65th, 66th, 67th, 67th X, 68th, 69th , 69th X, 69th XX, 70th, 71st, 72nd, 72nd X, 72nd XX, 73rd General Assemblies (1957-1990)

Honorable Richard F. Drake (Muscatine): 63rd, 64th, 65th, 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 72nd X, 72nd XX, 73rd, 74th, 74th X, 74th XX, 75th, 76th, 77th, 78th, 79th, 79th X, 79th XX, 79th XXX, 79th XXXX, 80th, 80th X General Assemblies (1970-2004)

Honorable John M. Ely, Jr. (Linn): 59th, 60th, 60th X, 61st, 62nd General Assemblies (1961-1968)

Honorable Lee H. Gaudineer (Polk): 61st, 62nd, 63rd, 64th General Assemblies (1965-1972)

Honorable Mary Adelaide Lundby (Linn): 72nd, 72nd X, 72nd XX, 73rd, 74th, 74th X, 74th XX, 75th, 76th, 77th, 78th, 79th, 79th X, 79th XX, 79th XXX, 79th XXXX, 80th, 80th X, 80th XX, 81st, 81st X, 82nd General Assemblies (1987-2008)

Honorable Ralph F. McCartney (Floyd): 62nd, 63rd, 65th General Assemblies (1967-1974)

Honorable Richard J. Norpel (Jackson): 64th, 65th, 66th General Assemblies (1971-1976)

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable Vernon Bennett (Polk): 62nd, 63rd, 64th General Assemblies (1967-1972)

Honorable Blythe C. Conn (Des Moines): 56th General Assembly (1955-1956)

Honorable John H. Connors (Polk): 65th, 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 72nd X, 72nd XX, 73rd, 74th, 74th X, 74th XX, 75th, 76th, 77th, 78th, 79th, 79th X, 79th XX, 80th, 80th X, 80th XX General Assemblies (1973-2004)

Honorable Virgil Corey (Louisa): 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd General Assemblies (1979-1988)

Honorable Norman P. Dunlap (Story): 65th General Assembly (1973-1974)

Honorable Barbara A. Finch (Story): 79th, 79th X, 79th XX General Assemblies (2001-2002)

Honorable Raymond J. Hanrahan (Polk): 59th General Assembly (1961-1962)

Honorable John A. Holmes (Jones): 61st General Assembly (1965-1966)

Honorable Raymond A. Lageschulte (Bremer): 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 73rd, 74th, 75th General Assemblies (1975-1992)

Honorable Daniel L. Nagle (Scott): 61st General Assembly (1965-1966)

Honorable Clyde J. Rex (Hamilton): 63rd, 64th General Assemblies (1969-1972)

Honorable Rosemary Thomson (Linn): 76th, 77th, 78th General Assemblies (1995-2001)

Senate Memorial Committee
Senator Gene Fraise, Chair
Senator Nancy Boettger
Senator Wally Horn
Senator Larry Noble
Senator Becky Schmitz
Senator Pat Ward

House Memorial Committee
Representative Vicki Lensing, Chair
Representative Dave Deyoe
Representative Dolores Mertz
Representative Nick Wagner

Candlelighters
Senator Swati Dandekar
Senator Larry Noble
Representative Dolores Mertz
Representative Renee Schulte

Hosts
Senator Nancy Boettger
Senator Wally Horn
Representative Ralph Watts
Representative Dave Deyoe
Representative Roger Wendt
Representative Bruce Hunter
Representative Mary Mascher
Representative Mary Gaskill
Representative Marcy Frevert
Representative Nick Wagner

Host Helpers
Phyllis Peterson
Dave Boettger

JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY
FORTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 2, 2009

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Reverend Michael Mudlaff, pastor of the Westkirk Presbyterian Church in Urbandale, Iowa. He was the guest of Senator Zaun.

The Memorial Choir sang "I'll Fly Away". They performed at the Memorial Services held on Wednesday, April 1, 2009.

The Journal of Wednesday, April 1, 2009, was approved.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 109** be referred from the Regular Calendar to the committee on **Veterans Affairs**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:03 a.m. until 11:00 a.m.

RECONVENED

The Senate reconvened at 11:28 a.m., President Kibbie presiding.

The Senate stood at ease at 11:29 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:34 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dearden, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 776.

House File 776

On motion of Senator Horn, **House File 776**, a bill for an act prohibiting the use of false caller identification for campaign purposes and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Horn 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?" (H.F. 776), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	Hahn	Kibbie	Seymour
Behn	Hamerlinck	Kreiman	Sodders
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Dearden

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Pro Tempore Danielson took the chair at 12:53 p.m.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 469.

Senate File 469

On motion of Senator Dotzler, **Senate File 469**, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters, was taken up for consideration.

Senator Kapucian offered amendment S–3182, filed by him from the floor to pages 2–4, 6, 11, and 12 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3182 be adopted?" (S.F. 469) the vote was:

Yeas, 14:

Behn	Hartsuch	Kettering	Wieck
Feenstra	Houser	McKinley	Zaun
Hahn	Johnson	Noble	
Hamerlinck	Kapucian	Reynolds	

Nays, 36:

Appel	Dearden	Horn	Schmitz
Bartz	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	Kreiman	Seymour
Boettger	Gronstal	McCoy	Sodders
Bolkcom	Hancock	Olive	Stewart
Courtney	Hatch	Quirmbach	Ward
Dandekar	Heckroth	Ragan	Warnstadt
Danielson	Hogg	Rielly	Wilhelm

Absent, none.

Amendment S–3182 lost.

Senator Hahn offered amendment S–3176, filed by him from the floor to page 14 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3176 be adopted?" (S.F. 469) the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, none.

Amendment S–3176 lost.

Senator Reynolds offered amendment S–3183, filed by her from the floor to page 15 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3183 be adopted?" (S.F. 469) the vote was:

Yeas, 20:

Bartz	Hamerlinck	Kapucian	Seymour
Behn	Hancock	Kettering	Sodders
Boettger	Hartsuch	McKinley	Ward
Feenstra	Houser	Noble	Wieck
Hahn	Johnson	Reynolds	Zaun

Nays, 30:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Absent, none.

Amendment S–3183 lost.

Senator Dotzler 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. 469), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Nays, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	Ward

Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 457.

Senate File 457

On motion of Senator Hogg, **Senate File 457**, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability date provisions, was taken up for consideration.

Senator Hogg offered amendment S–3161, filed by him on March 31, 2009, to pages 1, 2, 4, 5, and 7 of the bill, and moved its adoption.

Amendment S–3161 was adopted by a voice vote.

Senator Hogg offered amendment S–3180, filed by him from the floor to page 7 and amending the title page of the bill, and moved its adoption.

Amendment S–3180 was adopted by a voice vote.

Senator Hogg 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. 457), the vote was:

Yeas, 48:

Appel	Dvorsky	Jochum	Rielly
Bartz	Feenstra	Johnson	Schmitz
Beall	Fraise	Kapucian	Schoenjahn
Behn	Gronstal	Kettering	Seng
Black	Hahn	Kibbie	Seymour
Boettger	Hancock	Kreiman	Sodders
Bolkcom	Hartsuch	McCoy	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirmbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Houser	Reynolds	Zaun

Nays, 2:

Hamerlinck McKinley

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 496.

House File 496

On motion of Senator Olive, **House File 496**, a bill for an act relating to the authority of a city to dispose of real property by gift, with report of committee recommending passage, was taken up for consideration.

Senator Olive 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?" (H.F. 496), 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	Quirmbach	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 457** and **469** and **House Files 496** and **776** be **immediately messaged** to the House.

President Kibbie took the chair at 1:48 p.m.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 468, 420, 477, 450, and 381.

House File 468

On motion of Senator Stewart, **House File 468**, a bill for an act creating an unsewered community revolving loan program and fund, with report of committee recommending passage, was taken up for consideration.

Senator Stewart 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?" (H.F. 468), 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	Quirmbach	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.

House File 420

On motion of Senator Danielson, **House File 420**, a bill for an act concerning civil service commissions, disciplinary procedures, and residency requirements for civil service employees, with report of committee recommending passage, was taken up for consideration.

Senator Danielson 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?" (H.F. 420), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour

Behn	Hahn	Kreiman	Sodders
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, 1:

Hamerlinck

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 477

On motion of Senator Schmitz, **House File 477**, a bill for an act relating to declaration of value forms for the conveyance of real estate by making social security numbers and tax identification numbers confidential, with report of committee recommending passage, was taken up for consideration.

Senator Schmitz 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?" (H.F. 477), 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	Quirmbach	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.

House File 450

On motion of Senator Jochum, **House File 450**, a bill for an act relating to the time of opening the polls for certain city elections, with report of committee recommending passage, was taken up for consideration.

Senator Jochum 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?" (H.F. 450), the vote was:

Yeas, 46:

Appel	Feenstra	Johnson	Schmitz
Beall	Fraise	Kapucian	Schoenjahn
Behn	Gronstal	Kettering	Seng
Black	Hahn	Kibbie	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirmbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, 4:

Bartz	Hamerlinck	Kreiman	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 381

On motion of Senator Kreiman, **House File 381**, a bill for an act relating to the practice of pharmacy by establishing a registration program for pharmacy support persons and regulating the internet sale of prescription products, including a program of registration of pharmacy internet sites, making penalties applicable, and establishing a general definition for the term "internet site", with report of committee recommending passage, was taken up for consideration.

Senator Kreiman 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?" (H.F. 381), 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	Quirmbach	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 **House Files 381**, **420**, **450**, **468**, and **477** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 488.

House File 488

On motion of Senator Quirmbach, **House File 488**, a bill for an act relating to including the maintenance of service animals as an eligible service reimbursable under the home and community-based services waivers, with report of committee recommending passage, was taken up for consideration.

Senator Zaun offered amendment S–3177, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S–3177 was adopted by a voice vote.

Senator Quirmbach 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?" (H.F. 488), 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	Quirmbach	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, as amended, was agreed to.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Frederick Morain – Iowa State Civil Rights Commission

Ruth Krueger – Iowa Empowerment Board

John Hartung – Iowa Higher Education Loan Authority

Patty Link – Iowa Law Enforcement Academy Council

Walter Reed, Jr. – Board of Parole

Douglas Beech – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Mara Swanson – Board of Physician Assistants
Patricia Weishaar – Board of Physician Assistants

Mary Tasler – Board of Social Work

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" 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	Quirmbach	Wilhelm

Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 488** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 466.

Senate File 466

On motion of Senator Hogg, **Senate File 466**, a bill for an act relating to the administration of the tax and related laws, including the administration of the income tax, the franchise tax, hotel and motel tax, the motor fuel tax, and of fees for new vehicle registration, modifying certain civil penalties, providing an exemption filing deadline extension and for the abatement or refund of property taxes for certain property owners, changing the ownership interest provisions related to certain automobile racetrack facilities, and including effective date, retroactive applicability date, and other applicability date provisions, was taken up for consideration.

Senator Zaun asked and received unanimous consent that action on **Senate File 466** be **deferred**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:33 p.m. until 1:00 p.m., Monday, April 6, 2009.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Michael McGuire, Cresco—For achieving the rank of Eagle Scout, Troop 63. Senator Wilhelm (4/2/09).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Thursday, April 2, 2009, 10:00 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

Members Absent: None.

Committee Business: Passed SF 373. Approved SSB 1322.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, March 31, 2009, 3:30 p.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Hartsuch and Schmitz.

Members Absent: None.

Committee Business: Budget discussion.

Adjourned: 4:05 p.m.

INTRODUCTION OF BILL

Senate File 470, by committee on Appropriations, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILL RECEIVED

SSB 1324 Appropriations

Relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

SUBCOMMITTEE ASSIGNMENT

SSB 1324

APPROPRIATIONS: Hancock, Chair; Dvorsky and Noble

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 470 (SSB 1322), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Dvorsky, McCoy, Appel, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 1: Bolkcom.

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 Appropriations Committee on Senate File 470, and they were attached to the committee report.

AMENDMENTS FILED

S–3176	S.F.	469	James F. Hahn
S–3177	H.F.	488	Brad Zaun
S–3178	H.F.	260	Herman C. Quirmbach Keith A. Kreiman
S–3179	H.F.	260	Herman C. Quirmbach Keith A. Kreiman
S–3180	S.F.	457	Robert M. Hogg
S–3181	S.F.	465	Keith A. Kreiman
S–3182	S.F.	469	Tim L. Kapucian
S–3183	S.F.	469	Kim Reynolds
S–3184	S.F.	465	Matt McCoy
S–3185	S.F.	466	Robert M. Hogg Brad Zaun

JOURNAL OF THE SENATE

EIGHTY-FIFTH CALENDAR DAY
FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 6, 2009

The Senate met in regular session at 1:04 p.m., President Kibbie presiding.

Prayer was offered by Father Paul Strittmater of Saint Patrick's Catholic Church in Dunlap, Iowa. He was the guest of Senator Seymour.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hannah Fordyce.

The Journal of Thursday, April 2, 2009, 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 April 2, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 43, a bill for an act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions.

Senate File 176, a bill for an act 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.

Senate File 289, a bill for an act relating to loan forgiveness under the jumpstart housing assistance program.

Senate File 355, a bill for an act relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates.

Senate File 366, a bill for an act relating to the emancipation of a minor and family in need of assistance proceedings.

Senate File 405, a bill for an act providing for the disposal of dead animal bodies by persons practicing veterinary medicine.

Senate File 407, a bill for an act relating to the rights and responsibilities of Iowa veterans home members.

Senate File 420, a bill for an act concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

Senate File 440, a bill for an act relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits.

Senate File 445, a bill for an act relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program.

Senate File 447, a bill for an act concerning off-premises consumption of resealed bottles of wine.

ALSO: That the House has on April 2, 2009, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 151, a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund. (S–3186)

Senate File 336, a bill for an act providing for waivers of certain community attraction and tourism program requirements and including an effective date provision. (S–3187)

Senate File 356, a bill for an act relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national. (S–3188)

Senate File 377, a bill for an act relating to the prescription drug donation repository program. (S–3189)

Senate File 379, a bill for an act relating to the use of insurance loss history in the issuance of dramshop liability insurance. (S–3190)

Senate File 419, a bill for an act relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates. (S–3192)

Senate File 423, a bill for an act providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment, and providing an effective date. (S–3191)

SPECIAL GUESTS

Senator Feenstra introduced to the Senate chamber the Orange City Tulip Time Queen Juliana Pennings and her court: Kim De Jong, Carissa Cleveringa, Kelci Mulder and Karina Smit.

The Senate rose and expressed its welcome.

The Senate stood at ease at 1:13 p.m. until the fall of the gavel for the purpose of party caucuses.

RECONVENED

The Senate reconvened at 3:02 p.m., President Pro Tempore Danielson presiding.

RECESS

On motion of Senator Courtney, the Senate recessed at 3:03 p.m. until 4:00 p.m.

APPENDIX—1

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:

AUDITOR OF STATE

Single Audit Report for Fiscal Year Ended June 30, 2008, pursuant to Iowa Code section 11.27. Report received on April 6, 2009.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Elisabeth Bermel, Muscatine—For being selected to perform at All-State Speech. Senator Hahn (4/6/09).

Vicki Connelly, Muscatine—For being named 2009 Iowa Elementary Principal of the Year. Senator Hahn (4/6/09).

Tom Diewold, Burlington—For celebrating his 80th birthday. Senator Courtney (4/6/09).

Ellen Franzenburg, Van Horne—For being selected as a World Food Prize intern in Taiwan. Senator Kapucian (4/6/09).

Laurelin Haas, Muscatine—For being selected to perform at All-State Speech. Senator Hahn (4/6/09).

Roland A. Hellwig, Keystone—For celebrating his 95th birthday. Senator Kapucian (4/6/09).

Anna Jones, Burlington—For celebrating her 90th birthday. Senator Courtney (4/6/09).

Emily Lofgren, Muscatine—For being selected to perform at All-State Speech. Senator Hahn (4/6/09).

Marshall Robert Moyer—For achieving the rank of Eagle Scout, Troop 40. Senator Courtney (4/6/09).

INTRODUCTION OF BILL

Senate File 471, by committee on Appropriations, a bill for an act relating to the operation and purview of the office of energy independence, by transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILL RECEIVED

SSB 1325 Appropriations

Relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa.

SUBCOMMITTEE ASSIGNMENT

SSB 1325

APPROPRIATIONS: McCoy, Chair; Dvorsky and Kettering

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 471 (formerly SF 373), a bill for an act relating to the operation and purview of the office of energy independence, by transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Dvorsky, McCoy, Appel, Bartz, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Boettger, Feenstra, Hahn, Hancock, Johnson, Kapucian, Noble, and Seymour. 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 Appropriations Committee on Senate File 471, and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 4:14 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, until he arrives, on request of Senator McKinley.

HOUSE AMENDMENT CONSIDERED

Senate File 186

Senator Black called up for consideration **Senate File 186**, a bill for an act concerning preferential hiring treatment by government for veterans, amended by the House in House amendment S–3163, filed April 1, 2009.

Senator Black moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Black moved that the bill, as amended by the House and concurred in by the Senate, 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. 186), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun

Dotzler	Houser	Reynolds
Dvorsky	Jochum	Rielly
Feenstra	Johnson	Schmitz

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 116.

Senate File 116

On motion of Senator Quirmbach, **Senate File 116**, a bill for an act providing that the casual sales exemption under the state sales tax does not apply to the sales of all-terrain vehicles, snowmobiles, off-road motorcycles, and off-road utility vehicles, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 116** be **deferred**.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 723, 720, and 710.

House File 723

On motion of Senator Heckroth, **House File 723**, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities act; insurance division; 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 an immediate effective date and retroactive applicability, with report of committee recommending passage, was taken up for consideration.

Senator Heckroth 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?" (H.F. 723), the vote was:

Yeas, 48:

Appel	Feenstra	Jochum	Rielly
Bartz	Fraise	Johnson	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Ward
Danielson	Heckroth	Olive	Warnstadt
Dearden	Hogg	Quirmbach	Wieck
Dotzler	Horn	Ragan	Wilhelm
Dvorsky	Houser	Reynolds	Zaun

Nays, 1:

Kapucian

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 720

On motion of Senator Courtney, **House File 720**, a bill for an act relating to boiler and pressure vessel inspections and the boiler and

pressure vessel board that oversees the inspections, with report of committee recommending passage, 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?" (H.F. 720), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 710

On motion of Senator Courtney, **House File 710**, a bill for an act relating to the agricultural development authority, by providing for the reporting of its operations, with report of committee recommending passage, 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?" (H.F. 710), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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 File 186** and **House Files 710**, **720**, and **723** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 705 and 672.

House File 705

On motion of Senator Heckroth, **House File 705**, a bill for an act concerning community safe rooms and storm shelters in newly constructed public buildings, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Heckroth offered amendment S–3156, filed by the committee on Rebuild Iowa on March 30, 2009, to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S–3156 was adopted by a voice vote.

Senator Heckroth 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?" (H.F. 705), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

House File 672

On motion of Senator Bolkcom, **House File 672**, a bill for an act relating to individual development accounts available to certain persons with low income and providing effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom 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?" (H.F. 672), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 470.

Senate File 470

On motion of Senator Schoenjahn, **Senate File 470**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates, was taken up for consideration.

Senator Schoenjahn offered amendment S–3197, filed by him from the floor to pages 16, 24, 25, 27, and 29–31 of the bill, and moved its adoption.

Amendment S–3197 was adopted by a voice vote.

Senator Zaun offered amendment S–3195, filed by Senator Zaun, et al., from the floor to page 18 of the bill.

Senator Dvorsky raised the point of order that amendment S–3195 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3195 out of order.

Senator Boettger offered amendment S–3199, filed by Senator Boettger, et al., from the floor to page 19 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3199 be adopted?" (S.F. 470) the vote was:

Yeas, 18:

Bartz	Hartsuch	Kettering	Seymour
Boettger	Hogg	McKinley	Wieck
Feenstra	Houser	Noble	Zaun
Hahn	Johnson	Olive	
Hamerlinck	Kapucian	Reynolds	

Nays, 31:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	Kreiman	Sodders
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hancock	Quirmbach	Ward

Dandekar	Hatch	Ragan	Warnstadt
Danielson	Heckroth	Rielly	Wilhelm
Dearden	Horn	Schmitz	

Absent, 1:

Behn

Amendment S–3199 lost.

Senator Johnson offered amendment S–3196, filed by Senator Johnson, et al., from the floor to pages 22, 27, and 34 and amending the title page of the bill.

Senator Schoenjahn raised the point of order that amendment S–3196 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3196 out of order.

Senator Feenstra offered amendment S–3202, filed by him from the floor to pages 22, 27, and 34 and amending the title page of the bill.

Senator Schoenjahn raised the point of order that amendment S–3202 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S–3202 in order.

Senator Feenstra moved the adoption of amendment S–3202.

A record roll call was requested.

On the question "Shall amendment S–3202 be adopted?" (S.F. 470) the vote was:

Yeas, 17:

Bartz	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	
Hamerlinck	Kettering	Ward	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Behn

Amendment S–3202 lost.

Senator Feenstra withdrew amendment S–3198, filed by him from the floor to page 34 and amending the title page of the bill.

Senator Johnson offered amendment S–3203, filed by Senators Johnson and Feenstra from the floor to page 34 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3203 be adopted?" (S.F. 470) the vote was:

Yeas, 23:

Bartz	Hancock	Johnson	Reynolds
Boettger	Hartsuch	Kapucian	Seymour
Dandekar	Heckroth	Kettering	Ward
Feenstra	Hogg	Kibbie	Wieck
Hahn	Houser	McKinley	Zaun
Hamerlinck	Jochum	Noble	

Nays, 26:

Appel	Dotzler	McCoy	Seng
Beall	Dvorsky	Olive	Sodders
Black	Fraise	Quirmbach	Stewart
Bolkcom	Gronstal	Ragan	Warnstadt

Courtney	Hatch	Rielly	Wilhelm
Danielson	Horn	Schmitz	
Dearden	Kreiman	Schoenjahn	

Absent, 1:

Behn

Amendment S–3203 lost.

Senator Hamerlinck offered amendment S–3201, filed by him from the floor to page 34 and amending the title page of the bill.

Senator Danielson raised the point of order that amendment S–3201 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3201 out of order.

Senator Boettger offered amendment S–3204, filed by her from the floor to page 34 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3204 be adopted?" (S.F. 470) the vote was:

Yeas, 18:

Bartz	Hartsuch	Kibbie	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	
Hamerlinck	Kettering	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart

Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Absent, 1:

Behn

Amendment S–3204 lost.

Senator Schoenjahn 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. 470), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Nays, 18:

Bartz	Hartsuch	Kreiman	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	
Hamerlinck	Kettering	Seymour	

Absent, 1:

Behn

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 File 470** and **House Files 672** and **705** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 671, 670, 562, 552, 505, and 481.

House File 671

On motion of Senator Hancock, **House File 671**, a bill for an act providing volunteer emergency services providers protection from employment termination, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hancock offered amendment S–3148, filed by the committee on Judiciary on March 25, 2009, to pages 1 and 2 and amending the title page of the bill.

Senator Hancock offered amendment S–3169, filed by him on April 1, 2009, to pages 1 and 2 of amendment S–3148, and moved its adoption.

Amendment S–3169 was adopted by a voice vote.

Senator Hancock moved the adoption of amendment S–3148, as amended.

Amendment S–3148, as amended, was adopted by a voice vote.

With the adoption of amendment S–3148, the Chair ruled amendment S–3129, filed by Senator Hancock on March 23, 2009, to pages 1 and 2 and amending the title page of the bill, out of order.

Senator Hancock 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?" (H.F. 671), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

House File 670

On motion of Senator Dearden, **House File 670**, a bill for an act relating to absentee voting by requiring the counting of absentee ballots to begin the day before the general election, with report of committee recommending passage, was taken up for consideration.

Senator Dearden offered amendment S–3158, filed by him on March 30, 2009, to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S–3158 was adopted by a voice vote.

Senator Dearden 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?" (H.F. 670), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

House File 562

On motion of Senator Quirmbach, **House File 562**, a bill for an act relating to the council on human services and the state child care advisory council, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach offered amendment S–3193, filed by Senators Quirmbach and Bartz from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S–3193 was adopted by a voice vote.

Senator Quirmbach 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?" (H.F. 562), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm

Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 552

On motion of Senator Heckroth, **House File 552**, a bill for an act concerning the appointment of airport commissioners, with report of committee recommending passage, was taken up for consideration.

Senator Heckroth 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?" (H.F. 552), the vote was:

Yeas, 45:

Appel	Fraise	Kettering	Seng
Bartz	Gronstal	Kibbie	Seymour
Beall	Hahn	Kreiman	Sodders
Black	Hancock	McCoy	Stewart
Boettger	Hatch	McKinley	Ward
Bolkcom	Heckroth	Noble	Warnstadt
Courtney	Hogg	Olive	Wieck
Dandekar	Horn	Quirmbach	Wilhelm
Danielson	Houser	Ragan	Zaun
Dearden	Jochum	Rielly	
Dotzler	Johnson	Schmitz	
Dvorsky	Kapucian	Schoenjahn	

Nays, 4:

Feenstra	Hamerlinck	Hartsuch	Reynolds

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 505

On motion of Senator Sodders, **House File 505**, a bill for an act requiring record checks for persons who are prospective or current volunteers for the Iowa veterans home, with report of committee recommending passage, was taken up for consideration.

Senator Sodders 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?" (H.F. 505), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 481

On motion of Senator Rielly, **House File 481**, a bill for an act providing an excess weight allowance for special trucks hauling distillers grains, with report of committee recommending passage, was taken up for consideration.

Senator Rielly 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?" (H.F. 481), the vote was:

Yeas, 48:

Appel	Fraise	Johnson	Rielly
Bartz	Gronstal	Kapucian	Schmitz
Beall	Hahn	Kettering	Schoenjahn
Black	Hamerlinck	Kibbie	Seng
Boettger	Hancock	Kreiman	Seymour
Bolkcom	Hartsuch	McCoy	Sodders
Courtney	Hatch	McKinley	Stewart
Dandekar	Heckroth	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dotzler	Horn	Quirmbach	Wieck
Dvorsky	Houser	Ragan	Wilhelm
Feenstra	Jochum	Reynolds	Zaun

Nays, 1:

Dearden

Absent, 1:

Behn

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 **House Files 481**, **505**, **552**, **562**, **670**, and **671** be **immediately messaged** to the House.

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 April 6, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 152, a bill for an act relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law.

Senate File 322, 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.

Senate File 372, a bill for an act requesting the establishment of a telecommunications regulation interim study committee.

ALSO: That the House has on April 6, 2009, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 323, a bill for an act relating to the provision of health records of a child in foster care to the foster care provider. (S–3205)

Senate File 374, a bill for an act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable. (S–3206)

Senate File 437, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records. (S–3207)

ALSO: That the House on April 6, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 788, a bill for an act concerning alcohol beverage control, relating to minors and public intoxication or possession of alcohol and prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

Read first time and attached to **similar Senate File 395**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:17 p.m. until 9:15 a.m., Tuesday, April 7, 2009.

APPENDIX—2

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Fred and Verena Kramer, Stacyville—For celebrating their 50th wedding anniversary. Senator Ragan (4/6/09).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Monday, April 06, 2009, 3:10 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

Members Absent: Bolkcom (excused).

Committee Business: Approved SSB 1323.

Adjourned: 3:40 p.m.

INTRODUCTION OF BILL

Senate File 472, by committee on Appropriations, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations calendar**.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 472 (SSB 1323), a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dvorsky, McCoy, Appel, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 1: Bolkcom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 364, the following correction was made:

1. Page 8, line 1: "recision" spelled as "rescision" in underscored text.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS 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 bills have 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 3rd day of April, 2009:

Senate Files 49, 207, and 268.

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have 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 6th day of April, 2009:

Senate Files 112, 150, 253, 364, and 365.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 2, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 154 – Relating to the authorized uses of local exchange service information by specified individuals and entities.

Senate File 199 – Relating to the uniform athlete agents Act and providing remedies and penalties.

Senate File 311 – Relating to the regulation of the business of debt management and making penalties applicable.

Senate File 320 – Relating to charitable trusts by providing for filing documents with the attorney general and providing for the attorney general's investigative authority.

ALSO: A communication was received announcing that on April 3, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 159 – Relating to electrician licensure by modifying existing provisions and specifying new classifications.

Senate File 280 – Relating to disaster emergency assistance immunity.

Senate File 446 – Relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

ALSO: A communication was received announcing that on April 6, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 49 – Relating to the administration of campaign disclosure laws.

Senate File 207 – Relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

Senate File 268 – Providing for the award of local watershed improvement grants.

AMENDMENTS FILED

S–3186	S.F.	151	House
S–3187	S.F.	336	House
S–3188	S.F.	356	House
S–3189	S.F.	377	House
S–3190	S.F.	379	House
S–3191	S.F.	423	House

S–3192	S.F.	419	House
S–3193	H.F.	562	Herman C. Quirmbach
			Merlin Bartz
S–3194	S.F.	471	Robert M. Hogg
S–3195	S.F.	470	Brad Zaun
			Larry Noble
			David Johnson
			Merlin Bartz
			David Hartsuch
			Nancy J. Boettger
			James A. Seymour
			Shawn Hamerlinck
			Hubert Houser
			James F. Hahn
			Randy Feenstra
			Steve Kettering
			Paul McKinley
			Jerry Behn
			Pat Ward
			Ron Wieck
			Tim L. Kapucian
			Kim Reynolds
S–3196	S.F.	470	David Johnson
			Steve Kettering
			Nancy J. Boettger
			Paul McKinley
			Pat Ward
			Ron Wieck
			Tim L. Kapucian
S–3197	S.F.	470	Brian Schoenjahn
S–3198	S.F.	470	Randy Feenstra
S–3199	S.F.	470	Nancy J. Boettger
			James A. Seymour
			Hubert Houser
			James F. Hahn
S–3200	H.F.	759	Pam Jochum
			Robert M. Hogg
S–3201	S.F.	470	Shawn Hamerlinck
S–3202	S.F.	470	Randy Feenstra
S–3203	S.F.	470	David Johnson
			Randy Feenstra

S–3204	S.F.	470	Nancy J. Boettger
S–3205	S.F.	323	House
S–3206	S.F.	374	House
S–3207	S.F.	437	House

JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 7, 2009

The Senate met in regular session at 9:22 a.m., President Kibbie presiding.

Prayer was offered by Reverend Dennis Platt, pastor of the Cedar Falls Church of Christ in Cedar Falls, Iowa. He was the guest of Senator Danielson.

The Journal of Monday, April 6, 2009, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:32 a.m. until 11:00 a.m.

RECONVENED

The Senate reconvened at 11:12 a.m., President Kibbie presiding.

The Senate stood at ease at 11:13 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:50 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:51 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:09 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Behn, until he arrives, on request of Senator Kettering; and Senator Danielson, until he arrives, on request of Senator Ragan.

HOUSE AMENDMENT CONSIDERED

Senate File 441

Senator Quirmbach called up for consideration **Senate File 441**, a bill for an act relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions, amended by the House in House amendment S–3168, filed April 1, 2009.

Senator Quirmbach moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Quirmbach moved that the bill, as amended by the House and concurred in by the Senate, 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. 441), the vote was:

Yeas, 47:

Appel	Fraise	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Black	Hancock	Kreiman	Seymour
Boettger	Hartsuch	McCoy	Sodders
Bolkcom	Hatch	McKinley	Stewart
Courtney	Heckroth	Noble	Ward
Dandekar	Hogg	Olive	Warnstadt

Dearden	Horn	Quirmbach	Wieck
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun
Feenstra	Johnson	Rielly	

Nays, 1:

Hamerlinck

Absent, 2:

Behn Danielson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 436

Senator Beall called up for consideration **Senate File 436**, a bill for an act relating to observers at satellite absentee voting stations, amended by the House in House amendment S–3167, filed April 1, 2009.

Senator Beall moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Beall moved that the bill, as amended by the House and concurred in by the Senate, 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. 436), the vote was:

Yeas, 48:

Appel	Fraise	Johnson	Rielly
Bartz	Gronstal	Kapucian	Schmitz
Beall	Hahn	Kettering	Schoenjahn
Black	Hamerlinck	Kibbie	Seng
Boettger	Hancock	Kreiman	Seymour
Bolkcom	Hartsuch	McCoy	Sodders

Courtney	Hatch	McKinley	Stewart
Dandekar	Heckroth	Noble	Ward
Dearden	Hogg	Olive	Warnstadt
Dotzler	Horn	Quirmbach	Wieck
Dvorsky	Houser	Ragan	Wilhelm
Feenstra	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Behn	Danielson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 423

Senator Hancock called up for consideration **Senate File 423**, a bill for an act providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment, and providing an effective date, amended by the House in House amendment S–3191, filed April 6, 2009.

Senator Hancock moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hancock moved that the bill, as amended by the House and concurred in by the Senate, 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. 423), the vote was:

Yeas, 48:

Appel	Fraise	Johnson	Rielly
Bartz	Gronstal	Kapucian	Schmitz
Beall	Hahn	Kettering	Schoenjahn
Black	Hamerlinck	Kibbie	Seng
Boettger	Hancock	Kreiman	Seymour

Bolkcom	Hartsuch	McCoy	Sodders
Courtney	Hatch	McKinley	Stewart
Dandekar	Heckroth	Noble	Ward
Dearden	Hogg	Olive	Warnstadt
Dotzler	Horn	Quirmbach	Wieck
Dvorsky	Houser	Ragan	Wilhelm
Feenstra	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Behn	Danielson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

SPECIAL GUEST

President Kibbie welcomed to the Senate chamber the Honorable Ken Veenstra, former member of the Senate from Sioux County, Orange City, Iowa.

The Senate rose and expressed its welcome.

HOUSE AMENDMENT CONSIDERED

Senate File 380

Senator Fraise called up for consideration **Senate File 380**, a bill for an act relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties, amended by the House in House amendment S–3159, filed March 31, 2009.

Senator Fraise moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Fraise moved that the bill, as amended by the House and concurred in by the Senate, 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. 380), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 339

Senator Rielly called up for consideration **Senate File 339**, a bill for an act relating to wastewater treatment, amended by the House in House amendment S–3166, filed April 1, 2009.

Senator Rielly moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Rielly moved that the bill, as amended by the House and concurred in by the Senate, 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. 339), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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 339**, **380**, **423**, **436**, and **441** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 291

Senator Beall called up for consideration **Senate File 291**, a bill for an act providing for the recognition and promotion of certified retirement communities, amended by the House in House amendment S–3165, filed April 1, 2009.

Senator Beall moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Beall moved that the bill, as amended by the House and concurred in by the Senate, 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. 291), the vote was:

Yeas, 35:

Appel	Dotzler	Hogg	Rielly
Bartz	Dvorsky	Horn	Schmitz
Beall	Fraise	Jochum	Schoenjahn
Black	Gronstal	Kibbie	Seng
Bolkcom	Hahn	Kreiman	Sodders
Courtney	Hamerlinck	McCoy	Stewart
Dandekar	Hancock	Olive	Warnstadt
Danielson	Hatch	Quirmbach	Wilhelm
Dearden	Heckroth	Ragan	

Nays, 14:

Boettger	Johnson	Noble	Wieck
Feenstra	Kapucian	Reynolds	Zaun
Hartsuch	Kettering	Seymour	
Houser	McKinley	Ward	

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 266

Senator Beall called up for consideration **Senate File 266**, a bill for an act relating to publication of property assessment equalization orders, amended by the House in House amendment S–3136, filed March 24, 2009.

Senator Beall asked and received unanimous consent that action on amendment S–3136 and **Senate File 266** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 187

Senator Dearden called up for consideration **Senate File 187**, a bill for an act providing for the issuance of special deer hunting licenses to residents who are nonambulatory, amended by the House in House amendment S–3160, filed March 31, 2009.

Senator Dearden moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dearden moved that the bill, as amended by the House and concurred in by the Senate, 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. 187), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 137

Senator Appel called up for consideration **Senate File 137**, a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy, amended by the House in House amendment S–3110, filed March 19, 2009.

Senator Appel offered amendment S–3210, filed by her from the floor to page 1 of amendment S–3110, and moved its adoption.

Amendment S–3210 was adopted by a voice vote.

Senator Appel moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Appel moved that the bill, as amended by the House, further amended and concurred in by the Senate, 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. 137), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 17:

Bartz	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	
Hamerlinck	Kettering	Ward	

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 762.

House File 762

On motion of Senator Kreiman, **House File 762**, a bill for an act relating to reserve certified peace officers and training requirements, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman 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?" (H.F. 762), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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 137**, **187**, and **291** and **House File 762** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 759, 708, 707, and 697.

House File 759

On motion of Senator Jochum, **House File 759**, a bill for an act requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Jochum offered amendment S–3157, filed by the committee on Rebuild Iowa on March 30, 2009, to page 1 of the bill, and moved its adoption.

Amendment S–3157 was adopted by a voice vote.

Senator Jochum offered amendment S–3200, filed by Senators Jochum and Hogg on April 6, 2009, to page 1 and amending the title page of the bill.

Senator Reynolds raised the point of order that amendment S–3200 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3200 out of order.

Senator Hogg asked and received unanimous consent that action on **House File 759** be **deferred**.

House File 708

On motion of Senator Jochum, **House File 708**, a bill for an act relating to absentee ballots delivered to applicants who are patients or residents of hospitals or health care facilities, with report of committee recommending passage, was taken up for consideration.

Senator Jochum 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?" (H.F. 708), 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	Quirmbach	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.

House File 707

On motion of Senator Courtney, **House File 707**, a bill for an act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing an effective date, with report of committee recommending passage, 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?" (H.F. 707), 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	Quirmbach	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.

House File 697

On motion of Senator Kreiman, **House File 697**, a bill for an act relating to interference with judicial acts, and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman 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?" (H.F. 697), the vote was:

Yeas, 49:

Appel	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, 1:

Bartz

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 684.

House File 684

On motion of Senator Stewart, **House File 684**, a bill for an act relating to the membership and administration of the Iowa propane education and research council, with report of committee recommending passage, was taken up for consideration.

Senator Stewart 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?" (H.F. 684), 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	Quirmbach	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 **House Files 684**, **697**, **707**, and **708** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 472.

Senate File 472

On motion of Senator Hancock, **Senate File 472**, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date, was taken up for consideration.

Senator Hancock offered amendment S–3209, filed by him from the floor to page 4 of the bill, and moved its adoption.

Amendment S–3209 was adopted by a voice vote.

Senator Hancock 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. 472), the vote was:

Yeas, 30:

Appel	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Black	Fraise	Kibbie	Sodders
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hancock	Quirmbach	Warnstadt
Dandekar	Hatch	Ragan	Wilhelm
Danielson	Heckroth	Rielly	
Dearden	Hogg	Schmitz	

Nays, 20:

Bartz	Hamerlinck	Kettering	Reynolds
Behn	Hartsuch	Kreiman	Seymour
Boettger	Houser	McKinley	Ward
Feenstra	Johnson	Noble	Wieck
Hahn	Kapucian	Olive	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 676 and 580.

House File 676

On motion of Senator Kreiman, **House File 676**, a bill for an act modifying provisions relating to a final hearing in a civil commitment proceeding for a sexually violent predator, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman 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?" (H.F. 676), 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	Quirmbach	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.

House File 580

On motion of Senator Ragan, **House File 580**, a bill for an act relating to reimbursement of nonparticipating providers for eligible services provided to IowaCare program members, with report of committee recommending passage, was taken up for consideration.

Senator Ragan asked and received unanimous consent that action on **House File 580** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 472** and **House File 676** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Vicky Boyington – Accountancy Examining Board

Miriam Landsman – Child Welfare Advisory Committee

Pamela Dettmann – Iowa Drug Policy Advisory Council

Erik Raker – Generation Iowa Commission

Quentin Hart – Iowa Great Places Board

Tom Triplett – Interior Design Examining Board

Tim Adams – Landscape Architectural Examining Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" 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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Shearon Elderkin as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on February 10, 2009, found on page 276 of the Senate Journal. Also, for reappointment, placed on the Individual Confirmation Calendar on March 30, 2009, found on page 892 of the Senate Journal.

The Senate stood at ease at 2:39 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:10 p.m., President Kibbie presiding.

Senator Gronstal asked and received unanimous consent that action on the Individual Confirmation of Governor's Appointee, Shearon Elderkin, be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 254

Senator Warnstadt called up for consideration **Senate File 254**, a bill for an act requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs, amended by the House in House amendment S–3164, filed April 1, 2009.

Senator Warnstadt moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Warnstadt moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 254), 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	Quirmbach	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 BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 245.

Senate File 245

On motion of Senator Danielson, **Senate File 245**, a bill for an act relating to the licensing of persons installing fire protection systems, was taken up for consideration.

Senator Danielson offered amendment S–3211, filed by him from the floor striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S–3211 was adopted by a voice vote.

Senator Danielson asked and received unanimous consent that **House File 400** be **substituted** for **Senate File 245**.

House File 400

On motion of Senator Danielson, **House File 400**, a bill for an act relating to the licensing of persons installing fire protection systems, with report of committee recommending passage, was taken up for consideration.

Senator Danielson 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?" (H.F. 400), the vote was:

Yeas, 38:

Appel	Dotzler	Jochum	Schmitz
Bartz	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Black	Gronstal	McCoy	Sodders
Boettger	Hahn	Noble	Stewart
Bolkcom	Hancock	Olive	Ward
Courtney	Hatch	Quirmbach	Warnstadt

Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Reynolds	
Dearden	Horn	Rielly	

Nays, 12:

Behn	Hartsuch	Kapucian	Seymour
Feenstra	Houser	Kettering	Wieck
Hamerlinck	Johnson	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Danielson asked and received unanimous consent that **Senate File 245** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 254** and **House File 400** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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 April 7, 2009, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

House File 266, a bill for an act relating to recording proceedings before a magistrate.

House File 311, a bill for an act requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date.

House File 488, a bill for an act relating to assistive or service animals including provisions relating to persons controlling the assistive animal and including the maintenance of service animals as an eligible service reimbursable under the home and community-based services waivers.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:19 p.m. until 8:45 a.m., Wednesday, April 8, 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:

DEPARTMENT FOR THE BLIND

Notification of Approval of Educational Leave, pursuant to administrative rule 11-63.10(4). Notification received on April 2, 2009.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Families honored by the governor and legislature on "Gift to Iowa's Future Day" for donating local land and conservation easements to the state. Senator Kibbie (4/6/09).

Members of the Morningside College NAIA Women's Basketball National Championship Team from Sioux City, accompanied by Terri Curry and Gene Ambrosen. Senators Warnstadt and Wieck (4/7/09).

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Brady Verlo, West Branch—For achieving the rank of Eagle Scout, Troop 156. Senator Hahn (4/7/09).

Tyler Verlo, West Branch—For achieving the rank of Eagle Scout, Troop 156. Senator Hahn (4/7/09).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Tuesday, April 7, 2009, 10:15 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

Members Absent: None.

Committee Business: Approved SSB 1325.

Adjourned: 10:45 a.m.

INTRODUCTION OF BILLS

Senate File 473, by Hartsuch, Johnson, Behn, Kapucian, Reynolds, Hahn, Hamerlinck, Feenstra, Zaun, and Boettger, a bill for an act relating to the carrying of weapons.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 474, by committee on Appropriations, a bill for an act relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILL RECEIVED

SSB 1326 Government Oversight

Relating to regulatory requirements involving boarding homes and dependent adults and providing a penalty.

SUBCOMMITTEE ASSIGNMENTS

Senate File 473

JUDICIARY: Kreiman, Chair; Kettering and Warnstadt

SSB 1326

GOVERNMENT OVERSIGHT: Olive, Chair; Courtney, Sodders, Ward and Wieck

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 474 (SSB 1325), a bill for an act relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–3208	S.F.	464	John P. Kibbie Daryl Beall Steven J. Sodders Merlin Bartz Hubert Houser Robert M. Hogg Nancy J. Boettger Roger Stewart Tom Hancock James F. Hahn

			Gene Fraise
			Amanda Ragan
			Robert E. Dvorsky
			Becky Schmitz
			Joe Bolkcom
			Dennis H. Black
			Jeff Danielson
			Staci Appel
			Thomas G. Courtney
			Rich Olive
			James A. Seymour
			Tom Rielly
			Pam Jochum
			William A. Dotzler, Jr.
			Herman C. Quirmbach
			Dick L. Dearden
S–3209	S.F.	472	Tom Hancock
S–3210	S.F.	137	Staci Appel
S–3211	S.F.	245	Jeff Danielson
S–3212	H.F.	571	Herman C. Quirmbach

State of Iowa

JOURNAL OF THE SENATE

EIGHTY-THIRD GENERAL ASSEMBLY

2009 REGULAR SESSION

Volume II

JOHN P. KIBBIE, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate

Published by the
STATE OF IOWA
Des Moines

TABLE OF CONTENTS

VOLUME I

OFFICERS OF THE SENATE v

ELECTED STATE OFFICIALS, SUPREME COURT JUSTICES, AND COURT OF APPEALS JUDGES ix

MEMBERS OF THE SENATE x

SENATE DAILY JOURNALS
January 14 – April 10 1

VOLUME II

SENATE DAILY JOURNALS (continued)
April 14 – April 26 1008

SENATE REPORTS RECEIVED AFTER ADJOURNMENT 1277

AMENDMENTS FILED 1289

CONFERENCE COMMITTEE REPORTS 1871

RESOLUTIONS ADOPTED 1885

MEMORIALS 1959

JOURNAL INDEX 1973

JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY
FIFTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 8, 2009

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Dave Mulder, former member of the Senate from Sioux County, Sioux Center, Iowa. He was the guest of Senators Kibbie and Schoenjahn.

The Journal of Tuesday, April 7, 2009, 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 April 7, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 142, a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

Senate File 225, a bill for an act allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system.

Senate File 334, a bill for an act relating to the legislative committees charged with providing government oversight.

Senate File 430, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, and including effective date and applicability provisions.

ALSO: That the House has on April 7, 2009, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 81, a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property. (S–3214)

Senate File 279, a bill for an act providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date. (S–3216)

Senate File 226, a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters. (S–3215)

ALSO: That the House has on April 7, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 805, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

Read first time and referred to committee on **Appropriations**.

House File 809, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates.

Read first time and referred to committee on **Appropriations**.

HOUSE AMENDMENT CONSIDERED

Senate File 279

Senator Heckroth called up for consideration **Senate File 279**, a bill for an act providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date, amended by the House in House amendment S–3216, filed April 8, 2009.

Senator Heckroth moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Heckroth moved that the bill, as amended by the House and concurred in by the Senate, 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. 279), 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	Quirmbach	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 File 279** be **immediately messaged** to the House.

The Senate stood at ease at 9:05 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:15 a.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 474.

Senate File 474

On motion of Senator McCoy, **Senate File 474**, a bill for an act relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator McCoy 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. 474), the vote was:

Yeas, 29:

Appel	Dvorsky	Kreiman	Seng
Beall	Fraise	McCoy	Sodders
Bolkcom	Gronstal	Olive	Stewart
Courtney	Heckroth	Quirmbach	Warnstadt

Dandekar	Hogg	Ragan	Wilhelm
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	
Dotzler	Kibbie	Schoenjahn	

Nays, 20:

Bartz	Hahn	Johnson	Reynolds
Behn	Hamerlinck	Kapucian	Seymour
Black	Hancock	Kettering	Ward
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun

Absent, 1:

Hatch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 2, 2009)

Senate File 466

The Senate resumed consideration of **Senate File 466**, a bill for an act relating to the administration of the tax and related laws, including the administration of the income tax, the franchise tax, hotel and motel tax, the motor fuel tax, and of fees for new vehicle registration, modifying certain civil penalties, providing an exemption filing deadline extension and for the abatement or refund of property taxes for certain property owners, changing the ownership interest provisions related to certain automobile racetrack facilities, and including effective date, retroactive applicability date, and other applicability date provisions, deferred April 2, 2009.

Senator Zaun asked and received unanimous consent that action on **Senate File 466** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 379

Senator Rielly called up for consideration **Senate File 379**, a bill for an act relating to the use of insurance loss history in the issuance of dramshop liability insurance, amended by the House in House amendment S–3190, filed April 6, 2009.

Senator Rielly moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Rielly moved that the bill, as amended by the House and concurred in by the Senate, 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. 379), the vote was:

Yeas, 30:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Black	Gronstal	McCoy	Sodders
Bolkcom	Hancock	Olive	Stewart
Courtney	Heckroth	Quirmbach	Warnstadt
Dandekar	Hogg	Ragan	Wilhelm
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	

Nays, 19:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Ward
Boettger	Hartsuch	McKinley	Wieck
Dotzler	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	

Absent, 1:

Hatch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator McKinley.

HOUSE AMENDMENT CONSIDERED

Senate File 377

Senator Jochum called up for consideration **Senate File 377**, a bill for an act relating to the prescription drug donation repository program, amended by the House in House amendment S–3189, filed April 6, 2009.

Senator Jochum moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Jochum moved that the bill, as amended by the House and concurred in by the Senate, 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. 377), the vote was:

Yeas, 48:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Fraise	Kettering	Schoenjahn
Behn	Gronstal	Kibbie	Seng
Black	Hahn	Kreiman	Seymour
Boettger	Hamerlinck	McCoy	Sodders
Bolkcom	Hancock	McKinley	Stewart
Courtney	Hartsuch	Noble	Ward

Dandekar	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirmbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Hatch	Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 356

Senator Dandekar called up for consideration **Senate File 356**, a bill for an act relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national, amended by the House in House amendment S–3188, filed April 6, 2009.

Senator Dandekar moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dandekar moved that the bill, as amended by the House and concurred in by the Senate, 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. 356), the vote was:

Yeas, 48:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Fraise	Kettering	Schoenjahn
Behn	Gronstal	Kibbie	Seng

Black	Hahn	Kreiman	Seymour
Boettger	Hamerlinck	McCoy	Sodders
Bolkcom	Hancock	McKinley	Stewart
Courtney	Hartsuch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirmbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Hatch	Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate Files 356**, **377**, **379**, and **474** be **immediately messaged** to the House.

RECESS

On motion of Senator Courtney, the Senate recessed at 11:46 a.m. until 3:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 3:20 p.m., President Kibbie presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 151

Senator Danielson called up for consideration **Senate File 151**, a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund, amended by the House in House amendment S–3186, filed April 6, 2009.

Senator Danielson moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Danielson moved that the bill, as amended by the House and concurred in by the Senate, 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. 151), the vote was:

Yeas, 36:

Appel	Dotzler	Hogg	Ragan
Bartz	Dvorsky	Horn	Rielly
Beall	Fraise	Jochum	Schmitz
Black	Gronstal	Kapucian	Schoenjahn
Bolkcom	Hamerlinck	Kibbie	Seng
Courtney	Hancock	Kreiman	Sodders
Dandekar	Hartsuch	McCoy	Stewart
Danielson	Hatch	Olive	Warnstadt
Dearden	Heckroth	Quirmbach	Wilhelm

Nays, 13:

Behn	Johnson	Reynolds	Zaun
Boettger	Kettering	Seymour	
Feenstra	McKinley	Ward	
Hahn	Noble	Wieck	

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 706, 478, and 321.

House File 706

On motion of Senator Danielson, **House File 706**, a bill for an act relating to and publicizing mortgage foreclosure and real estate obligation protections for members of the national guard, and the reserve or regular component of the armed forces of the United States in active duty service, and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Danielson 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?" (H.F. 706), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Hatch	Olive	Wieck
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	Zaun
Dearden	Horn	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 478

On motion of Senator Courtney, **House File 478**, a bill for an act relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates, with report of committee recommending passage, 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?" (H.F. 478), the vote was:

Yeas, 39:

Appel	Dotzler	Johnson	Schmitz
Bartz	Dvorsky	Kapucian	Schoenjahn
Beall	Fraise	Kibbie	Seng
Black	Gronstal	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hatch	Noble	Stewart
Courtney	Heckroth	Olive	Ward
Dandekar	Hogg	Quirmbach	Warnstadt
Danielson	Horn	Ragan	Wilhelm
Dearden	Jochum	Rielly	

Nays, 10:

Behn	Hamerlinck	McKinley	Zaun
Feenstra	Hartsuch	Reynolds	
Hahn	Kettering	Wieck	

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 321

On motion of Senator Danielson, **House File 321**, a bill for an act exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur, with report of committee recommending passage, was taken up for consideration.

Senator Danielson 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?" (H.F. 321), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Hatch	Olive	Wieck
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	Zaun
Dearden	Horn	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Houser

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 File 151** and **House Files 321**, **478**, and **706** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 419

Senator Danielson called up for consideration **Senate File 419**, a bill for an act relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates, amended by the House in House amendment S–3192, filed April 6, 2009.

Senator Hamerlinck offered amendment S–3222, filed by him from the floor to pages 1–3 and amending the title page of amendment S–3192.

Senator Danielson raised the point of order that amendment S–3222 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3222 out of order.

Senator Hartsuch offered amendment S–3229, filed by him from the floor to pages 1 and 3 and amending the title page of amendment S–3192.

Senator Danielson raised the point of order that amendment S–3229 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3229 out of order.

Senator Kettering withdrew amendment S–3221, filed by him from the floor to page 3 and amending the title page of amendment S–3192.

Senator Danielson moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Danielson moved that the bill, as amended by the House and concurred in by the Senate, 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. 419), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders

Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Hatch	Olive	Wieck
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	Zaun
Dearden	Horn	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

Senate File 466

The Senate resumed consideration of **Senate File 466**, a bill for an act relating to the administration of the tax and related laws, including the administration of the income tax, the franchise tax, hotel and motel tax, the motor fuel tax, and of fees for new vehicle registration, modifying certain civil penalties, providing an exemption filing deadline extension and for the abatement or refund of property taxes for certain property owners, changing the ownership interest provisions related to certain automobile racetrack facilities, and including effective date, retroactive applicability date, and other applicability date provisions, previously deferred.

Senator Hogg offered amendment S–3185, filed by Senators Hogg and Zaun on April 2, 2009, to page 6 of the bill, and moved its adoption.

Amendment S–3185 was adopted by a voice vote.

Senator Feenstra offered amendment S–3217, filed by him from the floor to page 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3217 be adopted?" (S.F. 466) the vote was:

Yeas, 21:

Appel	Hamerlinck	McKinley	Ward
Bartz	Hartsuch	Noble	Wieck
Behn	Houser	Olive	Zaun
Boettger	Johnson	Reynolds	
Feenstra	Kapucian	Seymour	
Hahn	Kettering	Sodders	

Nays, 29:

Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	Kreiman	Stewart
Courtney	Hancock	McCoy	Warnstadt
Dandekar	Hatch	Quirmbach	Wilhelm
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	
Dotzler	Horn	Schmitz	

Absent, none.

Amendment S–3217 lost.

Senator Zaun offered amendment S–3218, filed by him from the floor to page 9 of the bill.

Senator Hogg raised the point of order that amendment S–3218 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S–3218 in order.

Senator Zaun moved the adoption of amendment S–3218.

A record roll call was requested.

On the question "Shall amendment S–3218 be adopted?" (S.F. 466) the vote was:

Yeas, 20:

Bartz	Hamerlinck	Kettering	Reynolds
Behn	Hartsuch	McKinley	Seymour

Boettger	Houser	Noble	Ward
Feenstra	Johnson	Quirmbach	Wieck
Hahn	Kapucian	Ragan	Zaun

Nays, 30:

Appel	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Black	Fraise	Kibbie	Sodders
Bolkcom	Gronstal	Kreiman	Stewart
Courtney	Hancock	McCoy	Warnstadt
Dandekar	Hatch	Olive	Wilhelm
Danielson	Heckroth	Rielly	
Dearden	Hogg	Schmitz	

Absent, none.

Amendment S–3218 lost.

Senator Bartz offered amendment S–3219, filed by him from the floor to page 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3219 be adopted?" (S.F. 466) the vote was:

Yeas, 22:

Bartz	Hartsuch	Kreiman	Seymour
Behn	Houser	McKinley	Ward
Boettger	Jochum	Noble	Wieck
Feenstra	Johnson	Ragan	Zaun
Hahn	Kapucian	Reynolds	
Hamerlinck	Kettering	Schmitz	

Nays, 28:

Appel	Dearden	Heckroth	Rielly
Beall	Dotzler	Hogg	Schoenjahn
Black	Dvorsky	Horn	Seng
Bolkcom	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Stewart
Dandekar	Hancock	Olive	Warnstadt
Danielson	Hatch	Quirmbach	Wilhelm

Absent, none.

Amendment S–3219 lost.

Senator Ward offered amendment S–3220, filed by her from the floor to page 9 of the bill, and moved its adoption.

Amendment S–3220 was adopted by a voice vote.

Senator Zaun offered amendment S–3225, filed by him from the floor to page 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3225 be adopted?" (S.F. 466) the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, none.

Amendment S–3225 lost.

Senator Wieck offered amendment S–3227, filed by him from the floor to page 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3227 be adopted?" (S.F. 466) the vote was:

Yeas, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McCoy	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

Nays, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	Kreiman	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Absent, none.

Amendment S–3227 lost.

Senator Hartsuch offered amendment S–3228, filed by him from the floor to page 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3228 be adopted?" (S.F. 466) the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders

Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, none.

Amendment S–3228 lost.

Senator Hogg 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. 466), the vote was:

Yeas, 33:

Appel	Dotzler	Jochum	Schoenjahn
Bartz	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Black	Gronstal	McCoy	Stewart
Bolkcom	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wilhelm
Dandekar	Heckroth	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Nays, 17:

Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	
Hamerlinck	Kettering	Ward	

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 File 466** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 336

Senator Dandekar called up for consideration **Senate File 336**, a bill for an act providing for waivers of certain community attraction and tourism program requirements and including an effective date provision, amended by the House in House amendment S–3187, filed April 6, 2009.

Senator Dandekar moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dandekar moved that the bill, as amended by the House and concurred in by the Senate, 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. 336), 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	Quirmbach	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 File 336** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 226

Senator Danielson called up for consideration **Senate File 226**, a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters, amended by the House in House amendment S–3215, filed April 8, 2009.

Senator Danielson moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Danielson moved that the bill, as amended by the House and concurred in by the Senate, 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. 226), the vote was:

Yeas, 39:

Appel	Dvorsky	Kapucian	Schoenjahn
Bartz	Fraise	Kibbie	Seng
Beall	Gronstal	Kreiman	Seymour
Black	Hamerlinck	McCoy	Sodders
Bolkcom	Hancock	Noble	Stewart
Courtney	Hatch	Olive	Ward
Dandekar	Hogg	Quirmbach	Warnstadt
Danielson	Horn	Ragan	Wilhelm
Dearden	Houser	Rielly	Zaun
Dotzler	Jochum	Schmitz	

Nays, 11:

Behn	Hahn	Johnson	Reynolds
Boettger	Hartsuch	Kettering	Wieck
Feenstra	Heckroth	McKinley	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

President Pro Tempore Danielson took the chair at 5:18 p.m.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 503.

House File 503

On motion of Senator Kibbie, **House File 503**, a bill for an act concerning the definition of veteran and providing an effective date, with report of committee recommending passage, 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?" (H.F. 503), 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	Quirmbach	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 File 226** and **House File 503** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:31 p.m. until 9:00 a.m., Thursday, April 9, 2009.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Student ambassadors and student senators from Hawkeye Community College, Waterloo. Senator Dotzler.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Wednesday, April 8, 2009, 1:10 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

Members Absent: None.

Committee Business: Passed HF 805. Approved SSB 1324.

Adjourned: 2:10 p.m.

WAYS AND MEANS

Convened: Wednesday, April 8, 2009, 2:15 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: Houser (excused).

Committee Business: Passed SF 422 and HF 722.

Adjourned: 2:50 p.m.

INTRODUCTION OF BILL

Senate File 475, by committee on Appropriations, a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILL RECEIVED

SSB 1327 Ways and Means

Relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates.

SUBCOMMITTEE ASSIGNMENT

SSB 1327

WAYS AND MEANS: Dotzler, Chair; Hamerlinck and Schmitz

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 805 (HSB 266), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 475 (SSB 1324), a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dvorsky, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Noble, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Jochum, Johnson, Kapucian, and Seymour. Absent, 1: McCoy.

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 Appropriations Committee on Senate File 475, and they were attached to the committee report.

WAYS AND MEANS

Bill Title: HOUSE FILE 722 (HSB 136), a bill for an act relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, establishing an upland game bird study advisory committee, making penalties applicable, and providing an immediate effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Bolkcom, McCoy, Bartz, Dandekar, Dotzler, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 4: Zaun, Feenstra, Hamerlinck, and Ward. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which Senate File 419 passed the Senate on April 8, 2009.

MICHAEL E. GRONSTAL

BILLS 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 bills have 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 8th day of April, 2009:

Senate File 360.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 8, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 112 – 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.

Senate File 150 – Relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city.

Senate File 253 – Relating to the time allowed certain active duty military personnel to file a state income tax return and including a retroactive applicability date provision.

AMENDMENTS FILED

S–3213	S.F.	464	John P. Kibbie
S–3214	S.F.	81	House
S–3215	S.F.	226	House
S–3216	S.F.	279	House
S–3217	S.F.	466	Randy Feenstra
S–3218	S.F.	466	Brad Zaun
S–3219	S.F.	466	Merlin Bartz

S–3220	S.F.	466	Pat Ward
S–3221	S.F.	419	Steve Kettering
S–3222	S.F.	419	Shawn Hamerlinck
S–3223	H.F.	758	David Hartsuch
S–3224	H.F.	580	Amanda Ragan
S–3225	S.F.	466	Brad Zaun
S–3226	S.F.	468	Joe Bolkcom
S–3227	S.F.	466	Ron Wieck
S–3228	S.F.	466	David Hartsuch
S–3229	S.F.	419	David Hartsuch
S–3230	S.F.	437	Keith A. Kreiman
			Rich Olive
			Kim Reynolds
S–3231	H.F.	788	William A. Dotzler, Jr.

JOURNAL OF THE SENATE

ONE HUNDRED FIRST CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 22, 2009

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by Reverend Tony Liston, pastor of the Adventure Christian Community Church in Davenport, Iowa. He was the guest of Senator Seng.

The Journal of Tuesday, April 21, 2009, was approved.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 24.

Senate Resolution 24

On motion of Senator Gronstal, **Senate Resolution 24**, a resolution to welcome the President of the United States to the State of Iowa as part of the 2009 celebration of Earth Day, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 24, which motion prevailed by a voice vote.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:00 a.m. until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:44 p.m., Senator Gronstal presiding.

QUORUM CALL

Senator Courtney requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent, and a quorum present.

The Senate stood at ease at 2:49 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:35 p.m., President Kibbie presiding.

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 April 22, 2009, **refused to concur in the Senate amendment to the House amendment** to the following bill in which the concurrence of the House was asked:

Senate File 470, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates.

ALSO: That the House has on April 22, 2009, **insisted on its amendment to Senate File 224**, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision, and the Conference Committee members on the part of the House are: the Representative from Chickasaw, Representative Quirk, Chair; the Representative from Polk, Representative Koester; the Representative from Pottawattamie, Representative Struyk; the Representative from Clayton, Representative Thomas; the Representative from Linn, Representative Willems.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 224** on the part of the Senate: Senators Danielson, Chair; Appel, Feenstra, Sodders, and Wieck.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 224** be **immediately messaged** to the House.

SENATE INSISTS

Senate File 470

Senator Schoenjahn called up for consideration **Senate File 470**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates, amended by the Senate, further amended by the House, further amended and concurred in by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 470** on the part of the Senate: Senators Schoenjahn, Chair; Boettger, Heckroth, Quirmbach, and Zaun.

SENATE INSISTS

Senate File 437

Senator Olive called up for consideration **Senate File 437**, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records, amended by the House, further amended and concurred in by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 437** on the part of the Senate: Senators Olive, Chair; Black, Hamerlinck, Kreiman, and Reynolds.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Behn, until he arrives, on request of Senator Ward; and Senator Kapucian, until he arrives, on request of Senator Kettering.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 815.

House File 815

On motion of Senator Schmitz, **House File 815**, a bill for an act relating to articulation agreements between public postsecondary institutions and to the dissemination of articulation information, with report of committee recommending passage, was taken up for consideration.

Senator Schmitz 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?" (H.F. 815), the vote was:

Yeas, 48:

Appel	Feenstra	Jochum	Rielly
Bartz	Fraise	Johnson	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders

Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Ward
Danielson	Heckroth	Olive	Warnstadt
Dearden	Hogg	Quirmbach	Wieck
Dotzler	Horn	Ragan	Wilhelm
Dvorsky	Houser	Reynolds	Zaun

Nays, none.

Absent, 2:

Behn	Kapucian

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 437** and **470** and **House File 815** be **immediately messaged** to the House.

The Senate stood at ease at 3:56 p.m. until the fall of the gavel.

The Senate resumed session at 5:05 p.m., President Pro Tempore Danielson presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 433

Senator Dotzler called up for consideration **Senate File 433**, a bill for an act relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties, amended by the House in House amendment S–3266, filed April 15, 2009.

Senator Dotzler offered amendment S–3316, filed by him from the floor to pages 1, 2, and 4 of amendment S–3266, and moved its adoption.

Amendment S–3316 was adopted by a voice vote.

Senator Dotzler moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Dotzler moved that the bill, as amended by the House, further amended and concurred in by the Senate, 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. 433), the vote was:

Yeas, 48:

Appel	Feenstra	Jochum	Rielly
Bartz	Fraise	Johnson	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Ward
Danielson	Heckroth	Olive	Warnstadt
Dearden	Hogg	Quirmbach	Wieck
Dotzler	Horn	Ragan	Wilhelm
Dvorsky	Houser	Reynolds	Zaun

Nays, none.

Absent, 2:

Behn	Kapucian

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 File 433** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:15 p.m. until 8:45 a.m., Thursday, April 23, 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:

OFFICE OF THE CITIZENS' AIDE/OMBUDSMAN

Taking Chances on Integrity: An Investigation of the Iowa Lottery, pursuant to Iowa Code section 2C.17. Report received on April 21, 2009.

DEPARTMENT OF PUBLIC HEALTH

Obstetrical and Gynecological Care Access Report for 2008, pursuant to Iowa Code section 135.11(18). Report received on April 22, 2009.

Tobacco Use Prevention and Control Progress Report for 2007, pursuant to Iowa Code section 142A.4(12). Report received on April 22, 2009.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Pauline Black, Rockwell City—For celebrating her 100th birthday. Senator Beall (4/22/09)

Pat and Linda Kelly, Monticello—For saving Gloria Wolken from her burning home. Senator Hancock (4/22/09).

Devin Mashek, Ossian—For achieving the rank of Eagle Scout, Troop 88. Senator Wilhelm (4/22/09).

Derek Nesvik, Ossian—For achieving the rank of Eagle Scout, Troop 88. Senator Wilhelm (4/22/09).

Dan Sender, Ossian—For achieving the rank of Eagle Scout, Troop 88. Senator Wilhelm (4/22/09).

Barbara Zoeller, Dubuque—For being named one of the 100 Great Iowa Nurses for 2009. Senator Jochum (4/22/09).

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 22nd day of April, 2009:

Senate File 456.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENT FILED

S–3316 S.F. 433 William A. Dotzler, Jr.

JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY
SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 23, 2009

The Senate met in regular session at 8:57 a.m., President Kibbie presiding.

Prayer was offered by Minister Lacinda McClendon of Our Savior's Full Gospel Baptist Church in Des Moines, Iowa. She was the guest of Senator Appel.

The Journal of Wednesday, April 22, 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 April 22, 2009, **passed** the following bill in which the concurrence of the House was asked:

Senate File 476, a bill for an act relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates.

ALSO: That the House has on April 22, 2009, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 457, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to

emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability date provisions.

ALSO: That the House has on April 22, 2009, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 756, a bill for an act relating to regional watershed, land use, and floodplain management policies, and providing for the establishment of a council.

ALSO: That the House has on April 22, 2009, **appointed the conference committee to Senate File 437**, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records, and the Conference Committee members on the part of the House are: the Representative from Black Hawk, Representative Kressig, Chair; the Representative from Black Hawk, Representative Burt; the Representative from Polk, Representative Huser; the Representative from Linn, Representative Wagner; the Representative from Harrison, Representative Windschitl.

ALSO: That the House has on April 22, 2009, **appointed the conference committee to Senate File 470**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates, and the Conference Committee members on the part of the House are: the Representative from Scott, Representative Winckler, Chair; the Representative from Ringgold, Representative Dolecheck; the Representative from Buchanan, Representative Ficken; the Representative from Black Hawk, Representative Kressig; the Representative from Hardin, Representative Sweeney.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hancock, for the day, on request of Senator Schoenjahn.

SENATE INSISTS

Senate File 457

Senator Hogg called up for consideration **Senate File 457**, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability date provisions, amended by the Senate, further amended by the House, further amended and concurred in by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 457** on the part of the Senate: Senators Hogg, Chair; Bolkcom, Hamerlinck, McCoy, and Reynolds.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 457** be **immediately messaged** to the House.

The Senate stood at ease at 9:05 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:31 a.m., President Pro Tempore Danielson presiding.

RECESS

On motion of Senator Courtney, the Senate recessed at 11:32 a.m. until 1:30 p.m.

RECONVENED

The Senate reconvened at 4:10 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent, and a quorum present.

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 April 23, 2009, **concurred in the Senate amendment to the House amendment**, and passed the following bill in which the concurrence of the House was asked:

Senate File 433, a bill for an act relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties.

ALSO: That the House has on April 23, 2009, **refused to concur in the Senate amendment to the House amendment** to the following bill in which the concurrence of the House was asked:

Senate File 389, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates.

ALSO: That the House has on April 23, 2009, **appointed the conference committee to Senate File 457**, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and

institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability date provisions, and the Conference Committee members on the part of the House are: the Representative from Linn, Representative Tyler Olson, Chair; the Representative from Butler, Representative Grassley; the Representative from Polk, Representative Helland; the Representative from Dubuque, Representative Isenhart; the Representative from Boone, Representative Donovan Olson.

ALSO: That the House has on April 23, 2009, **amended the Senate amendment**, **concurred in the Senate amendment as amended**, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 809, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates. (S–3318)

ALSO: That the House has on April 23, 2009, **adopted the conference committee report and passed House File 671**, a bill for an act providing volunteer emergency services providers protection from employment termination.

The Senate stood at ease at 4:15 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:26 p.m., President Kibbie presiding.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 437

A conference committee report, signed by the following Senate and House members, was filed April 23, 2009, on **Senate File 437**, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records:

On the part of the Senate:	On the part of the House:
RICH OLIVE, Chair	BOB KRESSIG, Chair
DENNIS H. BLACK	KERRY BURT
SHAWN HAMERLINCK	GERI HUSER
KEITH A. KREIMAN	NICK WAGNER
KIM REYNOLDS	MATT WINDSCHITL

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 437

Senator Olive called up the conference committee report on **Senate File 437**, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records, filed on April 23, 2009, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Olive 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. 437), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 437** be **immediately messaged** to the House.

The Senate stood at ease at 4:30 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:30 p.m., President Kibbie presiding.

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 April 23, 2009, **adopted the conference committee report and passed Senate File 437**, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records.

ALSO: That the House has on April 23, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 484, a bill for an act relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty. (S–3321)

ALSO: That the House has on April 23, 2009, **amended the Senate amendment**, **concurred in the Senate amendment as amended**, **and passed** the following bills in which the concurrence of the Senate is asked:

House File 759, a bill for an act requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program. (S–3319)

House File 811, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. (S–3320)

ALSO: That the House has on April 23, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 826, a bill for an act relating to the comprehensive recycling planning task force.

Read first time and referred to committee on **Ways and Means**.

CONFERENCE COMMITTEE REPORT RECEIVED

House File 671

A conference committee report, signed by the following Senate and House members, was filed April 23, 2009, on **House File 671**, a bill for an act providing volunteer emergency services providers protection from employment termination:

On the part of the Senate:	On the part of the House:
TOM HANCOCK, Chair	POLLY BUKTA, Chair
JEFF DANIELSON	KERRY BURT
STEVE KETTERING	BOB KRESSIG
LARRY NOBLE	STEVE LUKAN
STEVE SODDERS	GARY WORTHAN

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 671

Senator Danielson called up the conference committee report on **House File 671**, a bill for an act providing volunteer emergency services providers protection from employment termination, filed on April 23, 2009, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Danielson 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?" (H.F. 671), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 809

Senator Danielson called up for consideration **House File 809**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates, amended by the Senate and further amended by the House in House amendment S–3318 to Senate amendment H–1662, filed April 23, 2009.

Senator Danielson moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Danielson moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, 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?" (H.F. 809), the vote was:

Yeas, 30:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	McCoy	Sodders
Bolkcom	Gronstal	Olive	Stewart
Courtney	Hatch	Quirmbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Nays, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

Absent, 1:

Hancock

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 **House File 671** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 340.

Senate File 340

On motion of Senator Kreiman, **Senate File 340**, a bill for an act relating to the federal Adam Walsh Child Protection and Safety Act, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

Senator Kreiman offered amendment S–3317, filed by Senator Kreiman, et al., from the floor striking and replacing everything after the enacting clause and amending the title page of the bill.

(Senate File 340 and amendment S–3317 were deferred.)

The Senate stood at ease at 6:52 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 7:15 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 340 and amendment S–3317, previously deferred.

Senator Kreiman moved the adoption of amendment S–3317.

Amendment S–3317 was adopted by a voice vote.

Senator Kreiman 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. 340), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt

Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 340** be **immediately messaged** to the House.

SENATE INSISTS

Senate File 389

Senator Hatch called up for consideration **Senate File 389**, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates, amended by the House, further amended and concurred in by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 389** on the part of the Senate: Senators Hatch, Chair; Gronstal, Hartsuch, Johnson, and Kibbie.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 389** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 811

Senator Hatch called up for consideration **House File 811**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, amended by the Senate and further amended by the House in House amendment S–3320 to Senate amendment H–1630, filed April 23, 2009.

Senator Hatch moved that the Senate concur in the House amendment to the Senate amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 811), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Hancock

The motion prevailed and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Hatch moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, 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?" (H.F. 811), the vote was:

Yeas, 30:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	McCoy	Sodders
Bolkcom	Gronstal	Olive	Stewart
Courtney	Hatch	Quirmbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Nays, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 484

Senator Olive called up for consideration **Senate File 484**, a bill for an act relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty, amended by the House in House amendment S–3321, filed April 23, 2009.

Senator Olive moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Olive moved that the bill, as amended by the House and concurred in by the Senate, 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. 484), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 457

A conference committee report, signed by the following Senate and House members, was filed April 23, 2009, on **Senate File 457**, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting

requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability date provisions:

On the part of the Senate:	On the part of the House:
ROBERT M. HOGG, Chair	TYLER OLSON, Chair
JOE BOLKCOM	PAT GRASSLEY
SHAWN HAMERLINCK	ERIK HELLAND
MATT MCCOY	CHUCK ISENHART
KIM REYNOLDS	DONOVAN OLSON

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 457

Senator Hogg called up the conference committee report on **Senate File 457**, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability date provisions, filed on April 23, 2009, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Hogg 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. 457), the vote was:

Yeas, 48:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Fraise	Kettering	Schoenjahn
Behn	Gronstal	Kibbie	Seng
Black	Hahn	Kreiman	Seymour
Boettger	Hamerlinck	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Heckroth	Noble	Ward
Dandekar	Hogg	Olive	Warnstadt
Danielson	Horn	Quirmbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Present, 1:

Hatch

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 759

Senator Jochum called up for consideration **House File 759**, a bill for an act requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program, amended by the Senate and further amended by the House in House amendment S–3319 to Senate amendment H–1559, filed April 23, 2009.

Senator Jochum moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Jochum moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, 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?" (H.F. 759), the vote was:

Yeas, 30:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	Kreiman	Sodders
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hatch	Quirmbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Nays, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McKinley	Ward
Boettger	Houser	Noble	Wieck
Feenstra	Johnson	Olive	Zaun
Hahn	Kapucian	Reynolds	

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 457** and **484** and **House File 759** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:39 p.m. until 2:00 p.m., Friday, April 24, 2009.

APPENDIX

MOTIONS TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 809 passed the Senate on April 23, 2009.

ALSO: I move to reconsider the vote by which House File 811 passed the Senate on April 23, 2009.

MICHAEL E. GRONSTAL

BILLS 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 bills have 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 23rd day of April, 2009:

Senate Files 318, 336, 342, and 380.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 23, 2009, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 456 – Modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability date provisions.

AMENDMENTS FILED

S–3317	S.F.	340	Keith A. Kreiman Steve Kettering Steve Warnstadt Pat Ward
S–3318	H.F.	809	House
S–3319	H.F.	759	House
S–3320	H.F.	811	House
S–3321	S.F.	484	House

JOURNAL OF THE SENATE

ONE HUNDRED THIRD CALENDAR DAY
SIXTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 24, 2009

The Senate met in regular session at 2:00 p.m., President Kibbie presiding.

Prayer was offered by the Honorable John Kibbie, member of the Senate from Palo Alto County, Emmetsburg, Iowa.

The Journal of Thursday, April 23, 2009, was approved.

HOUSE MESSAGES RECEIVED

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 April 24, 2009, **passed** the following bill in which the concurrence of the House was asked:

Senate File 465, a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system.

ALSO: That the House has on April 23, 2009, **appointed the conference committee to Senate File 389**, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates, and the Conference Committee members on the part of the House are: the Representative from Polk, Representative Rick Olson, Chair; the Representative from Polk, Representative Ford; the Representative from Cedar, Representative Kaufmann; the Representative from Marshall, Representative Smith; the Representative from Plymouth, Representative Soderberg.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:02 p.m. until 4:00 p.m.

RECONVENED

The Senate reconvened at 4:49 p.m., President Kibbie presiding.

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 April 24, 2009, **passed** the following bill in which the concurrence of the House was asked:

Senate File 340, a bill for an act relating to the sex offender registry, making fees applicable, and providing for penalties.

ALSO: That the House has on April 24, 2009, **adopted the conference committee report and passed Senate File 457**, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability date provisions.

ALSO: That the House has on April 24, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 304, a bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program. (S–3322)

The Senate stood at ease at 4:54 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:32 p.m., President Kibbie presiding.

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 April 24, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 432, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties. (S–3323)

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hancock, until he arrives, on request of Senator Olive.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 224

A conference committee report, signed by the following Senate and House members, was filed April 24, 2009, on **Senate File 224**, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision:

On the part of the Senate:	On the part of the House:
JEFF DANIELSON, Chair	BRIAN QUIRK, Chair
STACI APPEL	KEVIN KOESTER
STEVE SODDERS	DOUG STRUYK
	ROGER THOMAS
	NATE WILLEMS

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 224

Senator Danielson called up the conference committee report on **Senate File 224**, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision, filed on April 24, 2009, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Danielson 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. 224), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	Kreiman	Sodders
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hatch	Quirmbach	Ward
Dandekar	Heckroth	Ragan	Warnstadt
Danielson	Hogg	Rielly	Wilhelm
Dearden	Horn	Schmitz	

Nays, 18:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Olive	
Hahn	Kapucian	Reynolds	

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Pro Tempore Danielson took the chair at 5:36 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zaun, until he returns, on request of Senator Kettering.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 470

A conference committee report, signed by the following Senate and House members, was filed April 24, 2009, on **Senate File 470**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates:

On the part of the Senate:	On the part of the House:
BRIAN SCHOENJAHN, Chair	CINDY WINCKLER, Chair
WILLIAM HECKROTH	GENE FICKEN
HERMAN C. QUIRMBACH	BOB KRESSIG

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 470

Senator Schoenjahn called up the conference committee report on **Senate File 470**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates, filed on April 24, 2009, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Schoenjahn 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. 470), the vote was:

Yeas, 30:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	McCoy	Sodders
Bolkcom	Gronstal	Olive	Stewart
Courtney	Hatch	Quirmbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Nays, 18:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	
Hahn	Kapucian	Reynolds	

Absent, 2:

Hancock	Zaun

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 224** and **470** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 304

Senator Rielly called up for consideration **Senate File 304**, a bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program, amended by the House in House amendment S–3322, filed April 24, 2009.

Senator Rielly moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Rielly moved that the bill, as amended by the House and concurred in by the Senate, 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. 304), the vote was:

Yeas, 48:

Appel	Dvorsky	Jochum	Reynolds
Bartz	Feenstra	Johnson	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hartsuch	McCoy	Sodders
Courtney	Hatch	McKinley	Stewart
Dandekar	Heckroth	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirmbach	Wieck
Dotzler	Houser	Ragan	Wilhelm

Nays, none.

Absent, 2:

Hancock	Zaun

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 File 304** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 432

Senator Kibbie called up for consideration **Senate File 432**, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties, amended by the House in House amendment S–3323, filed April 24, 2009.

Senator Kibbie moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Kibbie moved that the bill, as amended by the House and concurred in by the Senate, 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. 432), the vote was:

Yeas, 41:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McKinley	Stewart
Boettger	Hartsuch	Noble	Ward
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Ragan	Wilhelm
Danielson	Horn	Reynolds	
Dearden	Houser	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, 7:

Bolkcom	Hatch	McCoy	Warnstadt
Dotzler	Jochum	Quirmbach	

Absent, 2:

Hancock	Zaun

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 File 432** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 389

A conference committee report, signed by the following Senate and House members, was filed April 24, 2009, on **Senate File 389**, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates:

On the part of the Senate:	On the part of the House:
JACK HATCH, Chair	RICK OLSON, Chair
MIKE GRONSTAL	WAYNE FORD
DAVID HARTSUCH	JEFF KAUFMANN
DAVID JOHNSON	MARK SMITH
JOHN KIBBIE	CHUCK SODERBERG

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 389

Senator Hatch called up the conference committee report on **Senate File 389**, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates, filed on April 24, 2009, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Hatch 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. 389), the vote was:

Yeas, 39:

Appel	Dvorsky	Johnson	Schmitz
Bartz	Feenstra	Kapucian	Schoenjahn
Beall	Fraise	Kibbie	Seng
Black	Gronstal	Kreiman	Seymour
Bolkcom	Hatch	McCoy	Sodders

Courtney	Heckroth	Noble	Stewart
Dandekar	Hogg	Olive	Ward
Danielson	Horn	Quirmbach	Warnstadt
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Rielly	

Nays, 9:

Behn	Hamerlinck	McKinley
Boettger	Hartsuch	Reynolds
Hahn	Kettering	Wieck

Absent, 2:

Hancock Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 389** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 6:15 p.m. until 7:15 p.m.

EVENING SESSION

The Senate reconvened at 7:47 p.m., President Kibbie presiding.

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 April 24, 2009, **adopted the conference committee report and passed Senate File 224**, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

ALSO: That the House has on April 24, 2009, **adopted the conference committee report and passed Senate File 389**, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates.

ALSO: That the House has on April 24, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 474, a bill for an act relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa. (S–3326)

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 477.

Senate File 477

On motion of Senator McCoy, **Senate File 477**, a bill for an act relating to the issuance of bonds and making of appropriations for capital and other essential purposes, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

(Senate File 477 was deferred.)

The Senate stood at ease at 7:50 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 8:36 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 477.

Senator McCoy offered amendment S–3324, filed by him from the floor striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S–3324 was adopted by a voice vote.

Senator McCoy 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. 477), the vote was:

Yeas, 30:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng

Black	Fraise	Kreiman	Sodders
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hatch	Quirmbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Nays, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McKinley	Ward
Boettger	Houser	Noble	Wieck
Feenstra	Johnson	Olive	Zaun
Hahn	Kapucian	Reynolds	

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 477** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 474

Senator McCoy called up for consideration **Senate File 474**, a bill for an act relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa, amended by the House in House amendment S–3326, filed April 24, 2009.

Senator McCoy moved that the Senate concur in the House amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 474), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn

Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Hancock

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator McCoy moved that the bill, as amended by the House and concurred in by the Senate, 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. 474), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun

Feenstra	Johnson	Reynolds
Hahn	Kapucian	Seymour

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 474** be **immediately messaged** to the House.

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 April 24, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 483, a bill for an act relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets transfer agreements, eliminating the carryback of net operating losses, modifying refund interest provisions, and including retroactive applicability date and other applicability date provisions. (S–3327)

The Senate stood at ease at 8:59 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 11:00 p.m., President Kibbie presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 483

Senator Jochum called up for consideration **Senate File 483**, a bill for an act relating to state taxes by limiting tax credits available under certain economic development programs and agricultural

assets transfer agreements, eliminating the carryback of net operating losses, modifying refund interest provisions, and including retroactive applicability date and other applicability date provisions, amended by the House in House amendment S–3327, filed April 24, 2009.

Senator Jochum moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Jochum moved that the bill, as amended by the House and concurred in by the Senate, 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. 483), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 483** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 478.

Senate File 478

On motion of Senator Dvorsky, **Senate File 478**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

Senator Dvorsky offered amendment S–3328, filed by him from the floor striking and replacing everything after the enacting clause and amending the title page of the bill.

(Senate File 478 and amendment S–3328 were deferred.)

The Senate stood at ease at 11:10 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 12:35 a.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 478 and amendment S–3328, previously deferred.

Senator Hartsuch offered amendment S–3333, filed by Senator Hartsuch, et al., from the floor to page 26 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3333 be adopted?" (S.F. 478), the vote was:

Yeas, 16:

Bartz	Hahn	Johnson	Reynolds
Behn	Hamerlinck	Kettering	Seymour

Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun

Nays, 33:

Appel	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Black	Gronstal	McCoy	Stewart
Bolkcom	Hatch	Olive	Ward
Courtney	Heckroth	Quirmbach	Warnstadt
Dandekar	Hogg	Ragan	Wilhelm
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	
Dotzler	Kapucian	Schoenjahn	

Absent, 1:

Hancock

Amendment S–3333 lost.

Senator Bartz offered amendment S–3330, filed by him from the floor to page 33 of amendment S–3328, and moved its adoption.

Amendment S–3330 was adopted by a voice vote.

Senator Gronstal offered amendment S–3329, filed by him from the floor to page 33 of amendment S–3328, and moved its adoption.

Amendment S–3329 was adopted by a voice vote.

Senator Hogg offered amendment S–3332, filed by him from the floor to page 39 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3332 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward

Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Hancock

Amendment S–3332 was adopted.

Senator Johnson offered amendment S–3335, filed by him from the floor to page 44 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3335 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 24:

Bartz	Hamerlinck	Johnson	Reynolds
Behn	Hartsuch	Kapucian	Seng
Boettger	Hogg	Kettering	Seymour
Dandekar	Horn	Kibbie	Ward
Feenstra	Houser	McKinley	Wieck
Hahn	Jochum	Noble	Zaun

Nays, 25:

Appel	Dotzler	McCoy	Sodders
Beall	Dvorsky	Olive	Stewart
Black	Fraise	Quirmbach	Warnstadt
Bolkcom	Gronstal	Ragan	Wilhelm
Courtney	Hatch	Rielly	
Danielson	Heckroth	Schmitz	
Dearden	Kreiman	Schoenjahn	

Absent, 1:

Hancock

Amendment S–3335 lost.

Senator Dearden offered amendment S–3331, filed by him from the floor to page 65 of amendment S–3328, and moved its adoption.

Amendment S–3331 was adopted by a voice vote.

Senator Kreiman withdrew amendment S–3334, filed by him from the floor to pages 67 and 68 of amendment S–3328.

Senator Dandekar offered amendment S–3339, filed by Senators Dandekar and Horn from the floor to pages 26, 34, and 35 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3339 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 24:

Bartz	Hamerlinck	Kapucian	Reynolds
Behn	Hartsuch	Kettering	Seng
Boettger	Hogg	McCoy	Seymour
Dandekar	Horn	McKinley	Ward
Feenstra	Houser	Noble	Wieck
Hahn	Johnson	Olive	Zaun

Nays, 25:

Appel	Dotzler	Kibbie	Sodders
Beall	Dvorsky	Kreiman	Stewart
Black	Fraise	Quirmbach	Warnstadt
Bolkcom	Gronstal	Ragan	Wilhelm
Courtney	Hatch	Rielly	
Danielson	Heckroth	Schmitz	
Dearden	Jochum	Schoenjahn	

Absent, 1:

Hancock

Amendment S–3339 lost.

With the failure of amendment S–3339 to amendment S–3328, the Chair ruled amendment S–3349, filed by Senator Ward from the floor to pages 26, 34, and 35 of amendment S–3328, out of order.

Senator Dvorsky offered amendment S–3348, filed by him from the floor to page 11 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3348 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Hancock

Amendment S–3348 was adopted.

Senator Zaun offered amendment S–3336, filed by Senator Zaun, et al., from the floor to page 31 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3336 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	Wieck
Boettger	Houser	McKinley	Zaun
Feenstra	Johnson	Noble	
Hahn	Kapucian	Reynolds	

Nays, 31:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	McCoy	Sodders
Bolkcom	Gronstal	Olive	Stewart
Courtney	Hatch	Quirmbach	Ward
Dandekar	Heckroth	Ragan	Warnstadt
Danielson	Hogg	Rielly	Wilhelm
Dearden	Horn	Schmitz	

Absent, 1:

Hancock

Amendment S–3336 lost.

Senator Zaun offered amendment S–3337, filed by Senator Zaun, et al., from the floor to page 31 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3337 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 23:

Bartz	Hahn	Kettering	Seng
Behn	Hamerlinck	Kreiman	Seymour
Black	Hartsuch	McKinley	Ward
Boettger	Houser	Noble	Wieck
Dotzler	Johnson	Olive	Zaun
Feenstra	Kapucian	Reynolds	

Nays, 26:

Appel	Dvorsky	Jochum	Schoenjahn
Beall	Fraise	Kibbie	Sodders
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hatch	Quirmbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Absent, 1:

Hancock

Amendment S–3337 lost.

Senator Feenstra offered amendment S–3347, filed by Senators Feenstra and Wieck from the floor to page 31 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3347 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 20:

Bartz	Hamerlinck	Kettering	Seng
Behn	Hartsuch	Kibbie	Seymour
Boettger	Houser	McKinley	Ward
Feenstra	Johnson	Noble	Wieck
Hahn	Kapucian	Reynolds	Zaun

Nays, 29:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kreiman	Sodders
Black	Fraise	McCoy	Stewart
Bolkcom	Gronstal	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wilhelm
Dandekar	Heckroth	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Absent, 1:

Hancock

Amendment S–3347 lost.

Senator Johnson offered amendment S–3340, filed by him from the floor to pages 34 and 42 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3340 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	Ward
Boettger	Houser	McKinley	Wieck

Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

Nays, 30:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	McCoy	Sodders
Bolkcom	Gronstal	Olive	Stewart
Courtney	Hatch	Quirmbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Absent, 1:

Hancock

Amendment S–3340 lost.

Senator Dearden offered amendment S–3343, filed by him from the floor to page 39 of amendment S–3328, and moved its adoption.

Amendment S–3343 was adopted by a voice vote.

Senator Feenstra offered amendment S–3342, filed by him from the floor to page 44 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3342 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 21:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Black	Horn	Noble	Zaun
Boettger	Houser	Reynolds	
Feenstra	Johnson	Seng	
Hahn	Kapucian	Seymour	

Nays, 28:

Appel	Dotzler	Jochum	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Bolkcom	Fraise	Kreiman	Schoenjahn
Courtney	Gronstal	McCoy	Sodders

Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Hancock

Amendment S–3342 lost.

Senator Hatch offered amendment S–3345, filed by him from the floor to page 54 of amendment S–3328, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 38, nays 0, absent 1.

Amendment S–3345 was adopted.

Senator Feenstra offered amendment S–3338, filed by Senator Feenstra, et al., from the floor to page 65 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3338 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart

Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 1:

Hancock

Amendment S–3338 lost.

Senator Hamerlinck offered amendment S–3341, filed by Senators Hamerlinck and Feenstra from the floor to page 65 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3341 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 21:

Bartz	Hahn	Kettering	Ward
Behn	Hamerlinck	Kreiman	Wieck
Black	Hartsuch	McKinley	Zaun
Boettger	Houser	Noble	
Dandekar	Johnson	Reynolds	
Feenstra	Kapucian	Seymour	

Nays, 28:

Appel	Dvorsky	Jochum	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Courtney	Hatch	Olive	Sodders
Danielson	Heckroth	Quirmbach	Stewart
Dearden	Hogg	Ragan	Warnstadt
Dotzler	Horn	Rielly	Wilhelm

Absent, 1:

Hancock

Amendment S–3341 lost.

Senator Johnson offered amendment S–3344, filed by him from the floor to page 65 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3344 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 21:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	Kibbie	Ward
Boettger	Hartsuch	McKinley	Wieck
Danielson	Houser	Reynolds	
Dearden	Johnson	Rielly	
Dotzler	Kapucian	Seng	

Nays, 28:

Appel	Feenstra	Jochum	Schmitz
Beall	Fraise	Kreiman	Schoenjahn
Black	Gronstal	McCoy	Sodders
Bolkcom	Hatch	Noble	Stewart
Courtney	Heckroth	Olive	Warnstadt
Dandekar	Hogg	Quirmbach	Wilhelm
Dvorsky	Horn	Ragan	Zaun

Absent, 1:

Hancock

Amendment S–3344 lost.

Senator Dotzler offered amendment S–3346, filed by Senator Dotzler, et al., from the floor to page 65 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3346 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun

Dearden	Houser	Reynolds
Dotzler	Jochum	Rielly
Dvorsky	Johnson	Schmitz

Nays, none.

Absent, 1:

Hancock

Amendment S–3346 was adopted.

Senator Kreiman offered amendment S–3353, filed by him from the floor to pages 25 and 26 of amendment S–3328, and moved its adoption.

Amendment S–3353 lost by a voice vote.

President Pro Tempore Danielson took the chair at 2:05 a.m.

Senator Hamerlinck offered amendment S–3354, filed by him from the floor to pages 27–29 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3354 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 24:

Bartz	Hahn	Kapucian	Rielly
Behn	Hamerlinck	Kettering	Seymour
Black	Hartsuch	McKinley	Ward
Boettger	Horn	Noble	Warnstadt
Dandekar	Houser	Olive	Wieck
Feenstra	Johnson	Reynolds	Zaun

Nays, 25:

Appel	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hatch	Quirmbach	Wilhelm

Danielson	Heckroth	Ragan
Dearden	Hogg	Schmitz
Dotzler	Jochum	Schoenjahn

Absent, 1:

Hancock

Amendment S–3354 lost.

Senator Courtney offered amendment S–3358, filed by him from the floor to page 30 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3358 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 27:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Sodders
Bolkcom	Gronstal	Kreiman	Stewart
Courtney	Hatch	McCoy	Warnstadt
Danielson	Heckroth	Quirmbach	Wilhelm
Dearden	Hogg	Ragan	

Nays, 22:

Bartz	Hamerlinck	McKinley	Seymour
Behn	Hartsuch	Noble	Ward
Boettger	Houser	Olive	Wieck
Dandekar	Johnson	Reynolds	Zaun
Feenstra	Kapucian	Rielly	
Hahn	Kettering	Seng	

Absent, 1:

Hancock

Amendment S–3358 was adopted.

Senator Feenstra offered amendment S–3355, filed by him from the floor to page 44 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3355 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 22:

Bartz	Houser	Noble	Ward
Behn	Johnson	Quirmbach	Wieck
Boettger	Kapucian	Ragan	Wilhelm
Feenstra	Kettering	Reynolds	Zaun
Hahn	Kreiman	Seng	
Hartsuch	McKinley	Seymour	

Nays, 26:

Appel	Dearden	Hogg	Schmitz
Beall	Dotzler	Horn	Schoenjahn
Black	Dvorsky	Jochum	Sodders
Bolkcom	Fraise	Kibbie	Stewart
Courtney	Gronstal	McCoy	Warnstadt
Dandekar	Hatch	Olive	
Danielson	Heckroth	Rielly	

Present, 1:

Hamerlinck

Absent, 1:

Hancock

Amendment S–3355 lost.

Senator Quirmbach offered amendment S–3350, filed by him from the floor to page 44 of amendment S–3328, and moved its adoption.

Amendment S–3350 was adopted by a voice vote.

Senator Fraise offered amendment S–3352, filed by Senator Fraise, et al. from the floor to pages 49 and 50 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3352 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 18:

Bartz	Feenstra	Johnson	Reynolds
Behn	Fraise	Kapucian	Rielly
Boettger	Hahn	Kettering	Sodders
Courtney	Hartsuch	Kreiman	
Dandekar	Horn	McKinley	

Nays, 31:

Appel	Gronstal	McCoy	Seymour
Beall	Hamerlinck	Noble	Stewart
Black	Hatch	Olive	Ward
Bolkcom	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wieck
Dearden	Houser	Schmitz	Wilhelm
Dotzler	Jochum	Schoenjahn	Zaun
Dvorsky	Kibbie	Seng	

Absent, 1:

Hancock

Amendment S–3352 lost.

Senator Kreiman offered amendment S–3351, filed by Senators Kreiman and Kettering from the floor to page 65 of amendment S–3328, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 28, nays 18, absent 1.

Amendment S–3351 was adopted.

Senator Heckroth offered amendment S–3356, filed by Senator Heckroth, et al., from the floor to page 65 of amendment S–3328, and moved its adoption.

Amendment S–3356 was adopted by a voice vote.

Senator Zaun offered amendment S–3357, filed by him from the floor to page 65 of amendment S–3328, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3357 to amendment S–3328 be adopted?" (S.F. 478), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 1:

Hancock

Amendment S–3357 lost.

Senator Dvorsky moved the adoption of amendment S–3328, as amended.

A record roll call was requested.

On the question "Shall amendment S–3328, as amended, be adopted?" (S.F. 478), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Hancock

Amendment S–3328, as amended, was adopted.

Senator Dvorsky 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. 478), the vote was:

Yeas, 30:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Black	Gronstal	McCoy	Sodders
Bolkcom	Hatch	Olive	Stewart
Courtney	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	
Dotzler	Jochum	Schmitz	

Nays, 19:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Ward
Boettger	Hartsuch	McKinley	Wieck
Dandekar	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 478** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:56 a.m. until 10:00 a.m., Saturday, April 25, 2009.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

John Glenn Elementary School, Donahue—For being named a Blue Ribbon School, an award given for academic excellence. Senator Hamerlinck (4/24/09).

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 24, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 114 – Relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

Senate File 142 – Relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

Senate File 187 – Providing for the issuance of special deer hunting licenses to residents who are nonambulatory.

Senate File 203 – Relating to the identification of the eligibility of tenants of an assisted living program for benefits through the United States department of veterans affairs.

Senate File 318 – Pertaining to the duties and regulations under the purview of the labor commissioner.

Senate File 334 – Relating to the legislative committees charged with providing government oversight.

Senate File 336 – Providing for waivers of certain community attraction and tourism program requirements and including an effective date provision.

Senate File 380 – Relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties.

AMENDMENTS FILED

S–3322	S.F.	304	House
S–3323	S.F.	432	House
S–3324	S.F.	477	Matt McCoy
S–3325	S.F.	468	Steven J. Sodders
S–3326	S.F.	474	House
S–3327	S.F.	483	House
S–3328	S.F.	478	Robert E. Dvorsky
S–3329	S.F.	478	Michael E. Gronstal
S–3330	S.F.	478	Merlin Bartz
S–3331	S.F.	478	Dick L. Dearden
S–3332	S.F.	478	Robert M. Hogg
S–3333	S.F.	478	David Hartsuch
			Paul McKinley
			Jerry Behn
			Ron Wieck
			Merlin Bartz
S–3334	S.F.	478	Keith A. Kreiman
S–3335	S.F.	478	David Johnson
S–3336	S.F.	478	Brad Zaun
			Steve Kettering
			Paul McKinley
			Shawn Hamerlinck
			James F. Hahn
S–3337	S.F.	478	Brad Zaun
			Steve Kettering
			Paul McKinley
			James F. Hahn
			Shawn Hamerlinck
S–3338	S.F.	478	Randy Feenstra
			Larry Noble
			Jerry Behn
			Ron Wieck
			Nancy J. Boettger

			Kim Reynolds
			James F. Hahn
			Hubert Houser
			Shawn Hamerlinck
			Brad Zaun
			Paul McKinley
			Merlin Bartz
S–3339	S.F.	478	Swati A. Dandekar
			Wally E. Horn
S–3340	S.F.	478	David Johnson
S–3341	S.F.	478	Shawn Hamerlinck
			Randy Feenstra
S–3342	S.F.	478	Randy Feenstra
S–3343	S.F.	478	Dick L. Dearden
S–3344	S.F.	478	David Johnson
S–3345	S.F.	478	Jack Hatch
S–3346	S.F.	478	William A. Dotzler, Jr.
			Roger Stewart
			Joe Bolkcom
			Tom Rielly
			Steve Kettering
			James F. Hahn
			Daryl Beall
S–3347	S.F.	478	Randy Feenstra
			Ron Wieck
S–3348	S.F.	478	Robert E. Dvorsky
S–3349	S.F.	478	Pat Ward
S–3350	S.F.	478	Herman C. Quirmbach
S–3351	S.F.	478	Keith A. Kreiman
			Steve Kettering
S–3352	S.F.	478	Gene Fraise
			Dennis H. Black
			Thomas G. Courtney
			Swati A. Dandekar
			Tim L. Kapucian
			Kim Reynolds
			Tom Rielly
			Steven J. Sodders
			Ron Wieck
S–3353	S.F.	478	Keith A. Kreiman
S–3354	S.F.	478	Shawn Hamerlinck

S–3355	S.F.	478	Randy Feenstra
S–3356	S.F.	478	Bill Heckroth
			Joe Bolkcom
			William A. Dotzler, Jr.
			Pat Ward
			Steve Kettering
			James F. Hahn
			Joe M. Seng
			Jack Hatch
			Michael E. Gronstal
			Gene Fraise
			Thomas G. Courtney
			Ron Wieck
S–3357	S.F.	478	Brad Zaun
S–3358	S.F.	478	Thomas G. Courtney

JOURNAL OF THE SENATE

ONE HUNDRED FOURTH CALENDAR DAY
SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Saturday, April 25, 2009

The Senate met in regular session at 10:18 a.m., President Kibbie presiding.

Prayer was offered by Senate Page Kayla Sproul.

The Journal of Friday, April 24, 2009, 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 April 24, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 376, a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions. (S–3359)

ALSO: That the House has on April 24, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 822, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions.

Read first time and referred to committee on **Appropriations**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:22 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:30 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Warnstadt and Hancock, until they arrive, on request of Senator Danielson.

HOUSE AMENDMENT CONSIDERED

Senate File 376

Senator McCoy called up for consideration **Senate File 376**, a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions, amended by the House in House amendment S–3359, filed April 25, 2009.

The Senate stood at ease at 10:34 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:42 a.m., President Kibbie presiding.

Senator McCoy moved that the Senate concur in the House amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 376), the vote was:

Yeas, 30:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 2:

Hancock	Warnstadt

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator McCoy moved that the bill, as amended by the House and concurred in by the Senate, 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. 376), the vote was:

Yeas, 30:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 2:

Hancock	Warnstadt

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

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 April 25, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 471, a bill for an act relating to the operation and purview of the office of energy independence, by transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority. (S–3360)

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:45 p.m. until the completion of a meeting of the committee on Appropriations.

RECONVENED

The Senate reconvened at 1:00 p.m., President Kibbie presiding.

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 April 25, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 477, a bill for an act relating to the issuance of bonds and making of appropriations for capital and other essential purposes. (S–3361)

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:03 p.m. until 2:30 p.m.

RECONVENED

The Senate reconvened at 3:20 p.m., President Kibbie presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 471

Senator Hogg called up for consideration **Senate File 471**, a bill for an act relating to the operation and purview of the office of energy independence, by transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority, amended by the House in House amendment S–3360, filed April 25, 2009.

Senator Hogg moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hogg moved that the bill, as amended by the House and concurred in by the Senate, 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. 471), the vote was:

Yeas, 33:

Appel	Dotzler	Jochum	Schoenjahn
Bartz	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Black	Gronstal	McCoy	Stewart
Bolkcom	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirmbach	Wilhelm
Dandekar	Hogg	Ragan	
Danielson	Horn	Rielly	
Dearden	Houser	Schmitz	

Nays, 16:

Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Wieck
Hahn	Kapucian	Reynolds	Zaun

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 477

Senator McCoy called up for consideration **Senate File 477**, a bill for an act relating to the issuance of bonds and making of appropriations for capital and other essential purposes, amended by the House in House amendment S–3361, filed April 25, 2009.

Senator McCoy moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator McCoy moved that the bill, as amended by the House and concurred in by the Senate, 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. 477), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 471** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 19, a resolution to protect and preserve the battleship USS Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 19.

Senate Resolution 19

On motion of Senator Beall, **Senate Resolution 19**, a resolution to protect and preserve the battleship USS Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved the adoption of Senate Resolution 19, which motion prevailed by a voice vote.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:34 p.m. until 3:45 p.m.

RECONVENED

The Senate reconvened at 3:58 p.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 826 (formerly HF 764), a bill for an act relating to the comprehensive recycling planning task force.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 826.

House File 826

On motion of Senator Hogg, **House File 826**, a bill for an act relating to the comprehensive recycling planning task force, with report of committee recommending passage, was taken up for consideration.

Senator Hogg 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?" (H.F. 826), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Hancock

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 **House File 826** be **immediately messaged** to the House.

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and were thanked by Senators Gronstal and McKinley for their service to the Senate.

Certificates of Excellence for serving with honor and distinction as Senate Pages during the 2009 Regular Session of the Eighty-third General Assembly were given to the following:

Evan Burger, Charlie Caris, Michael Dickinson, Taylor Edgar, Jefferson Fink, Hannah Fordyce, Caitlin Kingery, Megan Knight, Mia Kornelis, Sabrina Larson, Amber Schuler, Kayla Sproul, Nathan Verschuure, Mary Ward, and Nathan Winters.

The Senate rose and expressed its appreciation.

The Senate stood at ease at 4:13 p.m. until the fall of the gavel.

The Senate resumed session at 5:44 p.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 822 (HSB 291), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hatch, Hogg, Jochum, Ragan, Schoenjahn, and Seng. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 2: Hancock and Warnstadt.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration House File 822.

House File 822

On motion of Senator McCoy, **House File 822**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public

project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator McCoy offered amendment S–3363, filed by him from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3363 be adopted?" (H.F. 822), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Hancock

Amendment S–3363 was adopted.

Senator Dotzler offered amendment S–3366, filed by Senator Dotzler, et al., from the floor to page 8 of the bill, and moved its adoption.

Amendment S–3366 was adopted by a voice vote.

Senator McCoy offered amendment S–3364, filed by him from the floor to page 12 and amending the title page of the bill, and moved its adoption.

Amendment S–3364 was adopted by a voice vote.

Senator McCoy offered amendment S–3362, filed by him from the floor to pages 8, 10, and 11 of the bill.

Senator McCoy asked and received unanimous consent that action on amendment S–3362 and **House File 822** be **deferred**.

RECESS

On motion of Senator Courtney, the Senate recessed at 6:08 p.m. until the completion of a meeting of the committee on Appropriations.

RECONVENED

The Senate reconvened at 6:35 p.m., President Kibbie presiding.

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 April 25, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 820, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Appropriations**.

RECESS

On motion of Senator Appel, the Senate recessed at 6:37 p.m. until the completion of a meeting of the committee on Appropriations.

RECONVENED

The Senate reconvened at 7:08 p.m., President Kibbie presiding.

BUSINESS PENDING

House File 822

The Senate resumed consideration of House File 822 and amendment S–3362, previously deferred.

Senator Beall asked and received unanimous consent to withdraw amendment S–3369, filed by Senator Beall, et al., from the floor to page 1 of amendment S–3362.

Senator McCoy moved the adoption of amendment S–3362.

Amendment S–3362 was adopted by a voice vote.

With the adoption of amendment S–3362, the Chair ruled amendment S–3365, filed by Senator Beall, et al., from the floor to page 8 of the bill, out of order.

Senator Gronstal offered amendment S–3368, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S–3368 was adopted by a voice vote.

Senator McCoy offered amendment S–3367, filed by him from the floor to page 29 of the bill, and moved its adoption.

Amendment S–3367 was adopted by a voice vote.

Senator McCoy 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?" (H.F. 822), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart

Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Hancock

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 822** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 7:24 p.m. until 10:00 p.m.

RECONVENED

The Senate reconvened at 10:45 p.m., President Kibbie presiding.

The Senate stood at ease at 10:46 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 11:55 p.m., President Kibbie presiding.

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 April 25, 2009, **amended the Senate amendment**, **concurred in the Senate amendment as amended**, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 822, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions. (S–3371)

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and Wieck, until they return, on request of Senator Kettering.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 822

Senator McCoy called up for consideration **House File 822**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions, amended by the Senate and further amended by the House in House amendment S–3371 to Senate amendment H–1774, filed April 25, 2009.

Senator McCoy moved that the Senate concur in the House amendment to the Senate amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 822), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Zaun

Absent, 3:

Hancock	Houser	Wieck

The motion prevailed and the Senate **concurred** in the House amendment to the Senate amendment.

Senator McCoy moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, 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?" (H.F. 822), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Zaun

Absent, 3:

Hancock	Houser	Wieck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 820 (HSB 174), a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hatch, Hogg, Jochum, Ragan, Schoenjahn, and Seng. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 2: Hancock and Warnstadt.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 820.

House File 820

On motion of Senator Dvorsky, **House File 820**, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment

Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky offered amendment S–3370, filed by him from the floor to pages 27–30 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3370 be adopted?" (H.F. 820), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Zaun

Absent, 3:

Hancock	Houser	Wieck

Amendment S–3370 was adopted.

Senator Gronstal offered amendment S–3372, filed by him from the floor to page 38 of the bill, and moved its adoption.

Amendment S–3372 was adopted by a voice vote.

Senator Dvorsky 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?" (H.F. 820), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Zaun

Absent, 3:

Hancock	Houser	Wieck

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 **House File 820** be **immediately messaged** to the House.

The Senate stood at ease at 12:22 a.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 4:57 a.m., Sunday, April 26, 2009, President Kibbie presiding.

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 April 25, 2009, **amended the Senate amendment**, **concurred in the Senate amendment as amended**, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 820, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions. (S–3373)

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Seymour, until he returns, on request of Senator Kettering; and Senators Hatch and Warnstadt, until they return, on request of Senator Gronstal.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 820

Senator Dvorsky called up for consideration **House File 820**, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions, amended by the Senate and

further amended by the House in House amendment S–3373 to Senate amendment H–1781, filed April 26, 2009.

Senator Dvorsky moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Dvorsky moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, 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?" (H.F. 820), the vote was:

Yeas, 28:

Appel	Dearden	Horn	Rielly
Beall	Dotzler	Jochum	Schmitz
Black	Dvorsky	Kibbie	Schoenjahn
Bolkcom	Fraise	Kreiman	Seng
Courtney	Gronstal	Olive	Sodders
Dandekar	Heckroth	Quirmbach	Stewart
Danielson	Hogg	Ragan	Wilhelm

Nays, 16:

Bartz	Hahn	Kapucian	Noble
Behn	Hamerlinck	Kettering	Reynolds
Boettger	Hartsuch	McCoy	Ward
Feenstra	Johnson	McKinley	Zaun

Absent, 6:

Hancock	Houser	Warnstadt
Hatch	Seymour	Wieck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 820** be **immediately messaged** to the House.

MOTIONS TO RECONSIDER WITHDRAWN

House File 805

Senator Gronstal withdrew the motion to reconsider **House File 805**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, filed by him on April 9, 2009, found on page 1056 of the Senate Journal.

Senate File 467

Senator Gronstal withdrew the motion to reconsider **Senate File 467**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, filed by him on April 13, 2009, found on page 1077 of the Senate Journal.

Senate File 469

Senator Gronstal withdrew the motion to reconsider **Senate File 469**, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters, filed by him on April 13, 2009, found on page 1077 of the Senate Journal.

House File 809

Senator Gronstal withdrew the motion to reconsider **House File 809**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates, filed by him on April 23, 2009, found on page 1211 of the Senate Journal.

House File 811

Senator Gronstal withdrew the motion to reconsider **House File 811**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, filed by him on April 23, 2009, found on page 1211 of the Senate Journal.

Senate File 376

Senator Gronstal withdrew the motion to reconsider **Senate File 376**, a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions, filed by him from the floor.

Senate File 477

Senator Gronstal withdrew the motion to reconsider **Senate File 477**, a bill for an act relating to the issuance of bonds and making of appropriations for capital and other essential purposes, filed by him from the floor.

House File 822

Senator Gronstal withdrew the motion to reconsider **House File 822**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions, filed by him from the floor

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 376**, **467**, **469**, and **477** and **House Files 805**, **809**, **811**, and **822** be **immediately messaged** to the House.

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 April 24, 2009, **adopted the conference committee report and passed Senate File 470**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates.

ALSO: That the House has on April 22, 2009, **concurred in the Senate amendment to the House amendment**, **and passed** the following bill in which the concurrence of the House was asked:

Senate File 475, a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

ALSO: That the House has on April 25, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 478, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters. (S–3374)

ALSO: That the House has on April 25, 2009, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 10, a House concurrent resolution to provide for adjournment sine die.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dandekar, until she returns, on request of Senator Gronstal.

HOUSE AMENDMENT CONSIDERED

Senate File 478

Senator Dvorsky called up for consideration **Senate File 478**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, amended by the House in House amendment S–3374, filed April 26, 2009.

Senator Dvorsky moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dvorsky moved that the bill, as amended by the House and concurred in by the Senate, 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. 478), the vote was:

Yeas, 27:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	Olive	Sodders
Courtney	Heckroth	Quirmbach	Stewart
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 16:

Bartz	Hahn	Kapucian	Noble
Behn	Hamerlinck	Kettering	Reynolds
Boettger	Hartsuch	McCoy	Ward
Feenstra	Johnson	McKinley	Zaun

Absent, 7:

Dandekar	Hatch	Seymour	Wieck
Hancock	Houser	Warnstadt	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 478** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolution 10.

House Concurrent Resolution 10

On motion of Senator Gronstal, **House Concurrent Resolution 10**, a House concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 10, which motion prevailed by a voice vote.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 10, duly adopted, the day of April 26, 2009, having arrived, President Kibbie declared the 2009 Regular Session of the Eighty-third General Assembly adjourned sine die.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Timothy James Claussen, Adair—For achieving the rank of Eagle Scout, Troop 70. Senator Boettger (4/25/09).

Jessie Scott Leeper, Adair—For achieving the rank of Eagle Scout, Troop 70. Senator Boettger (4/25/09).

Benjamin LeRoy William Wilson, Adair—For achieving the rank of Eagle Scout, Troop 70. Senator Boettger (4/25/09).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Saturday, April 25, 2009, 12:50 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, and Seymour.

Members Absent: Hancock and Warnstadt (both excused).

Committee Business: Passed HF 822.

Adjourned: 1:00 p.m.

RULES AND ADMINISTRATION

Convened: Saturday, April 25, 2009, 10:25 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed SR 19.

Adjourned: 10:30 a.m.

WAYS AND MEANS

Convened: Saturday, April 25, 2009, 3:40 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: None.

Committee Business: Passed HF 826.

Adjourned: 3:45 p.m.

SUBCOMMITTEE ASSIGNMENT

House File 822

APPROPRIATIONS: McCoy, Chair

MOTIONS TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which Senate File 376 passed the Senate on April 25, 2009.

ALSO: I move to reconsider the vote by which Senate File 477 passed the Senate on April 25, 2009.

ALSO: I move to reconsider the vote by which House File 822 passed the Senate on April 26, 2009.

MICHAEL E. GRONSTAL

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 25th day of April, 2009:

Senate File 137.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S–3359	S.F.	376	House
S–3360	S.F.	471	House
S–3361	S.F.	477	House
S–3362	H.F.	822	Matt McCoy
S–3363	H.F.	822	Matt McCoy
S–3364	H.F.	822	Matt McCoy
S–3365	H.F.	822	Daryl Beall Steve Warnstadt Amanda Ragan Robert E. Dvorsky William A. Dotzler, Jr. Joe Bolkcom Robert M. Hogg Pam Jochum Matt McCoy
S–3366	H.F.	822	William A. Dotzler, Jr. Amanda Ragan Bill Heckroth Jeff Danielson
S–3367	H.F.	822	Matt McCoy
S–3368	H.F.	822	Michael E. Gronstal
S–3369	H.F.	822	Daryl Beall Steve Warnstadt Amanda Ragan Robert E. Dvorsky William Dotzler Joe Bolkcom Robert M. Hogg Pam Jochum Matt McCoy
S–3370	H.F.	820	Robert E. Dvorsky
S–3371	H.F.	822	House
S–3372	H.F.	820	Michael E. Gronstal
S–3373	H.F.	820	House
S–3374	S.F.	478	House

JOURNAL OF THE SENATE

EIGHTY-EIGHTH CALENDAR DAY
FIFTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 9, 2009

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Doug Shull, former member of the Senate from Warren County, Indianola, Iowa, and the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa. They were guests of Senator Zaun.

The Journal of Wednesday, April 8, 2009, was approved.

SPECIAL GUEST

President Kibbie welcomed to the Senate chamber Congressman Dave Loebsack, member of the U.S. House of Representatives.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:10 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:25 a.m., President Pro Tempore Danielson presiding.

QUORUM CALL

Senator Courtney requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent, and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 81

Senator Heckroth called up for consideration **Senate File 81**, a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property, amended by the House in House amendment S–3214, filed April 8, 2009.

Senator Heckroth moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Heckroth moved that the bill, as amended by the House and concurred in by the Senate, 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. 81), the vote was:

Yeas, 37:

Appel	Dotzler	Kapucian	Schoenjahn
Bartz	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Seymour
Black	Gronstal	McCoy	Sodders
Boettger	Hancock	Noble	Stewart
Bolkcom	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirmbach	Wilhelm
Dandekar	Hogg	Ragan	
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	

Nays, 13:

Behn	Hartsuch	McKinley	Zaun
Feenstra	Houser	Reynolds	
Hahn	Johnson	Ward	
Hamerlinck	Kettering	Wieck	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 7, 2009)

House File 580

The Senate resumed consideration of **House File 580**, a bill for an act relating to reimbursement of nonparticipating providers for eligible services provided to IowaCare program members, deferred April 7, 2009.

Senator Ragan withdrew amendment S–3224, filed by her on April 8, 2009, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Ragan offered amendment S–3170, filed by her on April 1, 2009, to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S–3170 was adopted by a voice vote.

Senator Ragan 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?" (H.F. 580), 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	Quirmbach	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, as amended, was agreed to.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate File 475.

Senate File 475

On motion of Senator Hancock, **Senate File 475**, a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Hancock 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. 475), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Nays, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

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 Courtney asked and received unanimous consent that **Senate Files 81** and **475** and **House File 580** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Courtney called up the following eligible appointees on the En Bloc Confirmation Calendar:

Timothy Fehr – Boiler and Pressure Vessel Board

August Cordero – Commission on the Deaf

Beverly Smith – Board of Educational Examiners

Claudia Ramirez – Generation Iowa Commission

Raymond Todd – Mental Health Risk Pool Board

Senator Courtney moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" 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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 260.

House File 260

On motion of Senator McCoy, **House File 260**, a bill for an act relating to the operation of county, city, and memorial hospitals and the duties and powers of hospital trustees and commissioners, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach asked and received unanimous consent to withdraw amendment S–3179, filed by Senators Quirmbach and Kreiman on April 2, 2009, to page 11 of the bill.

Senator Quirmbach asked and received unanimous consent to withdraw amendment S–3178, filed by Senators Quirmbach and Kreiman on April 2, 2009, to page 18 of the bill.

Senator McCoy 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?" (H.F. 260), 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	Quirmbach	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 BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 805.

House File 805

On motion of Senator McCoy, **House File 805**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, with report of committee recommending passage, was taken up for consideration.

Senator Reynolds offered amendment S–3233, filed by her from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3233 be adopted?" (H.F. 805) the vote was:

Yeas, 19:

Bartz	Hamerlinck	Kapucian	Seymour
Behn	Hancock	Kettering	Ward
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun
Hahn	Johnson	Reynolds	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, none.

Amendment S–3233 lost.

Senator Hartsuch offered amendment S–3232, filed by Senator Hartsuch, et al., from the floor to page 4 and amending the title page of the bill.

Senator McCoy raised the point of order that amendment S–3232 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3232 out of order.

Senator McCoy asked and received unanimous consent that action on **House File 805** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 260** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 437

Senator Olive called up for consideration **Senate File 437**, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records, amended by the House in House amendment S–3207, filed April 6, 2009.

Senator Olive asked and received unanimous consent that action on **Senate File 437** be **deferred**.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 464.

Senate File 464

On motion of Senator Bolkcom, **Senate File 464**, a bill for an act relating to motor fuel containing biodiesel, providing for tax credits, making penalties applicable, and including effective date and applicability provisions, was taken up for consideration.

Senator Kibbie offered amendment S–3208, filed by Senator Kibbie, et al., on April 7, 2009, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Kibbie offered amendment S–3213, filed by him on April 8, 2009, to pages 2 and 7 of amendment S–3208.

Senator Behn asked and received unanimous consent that action on amendment S–3213 to amendment S–3208, amendment S–3208, and **Senate File 464** be **deferred**.

The Senate stood at ease at 12:28 p.m. until the fall of the gavel.

The Senate resumed session at 1:07 p.m., President Kibbie presiding.

BUSINESS PENDING

House File 805

The Senate resumed consideration of **House File 805**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, previously deferred.

Senator Feenstra offered amendment S–3234, filed by him from the floor to page 4 and amending the title page of the bill.

Senator McCoy raised the point of order that amendment S–3234 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3234 out of order.

Senator McCoy 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?" (H.F. 805), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	Kreiman	Sodders
Courtney	Hancock	McCoy	Stewart
Dandekar	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	Wilhelm
Dearden	Hogg	Ragan	

Nays, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McKinley	Ward

Boettger	Houser	Noble	Wieck
Feenstra	Johnson	Reynolds	Zaun
Hahn	Kapucian	Schmitz	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Pro Tempore Danielson took the chair at 1:20 p.m.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 758.

House File 758

On motion of Senator Kreiman, **House File 758**, a bill for an act relating to damages recoverable for the wrongful or negligent injury or death of a person, with report of committee without recommendation, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **House File 758** be **deferred**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:29 p.m. until 9:00 a.m., Friday, April 10, 2009.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifth grade students, teachers, and parents from Gilbert Middle School. Senator Quirmbach.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Isaac Ales, Muscatine—For achieving the rank of Eagle Scout, Troop 104. Senator Hahn (4/9/09).

Ellen Henningsen, Denison—For celebrating her 85th birthday. Senator Seymour (4/9/09).

Kenneth and Marilyn Olsen, Missouri Valley—For celebrating their 50th wedding anniversary. Senator Seymour (4/9/09).

Sgt. Mark Schumacher, Clear Lake—In honor of his years of service to the Iowa State Patrol, 1976–2009. Senator Ragan (4/9/09).

Ethel Silbaugh, Fort Dodge—For celebrating her 100th birthday. Senator Beall (4/9/09).

Robert Utman, Modale—For celebrating his 90th birthday. Senator Seymour (4/9/09).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Wednesday, April 1, 2009, 3:30 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, and Warnstadt.

Members Absent: Seymour (excused).

Committee Business: Approved SSB 1318.

Adjourned: 4:10 p.m.

ALSO:

Convened: Thursday, April 9, 2009, 3:35 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hatch, Hogg, Jochum, Noble, Ragan, Schoenjahn, Seng, and Warnstadt.

Members Absent: Johnson, Kapucian, and Seymour (all excused).

Committee Business: Passed SF 310. Approved SSBs 1329 and 1330.

Adjourned: 4:05 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, April 2, 2009, 8:15 a.m.

Members Present: Olive, Chair; Courtney, Vice Chair; and Sodders.

Members Absent: Ward, Ranking Member; and Wieck (both excused).

Committee Business: Presentation by the Department of Elder Affairs.

Adjourned: 9:00 a.m.

ALSO:

Convened: Thursday, April 9, 2009, 1:30 p.m.

Members Present: Olive, Chair; Courtney, Vice Chair; Ward, Ranking Member; Sodders and Wieck.

Members Absent: None.

Committee Business: Approved SSB 1326.

Adjourned: 2:10 p.m.

WAYS AND MEANS

Convened: Thursday, March 26, 2009, 2:25 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: Houser (excused).

Committee Business: Passed SF 378 without recommendation. Approved SSBs 1190 and 1313, both as amended. Governor's appointments.

Adjourned: 3:15 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 8, by Gronstal, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 21, by Johnson, a resolution to honor the city of Everly, Iowa, on the occasion of its quasquicentennial.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 476, by committee on Ways and Means, a bill for an act relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 477, by committee on Appropriations, a bill for an act relating to the issuance of bonds and making of appropriations for capital and other essential purposes.

Read first time under Rule 28 and **placed on Appropriations calendar**.

Senate File 478, by committee on Appropriations, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters.

Read first time under Rule 28 and **placed on Appropriations calendar**.

Senate File 479, by committee on Ways and Means, a bill for an act relating to property tax exemption eligibility for methane gas conversion property and including an effective date and applicability date provision.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 480, by committee on Ways and Means, a bill for an act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 481, by committee on Ways and Means, a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 482, by committee on Ways and Means, a bill for an act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green

corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 483, by committee on Ways and Means, a bill for an act relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets transfer agreements, eliminating the carryback of net operating losses, modifying refund interest provisions, and including retroactive applicability date and other applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 484, by committee on Government Oversight, a bill for an act relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty.

Read first time under Rule 28 and **placed on calendar**.

Senate File 485, by committee on Appropriations, a bill for an act creating a disaster assistance loan and credit guarantee program and fund, making appropriations, and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILLS RECEIVED

SSB 1328 Appropriations

Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

SSB 1329 Appropriations

Relating to the issuance of bonds and making of appropriations for capital and other essential purposes.

SSB 1330 Appropriations

Relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters.

SSB 1331 Appropriations

Relating to state financial matters, providing for properly related matters, and providing effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

SSB 1328

APPROPRIATIONS: Dvorsky, Chair; and Kettering

SSB 1329

APPROPRIATIONS: McCoy, Chair; Dvorsky and Kettering

SSB 1330

APPROPRIATIONS: Dvorsky, Chair; Kettering and Warnstadt

SSB 1331

APPROPRIATIONS: Dvorsky, Chair; Kettering and Warnstadt

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 477 (SSB 1329), a bill for an act relating to the issuance of bonds and making of appropriations for capital and other essential purposes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 6: Kettering, Bartz, Boettger, Feenstra, Hahn, and Noble. Absent, 3: Johnson, Kapucian, and Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 478 (SSB 1330), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 6: Kettering, Bartz, Boettger, Feenstra, Hahn, and Noble. Absent, 3: Johnson, Kapucian, and Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 485 (formerly SF 310), a bill for an act creating a disaster assistance loan and credit guarantee program and fund, making appropriations, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 6: Kettering, Bartz, Boettger, Feenstra, Hahn, and Noble. Absent, 3: Johnson, Kapucian, and Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNMENT OVERSIGHT:

Bill Title: *SENATE FILE 484 (SSB 1326), a bill for an act relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Olive, Courtney, Ward, 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 Government Oversight Committee on Senate File 484, and they were attached to the committee report.

WAYS AND MEANS

Bill Title: *SENATE FILE 476 (formerly SF 422), a bill for an act relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, 1: Houser.

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 Ways and Means Committee on Senate File 476, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 479 (formerly SF 214), a bill for an act relating to property tax exemption eligibility for methane gas conversion property and including an effective date and applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, 2: Hamerlinck and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 480 (formerly SF 206), a bill for an act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, 2: Hamerlinck and Houser.

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 Ways and Means Committee on Senate File 480, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 481 (formerly SF 309), a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, 2: Hamerlinck and Houser.

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 Ways and Means Committee on Senate File 481, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 482 (SSB 1327), a bill for an act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, 2: Hamerlinck and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 483 (SSB 1316), a bill for an act relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets transfer agreements, eliminating the carryback of net operating losses, modifying refund interest provisions, and including retroactive applicability date and other applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Bolkcom, McCoy, Dandekar, Dotzler, Hogg, Houser, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 4: Zaun, Bartz, Feenstra, and Ward. Absent, 2: Hamerlinck and Jochum.

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 Ways and Means Committee on Senate File 483, and they were attached to the committee report.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 805 passed the Senate on April 9, 2009.

MICHAEL E. GRONSTAL

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 9, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 360 – Relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.

Senate File 364 – Relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing effective date and applicability provisions.

Senate File 365 – Relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

AMENDMENTS FILED

S–3232	H.F.	805	David Hartsuch Steve Kettering Randy Feenstra Shawn Hamerlinck Brad Zaun
S–3233	H.F.	805	Kim Reynolds
S–3234	H.F.	805	Randy Feenstra

JOURNAL OF THE SENATE

EIGHTY-NINTH CALENDAR DAY
FIFTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 10, 2009

The Senate met in regular session at 9:01 a.m., Senator Appel presiding.

The Journal of Thursday, April 9, 2009, 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 April 9, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 114, a bill for an act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

Senate File 342, a bill for an act providing for the powers and duties of the Iowa soybean association's board of directors.

ALSO: That the House has on April 9, 2009, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 435, a bill for an act relating to the entry upon land by a surveyor for land survey purposes. (S–3235)

Senate File 467, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection. (S–3237)

Senate File 469, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters. (S–3236)

ALSO: That the House has on April 9, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 734, a bill for an act 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.

Read first time and attached to **similar Senate File 444**.

House File 811, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Read first time and referred to committee on **Appropriations**.

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator McCoy asked and received unanimous consent that the following bills on the Senate Calendar, no longer eligible under Joint Rule 20, be placed on the Unfinished Business Calendar:

S.F. 116	S.F. 435	S.F. 477
S.F. 155	S.F. 437	S.F. 478
S.F. 178	S.F. 461	S.F. 479
S.F. 266	S.F. 463	S.F. 480
S.F. 282	S.F. 464	S.F. 481
S.F. 323	S.F. 465	S.F. 482
S.F. 340	S.F. 467	S.F. 483
S.F. 374	S.F. 468	S.F. 484
S.F. 417	S.F. 469	S.F. 485
S.F. 418	S.F. 471	S.R. 14
S.F. 419	S.F. 476	

BILLS REFERRED TO COMMITTEE

Senator McCoy asked and received unanimous consent that the following bills on the Senate Calendar, no longer eligible under Joint Rule 20, be referred to the following committees:

S.F.	64	Judiciary
S.F.	107	State Government
S.F.	185	Judiciary
S.F.	249	Commerce
S.F.	264	Local Government
S.F.	269	Judiciary
S.F.	277	State Government
S.F.	278	Commerce
S.F.	284	Transportation
S.F.	287	State Government
S.F.	321	Judiciary
S.F.	388	Natural Resources
S.F.	395	Commerce (and attached H.F. 788)
S.F.	396	Commerce
S.F.	409	Commerce
S.F.	421	State Government
S.F.	442	Environment and Energy Independence

ADJOURNMENT

On motion of Senator McCoy, the Senate adjourned at 9:05 a.m. until 10:00 a.m., Monday, April 13, 2009.

APPENDIX

AMENDMENTS FILED

S–3235	S.F.	435	House
S–3236	S.F.	469	House
S–3237	S.F.	467	House

JOURNAL OF THE SENATE

NINETY-SECOND CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 13, 2009

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Taylor Edgar.

The Journal of Friday, April 10, 2009, was approved.

The Senate stood at ease at 9:12 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:32 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:33 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:06 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Beall, until he arrives, on request of Senator Dandekar.

CONSIDERATION OF BILLS
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 482, 479, and 471.

Senate File 482

On motion of Senator Dotzler, **Senate File 482**, a bill for an act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

Senator Dotzler offered amendment S–3239, filed by him from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment S–3239 was adopted by a voice vote.

Senator Dotzler 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. 482), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Beall

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 479

On motion of Senator Hogg, **Senate File 479**, a bill for an act relating to property tax exemption eligibility for methane gas conversion property and including an effective date and applicability date provision, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

Senator Hogg 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. 479), 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	Quirmbach	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.

SPECIAL GUEST

President Kibbie introduced to the Senate Chamber the Honorable Kitty Rehberg, former member of the Senate from Buchanan County, Rowley, Iowa.

The Senate rose and expressed its welcome.

Senate File 471

On motion of Senator Hogg, **Senate File 471**, a bill for an act relating to the operation and purview of the office of energy independence, by transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

Senator Hogg offered amendment S–3238, filed by him from the floor to pages 5, 7–10, 19, and 27 and amending the title page of the bill, and moved its adoption.

Amendment S–3238 was adopted by a voice vote.

Senator Hogg offered amendment S–3194, filed by him on April 6, 2009, to page 28 and amending the title page of the bill, and moved its adoption.

Amendment S–3194 was adopted by a voice vote.

Senator Hogg 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. 471), the vote was:

Yeas, 33:

Appel	Dotzler	Jochum	Schoenjahn
Bartz	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Black	Gronstal	McCoy	Stewart
Bolkcom	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirmbach	Wilhelm
Dandekar	Hogg	Ragan	
Danielson	Horn	Rielly	
Dearden	Houser	Schmitz	

Nays, 17:

Behn	Hancock	McKinley	Wieck
Boettger	Hartsuch	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	
Hamerlinck	Kettering	Ward	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 471**, **479**, and **482** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 469

Senator Dotzler called up for consideration **Senate File 469**, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters, amended by the House in House amendment S–3236, filed April 10, 2009, and placed on the Unfinished Business Calendar on April 10, 2009.

Senator Dotzler moved that the Senate concur in the House amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 469), 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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dotzler moved that the bill, as amended by the House and concurred in by the Senate, 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. 469), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Nays, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 467

Senator Seng called up for consideration **Senate File 467**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, amended by the House in House amendment S–3237, filed April 10, 2009, and placed on the Unfinished Business Calendar on April 10, 2009.

Senator Seng moved that the Senate concur in the House amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 467), the vote was:

Yeas, 33:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	Kreiman	Sodders
Boettger	Gronstal	McCoy	Stewart
Bolkcom	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wilhelm
Dandekar	Heckroth	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Nays, 17:

Bartz	Hartsuch	McKinley	Wieck
Behn	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	
Hamerlinck	Kettering	Ward	

Absent, none.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Seng moved that the bill, as amended by the House and concurred in by the Senate, 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. 467), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILLS
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 476 and 465.

Senate File 476

On motion of Senator Bolkcom, **Senate File 476**, a bill for an act relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

Senator Hartsuch offered amendment S–3240, filed by Senator Hartsuch, et al., from the floor to page 4 of the bill.

Senator Dvorsky raised the point of order that amendment S–3240 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3240 out of order.

Senator Bolkcom 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. 476), the vote was:

Yeas, 45:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Black	Hahn	Kreiman	Sodders
Boettger	Hancock	McCoy	Stewart
Bolkcom	Hatch	McKinley	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, 5:

Behn	Hartsuch	Ward
Hamerlinck	Noble	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 465

On motion of Senator Quirmbach, **Senate File 465**, a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system, placed on the Unfinished Business Calendar on April 10, 2009, with report of committee without recommendation, was taken up for consideration.

Senator Quirmbach offered amendment S–3175, filed by him on April 1, 2009, to pages 2–5 and 7 of the bill.

Senator McCoy offered amendment S–3184, filed by him on April 2, 2009, to pages 2, 3, and 7 of amendment S–3175.

Senator McCoy asked and received unanimous consent that action on amendment S–3184 to amendment S–3175, amendment S–3175, and **Senate File 465** be **deferred.**

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 476** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 437

Senator Olive called up for consideration **Senate File 437**, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records,

amended by the House in House amendment S–3207, filed April 6, 2009, and placed on the Unfinished Business Calendar on April 10, 2009.

Senator Kreiman offered amendment S–3230, filed by Senators Kreiman, Olive, and Reynolds on April 8, 2009, to pages 1 and 2 of amendment S–3207, and moved its adoption.

Amendment S–3230 was adopted by a voice vote.

With the adoption of amendment S–3230 (to amendment S–3207), the Chair ruled amendment S–3242, filed by Senator Olive from the floor to page 1 of the bill, out of order.

Senator Olive moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Olive moved that the bill, as amended by the House, further amended and concurred in by the Senate, 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. 437), 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	Quirmbach	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, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 435

Senator Rielly called up for consideration **Senate File 435**, a bill for an act relating to the entry upon land by a surveyor for land survey purposes, amended by the House in House amendment S–3235, filed April 10, 2009, placed on the Unfinished Business Calendar on April 10, 2009.

Senator Rielly moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Rielly moved that the bill, as amended by the House and concurred in by the Senate, 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. 435), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	

Dvorsky	Johnson	Schmitz

Nays, 1:

Hamerlinck

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 374

Senator Dandekar called up for consideration **Senate File 374**, a bill for an act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable, amended by the House in House amendment S–3206, filed April 6, 2009, placed on the Unfinished Business Calendar on April 10, 2009.

Senator Dandekar moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dandekar moved that the bill, as amended by the House and concurred in by the Senate, 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. 374), 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	Quirmbach	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 374**, **435**, and **437** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred April 7, 2009)

House File 759

The Senate resumed consideration of **House File 759**, a bill for an act requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program, deferred April 7, 2009.

Senator Hogg offered amendment S–3243, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S–3243 was adopted by a voice vote.

Senator Jochum 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?" (H.F. 759), the vote was:

Yeas, 45:

Appel	Feenstra	Kapucian	Seng

Bartz	Fraise	Kibbie	Seymour
Beall	Gronstal	Kreiman	Sodders
Black	Hahn	McCoy	Stewart
Boettger	Hamerlinck	McKinley	Ward
Bolkcom	Hancock	Noble	Warnstadt
Courtney	Hatch	Quirmbach	Wieck
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Reynolds	Zaun
Dearden	Horn	Rielly	
Dotzler	Houser	Schmitz	
Dvorsky	Jochum	Schoenjahn	

Nays, 5:

Behn	Johnson	Olive
Hartsuch	Kettering	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 759** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:04 p.m. until 11:00 a.m., Tuesday, April 14, 2009.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Estella Boettger, Harlan—For celebrating her 100th birthday. Senator Boettger (4/13/09).

Russell and Jeanne Lucas, West Burlington—For celebrating their 55th wedding anniversary. Senator Courtney (4/13/09).

Rebecca Olafsen, Monona—In recognition of her 36 years of teaching service. Senator Schoenjahn (4/13/09).

Hugh and Donnie Ross, Atlantic—For celebrating their 60th wedding anniversary. Senator Boettger (4/13/09).

Janette Schulze, Burlington—For celebrating her 101st birthday. Senator Courtney (4/13/09).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Monday, April 13, 2009, 11:40 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

Members Absent: None.

Committee Business: Passed HFs 806, 809, and 811.

Adjourned: 12:30 p.m.

WAYS AND MEANS

Convened: Thursday, April 9, 2009, 2:35 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: Hamerlinck and Houser (both excused).

Committee Business: Passed SFs 206 and 309, both as amended, and SF 214. Approved SSBs 1316 and 1327, both as amended.

Adjourned: 3:30 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 22, by Bolkcom, a resolution requesting a legislative study concerning the licensure of professional midwives.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 809 (HSB 285), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Noble, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Jochum, Johnson, Kapucian, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 811 (HSB 287), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Noble, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Jochum, Johnson, Kapucian, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTIONS TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which Senate File 467 passed the Senate on April 13, 2009.

ALSO: I move to reconsider the vote by which Senate File 469 passed the Senate on April 13, 2009.

MICHAEL E. GRONSTAL

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 355, the following correction was made:

1. Page 29, line 26: word "registrants" is not fully stricken; "s" at end of "registrants" not stricken.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS 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 bills have 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 13th day of April, 2009:

Senate Files 43 and 355.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S–3238	S.F.	471	Robert M. Hogg
S–3239	S.F.	482	William A. Dotzler, Jr.
S–3240	S.F.	476	David Hartsuch
			James A. Seymour
			Brad Zaun
			Steve Kettering
			Paul McKinley
			Jerry Behn
			Ron Wieck
			Pat Ward

			Kim Reynolds
			Merlin Bartz
			Tim L. Kapucian
			David Johnson
S–3241	S.F.	483	Rich Olive
			Roger Stewart
S–3242	S.F.	437	Rich Olive
S–3243	H.F.	759	Robert M. Hogg

JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 14, 2009

The Senate met in regular session at 11:10 a.m., President Kibbie presiding.

Prayer was offered by Reverend Dan Merchant, pastor of the Cedar Street Baptist Church in Tipton, Iowa. He was the guest of Senator Hahn.

The Journal of Monday, April 13, 2009, 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 April 13, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 203, a bill for an act relating to the identification of the eligibility of tenants of an assisted living program for benefits through the United States department of veterans affairs.

Senate File 438, a bill for an act relating to actions injurious to dependent adults and residents of health care facilities and providing penalties.

Senate File 482, a bill for an act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates.

ALSO: That the House has on April 13, 2009, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 403, a bill for an act concerning the sale of beer by native wineries. (S–3244)

Senate File 415, a bill for an act relating to the acquisition of title to abandoned property by cities. (S–3249)

Senate File 452, 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. (S–3245)

Senate File 457, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability date provisions. (S–3246)

Senate File 472, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date. (S–3247)

SPECIAL GUESTS

Senator Black introduced to the Senate chamber Mr. and Mrs. Wang Huai of the Zhejiang Far East Leather Industrial Company, Ms. Wang Ping, and May-May Ng of the C.K. International Cultural and Economic Center in West Des Moines.

The Senate rose and expressed its welcome.

The Senate stood at ease at 11:27 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:39 p.m., President Kibbie presiding.

RECESS

On motion of Senator Courtney, the Senate recessed at 12:40 p.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:17 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 483.

Senate File 483

On motion of Senator Jochum, **Senate File 483**, a bill for an act relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets transfer agreements, eliminating the carryback of net operating losses, modifying refund interest provisions, and including retroactive applicability date and other applicability date provisions, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

Senator Olive asked and received unanimous consent to withdraw amendment S–3241, filed by Senators Olive and Stewart on April 13, 2009, to page 1 of the bill.

Senator Jochum 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. 483), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

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 File 483** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred April 13, 2009)

Senate File 465

The Senate resumed consideration of **Senate File 465**, a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system, and amendment S–3184 to amendment S–3175 and amendment S–3175, deferred April 13, 2009.

Senator McCoy withdrew amendment S–3184, filed by him on April 2, 2009, to pages 2, 3, and 7 of amendment S–3175.

Senator Kettering raised the point of order that amendment S–3175 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S–3175 in order.

Senator Quirmbach moved the adoption of amendment S–3175.

Amendment S–3175 was adopted by a voice vote.

Senator Kreiman offered amendment S–3181, filed by him on April 2, 2009, to page 6 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 36, nays 3, present 1.

Amendment S–3181 was adopted.

Senator Bartz offered amendment S–3257, filed by him from the floor to page 1 of the bill.

Senator Gronstal raised the point of order that amendment S–3257 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3257 out of order.

The Senate stood at ease at 3:08 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:23 p.m., President Kibbie presiding.

Senator Quirmbach 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. 465), the vote was:

Yeas, 43:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Black	Hahn	Kibbie	Seymour
Boettger	Hancock	Kreiman	Stewart
Bolkcom	Hatch	McKinley	Ward
Courtney	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Quirmbach	Wilhelm
Dotzler	Houser	Ragan	Zaun
Dvorsky	Jochum	Rielly	

Nays, 6:

Behn	Hamerlinck	McCoy
Dandekar	Hartsuch	Sodders

Present, 1:

Reynolds

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 File 465** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 323

Senator Kreiman called up for consideration **Senate File 323**, a bill for an act relating to the provision of health records of a child in foster care to the foster care provider, amended by the House in House amendment S–3205, filed April 6, 2009, placed on the Unfinished Business Calendar on April 10, 2009.

Senator Kreiman moved that the Senate concur and vote "No" in the House amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 323), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, none.

The motion prevailed and the Senate **refused to concur** in the House amendment.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 480.

Senate File 480

On motion of Senator Dotzler, **Senate File 480**, a bill for an act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

Senator Dotzler offered amendment S–3256, filed by him from the floor to pages 1–3 of the bill, and moved its adoption.

Amendment S–3256 was adopted by a voice vote.

Senator Dotzler 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. 480), the vote was:

Yeas, 46:

Appel	Dvorsky	Kettering	Schoenjahn
Bartz	Fraise	Kibbie	Seng
Beall	Gronstal	Kreiman	Seymour
Behn	Hahn	McCoy	Sodders
Black	Hancock	McKinley	Stewart
Boettger	Hatch	Noble	Ward
Bolkcom	Heckroth	Olive	Warnstadt
Courtney	Hogg	Quirmbach	Wieck
Dandekar	Horn	Ragan	Wilhelm
Danielson	Houser	Reynolds	Zaun
Dearden	Jochum	Rielly	
Dotzler	Kapucian	Schmitz	

Nays, 4:

Feenstra	Hamerlinck	Hartsuch	Johnson

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 323** and **480** be **immediately messaged** to the House.

The Senate stood at ease at 3:45 p.m. until the fall of the gavel.

The Senate resumed session at 3:50 p.m., President Pro Tempore Danielson presiding.

UNFINISHED BUSINESS
(Deferred April 9, 2009)

Senate File 464

The Senate resumed consideration of **Senate File 464**, a bill for an act relating to motor fuel containing biodiesel, providing for tax credits, making penalties applicable, and including effective date and applicability provisions, amendment S–3213 to amendment S–3208 and amendment S–3208, deferred April 9, 2009.

Senator Hamerlinck offered amendment S–3258, filed by Senator Hamerlinck, et al., from the floor to pages 1 and 8 and amending the title provisions of amendment S–3208, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3258 to amendment S–3208 be adopted?" (S.F. 464), the vote was:

Yeas, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Boettger	Johnson	Reynolds	
Feenstra	Kapucian	Seymour	
Hahn	Kettering	Ward	

Nays, 33:

Appel	Dvorsky	Jochum	Schoenjahn
Beall	Fraise	Kibbie	Seng
Black	Gronstal	Kreiman	Sodders
Bolkcom	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	
Dotzler	Houser	Schmitz	

Absent, none.

Amendment S–3258 lost.

Senator Kapucian offered amendment S–3254, filed by him from the floor to page 2 of amendment S–3208, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3254 to amendment S–3208 be adopted?" (S.F. 464), the vote was:

Yeas, 19:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Ward
Black	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	

Nays, 31:

Appel	Dvorsky	Jochum	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm
Dotzler	Horn	Rielly	

Absent, none.

Amendment S–3254 lost.

Senator Kibbie offered amendment S–3213 to amendment S–3208, previously deferred.

Senator Kibbie moved the adoption of amendment S–3213.

Amendment S–3213 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bolkcom, until he returns, on request of Senator Ragan.

Senator Behn offered amendment S–3250, filed by him from the floor to page 2 of amendment S–3208, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3250 to amendment S–3208 be adopted?" (S.F. 464), the vote was:

Yeas, 21:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hancock	McCoy	Wieck
Boettger	Hartsuch	McKinley	Zaun
Dandekar	Houser	Noble	
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 28:

Appel	Dvorsky	Jochum	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Courtney	Hatch	Olive	Sodders
Danielson	Heckroth	Quirmbach	Stewart
Dearden	Hogg	Ragan	Warnstadt
Dotzler	Horn	Rielly	Wilhelm

Absent, 1:

Bolkcom

Amendment S–3250 lost.

Senator Behn offered amendment S–3251, filed by him from the floor to page 3 of amendment S–3208.

Senator Kreiman raised the point of order that amendment S–3251 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S–3251 in order.

Senator Behn moved the adoption of amendment S–3251.

A record roll call was requested.

On the question "Shall amendment S–3251 to amendment S–3208 be adopted?" (S.F. 464), the vote was:

Yeas, 19:

Bartz	Hamerlinck	Kapucian	Seymour
Behn	Hancock	Kettering	Ward
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun
Hahn	Johnson	Reynolds	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, none.

Amendment S–3251 lost.

President Kibbie asked and received unanimous consent that action on **Senate File 464** be **deferred**.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Shearon Elderkin as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on February 10, 2009, found on page 276 of the Senate Journal, previously deferred on April 7, 2009. Also, for reappointment, placed on the Individual Confirmation Calendar on March 30, 2009, found on page 892 of the Senate Journal, previously deferred on April 7, 2009.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, none.

The appointee, having failed to receive a two-thirds vote, was declared to have not been confirmed by the Senate.

The Senate stood at ease at 4:53 p.m. until the fall of the gavel.

The Senate resumed session at 4:55 p.m., President Pro Tempore Danielson presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:56 p.m. until 9:00 a.m., Wednesday, April 15, 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 WORKFORCE DEVELOPMENT

Iowa Unemployment Compensation Trust Fund Status Report for 2008, pursuant to Iowa Code section 96.35. Report received on April 14, 2009.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Margarite Bowers, Waterloo—For celebrating her 95th birthday. Senator Dotzler (4/14/09).

Havana Butler, Waterloo—For celebrating her 95th birthday. Senator Dotzler (4/14/09).

Cody Hancock, Cedar Rapids—For achieving the rank of Eagle Scout, Troop 5200. Senator Horn (4/14/09).

Matthew Scott Klinkefus, Ankeny—For achieving the rank of Eagle Scout, Troop 188. Senator Noble (4/14/09).

Wayne and Mary Lockey, Waterloo—For celebrating their 50th wedding anniversary. Senator Dotzler (4/14/09).

Inez Loomis, Washington—For celebrating her 100th birthday. Senator Schmitz (4/14/09).

Donald and Phyllis Reiter, Waterloo—For celebrating their 50th wedding anniversary. Senator Dotzler (4/14/09).

Gene and Darlene Spears—For celebrating their 50th wedding anniversary. Senator Dotzler (4/14/09).

INTRODUCTION OF RESOLUTION

Senate Resolution 23, by Courtney, a resolution recognizing May 2009 as Huntington's Disease Awareness Month.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

BILLS 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 bills have 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 14th day of April, 2009:

Senate Files 225, 322, 407, and 440.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S–3244	S.F.	403	House
S–3245	S.F.	452	House
S–3246	S.F.	457	House
S–3247	S.F.	472	House
S–3248	S.F.	484	Rich Olive
S–3249	S.F.	415	House
S–3250	S.F.	464	Jerry Behn
S–3251	S.F.	464	Jerry Behn
S–3252	S.F.	464	Jerry Behn
S–3253	H.F.	758	Herman C. Quirmbach
S–3254	S.F.	464	Tim L. Kapucian
S–3255	S.F.	464	Tim L. Kapucian
S–3256	S.F.	480	William A. Dotzler, Jr.
S–3257	S.F.	465	Merlin Bartz
S–3258	S.F.	464	Shawn Hamerlinck Brad Zaun Pat Ward Ron Wieck James A. Seymour Kim Reynolds

			Randy Feenstra
			James F. Hahn
			Paul McKinley
			David Johnson
			Nancy J. Boettger
			Jerry Behn
			David Hartsuch
			Larry Noble
			Steve Kettering
S–3259	H.F.	758	Brian Schoenjahn
S–3260	S.F.	464	John P. Kibbie
S–3261	S.F.	464	David Johnson
S–3262	S.F.	464	David Johnson
S–3263	S.F.	464	David Johnson

JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY
FIFTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 15, 2009

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by Pastor Melissa Drake of the Silver Creek United Methodist Church and the Hancock United Methodist Church in Hancock, Iowa. She was the guest of Senator Boettger.

The Journal of Tuesday, April 14, 2009, 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 April 14, 2009, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 236, a bill for an act relating to psychiatric medical institution for children services and providing an effective date. (S–3265)

Senate File 433, a bill for an act relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties. (S–3266)

Senate File 470, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates. (S–3268)

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Eugene Gessow as Director of the Department of Human Services, placed on the Individual Confirmation Calendar on February 12, 2009, found on page 293 of the Senate Journal.

Senator Hatch moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 19:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Ward
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun
Gronstal	Johnson	Reynolds	

Absent, none.

The appointee, having failed to receive a two-thirds vote, was declared to have not been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Carrie LaSeur as a member of the Iowa Power Fund Board, placed on the Individual Confirmation Calendar on March 24, 2009, found on page 839 of the Senate Journal.

Senator Stewart moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	Kreiman	Stewart
Courtney	Hancock	McCoy	Warnstadt
Dandekar	Hatch	Olive	Wilhelm
Danielson	Heckroth	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 20:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McKinley	Sodders
Boettger	Houser	Noble	Ward
Feenstra	Johnson	Reynolds	Wieck
Hahn	Kapucian	Rielly	Zaun

Absent, none.

The appointee, having failed to receive a two-thirds vote, was declared to have not been confirmed by the Senate.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:16 a.m. until 3:00 p.m.

RECONVENED

The Senate reconvened at 3:12 p.m., President Kibbie presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENT

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointee on the En Bloc Confirmation Calendar:

Amber Crystal Amos – Commission on Community Action Agencies

Senator Gronstal moved that the foregoing appointee be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 484.

Senate File 484

On motion of Senator Olive, **Senate File 484**, a bill for an act relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

Senator Olive offered amendment S–3248, filed by him on April 14, 2009, to pages 1, 3, and 6 of the bill, and moved its adoption.

Amendment S–3248 was adopted by a voice vote.

Senator Olive 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. 484), 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	Quirmbach	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 BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 811.

House File 811

On motion of Senator Hatch, **House File 811**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Hatch offered amendment S–3271, filed by him from the floor to pages 16, 18, 21, 29, 31–33, 39–41, 44, 46, 61, 71, 76, 78, 80, 81, 84–86, and 111 of the bill.

Senator Hatch offered amendment S–3276, filed by him from the floor to page 2 of amendment S–3271, and moved its adoption.

Amendment S–3276 was adopted by a voice vote.

Senator Hatch moved the adoption of amendment S–3271, as amended.

A record roll call was requested.

On the question "Shall amendment S–3271, as amended, be adopted?" (H.F. 811), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, none.

Amendment S–3271, as amended, was adopted.

Senator Johnson offered amendment S–3275, filed by him from the floor to pages 45, 50, 54, 60, 70, 83, 85, 86, 88, and 113 of the bill.

Senator Johnson called for the following division of amendment S–3275:

Division S–3275A: Page 1, line 3–Page 2, line 32; and
Division S–3275B: Page 2, line 33–Page 3, line 3.

Senator Johnson moved the adoption of division S–3275A.

A record roll call was requested.

On the question "Shall division S–3275A be adopted?" (H.F. 811) the vote was:

Yeas, 21:

Bartz	Hancock	McKinley	Ward
Behn	Hartsuch	Noble	Wieck
Boettger	Houser	Reynolds	Zaun
Feenstra	Johnson	Schoenjahn	
Hahn	Kapucian	Seng	
Hamerlinck	Kettering	Seymour	

Nays, 29:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Sodders
Black	Fraise	Kreiman	Stewart
Bolkcom	Gronstal	McCoy	Warnstadt
Courtney	Hatch	Olive	Wilhelm
Dandekar	Heckroth	Quirmbach	
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Absent, none.

Division S–3275A lost.

Senator Johnson moved the adoption of division S–3275B.

A record roll call was requested.

On the question "Shall division S–3275B be adopted?" (H.F. 811) the vote was:

Yeas, 20:

Bartz	Hamerlinck	Kapucian	Seng
Behn	Hancock	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Houser	Noble	Wieck
Hahn	Johnson	Reynolds	Zaun

Nays, 30:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Sodders
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Absent, none.

Division S–3275B lost.

Senator Hatch 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?" (H.F. 811), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Nays, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	Ward

Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

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 File 484** and **House File 811** be **immediately messaged** to the House.

The Senate stood at ease at 3:53 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 4:43 p.m., President Kibbie presiding.

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 April 15, 2009, **passed** the following bill in which the concurrence of the House was asked:

Senate File 456, a bill for an act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability date provisions.

ALSO: That the House has on April 15, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 475, a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions. (S–3280)

ALSO: That the House has on April 15, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 810, a bill for an act providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

House File 817, a bill for an act relating to the research activities tax credit for innovative renewable energy generation components and making an appropriation and providing applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hartsuch, until he returns, on request of Senator Kettering.

UNFINISHED BUSINESS
(Deferred April 6, 2009)

Senate File 116

The Senate resumed consideration of **Senate File 116**, a bill for an act providing that the casual sales exemption under the state sales tax does not apply to the sales of all-terrain vehicles, snowmobiles, off-road motorcycles, and off-road utility vehicles, deferred April 6, 2009.

Senator Quirmbach 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. 116), the vote was:

Yeas, 29:

Appel	Dotzler	Jochum	Seng
Beall	Dvorsky	Kibbie	Sodders
Black	Fraise	McCoy	Stewart
Bolkcom	Gronstal	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wilhelm
Dandekar	Heckroth	Rielly	
Danielson	Hogg	Schmitz	
Dearden	Horn	Schoenjahn	

Nays, 20:

Bartz	Hamerlinck	Kettering	Reynolds
Behn	Hancock	Kreiman	Seymour
Boettger	Houser	McKinley	Ward
Feenstra	Johnson	Noble	Wieck
Hahn	Kapucian	Ragan	Zaun

Absent, 1:

Hartsuch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate File 116** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration House File 722.

House File 722

On motion of Senator Black, **House File 722**, a bill for an act relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, establishing an upland game bird study advisory committee, making penalties applicable, and providing an immediate effective date, with report of committee recommending passage, was taken up for consideration.

Senator Seng 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?" (H.F. 722), the vote was:

Yeas, 47:

Appel	Fraise	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hatch	McKinley	Stewart
Courtney	Heckroth	Noble	Ward
Dandekar	Hogg	Olive	Warnstadt
Danielson	Horn	Quirmbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun
Dvorsky	Johnson	Rielly	

Nays, 2:

Behn Feenstra

Absent, 1:

Hartsuch

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 **House File 722** be **immediately messaged** to the House.

President Pro Tempore Danielson took the chair at 5:13 p.m.

UNFINISHED BUSINESS
(Deferred April 14, 2009)

Senate File 464

The Senate resumed consideration of **Senate File 464**, a bill for an act relating to motor fuel containing biodiesel, providing for tax credits, making penalties applicable, and including effective date and applicability provisions, deferred April 14, 2009.

With the adoption of amendment S–3213 to amendment S–3208, the Chair ruled amendment S–3277, filed by Senator Hamerlinck from the floor, to page 1 of amendment S–3208 out of order.

Senator Johnson withdrew amendment S–3261, filed by him on April 14, 2009, to page 1 of amendment S–3208.

Senator Johnson offered amendment S–3262, filed by him on April 14, 2009, to page 1 of amendment S–3208, and moved its adoption.

Amendment S–3262 was adopted by a voice vote.

Senator Johnson withdrew amendment S–3263, filed by him on April 14, 2009, to page 1 of amendment S–3208.

Senator Reynolds offered amendment S–3269, filed by her from the floor to pages 2 and 3 of amendment S–3208, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3269, to amendment S–3208, be adopted?" (S.F. 464), the vote was:

Yeas, 17:

Behn	Hartsuch	Noble	Wieck
Dandekar	Johnson	Olive	Zaun
Feenstra	Kapucian	Reynolds	
Hahn	Kettering	Seymour	
Hamerlinck	McKinley	Ward	

Nays, 33:

Appel	Dotzler	Houser	Schoenjahn
Bartz	Dvorsky	Jochum	Seng
Beall	Fraise	Kibbie	Sodders
Black	Gronstal	Kreiman	Stewart
Boettger	Hancock	McCoy	Warnstadt
Bolkcom	Hatch	Quirmbach	Wilhelm
Courtney	Heckroth	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Absent, none.

Amendment S–3269 lost.

Senator Kapucian withdrew amendment S–3255, filed by him on April 14, 2009, to page 3 of amendment S–3208.

Senator Kapucian withdrew amendment S–3264, filed by him from the floor to page 3 of amendment S–3208.

Senator Kapucian offered amendment S–3267, filed by him from the floor to page 3 of amendment S–3208, and moved its adoption.

Amendment S–3267 was adopted by a voice vote.

Senator Wieck offered amendment S–3278, filed by him from the floor to page 3 of amendment S–3208.

Senator Dandekar asked and received unanimous consent that action on amendment S–3278 to amendment S–3208 and **Senate File 464** be **deferred**.

UNFINISHED BUSINESS
(Deferred March 19, 2009)

House File 243

The Senate resumed consideration of **House File 243**, a bill for an act providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision, deferred March 19, 2009.

Senator Gronstal asked and received unanimous consent that action on **House File 243** be **deferred**.

UNFINISHED BUSINESS
(Deferred April 9, 2009)

House File 758

The Senate resumed consideration of **House File 758**, a bill for an act relating to damages recoverable for the wrongful or negligent injury or death of a person, deferred April 9, 2009.

Senator Schoenjahn offered amendment S–3259, filed by him on April 14, 2009, to page 1 of the bill.

The Senate stood at ease at 5:38 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:31 p.m., President Pro Tempore Danielson presiding.

HOUSE MESSAGES RECEIVED

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 April 15, 2009, **passed** the following bill in which the concurrence of the House was asked:

Senate File 480, a bill for an act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision.

ALSO: That the House has on April 15, 2009, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 705, a bill for an act concerning safe rooms and storm shelters in newly constructed buildings.

Senator Gronstal asked and received unanimous consent that action on amendment S–3259 and **House File 758** be **deferred**.

UNFINISHED BUSINESS
(Deferred April 15, 2009)

House File 243

The Senate resumed consideration of **House File 243**, a bill for an act providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision, deferred April 15, 2009.

Senator Sodders 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?" (H.F. 243), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	Kreiman	Sodders
Courtney	Hancock	McCoy	Stewart
Dandekar	Hatch	Olive	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Nays, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McKinley	Ward
Boettger	Houser	Noble	Wieck
Feenstra	Johnson	Quirmbach	Zaun
Hahn	Kapucian	Reynolds	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Sodders asked and received unanimous consent that **Senate File 133** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 243** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 464

The Senate resumed consideration of **Senate File 464**, a bill for an act relating to motor fuel containing biodiesel, providing for tax credits, making penalties applicable, and including effective date and applicability provisions, and amendment S–3278 to amendment S–3208, previously deferred.

Senator Wieck moved the adoption of amendment S–3278 to amendment S–3208.

A record roll call was requested.

On the question "Shall amendment S–3278, to amendment S–3208, be adopted?" (S.F. 464), the vote was:

Yeas, 20:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Ward
Boettger	Hartsuch	McKinley	Warnstadt
Dandekar	Houser	Noble	Wieck
Feenstra	Johnson	Reynolds	Zaun

Nays, 30:

Appel	Dvorsky	Jochum	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart

Danielson	Heckroth	Quirmbach	Wilhelm
Dearden	Hogg	Ragan	
Dotzler	Horn	Rielly	

Absent, none.

Amendment S–3278 lost.

Senator Behn offered amendment S–3252, filed by him on April 14, 2009, to pages 3 and 8 of amendment S–3208, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3252, to amendment S–3208, be adopted?" (S.F. 464), the vote was:

Yeas, 16:

Behn	Hamerlinck	Kettering	Reynolds
Black	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Wieck
Hahn	Kapucian	Olive	Zaun

Nays, 34:

Appel	Dotzler	Houser	Schoenjahn
Bartz	Dvorsky	Jochum	Seng
Beall	Fraise	Kibbie	Seymour
Boettger	Gronstal	Kreiman	Sodders
Bolkcom	Hancock	McCoy	Stewart
Courtney	Hatch	Quirmbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Absent, none.

Amendment S–3252 lost.

Senator Hamerlinck offered amendment S–3279, filed by him from the floor to page 4 of amendment S–3208, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3279, to amendment S–3208, be adopted?" (S.F. 464), the vote was:

Yeas, 14:

Behn	Hartsuch	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	
Hamerlinck	Kettering	Ward	

Nays, 36:

Appel	Dearden	Horn	Rielly
Bartz	Dotzler	Houser	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Boettger	Gronstal	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm

Absent, none.

Amendment S–3279 lost.

Senator Reynolds offered amendment S–3270, filed by her from the floor to page 6 of amendment S–3208, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3270, to amendment S–3208, be adopted?" (S.F. 464), the vote was:

Yeas, 21:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McCoy	Wieck
Boettger	Horn	McKinley	Zaun
Dandekar	Houser	Noble	
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 29:

Appel	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Black	Gronstal	Olive	Stewart
Bolkcom	Hancock	Quirmbach	Warnstadt

Courtney	Hatch	Ragan	Wilhelm
Danielson	Heckroth	Rielly	
Dearden	Hogg	Schmitz	
Dotzler	Jochum	Schoenjahn	

Absent, none.

Amendment S–3270 lost.

Senator Kibbie offered amendment S–3260, filed by him on April 14, 2009, to page 8 of amendment S–3208, and moved its adoption.

Amendment S–3260 was adopted by a voice vote.

Senator Dandekar offered amendment S–3282, filed by her from the floor to pages 2, 3, and 8 of amendment S–3208.

Senator Dandekar asked that action on amendment S–3282, to amendment S–3208, be deferred.

Senator Hamerlinck offered amendment S–3281, filed by him from the floor to pages 3, 5, and 8 of amendment S–3208, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3281, to amendment S–3208, be adopted?" (S.F. 464), the vote was:

Yeas, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Boettger	Johnson	Reynolds	
Feenstra	Kapucian	Seymour	
Hahn	Kettering	Ward	

Nays, 33:

Appel	Dvorsky	Jochum	Schoenjahn
Beall	Fraise	Kibbie	Seng
Black	Gronstal	Kreiman	Sodders
Bolkcom	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Dandekar	Heckroth	Quirmbach	Wilhelm

Danielson	Hogg	Ragan
Dearden	Horn	Rielly
Dotzler	Houser	Schmitz

Absent, none.

Amendment S–3281 lost.

Senator Dandekar offered amendment S–3283, filed by her from the floor to pages 3 and 8 of amendment S–3208, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3283, to amendment S–3208, be adopted?" (S.F. 464), the vote was:

Yeas, 21:

Behn	Hamerlinck	McCoy	Warnstadt
Black	Hartsuch	McKinley	Wieck
Dandekar	Horn	Noble	Zaun
Feenstra	Johnson	Olive	
Gronstal	Kapucian	Reynolds	
Hahn	Kettering	Ward	

Nays, 29:

Appel	Dotzler	Jochum	Seng
Bartz	Dvorsky	Kibbie	Seymour
Beall	Fraise	Kreiman	Sodders
Boettger	Hancock	Quirmbach	Stewart
Bolkcom	Hatch	Ragan	Wilhelm
Courtney	Heckroth	Rielly	
Danielson	Hogg	Schmitz	
Dearden	Houser	Schoenjahn	

Absent, none.

Amendment S–3283 lost.

Senator Dandekar moved the adoption of amendment S–3282, previously deferred.

A record roll call was requested.

On the question "Shall amendment S–3282, to amendment S–3208, be adopted?" (S.F. 464), the vote was:

Yeas, 19:

Behn	Hamerlinck	Kettering	Schoenjahn
Black	Hartsuch	McCoy	Ward
Dandekar	Horn	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

Nays, 31:

Appel	Dotzler	Houser	Schmitz
Bartz	Dvorsky	Jochum	Seng
Beall	Fraise	Kibbie	Seymour
Boettger	Gronstal	Kreiman	Sodders
Bolkcom	Hancock	Olive	Stewart
Courtney	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Absent, none.

Amendment S–3282 lost.

Senator Kibbie moved the adoption of amendment S–3208, as amended.

A record roll call was requested.

On the question "Shall amendment S–3208, as amended, be adopted?" (S.F. 464), the vote was:

Yeas, 33:

Appel	Dotzler	Jochum	Seng
Bartz	Dvorsky	Kibbie	Seymour
Beall	Fraise	Kreiman	Sodders
Black	Gronstal	Olive	Stewart
Boettger	Hancock	Quirmbach	Warnstadt
Bolkcom	Hatch	Ragan	Wilhelm
Courtney	Heckroth	Rielly	
Danielson	Hogg	Schmitz	
Dearden	Houser	Schoenjahn	

Nays, 17:

Behn	Hartsuch	McCoy	Wieck
Dandekar	Horn	McKinley	Zaun
Feenstra	Johnson	Noble	
Hahn	Kapucian	Reynolds	
Hamerlinck	Kettering	Ward	

Absent, none.

Amendment S–3208, as amended, was adopted.

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. 464), the vote was:

Yeas, 31:

Appel	Dearden	Houser	Schmitz
Bartz	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	Kreiman	Seymour
Boettger	Hancock	Olive	Sodders
Bolkcom	Hatch	Quirmbach	Stewart
Courtney	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	

Nays, 19:

Behn	Hamerlinck	Kettering	Ward
Dandekar	Hartsuch	McCoy	Warnstadt
Feenstra	Horn	McKinley	Wieck
Gronstal	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 464** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:41 p.m. until 9:00 a.m., Thursday, April 16, 2009.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Corporal Jason Graham Pautsch (October 1, 1988 – April 10, 2009)—With deep regret and sincere appreciation for his selfless devotion to our country. Iowa Senate (4/15/09).

SUBCOMMITTEE ASSIGNMENTS

House File 810

WAYS AND MEANS: Hogg, Chair; Bartz and Schmitz

House File 817

WAYS AND MEANS: Dandekar, Chair; Hamerlinck and Hogg

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which the confirmation of Eugene Gessow failed to be approved by the Senate on April 15, 2009.

MICHAEL E. GRONSTAL

BILLS 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 bills have 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 15th day of April, 2009:

Senate Files 81, 441, and 445.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 15, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 43 – Relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions.

Senate File 225 – Allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system.

Senate File 322 – 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.

Senate File 355 – Relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates.

Senate File 407 – Relating to the rights and responsibilities of Iowa veterans home members.

Senate File 440 – Relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits.

AMENDMENTS FILED

S–3264	S.F.	464	Tim L. Kapucian
S–3265	S.F.	236	House
S–3266	S.F.	433	House
S–3267	S.F.	464	Tim L. Kapucian
S–3268	S.F.	470	House
S–3269	S.F.	464	Kim Reynolds
S–3270	S.F.	464	Kim Reynolds
S–3271	H.F.	811	Jack Hatch
S–3272	S.F.	481	Nancy J. Boettger
S–3273	S.F.	481	James A. Seymour
S–3274	S.F.	481	Shawn Hamerlinck Kim Reynolds James F. Hahn Randy Feenstra Tim L. Kapucian

			Merlin Bartz
			David Johnson
			Larry Noble
			Pat Ward
			Ron Wieck
			Steve Kettering
			Brad Zaun
			Nancy J. Boettger
			James A. Seymour
			Jerry Behn
S–3275	H.F.	811	David Johnson
S–3276	H.F.	811	Jack Hatch
S–3277	S.F.	464	Shawn Hamerlinck
S–3278	S.F.	464	Ron Wieck
S–3279	S.F.	464	Shawn Hamerlinck
S–3280	S.F.	475	House
S–3281	S.F.	464	Shawn Hamerlinck
S–3282	S.F.	464	Swati A. Dandekar
S–3283	S.F.	464	Swati A. Dandekar

JOURNAL OF THE SENATE

NINETY-FIFTH CALENDAR DAY
FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 16, 2009

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by Pastor Jane Shepherd of the United Methodist Church in Gowrie, Iowa. She was the guest of Senator Beall.

The Journal of Wednesday, April 15, 2009, was approved.

The Senate stood at ease at 9:40 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:44 a.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he arrives, on request of Senator Johnson.

HOUSE AMENDMENT CONSIDERED

Senate File 472

Senator Hancock called up for consideration **Senate File 472**, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date, amended by the House in House amendment S–3247, filed April 14, 2009.

Senator Hancock moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hancock moved that the bill, as amended by the House and concurred in by the Senate, 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. 472), the vote was:

Yeas, 30:

Appel	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Black	Fraise	Kibbie	Sodders
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hancock	Quirmbach	Warnstadt
Dandekar	Hatch	Ragan	Wilhelm
Danielson	Heckroth	Rielly	
Dearden	Hogg	Schmitz	

Nays, 19:

Bartz	Hamerlinck	Kreiman	Seymour
Behn	Hartsuch	McKinley	Ward
Boettger	Johnson	Noble	Wieck
Feenstra	Kapucian	Olive	Zaun
Hahn	Kettering	Reynolds	

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 452

Senator Bolkcom called up for consideration **Senate File 452**, 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, amended by the House in House amendment S–3245, filed April 14, 2009.

Senator Bolkcom moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Bolkcom moved that the bill, as amended by the House and concurred in by the Senate, 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. 452), the vote was:

Yeas, 35:

Appel	Dearden	Jochum	Schoenjahn
Bartz	Dotzler	Kibbie	Seng
Beall	Dvorsky	Kreiman	Seymour
Black	Fraise	McCoy	Sodders
Boettger	Gronstal	Olive	Ward
Bolkcom	Hatch	Quirmbach	Warnstadt
Courtney	Heckroth	Ragan	Wilhelm
Dandekar	Hogg	Rielly	Zaun
Danielson	Horn	Schmitz	

Nays, 15:

Behn	Hancock	Kapucian	Reynolds
Feenstra	Hartsuch	Kettering	Stewart
Hahn	Houser	McKinley	Wieck
Hamerlinck	Johnson	Noble	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 415

Senator Hogg called up for consideration **Senate File 415**, a bill for an act relating to the acquisition of title to abandoned property by cities, amended by the House in House amendment S–3249, filed April 14, 2009.

Senator Hogg moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hogg moved that the bill, as amended by the House and concurred in by the Senate, 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. 415), 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	Quirmbach	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, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 415**, **452**, and **472** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 403

Senator Warnstadt called up for consideration **Senate File 403**, a bill for an act concerning the sale of beer by native wineries, amended by the House in House amendment S–3244, filed April 14, 2009.

Senator Warnstadt moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Warnstadt moved that the bill, as amended by the House and concurred in by the Senate, 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. 403), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schoenjahn
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Hatch	Olive	Wieck
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	Zaun
Dearden	Horn	Reynolds	
Dotzler	Houser	Rielly	
Dvorsky	Jochum	Schmitz	

Nays, 1:

Kreiman

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 236

Senator Bolkcom called up for consideration **Senate File 236**, a bill for an act relating to psychiatric medical institution for children services and providing an effective date, amended by the House in House amendment S–3265, filed April 15, 2009.

Senator Bolkcom moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Bolkcom moved that the bill, as amended by the House and concurred in by the Senate, 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. 236), 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	Quirmbach	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 236** and **403** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:15 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:28 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 809.

House File 809

On motion of Senator Danielson, **House File 809**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates, with report of committee recommending passage, was taken up for consideration.

Senator Zaun offered amendment S–3285, filed by him from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3285 be adopted?" (H.F. 809), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, none.

Amendment S–3285 lost.

Senator Danielson offered amendment S–3287, filed by him from the floor to pages 5, 12, 15, 19–22, and 33 of the bill.

Senator Kettering asked and received unanimous consent that action on amendment S–3287 be deferred.

Senator Zaun offered amendment S–3288, filed by him from the floor to page 20 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3288 be adopted?" (H.F. 809), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, none.

Amendment S–3288 lost.

Senator Zaun withdrew amendment S–3289, filed by him from the floor to page 20 of the bill.

Senator Ward offered amendment S–3284, filed by Senator Ward, et al., from the floor to page 33 of the bill.

Senator Ward asked and received unanimous consent that action on amendment S–3284 be deferred.

Senator Zaun offered amendment S–3286, filed by him from the floor to page 33 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3286 be adopted?" (H.F. 809), the vote was:

Yeas, 19:

Bartz	Hamerlinck	Kapucian	Seymour
Behn	Hancock	Kettering	Ward
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun
Hahn	Johnson	Reynolds	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, none.

Amendment S–3286 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator Boettger.

Senator Danielson offered amendment S–3287, previously deferred.

Senator Zaun offered amendment S–3294, filed by him from the floor to pages 4 and 5 of amendment S–3287, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3294, to amendment S–3287, be adopted?" (H.F. 809), the vote was:

Yeas, 22:

Bartz	Hamerlinck	Kreiman	Seymour
Behn	Hancock	McCoy	Ward
Boettger	Hartsuch	McKinley	Wieck
Dandekar	Johnson	Noble	Zaun
Feenstra	Kapucian	Reynolds	
Hahn	Kettering	Rielly	

Nays, 27:

Appel	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Black	Fraise	Kibbie	Sodders
Bolkcom	Gronstal	Olive	Stewart
Courtney	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Schmitz	

Absent, 1:

Houser

Amendment S–3294 lost.

Senator Hamerlinck offered amendment S–3293, filed by him from the floor to page 5 of amendment S–3287, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3293 to amendment S–3287 be adopted?" (H.F. 809), the vote was:

Yeas, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Boettger	Johnson	Reynolds	
Feenstra	Kapucian	Seymour	
Hahn	Kettering	Ward	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Houser

Amendment S–3293 lost.

Senator Boettger offered amendment S–3290, filed by her from the floor to pages 5 and 6 of amendment S–3287, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3290 to amendment S–3287 be adopted?" (H.F. 809), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 25:

Bartz	Hahn	Kettering	Sodders
Beall	Hamerlinck	Kreiman	Ward
Behn	Hancock	McKinley	Wieck
Black	Hartsuch	Noble	Zaun
Boettger	Hogg	Ragan	
Dandekar	Johnson	Reynolds	
Feenstra	Kapucian	Seymour	

Nays, 24:

Appel	Dvorsky	Jochum	Schmitz
Bolkcom	Fraise	Kibbie	Schoenjahn
Courtney	Gronstal	McCoy	Seng
Danielson	Hatch	Olive	Stewart
Dearden	Heckroth	Quirmbach	Warnstadt
Dotzler	Horn	Rielly	Wilhelm

Absent, 1:

Houser

Amendment S–3290 was adopted.

Senator Danielson moved the adoption of amendment S–3287, as amended.

Amendment S–3287, as amended, was adopted by a voice vote.

With the adoption of amendment S–3287, the Chair ruled amendment S–3284, filed by Senator Ward from the floor and previously deferred, out of order.

Senator Danielson 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?" (H.F. 809), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Boettger	Johnson	Reynolds	

Feenstra	Kapucian	Seymour
Hahn	Kettering	Ward

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, for the remainder of the day, on request of Senator Bolkcom.

CONSIDERATION OF BILLS
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 461 and 481.

Senate File 461

On motion of Senator Bolkcom, **Senate File 461**, a bill for an act repealing the authorization to use local sales and services tax revenue to fund urban renewal projects and including an effective date provision, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

Senator Bolkcom offered amendment S–3292, filed by him from the floor striking and replacing everything after the enacting clause and amending the title page of the bill.

The Senate stood at ease at 4:18 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

(Senate File 461 and amendment S–3292 were deferred.)

The Senate resumed session at 4:34 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 461 and amendment S–3292, previously deferred.

Senator Bolkcom moved the adoption of amendment S–3292.

Amendment S–3292 was adopted by a voice vote.

Senator Bolkcom 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. 461), the vote was:

Yeas, 48:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Fraise	Kettering	Schoenjahn
Behn	Gronstal	Kibbie	Seng
Black	Hahn	Kreiman	Seymour
Boettger	Hamerlinck	McCoy	Sodders
Bolkcom	Hancock	McKinley	Stewart
Courtney	Hartsuch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirmbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Hatch	Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 481

On motion of Senator Dotzler, **Senate File 481**, a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

Senator Hartsuch offered amendment S–3291, filed by Senator Hartsuch, et al., from the floor to pages 1 and 9 and amending the title page of the bill.

Senator Dotzler raised the point of order that amendment S–3291 was not germane to the bill.

The Chair ruled the point well-taken and amendment S–3291 out of order.

Senator Boettger offered amendment S–3272, filed by her on April 15, 2009, to page 3 of the bill, and moved its adoption.

Amendment S–3272 lost by a voice vote.

Senator Hamerlinck offered amendment S–3274, filed by Senator Hamerlinck, et al., on April 15, 2009, to pages 4 and 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3274 be adopted?" (S.F. 481), the vote was:

Yeas, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Boettger	Johnson	Reynolds	
Feenstra	Kapucian	Seymour	
Hahn	Kettering	Ward	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 2:

Hatch	Houser

Amendment S–3274 lost.

Senator Seymour offered amendment S–3273, filed by him on April 15, 2009, to pages 6 and 7 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3273 be adopted?" (S.F. 481), the vote was:

Yeas, 20:

Bartz	Hahn	Kettering	Rielly
Behn	Hamerlinck	Kreiman	Seymour
Black	Hartsuch	McKinley	Ward
Boettger	Johnson	Noble	Wieck
Feenstra	Kapucian	Reynolds	Zaun

Nays, 28:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Courtney	Gronstal	McCoy	Sodders
Dandekar	Hancock	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 2:

Hatch	Houser

Amendment S–3273 lost.

Senator Dotzler 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. 481), the vote was:

Yeas, 48:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Fraise	Kettering	Schoenjahn
Behn	Gronstal	Kibbie	Seng
Black	Hahn	Kreiman	Seymour
Boettger	Hamerlinck	McCoy	Sodders
Bolkcom	Hancock	McKinley	Stewart
Courtney	Hartsuch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirmbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Hatch Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

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 April 16, 2009, **passed** the following bills in which the concurrence of the House was asked:

Senate File 318, a bill for an act pertaining to the duties and regulations under the purview of the labor commissioner.

Senate File 344, a bill for an act relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

ALSO: That the House has on April 15, 2009, **concurred in the Senate amendment to the House amendment**, **and passed** the following bill in which the concurrence of the House was asked:

Senate File 137, a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy.

ALSO: That the House has on April 16, 2009, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 670, a bill for an act relating to absentee voting and the counting of absentee ballots beginning on the day before the general election.

ALSO: That the House has on April 16, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 451, a bill for an act relating to the definition of resident for purposes of tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges. (S–3295)

ALSO: That the House has on April 16, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 815, a bill for an act relating to articulation agreements between public postsecondary institutions and to the dissemination of articulation information.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 16, 2009, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 671, a bill for an act providing volunteer emergency services providers protection from employment termination.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 461** and **481** be **immediately messaged** to the House.

MOTION TO RECONSIDER WITHDRAWN

Senate File 419

Senator Gronstal withdrew the motion to reconsider **Senate File 419**, a bill for an act relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates, filed by him on April 8, 2009, found on page 1021 of the Senate Journal, and placed on the Unfinished Business Calendar on April 10, 2009.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 419** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **House File 817** be referred from the Regular Calendar to the committee on **Appropriations.**

BILL PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that **House File 278** be referred from the Regular Calendar to the Unfinished Business Calendar.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:35 p.m. until 10:00 a.m., Monday, April 20, 2009.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventy 7th grade students from Jefferson-Scranton Community School District. Senator Beall.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Robert Dana, Coralville—For his 40 years of service as Poet-in-Residence Emeritus at Cornell College and for his two terms as Poet Laureate of Iowa. Senator Dvorsky (4/16/09).

Judie Hoffman, Ames—For her 23 years of lobbying for the public interest. Senator Quirmbach (4/16/09).

Jim Lewers, Iowa City—For being named one of three top editors at Gannett for 2008. Senator Dvorsky (4/16/09).

Don McKale, Toledo—For celebrating his 95th birthday. Senator Kapucian (4/16/09).

Southern Cal Jazz Band—2009 Iowa Jazz Championships Class 2A First-Place Award winner for seven consecutive years. Senator Beall (4/16/09).

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 810 (HF 748), a bill for an act providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 817 (HF 528), a bill for an act relating to the research activities tax credit for innovative renewable energy generation components and making an appropriation and providing applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 809 passed the Senate on April 16, 2009.

MICHAEL E. GRONSTAL

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 16th day of April, 2009:

Senate File 279.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S–3284	H.F.	809	Pat Ward Kim Reynolds David Johnson David Hartsuch James A. Seymour Brad Zaun Steve Kettering Paul McKinley Jerry Behn Ron Wieck Nancy J. Boettger Larry Noble Shawn Hamerlinck
S–3285	H.F.	809	Brad Zaun
S–3286	H.F.	809	Brad Zaun
S–3287	H.F.	809	Jeff Danielson
S–3288	H.F.	809	Brad Zaun
S–3289	H.F.	809	Brad Zaun
S–3290	H.F.	809	Nancy J. Boettger
S–3291	S.F.	481	David Hartsuch Brad Zaun Steve Kettering Tim L. Kapucian David Johnson Shawn Hamerlinck Kim Reynolds Larry Noble Randy Feenstra

			James F. Hahn
			Pat Ward
			Merlin Bartz
			Nancy J. Boettger
			Jerry Behn
			James A. Seymour
			Ron Wieck
			Hubert Houser
			Paul McKinley
S–3292	S.F.	461	Joe Bolkcom
S–3293	H.F.	809	Shawn Hamerlinck
S–3294	H.F.	809	Brad Zaun
S–3295	S.F.	451	House

JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 20, 2009

The Senate met in regular session at 10:07 a.m., President Kibbie presiding.

Prayer was offered by Reverend Jim Magelson, pastor of the Trinity Lutheran Church in Mason City, Iowa. He was the guest of Senator Ragan.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Sabrina Larson.

The Journal of Thursday, April 16, 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 April 16, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 777, a bill for an act relating to open records and public meetings, including the creation of the open meetings, public records, and privacy advisory committee.

Read first time and attached to **similar Senate File 282**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:09 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:12 a.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 21, a resolution to honor the city of Everly, Iowa, on the occasion of its quasquicentennial.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 21.

Senate Resolution 21

On motion of Senator Johnson, **Senate Resolution 21**, a resolution to honor the city of Everly, Iowa, on the occasion of its quasquicentennial, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Resolution 21, which motion prevailed by a voice vote.

The Senate stood at ease at 10:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:16 a.m., President Pro Tempore Danielson presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 451

Senator Kibbie called up for consideration **Senate File 451**, a bill for an act relating to the definition of resident for purposes of tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges, amended by the House in House amendment S–3295, filed April 16, 2009.

President Kibbie moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

President Kibbie moved that the bill, as amended by the House and concurred in by the Senate, 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. 451), 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	Quirmbach	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, as amended, was agreed to.

SENATE INSISTS

House File 671

Senator Hancock called up for consideration **House File 671**, a bill for an act providing volunteer emergency services providers protection from employment termination, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 671** on the part of the Senate: Senators Hancock, Chair; Danielson, Kettering, Noble, and Sodders.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 278.

House File 278

On motion of Senator Dearden, **House File 278**, a bill for an act requiring notification of occupancy rates for certain premises licensed to permit on-premises consumption of alcohol, with report of committee recommending passage, was taken up for consideration.

Senator Dearden 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?" (H.F. 278), the vote was:

Yeas, 39:

Appel	Dvorsky	Jochum	Schoenjahn
Beall	Fraise	Kibbie	Seng
Black	Gronstal	Kreiman	Seymour
Boettger	Hahn	McCoy	Sodders
Bolkcom	Hancock	McKinley	Stewart
Courtney	Hatch	Olive	Ward
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wieck
Dearden	Horn	Rielly	Wilhelm
Dotzler	Houser	Schmitz	

Nays, 11:

Bartz	Hamerlinck	Kapucian	Reynolds
Behn	Hartsuch	Kettering	Zaun
Feenstra	Johnson	Noble	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

SPECIAL GUEST

Senator Danielson introduced to the Senate chamber the Honorable Gene Glenn, former member of the Senate from Wapello County, Ottumwa, Iowa.

The Senate rose and expressed its welcome.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 451** and **House Files 278** and **671** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:34 a.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:04 p.m., President Kibbie presiding.

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 April 20, 2009, **passed** the following bill in which the concurrence of the House was asked:

Senate File 481, a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs.

ALSO: That the House has on April 20, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 389, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates. (S–3296)

ALSO: That the House has on April 20, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 824, a bill for an act relating to providing sales, use, and property tax exemptions and sales tax refunds for certain data processing businesses and including an applicability date provision.

Read first time and referred to committee on **Ways and Means**.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 810.

House File 810

On motion of Senator Hogg, **House File 810**, a bill for an act providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Hogg 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?" (H.F. 810), 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	Quirmbach	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 **House File 810** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:10 p.m. until 4:00 p.m.

RECONVENED

The Senate reconvened at 4:31 p.m., President Kibbie presiding.

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 April 20, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

House File 629, a bill for an act relating to cemeteries, the classification of pioneer cemeteries, and claims of adverse possession concerning cemeteries or pioneer cemeteries.

Read first time and referred to committee on **Commerce**.

House File 712, a bill for an act relating to a private right of action for certain consumer fraud violations and including an applicability provision.

Read first time and attached to **similar Senate File 178**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 178.

Senate File 178

On motion of Senator Kreiman, **Senate File 178**, a bill for an act relating to a private cause of action for certain consumer fraud violations, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

The Senate stood at ease at 4:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:12 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Behn and Hartsuch, until they return, on request of Senator Kettering.

Senator Kreiman offered amendment S–3298, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S–3298 was adopted by a voice vote.

With the adoption of amendment S–3298, the Chair ruled amendment S–3076, filed by Senator Hancock, et al., on March 16, 2009, to page 1 of the bill, out of order.

Senator Kreiman asked and received unanimous consent that **House File 712** be **substituted** for **Senate File 178**.

House File 712

On motion of Senator Kreiman, **House File 712**, a bill for an act relating to a private cause of action for certain consumer fraud violations, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman 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?" (H.F. 712), the vote was:

Yeas, 48:

Appel	Feenstra	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	McKinley	Stewart

Dandekar	Heckroth	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirmbach	Wieck
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Behn	Hartsuch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Kreiman asked and received unanimous consent that **Senate File 178** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 712** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:20 p.m. until 10:00 a.m., Tuesday, April 21, 2009.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Eighth grade students from St. Ansgar Middle School. Senator Bartz.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Frances and Berdell Aldrich, Garwin—For celebrating their 65th wedding anniversary. Senator Kapucian (4/20/09).

Walt Brice, Burlington—For celebrating his 80th birthday. Senator Courtney (4/20/09).

David and Judith Hanks, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (4/20/09).

James and Cleo Hunter, Scranton—For celebrating their 70th wedding anniversary. Senator Boettger (4/20/09).

Alex Lee Leeper—For achieving the rank of Eagle Scout, Troop 70. Senator Boettger (4/20/09).

Ray and Agnes Pottebaum, Anita—For celebrating their 50th wedding anniversary. Senator Boettger (4/20/09).

Robert Tillmann, Burlington—For celebrating his 75th birthday. Senator Courtney (4/20/09).

Andrew Wesley Walker, Hawarden—For achieving the rank of Eagle Scout, Troop 209. Senator Feenstra (4/20/09).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Monday, April 20, 2009, 1:15 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

Members Absent: Hatch (excused).

Committee Business: Passed HF 817.

Adjourned: 1:40 p.m.

RULES AND ADMINISTRATION

Convened: Monday, April 20, 2009, 10:10 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed SR 21.

Adjourned: 10:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Monday, April 6, 2009, 9:05 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; and Schmitz.

Members Absent: Hartsuch (excused).

Committee Business: Adopt budget spreadsheet and bill.

Adjourned: 10:00 a.m.

BILLS 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 bills have 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 17th day of April, 2009:

Senate Files 289, 339, 420, and 447.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 17, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 81 – Relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

Senate File 279 – Providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date.

Senate File 441 – Relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions.

Senate File 445 – Relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program.

ALSO: A communication was received announcing that on April 20, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 339 – Relating to wastewater treatment.

Senate File 420 – Concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

Senate File 447 – Concerning off-premises consumption of resealed bottles of wine.

AMENDMENTS FILED

S–3296	S.F.	389	House
S–3297	S.F.	475	Jeff Danielson
S–3298	S.F.	178	Keith A. Kreiman
S–3299	H.F.	809	Jeff Danielson

JOURNAL OF THE SENATE

ONE-HUNDREDTH CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 21, 2009

The Senate met in regular session at 10:02 a.m., President Kibbie presiding.

Prayer was offered by Reverend Dennis St. Lawrence, pastor of the Grace Baptist Church in Chariton, Iowa. He was the guest of Senator McKinley.

The Journal of Monday, April 20, 2009, 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 April 20, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 224, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision. (S–3300)

ALSO: That the House has on April 20, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 756, a bill for an act relating to regional watershed, land use, and floodplain management policies, and providing for the establishment of a council.

Read first time and attached to **similar Senate File 417**.

SPECIAL GUEST

President Kibbie welcomed to the Senate Chamber the Honorable Stewart Iverson, former member of the Senate from Wright County, Dows, Iowa.

The Senate rose and expressed its welcome.

The Senate stood at ease at 10:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:34 a.m., Senator Hogg presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:35 a.m. until 2:00 p.m.

RECONVENED

The Senate reconvened at 2:00 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hartsuch, until he arrives, on request of Senator Noble; and Senator Johnson, until he arrives, on request of Senator Kettering.

QUORUM CALL

Senator Courtney requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 475

Senator Hancock called up for consideration **Senate File 475**, a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions, amended by the House in House amendment S–3280, filed April 15, 2009.

Senator Hancock offered amendment S–3304, filed by him from the floor to page 1 of amendment S–3280, and moved its adoption.

Amendment S–3304 was adopted by a voice vote.

With the adoption of amendment S–3304 to amendment S–3280, the Chair ruled amendment S–3297, filed by Senator Danielson on April 20, 2009, to page 2 of amendment S–3280, out of order.

Senator Hancock moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Hancock moved that the bill, as amended by the House, further amended and concurred in by the Senate, 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. 475), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Nays, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Houser	Noble	Zaun
Boettger	Kapucian	Reynolds	
Feenstra	Kettering	Seymour	
Hahn	Kreiman	Ward	

Absent, 2:

Hartsuch	Johnson

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 File 475** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 470

Senator Schoenjahn called up for consideration **Senate File 470**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates, amended by the House in House amendment S–3268, filed April 15, 2009.

Senator Schoenjahn offered amendment S–3302, filed by him from the floor to pages 2, 3, 5, 27, and 32 of amendment S–3268.

Senator Boettger asked and received unanimous consent that action on amendment S–3268 to amendment S–3302 and **Senate File 470** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 457

Senator Hogg called up for consideration **Senate File 457**, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability date provisions, amended by the House in House amendment S–3246, filed April 14, 2009.

Senator Hogg offered amendment S–3306, filed by him from the floor to pages 3 and 12 and amending the title provisions of amendment S–3246, and moved its adoption.

Amendment S–3306 was adopted by a voice vote.

Senator Hogg moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Hogg moved that the bill, as amended by the House, further amended and concurred in by the Senate, 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. 457), the vote was:

Yeas, 47:

Appel	Dvorsky	Kapucian	Schmitz
Bartz	Feenstra	Kettering	Schoenjahn
Beall	Fraise	Kibbie	Seng
Behn	Gronstal	Kreiman	Seymour
Black	Hahn	McCoy	Sodders
Boettger	Hamerlinck	McKinley	Stewart
Bolkcom	Hancock	Noble	Ward
Courtney	Heckroth	Olive	Warnstadt
Dandekar	Hogg	Quirmbach	Wieck
Danielson	Horn	Ragan	Wilhelm
Dearden	Houser	Reynolds	Zaun
Dotzler	Jochum	Rielly	

Nays, none.

Present, 1:

Hatch

Absent, 2:

Hartsuch Johnson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 417.

Senate File 417

On motion of Senator Hogg, **Senate File 417**, a bill for an act providing a task force on regional watershed, land use, and floodplain management policies, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

Senator Hogg offered amendment S–3305, filed by him from the floor striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S–3305 was adopted by a voice vote.

Senator Hogg asked and received unanimous consent that **House File 756** be **substituted** for **Senate File 417**.

House File 756

On motion of Senator Hogg, **House File 756**, a bill for an act providing a task force on regional watershed, land use, and floodplain management policies, with report of committee recommending passage, was taken up for consideration.

Senator Hogg asked and received unanimous consent that action on **House File 756** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 457** be **immediately messaged** to the House.

MOTION TO RECONSIDER ADOPTED

House File 809

Senator Gronstal called up the motion to reconsider **House File 809**, filed by him on April 16, 2009, found on page 1140 of the Senate Journal, and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 809), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 16:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McKinley	Ward

Boettger	Houser	Noble	Wieck
Feenstra	Kapucian	Reynolds	Zaun

Absent, 2:

Hartsuch	Johnson

The motion prevailed and House File 809, was taken up for reconsideration.

Senator Danielson called up the motion to reconsider the vote by which amendment S–3287 to House File 809 was adopted by the Senate on April 16, 2009, filed by him from the floor, and moved its adoption.

The motion prevailed by a voice vote and amendment S–3287, by Senator Danielson to pages 5, 12, 15, 19–22, and 33 of the bill, was taken up for reconsideration.

Senator Boettger called up the motion to reconsider the vote by which amendment S–3290 to amendment S–3287 to House File 809 was adopted by the Senate on April 16, 2009, filed by her from the floor, and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S–3290 to amendment S–3287 be adopted?" (H.F. 809), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Stewart
Dandekar	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	Wilhelm
Dearden	Hogg	Ragan	

Nays, 17:

Bartz	Hamerlinck	Noble	Wieck
Behn	Houser	Reynolds	Zaun
Boettger	Kapucian	Seymour	

Feenstra	Kettering	Sodders
Hahn	McKinley	Ward

Absent, 2:

Hartsuch	Johnson

The motion prevailed and amendment S–3290, by Senator Boettger to pages 5 and 6 of amendment S–3287, was taken up for reconsideration.

Senator Boettger moved the adoption of amendment S–3290 to amendment S–3287.

A record roll call was requested.

On the question "Shall amendment S–3290 to amendment S–3287 be adopted?" (H.F. 809), the vote was:

Yeas, 22:

Bartz	Hahn	Kreiman	Sodders
Behn	Hamerlinck	McKinley	Ward
Black	Hogg	Noble	Wieck
Boettger	Houser	Ragan	Zaun
Dandekar	Kapucian	Reynolds	
Feenstra	Kettering	Seymour	

Nays, 26:

Appel	Dvorsky	Jochum	Schoenjahn
Beall	Fraise	Kibbie	Seng
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hancock	Olive	Warnstadt
Danielson	Hatch	Quirmbach	Wilhelm
Dearden	Heckroth	Rielly	
Dotzler	Horn	Schmitz	

Absent, 2:

Hartsuch	Johnson

Amendment S–3290 lost.

The motion to reconsider amendment S–3290 to amendment S–3287 to House File 809, filed by Senator Hancock from the floor, was out of order.

Senator Danielson offered amendment S–3299, filed by him on April 20, 2009, to pages 4 and 27 of amendment S–3287, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3299 to amendment S–3287 be adopted?" (H.F. 809), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 16:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McKinley	Ward
Boettger	Houser	Noble	Wieck
Feenstra	Kapucian	Reynolds	Zaun

Absent, 2:

Hartsuch	Johnson

Amendment S–3299 was adopted.

Senator Bartz offered amendment S–3307, filed by him from the floor to pages 4 and 19 of amendment S–3287, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3307 to amendment S–3287 be adopted?" (H.F. 809), the vote was:

Yeas, 15:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McKinley	Ward
Boettger	Houser	Noble	Wieck
Feenstra	Kapucian	Reynolds	

Nays, 33:

Appel	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Black	Gronstal	McCoy	Stewart
Bolkcom	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wilhelm
Dandekar	Heckroth	Ragan	Zaun
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	
Dotzler	Jochum	Schoenjahn	

Absent, 2:

Hartsuch	Johnson

Amendment S–3307 lost.

Senator Zaun offered amendment S–3310, filed by him from the floor to pages 4 and 20 of amendment S–3287, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3310 to amendment S–3287 be adopted?" (H.F. 809), the vote was:

Yeas, 19:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McKinley	Ward
Boettger	Hancock	Noble	Wieck
Dandekar	Houser	Reynolds	Zaun
Feenstra	Kapucian	Rielly	

Nays, 29:

Appel	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Black	Gronstal	McCoy	Stewart
Bolkcom	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	
Dearden	Horn	Schmitz	
Dotzler	Jochum	Schoenjahn	

Absent, 2:

Hartsuch	Johnson

Amendment S–3310 lost.

Senator Bartz offered amendment S–3311, filed by him from the floor to pages 3, 9, and 19 of amendment S–3287, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3311 to amendment S–3287 be adopted?" (H.F. 809), the vote was:

Yeas, 16:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McKinley	Ward
Boettger	Houser	Noble	Wieck
Feenstra	Kapucian	Reynolds	Zaun

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 2:

Hartsuch	Johnson

Amendment S–3311 lost.

Senator Danielson moved the adoption of amendment S–3287, as amended.

Amendment S–3287, as amended, was adopted by a voice vote.

Senator Danielson 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?" (H.F. 809), the vote was:

Yeas, 29:

Appel	Dvorsky	Jochum	Schoenjahn
Beall	Fraise	Kibbie	Seng
Black	Gronstal	McCoy	Stewart
Bolkcom	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wilhelm
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	
Dotzler	Horn	Schmitz	

Nays, 19:

Bartz	Hahn	Kreiman	Sodders
Behn	Hamerlinck	McKinley	Ward
Boettger	Houser	Noble	Wieck
Dandekar	Kapucian	Reynolds	Zaun
Feenstra	Kettering	Seymour	

Absent, 2:

Hartsuch	Johnson

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 **House File 809** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 470

The Senate resumed consideration of **Senate File 470**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates, and amendment S–3302 to amendment S–3268, previously deferred.

Senator Boettger offered amendment S–3312, filed by her from the floor to pages 1, 2, 11, 15, and 16 of amendment S–3302 to amendment S–3268, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3312 to amendment S–3302 be adopted?" (S.F. 470), the vote was:

Yeas, 16:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McKinley	Ward
Boettger	Houser	Noble	Wieck
Feenstra	Kapucian	Reynolds	Zaun

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 2:

Hartsuch	Johnson

Amendment S–3312 lost.

Senator Zaun withdrew amendment S–3308, filed by him from the floor to pages 1 and 4 of amendment S–3302 to amendment S–3268.

Senator Schoenjahn moved the adoption of amendment S–3302 to amendment S–3268.

Senator Boettger called for the following division of amendment S–3302 to amendment S–3268:

Division S–3302A: Page 1, lines 7 and 8;
Division S–3302B: Page 1, lines 29 and 30;
Division S–3302C: Page 1, line 31–page 2, line 15; and
Division S–3302D: Page 1, lines 4–6 and 9–28; and Page 2, lines 16 and 17.

Senator Schoenjahn moved the adoption of division S–3302A.

A record roll call was requested.

On the question "Shall division S–3302A to amendment S–3268 be adopted?" (S.F. 470), the vote was:

Yeas, 31:

Appel	Dvorsky	Jochum	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm
Dotzler	Horn	Rielly	

Nays, 17:

Bartz	Hahn	McKinley	Wieck
Behn	Hamerlinck	Noble	Zaun
Boettger	Houser	Reynolds	
Dandekar	Kapucian	Seymour	
Feenstra	Kettering	Ward	

Absent, 2:

Hartsuch	Johnson

Division S–3302A was adopted.

Senator Schoenjahn moved the adoption of division S–3302B.

A record roll call was requested.

On the question "Shall division S–3302B to amendment S–3268 be adopted?" (S.F. 470), the vote was:

Yeas, 30:

Appel	Fraise	Kibbie	Schoenjahn
Beall	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm
Dotzler	Horn	Rielly	
Dvorsky	Jochum	Schmitz	

Nays, 18:

Bartz	Feenstra	Kettering	Ward
Behn	Hahn	McKinley	Wieck
Black	Hamerlinck	Noble	Zaun
Boettger	Houser	Reynolds	
Dandekar	Kapucian	Seymour	

Absent, 2:

Hartsuch	Johnson

Division S–3302B was adopted.

Senator Schoenjahn moved the adoption of division S–3302C.

A record roll call was requested.

On the question "Shall division S–3302C to amendment S–3268 be adopted?" (S.F. 470), the vote was:

Yeas, 48:

Appel	Dvorsky	Jochum	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Fraise	Kettering	Schoenjahn
Behn	Gronstal	Kibbie	Seng
Black	Hahn	Kreiman	Seymour
Boettger	Hamerlinck	McCoy	Sodders
Bolkcom	Hancock	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirmbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Houser	Reynolds	Zaun

Nays, none.

Absent, 2:

Hartsuch	Johnson

Division S–3302C was adopted.

Senator Schoenjahn moved the adoption of division S–3302D.

Division S–3302D was adopted by a voice vote.

With the adoption of amendment S–3302 to amendment S–3268, the Chair ruled amendment S–3303 to amendment S–3268, filed by Senator Boettger from the floor to page 2 of the bill, out of order.

Senator Schoenjahn moved that the Senate concur in the House amendment, as amended.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 470), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 16:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McKinley	Ward
Boettger	Houser	Noble	Wieck
Feenstra	Kapucian	Reynolds	Zaun

Absent, 2:

Hartsuch	Johnson

The motion prevailed and the Senate **concurred** in the House amendment, as amended.

Senator Schoenjahn moved that the bill, as amended by the House, further amended and concurred in by the Senate, 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. 470), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Nays, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Houser	Noble	Zaun
Boettger	Kapucian	Reynolds	
Feenstra	Kettering	Seymour	
Hahn	Kreiman	Ward	

Absent, 2:

Hartsuch	Johnson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

House File 756

The Senate resumed consideration of **House File 756**, a bill for an act relating to regional watershed, land use, and floodplain management policies, and providing for the establishment of a council, previously deferred.

Senator Hogg offered amendment S–3313, filed by him from the floor to pages 5 and 7 of the bill, and moved its adoption.

Amendment S–3313 was adopted by a voice vote.

Senator Hogg 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?" (H.F. 756), the vote was:

Yeas, 48:

Appel	Dvorsky	Jochum	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Fraise	Kettering	Schoenjahn
Behn	Gronstal	Kibbie	Seng
Black	Hahn	Kreiman	Seymour
Boettger	Hamerlinck	McCoy	Sodders
Bolkcom	Hancock	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirmbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Houser	Reynolds	Zaun

Nays, none.

Absent, 2:

Hartsuch Johnson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Hogg asked and received unanimous consent that **Senate File 417** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 470** and **House File 756** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 224

Senator Danielson called up for consideration **Senate File 224**, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision, amended by the House in House amendment S–3300, filed April 21, 2009.

(Senate File 224 and amendment S–3300 were deferred.)

The Senate stood at ease at 5:02 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:25 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 224 and amendment S–3300, previously deferred.

Senator Danielson moved that the Senate concur and vote "No" in the House amendment.

The motion prevailed by a voice vote and the Senate **refused to concur** in the House amendment.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 817.

House File 817

On motion of Senator Dandekar, **House File 817**, a bill for an act relating to the research activities tax credit for innovative renewable energy generation components and making an appropriation and providing applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Dandekar 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?" (H.F. 817), the vote was:

Yeas, 48:

Appel	Dvorsky	Jochum	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Fraise	Kettering	Schoenjahn
Behn	Gronstal	Kibbie	Seng
Black	Hahn	Kreiman	Seymour
Boettger	Hamerlinck	McCoy	Sodders
Bolkcom	Hancock	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt

Danielson	Hogg	Quirmbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Houser	Reynolds	Zaun

Nays, none.

Absent, 2:

Hartsuch	Johnson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 389

Senator Hatch called up for consideration **Senate File 389**, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates, amended by the House in House amendment S–3296, filed April 20, 2009.

Senator Hatch offered amendment S–3301, filed by him from the floor to pages 1, 3, 4, 6, and 7 of amendment S–3296.

Senator Hatch offered amendment S–3314, filed by him from the floor to page 1 of amendment S–3301 to amendment S–3296, and moved its adoption.

Amendment S–3314 was adopted by a voice vote.

Senator Kettering offered amendment S–3309, filed by him from the floor to page 1 of amendment S–3301 to amendment S–3296, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S–3309 to amendment S–3301 be adopted?" (S.F. 389), the vote was:

Yeas, 16:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McKinley	Ward
Boettger	Houser	Noble	Wieck
Feenstra	Kapucian	Reynolds	Zaun

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 2:

Hartsuch	Johnson

Amendment S–3309 lost.

Senator Rielly offered amendment S–3315, filed by him from the floor to pages 1 and 2 of amendment S–3301 to amendment S–3296, and moved its adoption.

Amendment S–3315 was adopted by a voice vote.

Senator Hatch moved the adoption of amendment S–3301, as amended.

A record roll call was requested.

On the question "Shall amendment S–3301 to amendment S–3296 be adopted?" (S.F. 389), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders

Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 16:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McKinley	Ward
Boettger	Houser	Noble	Wieck
Feenstra	Kapucian	Reynolds	Zaun

Absent, 2:

Hartsuch	Johnson

Amendment S–3301, as amended, was adopted.

Senator Hatch moved that the Senate concur in the House amendment, as amended.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 389), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 16:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McKinley	Ward
Boettger	Houser	Noble	Wieck
Feenstra	Kapucian	Reynolds	Zaun

Absent, 2:

Hartsuch	Johnson

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Hatch moved that the bill, as amended by the House, further amended and concurred in by the Senate, 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. 389), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Nays, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Houser	Noble	Zaun
Boettger	Kapucian	Reynolds	
Feenstra	Kettering	Seymour	
Hahn	Kreiman	Ward	

Absent, 2:

Hartsuch	Johnson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

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 April 21, 2009, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 437, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records.

ALSO: That the House has on April 21, 2009, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 562, a bill for an act relating to the council on human services and the state child care advisory council.

ALSO: That the House has on April 21, 2009, **appointed the conference committee to House File 671**, a bill for an act providing volunteer emergency services providers protection from employment termination, and the Conference Committee members on the part of the House are: the Representative from Clinton, Representative Bukta, Chair; the Representative from Black Hawk, Representative Burt; the Representative from Black Hawk, Representative Kressig; the Representative from Dubuque, Representative Lukan; the Representative from Buena Vista, Representative Worthan.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 224** and **389** and **House File 817** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:00 p.m. until 8:45 a.m., Wednesday, April 22, 2009.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: Tuesday, April 21, 2009, 6:00 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed SR 24.

Adjourned: 6:05 p.m.

WAYS AND MEANS

Convened: Tuesday, April 21, 2009, 1:10 p.m.

Members Present: Bolkcom, Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: McCoy, Vice Chair; and Hogg (both excused).

Committee Business: Passed HF 815.

Adjourned: 1:20 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 24, by committee on Rules and Administration, a resolution to welcome the President of the United States to the State of Iowa as part of the 2009 celebration of Earth Day.

Read first time under Rule 28 and **placed on calendar**.

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 817 (formerly HF 528), a bill for an act relating to the research activities tax credit for innovative renewable energy generation components and making an appropriation and providing applicability dare provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 24: Dvorsky, McCoy, Kettering, Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hancock, Hahn, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt. Nays, none. Absent, 1: Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 24, a resolution to welcome the President of the United States to the State of Iowa as part of the 2009 celebration of Earth Day.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: HOUSE FILE 815 (HSB 286), a bill for an act relating to articulation agreements between public postsecondary institutions and to the dissemination of articulation information.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, 2: McCoy and Hogg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 142, the following corrections were made:

1. Page 6, line 9: removed "*" after "plan".
2. Page 6, line 18: removed "*" after "plan".

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS 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 bills have 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 21st day of April, 2009:

Senate Files 114, 142, 187, 203, and 334.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 21, 2009, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 289 – Relating to loan forgiveness under the jumpstart housing assistance program.

AMENDMENTS FILED

S–3300	S.F.	224	House
S–3301	S.F.	389	Jack Hatch
S–3302	S.F.	470	Brian Schoenjahn
S–3303	S.F.	470	Nancy J. Boettger
S–3304	S.F.	475	Tom Hancock
S–3305	S.F.	417	Robert M. Hogg
S–3306	S.F.	457	Robert M. Hogg
S–3307	H.F.	809	Merlin Bartz
S–3308	S.F.	470	Brad Zaun
S–3309	S.F.	389	Steve Kettering
S–3310	H.F.	809	Brad Zaun
S–3311	H.F.	809	Merlin Bartz
S–3312	S.F.	470	Nancy J. Boettger
S–3313	H.F.	756	Robert M. Hogg
S–3314	S.F.	389	Jack Hatch
S–3315	S.F.	389	Tom Rielly

SENATE REPORTS RECEIVED AFTER ADJOURNMENT

The following is a record of Senate reports received after the close of the 2009 Regular Session.

BILLS REFERRED TO COMMITTEE FROM CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 4, the following bills remaining on the Senate Calendar upon adjournment of the 2009 session will be removed from the calendar and referred back to the committee to which they were originally assigned:

S.R.	14	Environment and Energy Independence
S.F.	155	Labor and Business Relations
S.F.	282	State Government
(with attached HF 777)		
S.F.	418	Human Resources
S.F.	444	Judiciary
(with attached HF 734)		
S.F.	463	Ways and Means
S.F.	468	Ways and Means
S.F.	485	Appropriations
H.F.	45	Human Resources
H.F.	571	Local Government
H.F.	713	Judiciary
H.F.	758	Judiciary

MICHAEL E. MARSHALL
Secretary of the Senate

FINAL DISPOSITION OF MOTION TO RECONSIDER

Pursuant to Senate Rule 24, the following motion to reconsider, which remained on the Senate Calendar upon the adjournment of the 2009 Regular Session of the Eighty-third General Assembly, was determined to have **failed**:

The motion to reconsider the vote by which Eugene Gessow, the governor's appointee to be Director of Human Services, failed to pass the Senate on April 15, 2009. (Motion to reconsider filed by Senator Gronstal on April 15, 2009.)

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 340, the following corrections were made:

1. Page 36, line 10: need a period after the "C" in U.S.C
2. Page 38, line 16: need a period after the "C" in U.S.C
3. Page 35, line 28: word "indicting" should be "indicating"

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 344, the following correction was made:

1. Page 43, line 14: three spaces at end of sentence, with a space of extra striking at the beginning of a stricken sentence

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 433, the following correction was made:

1. Page 4, line 34: "135.40A" was corrected to "135C.40A"

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 472, the following correction was made:

1. Page 3, line 30: web site instead of website (one word, as is correct)

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 449, the following corrections were made:

1. Page 27, line 17: strike through the end quotes after the word facility
2. Page 123, line 25: strike through the space between the words paragraph and "a"

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 478, the following corrections were made:

1. Page 55, line 8: changed to "SEC. ___" as directed in HF 809
2. Page 95, line 3: text should be flush left
3. Page 71, line 3: removed the hyphen in "orally=administered"

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 477, the following correction was made:

1. Page 13, line 12: the period was deleted after the word APPROPRIATION.

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 376, the following correction was made:

1. Page 46, line 6: the number 16 in the Sec. 33 lead-in should be in parentheses.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS 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 bills have 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 26th day of April, 2009:

Senate Files 151, 152, 176, 186, 224, 226, 236, 254, 291, 304, 340, 344, 356, 366, 372, 374, 376, 377, 379, 389, 403, 405, 415, 419, 423, 430, 432, 433, 435, 436, 437, 438, 449, 451, 452, 457, 465, 467, 469, 470, 471, 472, 474, 475, 476, 477, 478, 480, 481, 482, 483, and 484.

MICHAEL E. MARSHALL
Secretary of the Senate

SENATE BILLS APPROVED, ITEM VETOED, AND VETOED AFTER ADJOURNMENT

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2009 Regular Session:

SENATE BILLS APPROVED

Senate File 137 – Providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy. Approved April 28, 2009.

Senate File 151 – Relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund. Approved May 4, 2009.

Senate File 152 – Relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law. Approved May 22, 2009.

Senate File 176 – 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. Approved May 18, 2009.

Senate File 186 – Concerning preferential hiring treatment by government for veterans. Approved May 26, 2009.

Senate File 224 – Relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision. Approved May 26, 2009.

Senate File 226 – Concerning the statewide fire and police retirement system by establishing a presumption that cancer and infectious diseases are work-related for purposes of disability and death benefits and by increasing the contribution rate. Approved May 8, 2009.

Senate File 236 – Relating to psychiatric medical institution for children services and providing an effective date. Approved May 22, 2009.

Senate File 254 – Requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs. Approved May 22, 2009.

Senate File 291 – Providing for the recognition and promotion of certified retirement communities. Approved May 26, 2009.

Senate File 304 – Relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program. Approved May 18, 2009.

Senate File 340 – Relating to the sex offender registry, making fees applicable, and providing for penalties. Approved May 21, 2009.

Senate File 342 – Relating to boards of directors associated with organizations promoting soybeans and corn. Approved April 27, 2009.

Senate File 344 – Relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program. Approved May 22, 2009.

Senate File 356 – Relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national. Approved May 22, 2009.

Senate File 366 – Relating to the emancipation of a minor and family in need of assistance proceedings. Approved May 26, 2009.

Senate File 372 – Requesting the establishment of a statewide broadband policy development interim study committee. Approved May 22, 2009.

Senate File 374 – Concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable. Approved May 22, 2009.

Senate File 376 – Creating an Iowa jobs program, an Iowa jobs board, and Iowa jobs fund, authorizing the issuance of bonds, including the issuance of tax-exempt bonds, making and revising appropriations, and providing an effective date. Approved May 14, 2009.

Senate File 377 – Relating to the prescription drug donation repository program. Approved May 22, 2009.

Senate File 379 – Relating to the use of insurance loss history in the issuance of dramshop liability insurance. Approved May 22, 2009.

Senate File 389 – Relating to health care, health care providers, and health care coverage, providing retroactive and other effective dates and providing repeals. Approved May 19, 2009.

Senate File 403 – Concerning the sale of beer by native wineries. Approved May 18, 2009.

Senate File 405 – Providing for the disposal of dead animal bodies by persons, including individuals practicing veterinary medicine, and making penalties applicable. Approved May 26, 2009.

Senate File 415 – Relating to the acquisition of title to disaster-affected abandoned property by cities in certain years and authorizing cities to establish a property rights defense account. Approved May 22, 2009.

Senate File 419 – Relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates. Approved May 22, 2009.

Senate File 423 – Providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment. Approved May 18, 2009.

Senate File 430 – Relating to appointments to statutory boards, commissions, councils, and committees that involve the general assembly, and including effective date and applicability provisions. Approved May 18, 2009.

Senate File 432 – Regulating animal feeding operations, making penalties applicable, and providing for penalties and effective dates. Approved May 26, 2009.

Senate File 433 – Relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties. Approved May 26, 2009.

Senate File 435 – Relating to the entry upon land by a surveyor for land survey purposes. Approved May 26, 2009.

Senate File 436 – Relating to observers at satellite absentee voting stations. Approved May 22, 2009.

Senate File 437 – Relating to the activities of governmental entities by amending provisions relating to public access to meetings and records and by modifying provisions relating to cemeteries under the control of certain governmental entities. Approved May 22, 2009.

Senate File 438 – Relating to actions injurious to dependent adults and providing penalties. Approved May 18, 2009.

Senate File 449 – Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions. Approved May 22, 2009.

Senate File 451 – Relating to the definition of resident for purposes of undergraduate tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges. Approved May 26, 2009.

Senate File 452 – 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. Approved May 22, 2009.

Senate File 457 – Relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, providing income tax credits for certain disaster recovery housing projects, and including effective date and retroactive applicability date provisions. Approved May 12, 2009.

Senate File 465 – Relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system. Approved May 26, 2009.

Senate File 471 – Relating to energy efficiency and renewable energy, including allocating appropriated amounts from the Iowa power fund to fund tax credits for innovative renewable energy generation components, transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, providing transition provisions relating to the transfer of authority, and providing an effective date. Approved May 18, 2009.

Senate File 472 – Relating to and making appropriations to the judicial branch, and providing an effective date. Approved May 4, 2009.

Senate File 474 – Relating to the bonding authorization of the state board of regents for buildings and facilities including bonding for flood repair, restoration, replacement, and mitigation at the state university of Iowa. Approved May 14, 2009.

Senate File 476 – Relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates. Approved May 26, 2009.

Senate File 477 – Authorizing the treasurer of state to issue annual appropriation bonds, and creating an annual appropriation bonds debt service fund, an appropriation bonds capitals fund, a vertical infrastructure restricted capitals fund, making appropriations, and including an applicability provision. Approved May 14, 2009.

Senate File 480 – Relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision. Approved May 18, 2009.

Senate File 481 – Relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs. Approved May 4, 2009.

Senate File 482 – Relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates. Approved May 26, 2009.

Senate File 483 – Relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets transfer agreements, eliminating the carryback of net operating losses, and including retroactive applicability date and other applicability date provisions. Approved May 22, 2009.

Senate File 484 – Relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty. Approved May 22, 2009.

GOVERNOR'S ITEM VETO MESSAGES

Senate File 467

May 26, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 467**, an Act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing for effective dates. Senate File 467 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Division VI of this bill in its entirety. Division VI of the bill directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be

allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this division and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been consistently required by the Legislature for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I disapprove the item designated as Section 23 of this bill in its entirety. Section 23 delays the implementation date of the requirement to begin having septic tanks inspected at the time of property transfer from July 1, 2009 to July 1, 2010. With over 550 unsewered communities and over 100,000 leaking and/or malfunctioning spectic systems in Iowa, this language is inconsistent with the objective of Senate File 261 that I signed last year to protect and improve water quality and to assure home buyers that they are purchasing a property that has a functioning septic tank. Importantly, we now have funds available through the IJOBS Program that I proposed for helping unsewered communities, and as July 1, 2009, over 200 inspectors will be certified to inspect septic tanks.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 467 are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

Senate File 469

May 26, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 469**, an Act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters. Senate File 469 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 25 in its entirety. Section 25 of the bill directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed for

actual expenses, this language would be particularly difficult to administer because similar language has not been included for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

For the above reasons, I respectfully disapprove of the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 469 are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

Senate File 470

May 26, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 470**, an Act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates. Senate File 470 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 13, subsection 3 of the bill. This item directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been included for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I am unable to approve Section 29 in its entirety. Section 29 creates a new Code Chapter, 261D.4 Provisional Withdrawal from Compact. The language authorizes the State of Iowa's withdrawal from the Midwestern Higher Education Compact effective July 1, 2009. While I appreciate that this language in Section 29 was developed as a cost-savings measure to save the state the cost of the annual membership in the Compact, such a temporary withdrawal from the Compact would violate the terms of

the Compact in Iowa Code Chapter 261D. Additionally, Iowa state and local governments and school districts have saved over $547,000 through group purchasing opportunities provided by Midwestern Higher Education Compact. The Board of Regents has committed to find the necessary funding in FY 2010 to continue Iowa's membership in the Compact.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 470 are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

Senate File 475

May 26, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 475**, an Act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions. Senate File 475 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 5 in its entirety. Subsection 5 calls for the Department of Corrections to eliminate the chief security officer position by June 30, 2011. My Administration last year made establishment of this position a high priority in order to maintain consistent security procedures and policies within the Department of Corrections. I disapprove this language because it infringes upon the Executive Branch authority to staff this much-needed position.

I am unable to approve the item designated as Section 5, subsection 6 in its entirety. This provision would require all Community Based Correctional (CBC) Facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisional status. I disapprove this language because it would cause each CBC facility to lose control of the types and number of offenders whom they serve in their residential program.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 475 are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

Senate File 478

May 26, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 478**, an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters and including effective date and retroactive and other applicability provisions. Senate File 478 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 21 of Senate File 478 in its entirety because this section requires the Department of Administrative Services to perform a job evaluation study of state employees for the purpose of determining whether the job classifications and pay grade levels are properly determined. The Department is to perform this study by randomly selecting state employees but was given no additional funding for such a study. Currently, the Department has in place a system of review to determine if an employee is properly classified, in which an employee can make a request for such a review. Pay grade reviews are handled through the collective bargaining process and should not be included in a random survey.

I am unable to approve the designated portions of lettered paragraph c and numbered paragraph 3 of Section 27 of Senate File 478 in their entirety. Lettered paragraph c requires notification of the Legislative Council before any reduction is made of supervisory positions. This notification has not been required before and is an imposition upon Executive Branch functions. Numbered paragraph 3 requires the Department of Management to report on out-of-state travel. The Legislative Services Agency has access to all of the accounting data that flows through centralized accounting, Executive Council minutes, along with the power to request additional information from those agencies that do not use centralized accounting and; therefore, should be able to generate the type of reports asked for in this section. Further, while I agree that in difficult economic times special attention should be given to the issue of eliminating unnecessary travel, I am approaching this issue in a matter that differs from the approach taken in this section. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I am unable to approve Section 78 of Senate File 478 in its entirety. This section provides that a person whose license has been revoked for an operating while intoxicated (OWI) test failure after a prior OWI revocation for one year may apply after 45 days for a temporary restricted license to be issued by the Court. It is my understanding that this language was based on earlier information from the Iowa

Department of Transportation that it would be in compliance with federal requirements. Further review now shows that this section will threaten the state's compliance with federal requirements for repeat offender laws.

I am unable to approve Section 134 of this bill in its entirety. This language would eliminate the tax credit to employers for purchasing assistive technology that allows them to employ persons with disabilities. This is not the time during this economic downturn to eliminate assistance for helping employers hire persons with disabilities, and I strongly encourage employers to use this tax credit.

I am unable to approve the designated portion of the first sentence of Section 232, numbered paragraph 6, the designated portion of the first sentence of Section 233, numbered paragraph 6 and the designated portion of the first sentence of Section 234, lettered paragraph h of Senate File 478. These sections require the Department of Revenue to issue an annual report naming claimants of the research activities tax credit that receive refunds in amounts that exceed $500,000. I strongly support transparency in government and understand the worthy intent of this provision, but I am concerned that the requirement that would have applied retroactively to tax returns filed on or after January 1, 2009 might be questionably written, might arguably affect taxpayers' due process rights and might, therefore, have opened the way to a lengthy court challenge. Because this is a retroactive tax reporting change, I cannot let such an alteration in longstanding tax policy affect taxpayers that have already legally filed tax returns. Therefore, I am unable to approve the retroactive language.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 478 are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

AMENDMENTS FILED

EIGHTY-THIRD GENERAL ASSEMBLY
2009 REGULAR SESSION

S–3001

Amend Senate File 3 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 462A.14, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A person commits the offense of operating a motorboat or sailboat while intoxicated if the person operates a motorboat or sailboat on the navigable waters of this state under the jurisdiction of the commission in any of the following conditions:"

2. Title page, line 1, by striking the words "providing for" and inserting the following: "relating to".

3. By renumbering as necessary.

MERLIN BARTZ

S–3002

Amend Senate File 44 as follows:

1. Page 1, line 4, by inserting after the word "sales" the following: "and services".

2. Page 1, line 6, by inserting after the word "sales" the following: "and services".

3. Page 1, line 9, by inserting after the word "sales" the following: "and services".

4. Page 1, line 26, by inserting after the word "local" the following: "option".

5. Page 1, line 34, by inserting after the word "local" the following: "option".

6. Page 2, line 5, by inserting after the word "local" the following: "option".

7. Title page, line 1, by inserting after the word "sales" the following: "and services".

JOE BOLKCOM

S–3003

Amend Senate File 44 as follows:

1. Page 2, by inserting after line 32 the following:

"Sec. ___. EXPENDITURE PURPOSES.

1. A city or unincorporated area of a county that imposes a local option sales and services tax pursuant to section 1 of this Act shall use revenue generated by the local option sales and services tax for any of the following purposes:

a. Assistance for small business.

b. Assistance for nonprofit organizations.

c. Assistance for the public purchase of land and accompanying structures if financial assistance for the purchase is not available from the federal emergency management agency.

d. Assistance for the replacement or rehabilitation of housing.

e. Assistance for the repair or replacement of public infrastructure.

f. Assistance for increased costs associated with the revaluation and reassessment of property due to a natural disaster occurring in 2008.

2. A city or unincorporated area of a county that imposes a local option sales and services tax pursuant to section 1 of this Act shall not use any revenues generated by the local option sales and services tax for purposes of reimbursement of administrative costs."

2. By renumbering as necessary.

STEVE KETTERING

S–3004

Amend Senate File 44 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 0A. Section 445.62, Code 2009, is amended to read as follows:

445.62 ABATEMENT OR REFUND IN CASE OF LOSS.

1. The board of supervisors has the authority to abate or refund in whole or in part the taxes of any person whose buildings, crops, stock, or other property has been destroyed by fire, tornado, or other unavoidable casualty, if that property has not been sold for taxes, or if the taxes have not been delinquent for thirty days at the time of the destruction. The loss for which abatement or refund is allowed shall be only that amount which is not

covered by insurance. The loss of capital stock in a bank operated within the state and the making and paying of a stock assessment for the year that stock was assessed for taxation is a destruction within the meaning of this section.

2. The board of supervisors shall abate or refund the taxes of any person whose buildings, crops, or other property has been damaged or destroyed due to a natural disaster in 2008 and is located in an area declared to be a disaster area by the president of the United States in 2008, if that property has not been sold for taxes, or if the taxes have not been delinquent for thirty days at the time of the damage or destruction. The amount of the abatement shall equal the difference in the assessed value of the property after the damage or destruction multiplied by the property tax rate with the resulting product multiplied by the percentage of the tax year remaining at the time the natural disaster occurred."

2. Page 2, by inserting after line 32 the following:

"Sec. ___. RETROACTIVE APPLICABILITY. The section of this Act relating to the abatement or refund of property taxes is retroactively applicable to May 24, 2008, and is applicable on and after that date."

3. Title page, line 1, by inserting after the word "tax" the following: "and abatement of property tax".

4. Title page, line 2, by striking the words "an effective date" and inserting the following: "effective and retroactive applicability dates".

5. By renumbering as necessary.

PAT WARD

S–3005

Amend Senate File 44 as follows:

1. Page 1, line 18, by striking the words "a majority" and inserting the following: "more than sixty percent".

2. Page 1, line 21, by striking the words "a majority" and inserting the following: "more than sixty percent".

3. By renumbering as necessary.

BRAD ZAUN

S–3006

Amend Senate File 44 as follows:

1. Page 2, by inserting after line 32 the following:

"Sec. ___. SALES AND USE TAX. Notwithstanding chapter 423, subchapters II and III, for the period beginning April 1, 2009, and ending March 31, 2010, the sales, services, and use taxes shall be imposed at a rate of one percent. Revenues from the one percent sales, services, and use taxes shall be used solely for purposes of providing revenues to local school districts pursuant to chapter 423F. This section only applies to a city with a population of more than one hundred fifteen thousand but less than one hundred thirty thousand according to the most recent certified federal census and located in an area declared by the president to be a disaster area during 2008."

2. Title page, line 1, by inserting after the word "tax" the following: "and temporary reduction in the state sales, services, and use taxes".

3. By renumbering as necessary.

BRAD ZAUN

S–3007

Amend Senate File 44 as follows:

1. Page 2, by inserting after line 24 the following:

"4A. Notwithstanding section 423B.1, subsection 3, subsection 5, subsection 6, paragraph "a", and subsection 9, a local option sales and services tax imposed pursuant to this Act shall be repealed on June 30, 2010."

2. By renumbering as necessary.

BRAD ZAUN

S–3008

Amend Senate File 44 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. A city or unincorporated area located in a county in which the president of the United States declared a disaster to exist at any time during 2008 may impose a local option sales tax pursuant to chapter 423B using the procedure provided in this section. A city or unincorporated area where a local option sales tax is imposed pursuant to chapter 423B

on the effective date of this Act is prohibited from using this section. The provisions of chapter 423B shall apply to the imposition of a local option sales tax pursuant to this section with the following exceptions:

1. Notwithstanding section 423B.1, subsection 4, the question of the imposition of a local sales and services tax shall be submitted to the registered voters of a city or to the unincorporated areas of the county upon receipt by the county commissioner of elections of a motion requesting such submission, adopted by the governing body of a city located within the county, or of the county for the unincorporated areas of the county. Upon adoption of a motion, the governing body of the city, or county for the unincorporated areas, shall submit the motion to the county commissioner of elections. A motion must be received by the county commissioner of elections by February 3, 2009. The county commissioner of elections shall keep a file on all the motions received and, by February 8, 2009, or as soon as practicable thereafter, shall publish notice of the ballot proposition concerning the imposition of the local sales and services tax.

2. Notwithstanding section 423B.1, subsection 5, and pursuant to section 39.2, subsection 4, paragraph "a", the question of the imposition of a local sales and services tax shall be submitted at an election held on March 3, 2009.

3. Notwithstanding section 423B.1, subsection 5, and section 423B.6, subsection 1, paragraph "a", the imposition date for a local option sales tax approved at an election held pursuant to subsection 2 shall be April 1, 2009.

4. Notwithstanding section 423B.7, subsection 4, for a local option sales tax imposed pursuant to this section of this Act, the three-year period referenced in section 423B.7, subsection 4, shall be the three-year period beginning July 1, 2004, and ending June 30, 2007.

Page 2

Sec. 2. EXPENDITURE PURPOSES.

1. A city or unincorporated area of a county that imposes a local option sales and services tax pursuant to section 1 of this Act shall use revenue generated by the local option sales and services tax for any of the following purposes:

a. Assistance for small business.

b. Assistance for nonprofit organizations.

c. Assistance for the public purchase of land and

accompanying structures if financial assistance for the purchase is not available from the federal emergency management agency.

d. Assistance for the replacement or rehabilitation of housing.

e. Assistance for the repair or replacement of public infrastructure.

f. Assistance for increased costs associated with the revaluation and reassessment of property due to a natural disaster occurring in 2008.

2. A city or unincorporated area of a county that imposes a local option sales and services tax pursuant to section 1 of this Act shall not use any revenues generated by the local option sales and services tax for purposes of reimbursement of administrative costs.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment."

2. By renumbering as necessary.

RANDY FEENSTRA

S–3009

Amend House File 64, as amended, passed, and reprinted by the House, as follows:

1. By striking page 7, line 27, through page 11, line 11.

2. Title page, lines 2 and 3, by striking the words "a rebuild Iowa office,".

SHAWN HAMERLINCK

S–3010

Amend House File 64, as amended, passed, and reprinted by the House, as follows:

1. Page 4, by inserting after line 11 the following:

"4A. By January 1, 2010, each area long-term disaster committee shall file a written report with the department of human services providing information regarding the items purchased under the program without using personal identifiers for the recipients. By January 8, 2010, the department shall compile the results from the reports submitted to the department and submit a written report with the compiled results to the governor, the general assembly, and the other members of the executive council."

2. By renumbering as necessary.

SHAWN HAMERLINCK

S–3011

Amend House File 64, as amended, passed, and reprinted by the House, as follows:

1. By striking page 3, line 32, through page 4, line 1, and inserting the following: "eligible unmet need. A grant recipient shall not".

SHAWN HAMERLINCK

S–3012

Amend House File 64, as amended, passed, and reprinted by the House, as follows:

1. By striking page 8, line 4, through page 9, line 24, and inserting the following: "confirmed by the senate pursuant to section 2.32."

2. Page 11, by striking lines 4 through 6 and inserting the following:

"___. Pursuant to agreements entered into under chapter 28E, the rebuild Iowa office shall agree to receive for assignment employees from other state agencies."

3. By renumbering as necessary.

SHAWN HAMERLINCK

S–3013

Amend to House File 64, as amended, passed, and reprinted by the House, as follows:

1. Page 11, by inserting after line 6 the following:

"5A. For each full-time equivalent position authorized and filled for the rebuild Iowa office and for each contract employee employed in the rebuild Iowa office, an equal number of full-time equivalent and contract employee positions shall be vacated in other agencies of the executive branch."

2. By renumbering as necessary.

SHAWN HAMERLINCK

S–3014

Amend House File 64, as amended, passed, and reprinted by the House, as follows:

1. Page 8, by striking lines 20 and 21.

2. By renumbering and relettering as necessary.

SHAWN HAMERLINCK

S–3015

Amend House File 64, as amended, passed, and reprinted by the House, as follows:

1. Page 4, line 31, by inserting after the word "year." the following: "On September 1, 2009, any moneys appropriated in this section that remain unencumbered or unobligated are transferred to the department of economic development for purposes of the small business disaster recovery financial assistance program."

BRAD ZAUN

S–3016

Amend House File 64, as amended, passed, and reprinted by the House, as follows:

1. Page 7, line 5, by inserting after the word "governor" the following: ", other members of the executive council,".

MERLIN BARTZ

S–3017

Amend House File 64, as amended, passed, and reprinted by the House, as follows:

1. Page 6, line 35, by inserting after the figure "6." the following: "a."

2. Page 7, by inserting after line 6 the following:

"b. A city or county that does not meet the January 1, 2010, deadline provided in paragraph "a" shall have withheld from any future payments to be made to the city or county in an amount equal to ten percent of the grant awarded pursuant to this section. The amount to be withheld shall be retained from payments to be made from the local option sales and services tax receipts pursuant to section 423B.7. If the city or county has not imposed a local option sales and services tax the amount to be withheld shall be retained from payments allocated and to be made to the counties under section 425.1."

RANDY FEENSTRA

S–3018

Amend Senate Resolution 9 as follows:

1. Page 1, line 24, by striking the word

"President-elect" and inserting the following: "President".

2. Page 7, by striking lines 1 and 2, and inserting the following: "Nancy Pelosi; Senator Edward Kennedy,".

JACK HATCH

S–3019

Amend Senate File 98 as follows:

1. Page 1, by striking lines 15 and 16 and inserting the following: "director of the department of management."

STACI APPEL

S–3020

Amend Senate File 113 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 598.1, subsection 8, Code 2009, is amended to read as follows:

8. "Postsecondary education subsidy" means an amount which either of the parties may be required to pay under a temporary order or final judgment or decree for educational expenses of a child who is between the ages of eighteen and ~~twenty-two~~ twenty-one years if the child is regularly attending a course of vocational-technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs; or is, in good faith, a full-time student in a college, university, or community college; or has been accepted for admission to a college, university, or community college and the next regular term has not yet begun."

2. By renumbering as necessary.

DAVID L. HARTSUCH

S–3021

Amend Senate File 137 as follows:

1. Page 3, by inserting after line 18 the following:

"Sec. ___. Section 216.15, subsection 10, Code 2009, is amended to read as follows:

10. If, upon taking into consideration all of the evidence at a hearing, the commission finds that a respondent has not engaged in any such discriminatory

or unfair practice, the commission shall issue an order denying relief, awarding the respondent court costs and reasonable attorney fees, and stating the findings of fact and conclusions of the commission, and shall cause a copy of the order dismissing the complaint to be served on the complainant and the respondent."

2. By renumbering as necessary.

PAT WARD

S–3022

Amend Senate File 81 as follows:

1. Page 1, line 23, by striking the words "from any cause" and inserting the following: "within two years of a disaster as defined in section 29C.2, subsection 1".

2. Page 1, line 24, by inserting after the word "transfer" the following: "under this paragraph "b"".

3. Page 2, by striking line 22 and inserting the following: "execute purchase agreements within two years of a disaster as defined in section 29C.2, subsection 1, and lease-purchase agreements pursuant to".

4. Page 2, by striking line 30 and inserting the following: "the ~~director of the department~~ state board of education or its designee before entering".

5. By striking page 2, line 35, through page 3, line 1, and inserting the following: "subject to the approval of the ~~director of the department~~ state board of education or its designee and to receive by gift and operate and maintain".

6. Page 3, by striking line 6 and inserting the following: "~~director~~ state board. ~~If a lease requires approval, the director~~ The state board".

7. Page 3, line 8, by striking the word "director" and inserting the following: "~~director~~ state board".

8. Page 3, line 10, by inserting after the word "available." the following: "A purchase of property that is not a lease-purchase may be made only within two years of a disaster as defined in section 29C.2, subsection 1, and subject to the requirements of this subsection."

9. Page 3, by inserting after line 10 the following:

"Sec. ___. NEW SECTION. 273.14 EMERGENCY REPAIRS.

When emergency repairs costing more than the competitive bid threshold in section 26.3, or the adjusted competitive bid threshold established in

section 314.1B, subsection 2, are necessary in order to ensure the use of an area education agency facility, the provisions of law with reference to advertising for bids shall not apply within two years of a disaster as defined in section 29C.2, subsection 1, and the area education agency board may contract for such emergency repairs without advertising for bids. However, before such emergency repairs can be made to an area education agency facility, the state board of education or its designee must certify that such emergency repairs are necessary to ensure the use

Page 2

of the area education agency facility.

Sec. ___. Section 297.8, Code 2009, is amended to read as follows:

297.8 EMERGENCY REPAIRS.

When emergency repairs costing more than the competitive bid threshold in section 26.3, or as established in section 314.1B, are necessary in order to ~~prevent the closing~~ ensure the continued use of any school or attendance center, the provisions of the law with reference to advertising for bids shall not apply, and in that event the board may contract for such emergency repairs without advertising for bids. However, before such emergency repairs can be made to any schoolhouse or attendance center, it shall be necessary to procure a certificate from the area education agency administrator that such emergency repairs are necessary to ~~prevent the closing~~ ensure the continued use of the school or attendance center."

10. By renumbering as necessary.

BILL HECKROTH

S–3023

Amend House Concurrent Resolution 3 as follows:

1. Page 16, line 26, by striking the figure "9th" and inserting the following: "~~9th~~ 8th".

2. Page 16, line 30, by striking the figure "13th" and inserting the following: "~~13th~~ 11th".

3. Page 17, line 2, by striking the figure "11th" and inserting the following: "~~11th~~ 9th".

4. Page 17, line 5, by striking the figure "14th" and inserting the following: "~~14th~~ 12th".

5. Page 17, line 9, by striking the figure "15th" and inserting the following: "~~15th~~ 13th".

MERLIN BARTZ

S–3024

Amend Senate File 81 as follows:

1. Page 1, line 23, by striking the words "from any cause" and inserting the following: "within two years of a disaster as defined in section 29C.2, subsection 1".

2. Page 1, line 24, by inserting after the word "transfer" the following: "under this paragraph "b"".

3. Page 1, by inserting after line 31 the following:

"Sec. ___. Section 256.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 62. Report to the general assembly annually by January 1, beginning January 1, 2010, about the necessity of waiving any statutory obligations for school districts, as authorized under section 256.7, due to a disaster as defined in section 29C.2, subsection 1. The department's report shall specify each waiver and the determination for granting each waiver. The department shall provide the report to the speaker of the house and president of the senate and to the chairpersons of the appropriate standing committees of the general assembly."

4. Page 2, by striking line 22 and inserting the following: "execute purchase agreements within two years of a disaster as defined in section 29C.2, subsection 1, and lease-purchase agreements pursuant to".

5. Page 2, by striking line 30 and inserting the following: "the ~~director of the department~~ state board of education or its designee before entering".

6. By striking page 2, line 35, through page 3, line 1, and inserting the following: "subject to the approval of the ~~director of the department~~ state board of education or its designee and to receive by gift and operate and maintain".

7. Page 3, by striking line 6 and inserting the following: "~~director~~ state board. ~~If a lease requires approval, the director~~ The state board".

8. Page 3, line 8, by striking the word "director" and inserting the following: "~~director~~ state board".

9. Page 3, line 10, by inserting after the word "available." the following: "A purchase of property that is not a lease-purchase may be made only within two years of a disaster as defined in section 29C.2, subsection 1, and subject to the requirements of this subsection."

10. Page 3, by inserting after line 10 the following:

"Sec. ___. NEW SECTION. 273.14 EMERGENCY

Page 2

REPAIRS.

When emergency repairs costing more than the competitive bid threshold in section 26.3, or the adjusted competitive bid threshold established in section 314.1B, subsection 2, are necessary in order to ensure the use of an area education agency facility, the provisions of law with reference to advertising for bids shall not apply within two years of a disaster as defined in section 29C.2, subsection 1, and the area education agency board may contract for such emergency repairs without advertising for bids. However, before such emergency repairs can be made to an area education agency facility, the state board of education or its designee must certify that such emergency repairs are necessary to ensure the use of the area education agency facility.

Sec. ___. Section 297.8, Code 2009, is amended to read as follows:

297.8 EMERGENCY REPAIRS.

When emergency repairs costing more than the competitive bid threshold in section 26.3, or as established in section 314.1B, are necessary in order to ~~prevent the closing~~ ensure the continued use of any school or attendance center, the provisions of the law with reference to advertising for bids shall not apply, and in that event the board may contract for such emergency repairs without advertising for bids. However, before such emergency repairs can be made to any schoolhouse or attendance center, it shall be necessary to procure a certificate from the area education agency administrator that such emergency repairs are necessary to ~~prevent the closing~~ ensure the continued use of the school or attendance center."

11. By renumbering as necessary.

BILL HECKROTH

S–3025

Amend Senate Resolution 6 as follows:

1. Page 5, by inserting after line 13 the following:

"7A. ELECTRONIC FILING. A lobbyist or client of a lobbyist required to file information with the secretary of the senate pursuant to rules 3, 4, 5, and 7 is encouraged to make such filings in an electronic format as directed by the secretary of the senate. The committee on ethics may direct the secretary of the senate to mandate electronic filing requirements

for lobbyists and clients of lobbyists beginning for the 2010 legislative session."

GENE FRAISE

S–3026

Amend Senate File 49 as follows:

1. Page 2, by striking lines 19 through 26.
2. By renumbering as necessary.

JOHN P. KIBBIE

S–3027

Amend Senate File 151 as follows:

1. Page 4, line 29, by inserting after the word "section." the following: "Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund."
2. Page 5, by striking lines 23 and 24 and inserting the following:

"Sec. ___. Section 327J.2, Code 2009, is amended to read as follows:

327J.2 PASSENGER RAIL SERVICE REVOLVING FUND.

1. FUND CREATED. The passenger rail service revolving fund is established as a separate fund in the state treasury under the control of the department. Moneys deposited in the fund shall be administered by the director and shall be used to pay the costs associated with the initiation, operation, and maintenance of ~~rail~~ passenger rail service."

3. Page 5, by inserting after line 33 the following:

"3. NO REVERSION. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund."

4. By renumbering as necessary.

TOM RIELLY
DARYL BEALL
SWATI A. DANDEKAR
JEFF DANIELSON

S–3028

Amend Senate File 117 as follows:

1. Page 2, line 2, by inserting after the word

"bicycle." the following: "This subsection does not apply to a farm tractor or fence-line feeder."

GENE FRAISE

S–3029

Amend Senate File 117 as follows:

1. Page 1, line 11, by striking the word "vehicle" and inserting the following: "vehicle, except an implement of husbandry,".

2. Page 2, line 2, by inserting after the word "bicycle." the following: "This subsection does not apply to implements of husbandry."

MERLIN BARTZ

S–3030

Amend Senate File 117 as follows:

1. Page 1, by striking lines 1 through 8.

2. By renumbering as necessary.

MATT McCOY

S–3031

Amend Senate File 218 as follows:

1. Page 1, line 14, by striking the word "year." and inserting the following: "year, except that in the budget year beginning July 1, 2010, the state percent of growth shall be paid for completely by the state."

MERLIN BARTZ

S–3032

Amend Senate File 81 as follows:

1. Page 1, line 31, by striking the words "due to" and inserting the following: "within two years after".

DAVID JOHNSON

S–3033

Amend Senate File 81 as follows:

1. Page 2, line 15, by inserting after the word and figure "subsection 1." the following: "However, a '

school district may only request funds for this purpose if all funds provided under section 298.2 have been previously obligated."

DAVID JOHNSON

S–3034

Amend Senate File 81 as follows:

1. Page 2, by striking lines 16 through 31.

2. Page 2, line 34, by striking the word ", purchase,".

3. Page 3, line 7, by striking the word ", purchase,".

4. Title page, line 3, by striking the word "moneys," and inserting the following: "moneys and".

5. Title page, by striking lines 4 through 6 and inserting the following: "disaster recovery."

6. By renumbering as necessary.

DAVID JOHNSON

S–3035

Amend the amendment, S–3024, to Senate File 81 as follows:

1. Page 1, by inserting after line 7 the following:

"___. Page 1, by striking lines 26 through 31."

2. Page 1, by striking lines 8 through 22.

3. Page 2, by inserting after line 33 the following:

"___. Page 3, by inserting after line 16 the following:

"Sec. ___. LEGALIZING ACT. The action taken by the director of the department of education on behalf of a school district affected by a natural disaster that was a tornado during the 2007–2008 school year to end the school calendar year before the statutorily required number of days is hereby legalized and validated, and, to that extent, the school district is deemed to have complied with section 279.10, subsection 1.""

4. Title page, line 6, by striking the word "property." and inserting the following: "property, and by legalizing a certain action of the director of the department of education during the 2007–2008 school year."

5. By renumbering as necessary.

DAVID JOHNSON

S–3036

Amend Senate File 117 as follows:
1. Page 1, by striking lines 1 through 8.
2. By renumbering as necessary.

KIM REYNOLDS

S–3037

Amend Senate File 118 as follows:
1. Page 1, line 23, by inserting after the word "shall" the following: "not".

KEITH A. KREIMAN

S–3038

Amend Senate File 117 as follows:
1. Page 1, line 24, by inserting after the words "a vehicle" the following: "or bicycle".
2. Page 1, line 24, by striking the words "or a" and inserting the following: "or".
3. Page 1, line 34, by inserting after the word "vehicle" the following: "or bicycle".
4. Page 1, line 35, by striking the word "a".
5. Page 1, line 35, by inserting after the words "overtaking vehicle" the following: "or bicycle".
6. Page 2, line 6, by inserting after the word "vehicle" the following: "or bicycle".
7. Page 2, line 7, by striking the word "a".

KIM REYNOLDS

S–3039

Amend Senate File 117 as follows:
1. Page 3, by striking lines 27 through 35.
2. Page 4, lines 9 and 10, by striking the words ", or a person who is convicted of a violation of section 321.371A,".
3. Page 4, by striking lines 21 through 25.
4. By renumbering as necessary.

KIM REYNOLDS

S–3040

Amend the amendment, S–3024, to Senate File 81 as follows:
1. Page 1, by striking lines 23 through 30 and

inserting the following:
"___. Page 2, by striking lines 16 through 31.
___. Page 2, line 34, by striking the word ", purchase,"."
2. Page 1, by inserting after line 38 the following:
"___. Page 3, line 7, by striking the word ", purchase,"."
3. Page 2, by inserting after line 33 the following:
"___. Title page, line 3, by striking the word "moneys," and inserting the following: "moneys and".
___. Title page, by striking lines 4 through 6 and inserting the following: "disaster recovery"."

DAVID JOHNSON

S–3041

Amend Senate File 117 as follows:
1. Page 2, by striking lines 21 through 34.
2. By renumbering as necessary.

MERLIN BARTZ

S–3042

Amend Senate File 117 as follows:
1. Page 2, by inserting before line 35 the following:
"Sec. ___. Section 321.319, Code 2009, is amended to read as follows:
321.319 ENTERING INTERSECTIONS FROM DIFFERENT ~~HIGHWAYS~~ DIRECTIONS.
1. a. When two vehicles or bicycles, or a vehicle and a bicycle, enter an intersection from different highways or public streets, or enter an intersection with a recreation trail, at approximately the same time, the ~~driver~~ operator of the vehicle or bicycle on the left shall yield the right-of-way to the vehicle or bicycle on the right. This subsection does not apply where a sign posted by state or local authorities requires recreation trail users to yield to cross traffic.
2. The ~~foregoing~~ rule under subsection 1 is modified at through highways and otherwise as ~~hereinafter stated~~ provided in this chapter.
3. For purposes of this section, "intersection with a recreation trail" includes the intersection of a public or private road, alley, or driveway and a recreation trail."

2. Page 3, line 2, by striking the words "OR RECREATION TRAIL".

3. Page 3, by striking lines 12 through 22 and inserting the following:

"2. The driver of a vehicle about to enter or cross a".

4. By renumbering as necessary.

MERLIN BARTZ

S–3043

Amend Senate File 187 as follows:

1. Page 1, line 22, by inserting after the word "with" the following: ", at a minimum,".

2. Page 1, line 25, by inserting after the words "part of both legs" the following: ", who has received a nonambulatory person's permit from the department as provided by rule".

DICK L. DEARDEN

S–3044

Amend Senate File 117 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 321.234, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. A person shall not ride a bicycle on a public highway, public recreational trail, or other public property unless the bicycle is equipped with a red safety flag at least six by nine inches in size and displayed at least sixty inches above the bicycle seat."

2. Page 4, by inserting after line 20 the following:

"Sec. ___. Section 805.8A, subsection 9, Code 2009, is amended to read as follows:

9. BICYCLE OR PEDESTRIAN VIOLATIONS. For violations by a pedestrian or a bicyclist under section 321.234, subsections 3, ~~and~~ 4, and 4A, section 321.236, subsection 10, section 321.257, subsection 2, section 321.275, subsection 8, section 321.325, 321.326, 321.328, 321.331, 321.332, 321.397, or 321.434, the scheduled fine is fifteen dollars."

3. Title page, lines 1 and 2, by striking the words "a street or highway".

4. By renumbering as necessary.

JAMES F. HAHN

S–3045

Amend Senate File 117 as follows:

1. Page 4, by inserting after line 14 the following:

"Sec. ___. Section 669.14, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 16. Any claim based upon or arising out of the condition of a street or highway, as defined in section 321.1, by a person participating in a statewide touring event when the person knew or reasonably should have known that participation in the statewide touring event created the likelihood of exposure to a variety of road surfaces and conditions, unless the claim is based upon an act or omission of an officer or employee of the state and the act or omission constitutes actual malice or a criminal offense. For purposes of this subsection, "statewide touring event" means a major group bicycle ride across Iowa, a group tractor ride, an antique car tour, or a similar event that involves more than one area of the state, attracts wide participation, and is likely to contribute significantly to the economic well-being of the state or areas of the state.

Sec. ___. Section 670.4, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 16. Any claim based upon or arising out of the condition of a street or highway, as defined in section 321.1, by a person participating in a statewide touring event when the person knew or reasonably should have known that participation in the statewide touring event created the likelihood of exposure to a variety of road surfaces and conditions, unless the claim is based upon an act or omission of an officer or employee of the municipality and the act or omission constitutes actual malice or a criminal offense. For purposes of this subsection, "statewide touring event" means a major group bicycle ride across Iowa, a group tractor ride, an antique car tour, or a similar event that involves more than one area of the state, attracts wide participation, and is likely to contribute significantly to the economic well-being of the state or areas of the state."

2. Title page, line 3, by inserting after the word "bicycles," the following: "limiting the liability of the state and municipalities for claims brought by participants in statewide touring events based on road conditions,".

3. By renumbering as necessary.

BRAD ZAUN

S–3046

Amend Senate File 142 as follows:

1. Page 1, by inserting before line 3 the following:

"Sec. ___. NEW SECTION. 15.410 LEGISLATIVE INTENT.

All industries are important to the success of Iowa and its economic growth and job creation. As such, it is the intent of the general assembly to foster commercialization of research and advancement of education in all industries in this state."

2. Page 1, by striking lines 10 and 11 and inserting the following:

"b. "Targeted industries" means the industries of ~~advanced~~ manufacturing, biosciences, ~~and~~ information technology, agriculture, forestry, fishing, hunting, mining, quarrying, oil and gas extraction, utilities, construction, wholesale trade, retail trade, transportation and warehousing, information, finance and insurance, real estate rental and leasing, professional services, scientific services, technical services, business and enterprise management, administration and support services, waste management, remediation services, education services, health care, social assistance, arts and entertainment, recreation services, public accommodation, food services, and public administration."

3. By renumbering, redesignating, and correcting internal references as necessary.

PAUL McKINLEY

S–3047

Amend Senate File 236 as follows:

1. Page 2, line 31, by striking the figure "2010" and inserting the following: "2011".

JOE BOLKCOM

S–3048

Amend Senate File 117 as follows:

1. Page 1, by inserting before line 1 the following:

"Sec. ___. Section 321.234, subsection 2, Code 2009, is amended to read as follows:

2. a. A person, including a peace officer, riding a bicycle on the highway is subject to the provisions of this chapter and has all the rights and duties

under this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their nature can have no application or those provisions for which specific exceptions have been set forth regarding police bicycles.

b. The state, or a municipality as defined in section 670.1, shall not be liable for an injury resulting from riding or operating a bicycle on a street or highway under the jurisdiction of the state or municipality if the injury was caused by road conditions resulting from adverse weather conditions or normal wear and tear."

2. By renumbering as necessary.

SHAWN HAMERLINCK

S–3049

Amend Senate File 104 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 124.210, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. PRECURSORS TO AMPHETAMINE AND METHAMPHETAMINE. Any material, compound, mixture, or preparation which contains any quantity of the following precursors to amphetamine or methamphetamine, including their salts, optical isomers, and salts of their optical isomers:

a. Ephedrine.

b. Phenylpropanolamine.

c. Pseudoephedrine.

Sec. 2. Section 124.212, subsection 4, Code 2009, is amended by striking the subsection.

Sec. 3. Section 124B.6, subsection 4, Code 2009, is amended to read as follows:

4. A sale, transfer, furnishing, or receipt ~~of a drug containing ephedrine, phenylpropanolamine, or pseudoephedrine or~~ of a cosmetic containing a precursor substance if the drug or cosmetic is lawfully sold, transferred, or furnished over the counter without a prescription in accordance with chapter 126.

Sec. 4. Section 124B.11, subsection 1, Code 2009, is amended to read as follows:

1. A vendor or a recipient who receives a precursor substance from a source outside the state shall obtain a permit for the transaction from the board. However, a permit is not required ~~of a vendor of a drug containing ephedrine, phenylpropanolamine, or pseudoephedrine or~~ of a cosmetic that contains a precursor substance if the drug or cosmetic is

lawfully sold, transferred, or furnished either over the counter without a prescription in accordance with chapter 126 or with a prescription pursuant to chapter 155A.

Sec. 5. Section 602.8105, subsection 4, Code 2009, is amended by striking the subsection.

Sec. 6. Section 805.8C, subsection 6, Code 2009, is amended by striking the subsection.

Sec. 7. Sections 124.213, 126.23A, 126.23B, 714.7C, Code 2009, are repealed."

2. Title page, by striking lines 1 through 3 and inserting the following: "An Act making pseudoephedrine, phenylpropanolamine, and ephedrine schedule IV controlled substances."

HERMAN C. QUIRMBACH

S–3050

Amend Senate File 237 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 124.210, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. PRECURSORS TO AMPHETAMINE AND METHAMPHETAMINE. Any material, compound, mixture, or preparation which contains any quantity of the following precursors to amphetamine or methamphetamine, including their salts, optical isomers, and salts of their optical isomers:

a. Ephedrine.

b. Phenylpropanolamine.

c. Pseudoephedrine.

Sec. 2. Section 124.212, subsection 4, Code 2009, is amended by striking the subsection.

Sec. 3. Section 124B.6, subsection 4, Code 2009, is amended to read as follows:

4. A sale, transfer, furnishing, or receipt ~~of a drug containing ephedrine, phenylpropanolamine, or pseudoephedrine or~~ of a cosmetic containing a precursor substance if the drug or cosmetic is lawfully sold, transferred, or furnished over the counter without a prescription in accordance with chapter 126.

Sec. 4. Section 124B.11, subsection 1, Code 2009, is amended to read as follows:

1. A vendor or a recipient who receives a precursor substance from a source outside the state shall obtain a permit for the transaction from the board. However, a permit is not required ~~of a vendor of a drug containing ephedrine, phenylpropanolamine, or pseudoephedrine or~~ of a cosmetic that contains a

precursor substance if the drug or cosmetic is lawfully sold, transferred, or furnished either over the counter without a prescription in accordance with chapter 126 or with a prescription pursuant to chapter 155A.

Sec. 5. Section 602.8105, subsection 4, Code 2009, is amended by striking the subsection.

Sec. 6. Section 805.8C, subsection 6, Code 2009, is amended by striking the subsection.

Sec. 7. Sections 124.213, 126.23A, 126.23B, 714.7C, Code 2009, are repealed."

2. Title page, by striking lines 1 through 3 and inserting the following: "An Act making pseudoephedrine, phenylpropanolamine, and ephedrine schedule IV controlled substances."

HERMAN C. QUIRMBACH

S–3051

Amend Senate File 249 as follows:

1. Page 1, lines 5 and 6, by striking the words "it is shown that all" and inserting the following: "all known".

BECKY SCHMITZ

S–3052

Amend Senate File 207 as follows:

1. Page 2, by striking lines 1 through 10 and inserting the following: "projects on terms the authority determines. For purposes of this section, projects ~~shall~~ may include but are not limited to any of the following:

1. The acquisition of agricultural land and improvements and depreciable agricultural property by beginning farmers for the implementation of permanent soil and water conservation practices and the acquisition of conservation farm equipment, or any other purpose for which loans may be made by the Iowa agricultural development authority pursuant to chapter 175.

2. A project defined in section 419.1, subsection 12, for which bonds or notes may be issued by a city or a county."

TIM L. KAPUCIAN

S–3053

Amend Senate File 187 as follows:

1. Page 1, by striking lines 21 through 25 and inserting the following:

"4. For the purposes of this section, "nonambulatory person" means an individual who has received a nonambulatory person's permit from the department as provided by rule, and at a minimum has one or more of the following conditions:

a. Paralysis of the lower half of the body, usually due to disease or a spinal cord injury.

b. Loss or partial loss of both legs.

c. Any other physical affliction which makes it impossible for the person to ambulate successfully."

MERLIN BARTZ

S–3054

Amend Senate File 282 as follows:

1. Page 6, by striking lines 21 through 26 and inserting the following:

"(3) Reasonably relied upon a decision of a court, ~~or~~ a formal opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing.

Sec. ___. Section 21.6, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. Shall issue an order removing a member of a governmental body from office if that member has engaged in a prior violation of this chapter for which damages were assessed against the member during the member's term. In making this determination, the court shall recognize violations for which damages were assessed by the Iowa public information board created in section 23.3."

2. Page 10, line 9, by inserting after the word "because" the following: "of a pending request by the lawful custodian to the Iowa public information board for an opinion regarding the status of the record requested, or other".

3. Page 10, line 24, by inserting after the word "file" the following: "a complaint with the Iowa public information board pursuant to section 23.7 or file".

4. Page 19, by striking lines 2 through 7 and inserting the following:

"(3) Reasonably relied upon a decision of a court, ~~or an~~ a formal opinion of the Iowa public information board, the attorney general, or the attorney for the government body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing.

Sec. ___. Section 22.10, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. Shall issue an order removing a person from office if that person has engaged in a prior violation of this chapter for which damages were assessed against the person during the person's term. In making this determination, the court shall recognize violations for which damages were assessed by the Iowa public information board created in section 23.3."

Page 2

5. By striking page 20, line 18, through page 23, line 25, and inserting the following:

"Sec. ___. NEW SECTION. 23.1 CITATION AND PURPOSE.

This chapter may be cited as the "Iowa Public Information Board Act". The purpose of this chapter is to provide an alternative means by which to secure compliance with and enforcement of the requirements of chapters 21 and 22 through the provision by the Iowa public information board to all interested parties of an efficient, informal, and cost-effective process for resolving disputes.

Sec. ___. NEW SECTION. 23.2 DEFINITIONS.

1. "Board" means the Iowa public information board created in section 23.3.

2. "Complainant" means a person who files a complaint with the board.

3. "Complaint" means a written and signed document filed with the board alleging a violation of chapter 21 or 22.

4. "Custodian" means a government body, government official, or government employee designated as the lawful custodian of a government record pursuant to section 22.1.

5. "Government body" means the same as defined in section 22.1.

6. "Person" means an individual, partnership, association, corporation, legal representative, trustee, receiver, custodian, government body, or official, employee, agency, or political subdivision

of this state.

7. "Respondent" means any agency or other unit of state or local government, custodian, government official, or government employee who is the subject of a complaint.

Sec. ___. NEW SECTION. 23.3 BOARD APPOINTED.

1. An Iowa public information board is created consisting of five members appointed by the governor, subject to confirmation by the senate. Membership shall be balanced as to political affiliation as provided in section 69.16 and gender as provided in section 69.16A. Members appointed to the board shall serve staggered, four-year terms, beginning and ending as provided by section 69.19. A quorum shall consist of three members.

2. A vacancy on the board shall be filled by the governor by appointment for the unexpired part of the term. A board member may be removed from office by the governor for good cause. The board shall select one of its members to serve as chair and shall employ

Page 3

a director who shall serve as the executive officer of the board.

Sec. ___. NEW SECTION. 23.4 COMPENSATION AND EXPENSES.

Board members shall be paid a per diem as specified in section 7E.6 and shall be reimbursed for actual and necessary expenses incurred while on official board business. Per diem and expenses shall be paid from funds appropriated to the board.

Sec. ___. NEW SECTION. 23.5 ELECTION OF REMEDIES.

1. An aggrieved person, any taxpayer to or citizen of this state, the attorney general, or any county attorney may seek enforcement of the requirements of chapters 21 and 22 by electing either to file an action pursuant to section 17A.19, 21.6, or 22.10, whichever is applicable, or in the alternative, to file a timely complaint with the board.

2. If more than one person seeks enforcement of chapter 21 or 22 with respect to the same incident involving an alleged violation, and one or more of such persons elects to do so by filing an action under section 17A.19, 21.6, or 22.10 and one or more of such persons elects to do so by filing a timely complaint with the board, the court in which the action was filed shall dismiss the action without prejudice, authorizing the complainant to file a complaint with respect to the same incident with the board without regard to the timeliness of the filing of the

complaint at the time the action in court is dismissed.

3. If a person files an action pursuant to section 22.8 seeking to enjoin the inspection of a public record, the respondent or person requesting access to the record which is the subject of the request for injunction may remove the proceeding to the board for its determination by filing, within thirty days of the commencement of the judicial proceeding, a complaint with the board alleging a violation of chapter 22 in regard to the same matter.

Sec. ___. NEW SECTION. 23.6 BOARD POWERS AND DUTIES.

The board shall have all of the following powers and duties:

1. Employ such employees as are necessary to execute its authority, including administrative law judges, and attorneys to prosecute respondents in proceedings before the board and to represent the board in proceedings before a court. Notwithstanding section 8A.412, all of the board's employees, except

Page 4

for the executive director and attorneys, shall be employed subject to the merit system provisions of chapter 8A, subchapter IV.

2. Adopt rules with the force of law pursuant to chapter 17A calculated to implement, enforce, and interpret the requirements of chapters 21 and 22 and to implement any authority delegated to the board by this chapter.

3. Issue, consistent with the requirements of section 17A.9, declaratory orders with the force of law determining the applicability of chapter 21 or 22 to specified fact situations and issue informal advice to any person concerning the applicability of chapters 21 and 22.

4. Receive complaints alleging violations of chapter 21 or 22, seek resolution of such complaints through informal assistance or through mediation and settlement, formally investigate such complaints, decide after such an investigation whether there is probable cause to believe a violation of chapter 21 or 22 has occurred, and if probable cause has been found prosecute the respondent before the board in a contested case proceeding conducted according to the provisions of chapter 17A.

5. Request and receive from a government body assistance and information as necessary in the performance of its duties. The board may examine a record of a government body that is the subject matter

of a complaint, including any record that is confidential by law. Confidential records provided to the board by a governmental body shall continue to maintain their confidential status. Any member or employee of the board is subject to the same policies and penalties regarding the confidentiality of the document as an employee of the government body.

6. Issue subpoenas enforceable in court for the purpose of investigating complaints and to facilitate the prosecution and conduct of contested cases before the board.

7. After appropriate board proceedings, issue orders with the force of law, determining whether there has been a violation of chapter 21 or 22, requiring compliance with specified provisions of those chapters, imposing civil penalties equivalent to and to the same extent as those provided for in section 21.6 or 22.10, as applicable, on a respondent who has been found in violation of chapter 21 or 22, and imposing any other appropriate remedies calculated to declare, terminate, or remediate any violation of those chapters.

Page 5

8. Represent itself in judicial proceedings to enforce or defend its orders and rules through attorneys on its own staff, through the office of the attorney general, or through other attorneys retained by the board, at its option.

9. Make training opportunities available to lawful custodians, government bodies, and other persons subject to the requirements of chapters 21 and 22 and require, in its discretion, appropriate persons who have responsibilities in relation to chapters 21 and 22 to receive periodic training approved by the board.

10. Disseminate information calculated to inform members of the public about the public's right to access government information in this state including procedures to facilitate this access and including information relating to the obligations of government bodies under chapter 21 and lawful custodians under chapter 22 and other laws dealing with this subject.

11. Prepare and transmit to the governor and to the general assembly, at least annually, reports describing complaints received, board proceedings, investigations, hearings conducted, decisions rendered, and other work performed by the board.

12. Make recommendations to the general assembly proposing legislation relating to public access to government information deemed desirable by the board in light of the policy of this state to provide as

much public access as possible to government information as is consistent with the public interest and the need to protect individuals against undue invasions of personal privacy.

Sec. ___. NEW SECTION. 23.7 FILING OF COMPLAINTS WITH THE BOARD.

1. The board shall adopt rules with the force of law and pursuant to chapter 17A providing for the timing, form, content, and means by which any aggrieved person, any taxpayer to or citizen of this state, the attorney general, or any county attorney may file a complaint with the board alleging a violation of chapter 21 or 22. The complaint must be filed within sixty days from the time the alleged violation occurred or the complainant could have become aware of the violation with reasonable diligence. All complaints filed with the board shall be public records.

2. All board proceedings in response to the filing of a complaint shall be conducted as expeditiously as possible.

3. The board shall not charge a complainant any fee in relation to the filing of a complaint, the

Page 6

processing of a complaint, or any board proceeding or judicial proceeding resulting from the filing of a complaint.

Sec. ___. NEW SECTION. 23.8 INITIAL PROCESSING OF COMPLAINT.

Upon receipt of a complaint alleging a violation of chapter 21 or 22, the board shall do either of the following:

1. Determine that, on its face, the complaint is within the board's jurisdiction, appears legally sufficient, and could have merit. In such a case the board shall accept the complaint, and shall notify the parties of that fact in writing.

2. Determine that, on its face, the complaint is outside its jurisdiction, is legally insufficient, is frivolous, is without merit, involves harmless error, or relates to a specific incident that has previously been finally disposed of on its merits by the board or a court. In such a case the board shall decline to accept the complaint. If the board refuses to accept a complaint, the board shall provide the complainant with a written order explaining its reasons for the action.

Sec. ___. NEW SECTION. 23.9 INFORMAL ASSISTANCE — MEDIATION AND SETTLEMENT.

1. After accepting a complaint, the board shall

promptly work with the parties through its employees to reach an informal, expeditious resolution of the complaint. If an informal resolution satisfactory to the parties cannot be reached, the board or the board's designee shall offer the parties an opportunity to resolve the dispute through mediation and settlement.

2. The mediation and settlement process shall enable the complainant to attempt to resolve the dispute with the aid of a neutral mediator employed and selected by the board, in its discretion, from either its own staff or an outside source.

3. Mediation shall be conducted as an informal, nonadversarial process and in a manner calculated to help the parties reach a mutually acceptable and voluntary settlement agreement. The mediator shall assist the parties in identifying issues and shall foster joint problem solving and the exploration of settlement alternatives.

Sec. ___. NEW SECTION. 23.10 ENFORCEMENT.

1. If any party declines mediation or settlement or if mediation or settlement fails to resolve the matter to the satisfaction of all parties, the board shall initiate a formal investigation concerning the

Page 7

facts and circumstances set forth in the complaint. The board shall, after an appropriate investigation, make a determination as to whether the complaint is within the board's jurisdiction and whether there is probable cause to believe that the facts and circumstances alleged in the complaint constitute a violation of chapter 21 or 22.

2. If the board finds the complaint is outside the board's jurisdiction or there is no probable cause to believe there has been a violation of chapter 21 or 22, the board shall issue a written order explaining the reasons for the board's conclusions and dismissing the complaint, and shall transmit a copy to the complainant and to the party against whom the complaint was filed.

3. a. If the board finds the complaint is within the board's jurisdiction and there is probable cause to believe there has been a violation of chapter 21 or 22, the board shall issue a written order to that effect and shall commence a contested case proceeding under chapter 17A against the respondent. An attorney selected by the director of the board shall prosecute the respondent in the contested case proceeding. At the termination of the contested case proceeding the board shall, by a majority vote of its members, render

a final decision as to the merits of the complaint. If the board finds that the complaint has merit, the board may issue any appropriate order to ensure enforcement of chapter 21 or 22 including but not limited to an order requiring specified action or prohibiting specified action and any appropriate order to remedy any failure of the respondent to observe any provision of those chapters.

b. If the board determines, by a majority vote of its members, that the respondent has violated chapter 21 or 22, the board may also do any or all of the following:

(1) Require the respondent to pay damages as provided for in section 21.6 or 22.10, whichever is applicable, to the extent that provision would make such damages payable if the complainant had sought to enforce a violation in court instead of through the board.

(2) Void any action taken in violation of chapter 21 if a court would be authorized to do so in similar circumstances pursuant to section 21.6.

c. The board shall not have the authority to remove a person from public office for a violation of chapter 21 or 22. The board may file an action under chapter 21 or 22 to remove a person from office for

Page 8

violations that would subject a person to removal under those chapters.

d. A final board order resulting from such proceedings may be enforced by the board in court and is subject to judicial review pursuant to section 17A.19.

Sec. ___. NEW SECTION. 23.11 DEFENSES IN A CONTESTED CASE PROCEEDING.

A respondent may defend against a proceeding before the board charging a violation of chapter 21 or 22 on the ground that if such a violation occurred it was only harmless error or that clear and convincing evidence demonstrated that grounds existed to justify a court to issue an injunction against disclosure pursuant to section 22.8.

Sec. ___. NEW SECTION. 23.12 JURISDICTION.

The board shall not have jurisdiction over the judicial or legislative branches of state government or any entity, officer, or employee of those branches, or over the governor or the office of the governor."

6. Page 34, by striking lines 31 and 32 and inserting the following:

"Sec. ___. IOWA PUBLIC INFORMATION BOARD — TRANSITION PROVISIONS.

1. The initial members of the Iowa public information board established pursuant to this Act shall be appointed by September 1, 2009.

2. Notwithstanding any provision of this Act to the contrary, the director of the board and employees of the board shall not be hired prior to July 1, 2010.

3. Prior to July 1, 2010, the board shall submit a report to the governor and the general assembly. The report shall include a job description for the executive director of the board, goals for board operations, and performance measures to measure achievement of the board's goals.

Sec. ___. APPROPRIATION — IOWA PUBLIC INFORMATION BOARD. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the following purpose:

For the initial expenses of the Iowa public information board as established in this Act:

..... $ 6,000

Sec. ___. EFFECTIVE DATE. Except for the sections of this Act establishing transition provisions for the Iowa public information board and making an appropriation for the initial expenses of the Iowa public information board, this Act takes effect July

Page 9

1, 2010."

7. Title page, by striking lines 2 and 3 and inserting the following: "the creation of the Iowa public information board, and providing an effective date and making an appropriation."

DAVID JOHNSON

S–3055

Amend Senate File 283 as follows:

1. Page 12, by inserting after line 28 the following:

"Sec. ___. NEW SECTION. 720.7 INTERFERENCE WITH JUDICIAL ACTS — PENALTY.

1. As used in this section:

a. "Court employee" means the same as defined in section 602.1101.

b. "Judicial officer" means the same as defined in section 602.1101.

c. "Family member" means a spouse, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, grandfather, grandmother, father-in-law,

mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, father, mother, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

2. A person who harasses a judicial officer, court employee, or a family member of a judicial officer or a court employee in violation of section 708.7, with the intent to interfere with or improperly influence, or in retaliation for, the official acts of a judicial officer or court employee, commits an aggravated misdemeanor."

2. Title page, line 2, by inserting after the word "judges," the following: "interference with judicial acts, providing a penalty,".

KEITH A. KREIMAN

S–3056

Amend Senate File 287 as follows:

1. Page 1, line 33, by inserting after the word "dependent" the following: "children".

STACI APPEL

S–3057

Amend House File 414, as amended, passed, and reprinted by the House, as follows:

1. Page 18, by inserting after line 3 the following:

"Sec. ___. VEHICLE PURCHASES DEFERRED. Notwithstanding any provision to the contrary, except as otherwise provided by this section, other than motor vehicles for the state patrol, the department of administrative services shall defer the purchase of replacement motor vehicles paid for from the general fund of the state or from such moneys credited to the depreciation fund maintained pursuant to section 8A.365. The purchase deferral is applicable to the remainder of the fiscal year beginning July 1, 2008, commencing on the effective date of this section and to the succeeding fiscal year. However, the executive council may authorize an exception to allow purchase of a replacement vehicle when the purchase is less costly than all other alternatives."

2. By renumbering as necessary.

MERLIN BARTZ
STEVE KETTERING

S–3058

Amend Senate File 236 as follows:

1. Page 1, line 14, by striking the word "the" and inserting the following: "psychiatric institution providers may submit a projected cost report to be used to set a prospective rate for the rate period of July 1, 2009, through June 30, 2010. For that fiscal year, the".

2. Page 1, line 23, by inserting after the figure "5." the following: "The reimbursement payments made to psychiatric institution providers for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall be cost settled to actual cost, not to exceed the maximum reimbursement rate for the fiscal year. Any overpayment amount shall be returned within 30 days of submission of a notice of overpayment to the provider."

3. Page 2, line 5, by striking the figure "2011" and inserting the following: "2010".

JOE BOLKCOM

S–3059

Amend House File 414, as amended, passed, and reprinted by the House, as follows:

1. Page 17, line 2, by striking the figure "2,356,851" and inserting the following: "2,456,851"

STEVE KETTERING

S–3060

Amend House File 414, as amended, passed, and reprinted by the House, as follows:

1. Page 16, line 28, by striking the figure "140,959,432" and inserting the following: "143,045,322".

STEVE KETTERING

S–3061

Amend House File 414, as amended, passed, and reprinted by the House, as follows:

1. Page 17, line 10, by striking the figure "25,606,746" and inserting the following: "38,606,746".

2. Page 17, line 17, by inserting before the word "The" the following: "a."

3. Page 17, by inserting after line 27 the following:

"b. The transfer authority shall be applied to produce a reduction in expenditures for office supplies, service contracts, and equipment purchases of at least $8,000,000.

c. The exercise of transfer authority shall be applied to produce at least $5,000,000 in reductions through the elimination of the funding for full-time equivalent positions that have been vacant throughout the six months prior to the effective date of this section. Such positions do not include correctional officers, state patrol officers, seasonal or temporary positions intended to be vacant during the designated period, positions funded by the appropriations exempt from this section, and positions that are more than 25 percent funded by sources other than the general fund of the state."

STEVE KETTERING

S–3062

Amend Senate File 231 as follows:

1. Page 2, by striking lines 17 through 22 and inserting the following:

"3. a. A nonparticipating provider reimbursement fund is created in the state treasury under the authority of the department. Moneys designated for deposit in the fund shall include but are not limited to all of the following:

(1) Appropriations from the general fund of the state.

(2) Grants.

(3) Contributions.

(4) The transfer, annually, of an amount equal to the amount of money under the jurisdiction of the department of human services utilized to provide services to illegal aliens. The department shall calculate the annual amount to be transferred based on actual services provided in the preceding fiscal year."

MERLIN BARTZ

S–3063

Amend Senate File 289 as follows:

1. Page 1, by inserting after line 8 the following:

"Sec. ___. EFFECTIVE DATE AND RETROACTIVE

APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to September 1, 2008, and is applicable on and after that date."

2. Title page, line 2, by inserting after the word "program" the following: "and providing effective and retroactive applicability dates".

3. By renumbering as necessary.

ROBERT M. HOGG

S–3064

Amend Senate File 195 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 203D.5, subsection 2, Code 2009, is amended to read as follows:

2. If, at the end of any three-month period, the assets of the fund exceed ~~six~~ eight million dollars, less any encumbered balances or pending or unsettled claims, the per-bushel fee required under section 203D.3, subsection 2, and the dealer-warehouse fee required under section 203D.3, subsection 3, shall be waived and the fees are not assessable or owing. The board shall reinstate the fees if the assets of the fund, less any unencumbered balances or pending or unsettled claims, are three million dollars or less.

Sec. 2. Section 203D.6, subsection 1, Code 2009, is amended to read as follows:

1. PERSONS WHO MAY FILE CLAIMS — ~~TIME OF FILING~~. A depositor or seller may file a claim with the department for indemnification of a loss from the grain depositors and sellers indemnity fund. A claim shall be filed in the manner prescribed by the board. ~~A claim shall not be filed prior to the~~

1A. TIME OF FILING CLAIM.

a. As used in this subsection, an incurrence date~~,~~ ~~which is the earlier~~ is when either of the following occurs:

~~a.~~ (1) The revocation, termination, or cancellation of the license of the grain dealer or warehouse operator.

~~b.~~ (2) The filing of a petition in bankruptcy by a licensed grain dealer or licensed warehouse operator.

b. To be timely, a claim ~~shall~~ must be filed within a claim period beginning on either incurrence date and ending one hundred twenty days ~~of the~~ after that incurrence date, regardless of whether a previous claim period has expired.

Sec. 3. Section 203D.6, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. That the claim derives from a covered transaction. For purposes of this paragraph, a claim derives from a covered transaction if the claimant is a seller who transferred title to the grain to a licensed grain dealer other than by credit-sale contract within six months of the incurrence date for a claim period as provided in subsection 1A, or if the claimant is a depositor who delivered the grain to a licensed warehouse operator.

Sec. 4. Section 203D.6, subsection 3, Code 2009, is amended by adding the following new paragraph:

Page 2

NEW PARAGRAPH. f. A claim has not been paid for the same loss.

Sec. 5. Section 203D.6, subsection 7, Code 2009, is amended to read as follows:

7. PAYMENT OF CLAIMS. Upon a determination that the claim is eligible for payment, the board shall provide for payment of ninety percent of the loss, as determined under subsection 4, but not more than ~~one~~ three hundred ~~fifty~~ thousand dollars per claimant. If at any time the board determines that there are insufficient funds to make payment of all claims, the board may order that payment be deferred on specified claims. The department, upon the board's instruction, shall hold those claims for payment until the board determines that the fund again contains sufficient assets.

Sec. 6. EFFECTIVE DATE AND RETROACTIVE APPLICATION. This Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to October 1, 2008."

2. Title page, line 2, by inserting after the word "fund" the following: ", and providing for an effective date and retroactive applicability".

GENE FRAISE

S–3065

Amend Senate File 344 as follows:

1. Page 7, by striking lines 1 through 11.

2. Page 7, line 30, by striking the word "two" and inserting the following: "one".

3. By renumbering as necessary.

RICH OLIVE

S–3066

Amend Senate File 336 as follows:

1. Page 1, line 3, by striking the figure "2009" and inserting the following: "2008".

SWATI A. DANDEKAR

S–3067

Amend Senate File 365 as follows:

1. Page 1, by striking lines 13 through 15 and inserting the following: "the notice is served unless the court finds there is good cause shown to shorten the time period to less than twenty days. The court shall".

PAM JOCHUM

S–3068

Amend Senate File 152 as follows:

1. Page 5, line 34, by striking the words "FOSTER CARE FACILITY" and inserting the following: "SUBSTANCE ABUSE OR FOSTER CARE ~~FACILITY~~ PLACEMENT".

2. Page 6, line 5, by striking the words "receiving foster care" and inserting the following: "~~receiving foster care~~ entering the facility".

3. Page 6, by striking lines 7 through 16 and inserting the following:

"2. A child who is living in a licensed individual or agency child foster care facility, as defined in section 237.1, or in an unlicensed relative foster care placement, shall remain enrolled in and attend an accredited school in the school district in which the child resided and is enrolled at the time of placement, unless it is determined by the juvenile court or the public or private agency of this state that has responsibility for the child's placement that remaining in such school is not in the best interests of the child. If such a determination is made, the child may attend an accredited school located in the school district in which the child is living and not in the school district in which the child resided prior to receiving foster care."

4. Page 6, by inserting after line 21 the following:

"Sec. ___. Section 282.29, Code 2009, is amended to read as follows:

282.29 CHILDREN PLACED BY DISTRICT COURT.

Notwithstanding section 282.31, subsection 1, a

child who has been identified as requiring special education, who has been placed in a facility, ~~or~~ home, or other placement by the district court, and for whom parental rights have been terminated by the district court, shall be provided special education programs and services on the same basis as the programs and services are provided for children requiring special education who are residents of the school district in which the child has been placed. The special education instructional costs shall be paid as provided in section 282.31, subsection 2 or 3."

5. Page 6, by striking line 24 and inserting the following:

"(1) A child who lives in a facility or other placement pursuant to section 282.19, and who does not require special education and who is enrolled in the educational program of the district of residence at the time the child is placed, shall be included in the basic enrollment of the school district in which the child is enrolled. A child who lives in a facility or

Page 2

~~home~~ other".

6. Page 6, line 29, by striking the words "facility, ~~or~~ home, or" and inserting the following: "facility or ~~home~~".

7. Page 6, line 33, by striking the word ", home,".

8. By renumbering as necessary.

KEITH A. KREIMAN

S–3069

Amend Senate File 266 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 428.4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Property shall be assessed for taxation each year. Real estate shall be listed and assessed in 1981 and every two years thereafter. The assessment of real estate shall be the value of the real estate as of January 1 of the year of the assessment. The year 1981 and each odd-numbered year thereafter shall be a reassessment year. In any year, after the year in which an assessment has been made of all the real estate in an assessing jurisdiction, the assessor shall value and assess or revalue and reassess, as the case may require, any real estate that the assessor finds was incorrectly valued or assessed, or was not

listed, valued, and assessed, in the assessment year immediately preceding, also any real estate the assessor finds has changed in value subsequent to January 1 of the preceding real estate assessment year. However, a percentage increase on a class of property shall not be made in a year not subject to an equalization order unless ordered by the department of revenue. The assessor shall determine the actual value and compute the taxable value thereof as of January 1 of the year of the revaluation and reassessment. The assessment shall be completed as specified in section 441.28, but no reduction or increase in actual value shall be made for prior years. If an assessor makes a change in the valuation of the real estate as provided for, sections ~~441.23,~~ 441.37, 441.37A, 441.38, and 441.39 apply.

Sec. 2. Section 441.23, Code 2009, is amended to read as follows:

441.23 NOTICE OF VALUATION.

~~If there has been an increase or decrease in the valuation of the property, or upon the written request of the person assessed, the~~ The assessor shall, at the time of making the assessment, inform the person assessed, in writing, of the valuation put upon the taxpayer's property, and notify the person, that if the person feels aggrieved, to appear before the board of review and show why the assessment should be changed. However, if the valuation of a class of property is uniformly decreased, the assessor may notify the affected property owners by publication in the official newspapers of the county. The owners of real property shall be notified not later than April 15 ~~of any adjustment of the real property assessment~~."

Page 2

2. Title page, line 1, by inserting after the word "Act" the following: "relating to property taxation by requiring notices of property valuation for all persons assessed and amending provisions".

3. By renumbering as necessary.

BRAD ZAUN

S–3070

Amend Senate File 376 as follows:

1. Page 6, by inserting after line 8 the following:

"___. If, after amounts have been appropriated for a fiscal year to make payment of principal and interest and any other amounts due with respect to the

annual appropriation bonds for such fiscal year and to fund or restore any reserve fund to the reserve fund requirement for that reserve fund, the treasurer of state determines that the amounts appropriated for such purposes are insufficient for any reason, the treasurer of state shall make and deliver to the governor and to both houses of the general assembly the treasurer of state's certificate that includes a statement of the amount of the deficiency and a request for an additional appropriation for such fiscal year to make up such deficiency."

2. Page 7, by striking lines 23 through 28 and inserting the following:

"14. a. It is the intent of the general assembly that the general assembly make timely appropriations from moneys in the general fund of the state or any other legally available funds that are sufficient to make payment of principal and interest and any other amounts due with respect to annual appropriation bonds in a fiscal year and to fund or restore any reserve fund established with respect to the annual appropriation bonds to the reserve fund requirement for that reserve fund."

3. Page 15, by inserting after line 35 the following:

"The appropriation in this lettered paragraph is contingent upon relocation of the sex offender treatment program from the community-based corrections facility at Des Moines to the property in northeast Des Moines identified by the fifth judicial district in the facility and site study final report submitted December 12, 2008."

4. Page 16, by striking line 4 and inserting the following: "and remodeling and ~~not~~ for the ~~replacement~~ expansion of existing facilities."

5. Page 16, by striking lines 26 through 33 and inserting the following:

"b. ~~For the construction and installation of an angled well, pumps, and piping to connect the existing infrastructure from the new well to a lake located in a county with a population between 87,500 and 88,000~~ For the implementation of a water quality improvement project for the restoration of a lake located in a county with a population between 87,500 and 88,000:

Page 2

..... $ 500,000

~~Moneys appropriated in this lettered paragraph are contingent upon receipt of matching funds from a state taxing authority surrounding such lake.~~"

6. Page 17, by striking lines 22 and 23 and

inserting the following: "restoration plan and report~~, notwithstanding section 8.57, subsection 6, paragraph "c"~~:"

7. By renumbering as necessary.

MATT McCOY

S–3071

Amend Senate File 342 as follows:

1. Page 1, by inserting after line 6 the following:

"Sec. ___. Section 185C.13, subsection 2, Code 2009, is amended to read as follows:

2. ~~Establish~~ Acquire and establish offices, issue negotiable instruments, incur expenses, and enter into any contracts or agreements necessary to carry out the purposes of this chapter.

Sec. ___. Section 185C.14, Code 2009, is amended to read as follows:

185C.14 PER DIEM AND EXPENSES.

Each ~~member~~ director of the board shall receive a per diem ~~as specified in section 7E.6~~ of one hundred dollars and actual expenses in performing official board functions ~~not to exceed forty days per year~~, notwithstanding section 7E.6. ~~No member~~ A director of the board shall not be a salaried employee of the board or any organization or agency which is receiving funds from the board. The board shall meet at least once every three months, and at such other times as deemed necessary by the board."

2. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to boards of directors associated with organizations promoting soybeans and corn."

3. By renumbering as necessary.

TOM HANCOCK

S–3072

Amend Senate File 389 as follows:

1. Page 1, line 8, by inserting after the word "state" the following: "who are not eligible for public programs".

2. Page 1, by striking lines 10 and 11.

3. Page 1, by striking lines 17 through 24.

4. Page 2, by striking lines 24 through 29.

5. Page 8, by striking lines 31 through 33, and inserting the following:

"d. The voting members of the board shall be

appointed for terms of six years within thirty days after the effective date of this division of this Act and by December 15 of each year thereafter. A member of the board is eligible for reappointment."

6. Page 9, line 32, by inserting after the word "exchange." the following: "The executive director shall not be a member of the board, shall serve at the pleasure of the board, and shall receive compensation as fixed by the board."

7. Page 10, by inserting after line 9 the following:

"___. The voting members of the board may hire independent consultants, as they deem necessary, to assist them in carrying out the provisions of this chapter."

8. By striking page 10, line 10, through page 22, line 8, and inserting the following:

"Sec. ___. NEW SECTION. 514M.5 PLAN OF OPERATION — ASSESSMENTS.

1. The exchange shall be organized as a nonprofit corporation and shall submit to the commissioner a plan of operation for the exchange and any amendments necessary or suitable to assure the fair, reasonable, and equitable administration of the exchange within ninety days after the appointment of the board of directors. The plan of operation shall include provisions for the development of a comprehensive health care coverage plan as provided in section 514M.6. After notice and hearing, the commissioner shall approve the plan of operation if the plan is determined to be suitable to assure the fair, reasonable, and equitable administration of the exchange, and provides for the sharing of exchange losses, if any, on an equitable and proportionate basis among the member carriers. In addition to other requirements, the plan of operation shall provide for all of the following:

a. The handling and accounting of assets and moneys of the exchange.

b. The amount and method of reimbursing members of

the board.

c. Regular times and places for meetings of the board.

d. Records to be kept of all financial transactions, and the annual fiscal reporting to the commissioner.

e. The periodic advertising of the general availability of health insurance coverage from the exchange.

f. Additional provisions necessary or proper for the execution of the powers and duties of the exchange.

2. The exchange has the general powers and authority enumerated by this section and executed in accordance with the plan of operation approved by the commissioner under subsection 1. The exchange has the general powers and authority granted under the laws of this state to carriers licensed to issue health insurance coverage.

3. Following the close of each calendar year, the exchange shall determine the net premiums and payments, the expenses of administration, and the incurred losses of the exchange for the year. The exchange shall certify the amount of any net loss for the preceding calendar year to the commissioner and director of revenue. Any loss shall be assessed by the exchange to all members of the exchange in proportion to their respective shares of total health insurance premiums or payments for subscriber contracts received in Iowa during the second preceding calendar year, or with paid losses in the year, coinciding with or ending during the calendar year or on any other equitable basis as provided in the plan of operation. In sharing losses, the exchange may abate or defer in any part the assessment of a member, if, in the opinion of the board, payment of the assessment would endanger the ability of the member to fulfill its contractual obligations. The exchange may also provide for an initial or interim assessment against members of the exchange if necessary to assure the financial capability of the exchange to meet the incurred or estimated claims expenses or operating expenses of the exchange until the next calendar year is completed. Net gains, if any, must be held at interest to offset future losses or allocated to reduce future premiums.

a. For purposes of this subsection, "total health insurance premiums" and "payments for subscriber contracts" include, without limitation, premiums or other amounts paid to or received by a member for

Page 3

individual and group health plan coverage provided under any chapter of the Code or Acts, and "paid losses" includes, without limitation, claims paid by a member operating on a self-funded basis for individual and group health plan coverage provided under any chapter of the Code or Acts.

b. For purposes of calculating and conducting the assessment under this subsection, the exchange shall

have the express authority to require members to report on an annual basis each member's total health insurance premiums and payments for subscriber contracts and paid losses. A member is liable for its share of the assessment calculated in accordance with this section regardless of whether it participates in the individual insurance market.

4. The exchange shall conduct annual audits to assure the general accuracy of the financial data submitted to the exchange, and the exchange shall have an annual audit of its operations, made by an independent certified public accountant.

5. The exchange is subject to examination by the commissioner. Not later than April 30 of each year, the board shall submit to the commissioner a financial report for the preceding calendar year in a form approved by the commissioner.

6. The exchange is subject to oversight by the legislative fiscal committee of the legislative council. Not later than April 30 of each year, the board shall submit to the governor, the speaker of the house of representatives, the majority leader of the senate, and the legislative fiscal committee a financial report, including enrollment information, for the preceding year in a form approved by the committee.

7. All policy forms issued by the exchange must be filed with and approved by the commissioner before their use.

8. The exchange is exempt from payment of all fees and all taxes levied by this state or any of its political subdivisions.

9. The exchange shall develop and implement a plan of operation and corresponding timeline detailing action steps toward implementing this chapter, by rules adopted pursuant to chapter 17A as provided in section 514M.7.

Sec. ___. NEW SECTION. 514M.6 IOWA CHOICE INSURANCE EXCHANGE COMPREHENSIVE HEALTH CARE COVERAGE PLAN.

1. The exchange, in collaboration with the Iowa Medicaid enterprise and the hawk-i board, shall

Page 4

develop a comprehensive health care coverage plan to provide health care coverage to all children without such coverage, that utilizes and modifies existing public programs including the medical assistance program and hawk-i program and maximizes the ability of the state to obtain federal funding and reimbursement for such programs. The comprehensive

health care coverage plan shall provide for the coordination of a children's health care network in the state that acts as a resource for consumers to transition seamlessly among public and private health care coverage options, including but not limited to medical assistance, hawk-i, and Iowa choice care programs. The plan shall also provide access to private unsubsidized, affordable, qualified health care coverage to children who are not otherwise eligible for health care coverage through public programs.

2. The comprehensive health care coverage plan developed by the exchange shall also consider and recommend options to provide access to private, affordable, qualified health care coverage to all Iowa children less than nineteen years of age with a family income that is more than three hundred percent of the federal poverty level and to adults and families with a family income that is up to four hundred percent of the federal poverty level who are not otherwise eligible for health care coverage through public programs. As part of the comprehensive plan, the exchange shall design and implement a health care coverage program called Iowa choice which offers private qualified health care coverage through the exchange with options to purchase at least three levels of benefits including a gold plan which offers a comprehensive benefits package, a silver plan which offers a medium benefits package, and a bronze plan which offers a basic benefits package. The Iowa choice care plans shall be available for purchase by individuals and families. The purchase of Iowa choice health care coverage may be publicly subsidized for low-income individuals and families who do not meet eligibility guidelines for any other public program. The subsidy program may include subsidizing an employee's purchase of health insurance offered by that person's employer. The subsidy program may be implemented incrementally as funding becomes available and may include rolling implementation of the program to specified subgroups of low-income children, adults, and families with incomes up to four hundred percent of the federal poverty level. Iowa choice health care

Page 5

coverage shall also provide affordable, unsubsidized qualified health care coverage options for purchase by any person who wishes to purchase them, including individuals, families, and employees of small businesses.

3. The comprehensive health care coverage plan

developed by the exchange shall also consider and recommend options to offer a program to provide coverage under the state health or medical group insurance plan to nonstate public employees, including employees of counties, cities, schools, and community colleges, and employees of nonprofit employers and small employers and to pool such employees with the state plan. The program developed shall allow employees and officials of such employers who apply for coverage to be covered under the state plan under the same conditions that state employees are covered under the state plan and not be denied coverage on the basis of risk, cost, preexisting conditions, or other factors not applicable to state employees. The plan may include options for the coverage of such employees and officials under the state plan that include but are not limited to the following:

a. Criteria for participation in and withdrawal from the program.

b. Minimum participation intervals.

c. Collaboration with the department of administrative services to develop coverage options for coverage from vendors other than those providing coverage to state employees and under plans different from those available to state employees, that meet minimum standards of quality and affordability.

d. Application and enrollment procedures.

e. Premium rates and procedures for the payment of premiums by participants.

4. The exchange shall have broad authority to accomplish the purposes of this chapter, including but not limited to:

a. Establishing, by rule, what constitutes qualified health care coverage within parameters set by statute which may include consideration of the following factors:

(1) Setting parameters for what is affordable by creating an affordability schedule that is conservative to prevent harm to people who are struggling financially and that utilizes a progressive scale of subsidization by the state that decreases as incomes increase and requires people with very low incomes to pay only small amounts for health care coverage with no financial penalties.

Page 6

(2) Setting the maximum limit for affordability of coverage at approximately six and one-half percent of an individual's or family's income, including consideration of assets held.

b. Establishing what constitutes qualified health

care coverage which meets certain standards of quality and affordability. For purposes of defining qualified health care coverage, the board may consider requirements for coverage and benefits that include but are not limited to:

(1) No underwriting requirements and no preexisting condition exclusions.

(2) Portability.

(3) Coverage of physical, behavioral, and dental health services, vision services, and prescription drugs.

(4) Copayments and deductibles that do not exceed specified amounts, with no copayments or deductibles for wellness, prevention, disease, and chronic care management services.

(5) No reimbursement of providers for an otherwise covered service if the service is required solely on account of the provider's avoidable medical error.

(6) A requirement that all insureds have a medical home.

(7) Coverage of wellness, prevention, disease management, and chronic care management services including, without limitation, physical and psycho-social screenings for children which satisfy the Medicaid early periodic screening, diagnosis, and treatment standards.

(8) Coverage of emergency mental health services when provided by a state-certified emergency mental health services provider.

(9) Incentives for participating health care providers who:

(a) Utilize electronic prescriptions.

(b) Utilize electronic medical records.

(c) Provide rate schedules to the board of all services provided.

c. Establishing threshold requirements for a future mandate to provide health care coverage that must be met by parents of children less than nineteen years of age with family incomes greater than three hundred percent of the federal poverty level.

d. Establishing criteria for determining each applicant's eligibility to purchase health insurance offered by the exchange, including eligibility for premium assistance payments.

e. Collaborating with carriers to do the

Page 7

following, including but not limited to:

(1) Assuring the availability of private health insurance coverage to all Iowans by designing solutions to issues related to guaranteed issuance of

insurance, preexisting condition exclusions, portability, and allowable pooling and rating classifications.

(2) Formulating principles that ensure fair and appropriate practices related to issues involving individual health insurance policies such as recision and preexisting condition clauses, and that provide for a binding third-party review process to resolve disputes related to such issues.

(3) Designing affordable, portable health insurance plans that meet the needs of low-income populations.

5. The exchange shall conduct a study of pharmacy benefits managers in the state to review all of the following:

a. Transparency and disclosure arrangements between pharmacy benefits managers and covered entities.

b. Confidentiality protections for information disclosed to covered entities and remedies for unauthorized disclosure.

c. The ability of covered entities to audit pharmacy benefits managers.

d. Appropriate remedies for covered entities to enforce a provision of or for a violation of a provision of chapter 510B.

6. The exchange shall make recommendations for uniform insurance applications, uniform billing and coding procedures in Iowa choice plans, and other standardized administrative procedures that make the purchase of insurance easier and lower administrative costs for all health insurance that is sold in the state.

7. The exchange shall study the ramifications of requiring each employer with more than ten employees in the state to adopt and maintain a cafeteria plan that satisfies section 125 of the federal Internal Revenue Code of 1986, and the rules adopted by the exchange.

8. The exchange shall operate a health insurance service center that collects and distributes information to consumers about all health insurance policies, contracts, and plans available in the state and provides information to eligible Iowans about the exchange.

9. The exchange shall establish criteria for

insurance producers licensed under chapter 522B to sell private health care coverage offered through the exchange, including the amount of commission which may

be earned for sales of such coverage.

10. The exchange shall provide for an exemption from any health benefit coverage requirements of this chapter that conflict with a person's genuine and sincerely held religious belief."

9. By striking page 22, line 34, through page 25, line 23, and inserting the following:

"Sec. ___. NEW SECTION. 514M.10 COMPREHENSIVE HEALTH CARE COVERAGE PLAN — IMPLEMENTATION.

1. The comprehensive health care coverage plan developed by the exchange pursuant to section 514M.6 shall be provided to the commissioner for review and recommendations and shall then be forwarded along with such recommendations to the general assembly no later than February 15, 2010.

2. The comprehensive health care coverage plan shall become effective upon approval by the general assembly.

3. Upon approval by the general assembly, the comprehensive health care coverage plan shall be implemented by the board by rules adopted pursuant to chapter 17A. The administrative rules review committee shall provide oversight of the rules through the administrative rulemaking process."

10. Page 27, by inserting after line 12, the following:

"Sec. ___. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment."

11. Page 28, by inserting after line 31, the following:

"Sec. ___. NEW SECTION. 514B.9A COVERAGE OF CHILDREN — CONTINUATION OR REENROLLMENT.

A health maintenance organization which provides health care coverage pursuant to an individual or group health maintenance organization contract regulated under this chapter for children of an enrollee shall permit continuation of existing coverage or reenrollment in previously existing coverage for an unmarried child of an enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education."

Page 9

12. Page 28, line 34, by inserting after the figure "2," the following: "and enacting section

514B.9A,".
13. By renumbering as necessary.

JACK HATCH

S–3073

Amend Senate File 389 as follows:
1. By striking page 32, line 26, through page 34, line 15, and inserting the following:
"Sec. ___. NEW SECTION. 509.3A CREDITABLE COVERAGE.
For the purposes of any policies of group accident or health insurance or combination of such policies issued in this state, "creditable coverage" means health benefits or coverage provided to an individual under any of the following:
1. A group health plan.
2. Health insurance coverage.
3. Part A or Part B Medicare pursuant to Title XVIII of the federal Social Security Act.
4. Medicaid pursuant to Title XIX of the federal Social Security Act, other than coverage consisting solely of benefits under section 1928 of that Act.
5. 10 U.S.C. ch. 55.
6. A health or medical care program provided through the Indian health service or a tribal organization.
7. A state health benefits risk pool.
8. A health plan offered under 5 U.S.C. ch. 89.
9. A public health plan as defined under federal regulations.
10. A health benefit plan under section 5(e) of the federal Peace Corps Act, 22 U.S.C. § 2504(e).
11. An organized delivery system licensed by the director of public health.
12. A short-term limited duration policy.
13. The hawk-i program authorized by chapter 514I.
Sec. ___. Section 513B.2, subsection 8, Code 2009, is amended by adding the following new paragraph:
NEW PARAGRAPH. m. The hawk-i program authorized by chapter 514I.
Sec. ___. Section 514A.3B, subsection 1, Code 2009, is amended to read as follows:
1. An insurer which accepts an individual for coverage under an individual policy or contract of accident and health insurance shall waive any time period applicable to a preexisting condition exclusion or limitation period requirement of the policy or contract with respect to particular services in an individual health benefit plan for the period of time the individual was previously covered by qualifying

previous coverage as defined in section 513C.3, by chapter 249A or 514I, or by Medicare coverage provided pursuant to Title XVIII of the federal Social Security Act that provided benefits with respect to such services, provided that the ~~qualifying previous~~

Page 2

coverage was continuous to a date not more than sixty-three days prior to the effective date of the new policy or contract. ~~Any days of coverage provided to an individual pursuant to chapter 249A or 514I, or Medicare coverage provided pursuant to Title XVIII of the federal Social Security Act, do not constitute qualifying previous coverage. Such days of chapter 249A or 514I or Medicare coverage shall be counted as part of the maximum sixty-three-day grace period and shall not constitute a basis for the waiver of any preexisting condition exclusion or limitation period.~~

Sec. ___. Section 514A.3B, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. For the purposes of any policies of accident and sickness insurance issued in this state, "creditable coverage" means health benefits or coverage provided to an individual under any of the following:

a. A group health plan.

b. Health insurance coverage.

c. Part A or Part B Medicare pursuant to Title XVIII of the federal Social Security Act.

d. Medicaid pursuant to Title XIX of the federal Social Security Act, other than coverage consisting solely of benefits under section 1928 of that Act.

e. 10 U.S.C. ch. 55.

f. A health or medical care program provided through the Indian health service or a tribal organization.

g. A state health benefits risk pool.

h. A health plan offered under 5 U.S.C. ch. 89.

i. A public health plan as defined under federal regulations.

j. A health benefit plan under section 5(e) of the federal Peace Corps Act, 22 U.S.C. § 2504(e).

k. An organized delivery system licensed by the director of public health.

l. A short-term limited duration policy.

m. The hawk-i program authorized by chapter 514I."

2. Page 35, by striking lines 22 through 34 and inserting the following:

"NEW SUBSECTION. 6. Health care coverage provided under this chapter in accordance with Title XXI of the federal Social Security Act shall be recognized as

prior creditable coverage for the purposes of private individual and group health insurance coverage."

3. Page 47, by striking lines 4 through 27 and inserting the following:

"a. (1) A health care workforce shortage fund is created in the state treasury as a separate fund under

Page 3

the control of the department of public health, in cooperation with the entities identified in this section as having control over the accounts within the fund. The fund and the accounts within the fund shall be controlled and managed in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164.

(2) The fund and the accounts within the fund shall consist of moneys appropriated from the general fund of the state for the health care workforce support initiative; moneys received from the federal government for the purposes of addressing the health care workforce shortage; contributions, grants, and other moneys from communities and health care employers; and moneys from any other public or private source available.

(3) The department of public health and any entity identified in this section as having control over any of the accounts within the fund may receive contributions, grants, and in-kind contributions to support the purposes of the fund and the accounts within the fund."

4. Page 49, line 14, by inserting after the word "appropriated" the following: "in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164".

5. Page 49, by striking lines 22 through 27 and inserting the following:

"(2) State programs that may receive funding from the fund and the accounts in the fund, if specifically designated for the purpose of drawing down federal funding, are the primary care recruitment and".

6. Page 50, line 2, by striking the word "and".

7. Page 50, line 4, by inserting after the word "received" the following: "; and a program developed in accordance with the strategic plan developed by the department of public health in accordance with sections 135.163 and 135.164."

8. Page 50, by striking lines 5 through 12 and inserting the following:

"(3) State appropriations to the fund shall be allocated in equal amounts to each of the accounts within the fund, unless otherwise specified in the

appropriation or allocation. Any federal funding received for the purposes of addressing state health care workforce shortages shall be deposited in the health care workforce shortage national initiatives account, unless otherwise specified by the source of the funds, and shall be used as required by the source of the funds. If use of the federal funding is not

Page 4

designated, the funds shall be used in accordance with the strategic plan developed by the department of public health in accordance with sections 135.163 and 135.164, or to address workforce shortages as otherwise designated by the department of public health. Other sources of funding shall be deposited in the fund or account and used as specified by the source of the funding."

9. Page 50, line 28, by inserting after the word "education" the following: "or the American osteopathic association".

10. Page 51, line 2, by inserting after the word "education" the following: "or the American osteopathic association".

11. Page 51, line 7, by inserting after the word "education" the following: "or the American osteopathic association".

12. Page 53, line 12, by striking the word "providers" and inserting the following: "employers".

13. Page 53, line 21, by striking the word "loan" and inserting the following: "agreement for the incentive payment".

14. Page 54, line 20, by striking the words "entity partner" and inserting the following: "employer".

15. Page 54, line 21, by striking the word "entity" and inserting the following: "employer".

16. Page 54, line 25, by striking the word "entity" and inserting the following: "employer".

17. Page 55, line 11, by striking the word "partner".

18. Page 55, line 12, by striking the word "partner" and inserting the following: "community or employer".

19. Page 56, line 10, by striking the word "qualified" and inserting the following: "qualifying".

20. Page 56, lines 24 and 25, by striking the words "advisory council" and inserting the following: "department of public health".

21. By striking page 57, line 25, through page 58, line 1, and inserting the following:

"6. SAFETY NET PROVIDER RECRUITMENT AND RETENTION INITIATIVES PROGRAM. The department of public health in accordance with efforts pursuant to sections 135.163 and 135.164 and in cooperation with the Iowa collaborative safety net provider network governing group as described in section 135.153, shall establish and administer a safety net provider recruitment and retention initiatives program to address the health

Page 5

care workforce shortage relative to safety net providers. Any program developed shall require a match by the recipient or sponsor of a recipient of at least twenty-five percent of any funds provided through the health care workforce shortage fund or the safety net provider network workforce shortage account. The department of public health in cooperation with the governing group shall adopt rules pursuant to chapter 17A to implement and administer such program."

22. Page 58, by striking line 2 and inserting the following:

"7. ANNUAL REPORT. The department of public health, in cooperation with the entities identified in this section as having control over any of the accounts within the fund shall submit an annual".

23. Page 58, line 6, by inserting after the word "fund" the following: "and the accounts within the fund".

24. Page 59, line 12, by inserting after the word "policies" the following: ", contracts, and plans".

25. Page 59, line 14, by striking the words "insurance plans" and inserting the following: "insurers".

26. Page 59, line 18, by inserting after the word "policies" the following: ", contracts, and plans".

27. Page 59, line 19, by striking the words "insurance plan" and inserting the following: "insurer".

28. Page 59, line 22, by striking the word "plan" and inserting the following: "insurer".

29. Page 59, line 23, by striking the words "insurance plan" and inserting the following: "insurer".

30. Page 59, by striking lines 25 and 26 and inserting the following: "feasible and efficacious, and does not provide coverage under the health insurer's policies, contracts, or plans by January 1, 2010, the health insurer".

31. Page 59, line 30, by striking the words "insurance plan's" and inserting the following:

"insurer's".

32. By striking page 60, line 32, through page 61, line 1, and inserting the following:

"3. The department shall seek funding from nongovernmental health foundations or other nonprofit charitable foundations to establish and administer the program. Implementation of the program is subject to receipt of such funding. The department shall establish and collect fees from private payors for

Page 6

participation in the program. Fees received from private payors shall be deposited in the general fund of the state and the amounts received shall be appropriated to the department for the purposes of administering the program."

33. Page 61, line 33, by inserting after the word "drugs," the following: "biologics, or medical devices,".

34. By striking page 65, line 13, through page 66, line 28.

35. Page 69, line 25, by striking the word "transferred" and inserting the following: "transferred;".

36. Page 71, line 13, by inserting after the word "recipient" the following: "of regulated records".

37. Page 73, line 3, by inserting after the word "monitor" the following: "other".

38. Page 73, by striking lines 11 through 17 and inserting the following: "opportunities in developing a network backbone infrastructure. The public and private entities involved shall structure the public and private networks comprising the backbone infrastructure in a manner that allows for seamless interoperability between the networks."

39. By striking page 73, line 35, through page 74, line 6, and inserting the following:

"2. Each nursing facility in this state that is not recognized by the Internal Revenue Code as a nonprofit organization or entity shall submit to the department of public health and the legislative services agency, annually, the information required to be submitted by nonprofit nursing facilities pursuant to subsection 1. The department of public health, in cooperation with representatives of such nursing facilities, shall adopt rules regarding the format for submission of such information.

3. With regard to the collection of information to be submitted pursuant to subsection 1 as applicable to each public hospital in the state, the department of management shall forward to the department of public

health and the legislative services agency, annually, the certified budget for each public hospital."

40. Page 74, by striking lines 19 through 25 and inserting the following: "department and the Iowa hospital association regarding the collection, reporting, disclosure, storage, and confidentiality of the data."

41. By striking page 74, line 28, through page 75, line 9, and inserting the following:

"1. The community advisory council established by

Page 7

the Iowa healthcare collaborative referred to in section 135.40 shall convene a health care quality and cost transparency workgroup to develop recommendations for legislation and policies regarding health care quality and cost including measures to be utilized in providing transparency to consumers of health care and health care coverage."

42. Page 75, by inserting after line 34 the following:

"Sec. ___. MEMORANDUM OF UNDERSTANDING — IOWA HEALTHCARE COLLABORATIVE. The department of public health shall enter into a memorandum of understanding with the Iowa healthcare collaborative referred to in section 135.40. The memorandum of understanding shall include but is not limited to specification of the duties of the Iowa healthcare collaborative with respect to the utilization of funds appropriated by the state."

43. By renumbering as necessary.

JACK HATCH

S–3074

Amend Senate File 357 as follows:

1. Page 1, by striking line 29 and inserting the following:

"1. No parent, guardian, or other person, having under".

2. Page 1, by striking line 31 and inserting the following: "under eighteen years of age, shall ~~willfully~~ negligently permit said".

3. Page 1, by striking line 34 and inserting the following:

"2. No person shall ~~willfully~~ negligently make, certify to, or".

4. Page 2, by striking line 3 and inserting the following:

"3. No person shall make, file, execute, or

deliver".

5. Page 2, by striking lines 7 and 8 and inserting the following:

"4. No person, firm, or corporation, or any agency thereof shall ~~willfully~~ negligently conceal or permit a person to be employed".

6. Page 2, by striking line 10 and inserting the following:

"5. No person, firm, or corporation shall refuse to".

DICK L. DEARDEN

S–3075

Amend Senate File 436 as follows:

1. Page 1, line 3, by inserting after the figure "5." the following: "a."

2. Page l, by inserting after line 10 the following:

"b. A county chairperson appointing observers pursuant to this subsection shall send to the county commissioner of elections, no later than forty-five days before the date of the election, the names of persons appointed to serve as observers at satellite absentee voting stations."

KEITH A. KREIMAN

S–3076

Amend Senate File 178 as follows:

1. Page 1, line 31, by inserting after the figure "155A," the following: "156,".

TOM HANCOCK
MARY JO WILHELM
THOMAS G. COURTNEY
BRIAN SCHOENJAHN
WALLY E. HORN
MATT McCOY
NANCY J. BOETTGER
RICH OLIVE
BECKY SCHMITZ
SHAWN HAMERLINCK
JEFF DANIELSON
JERRY BEHN
JAMES F. HAHN
LARRY NOBLE
TOM RIELLY
RON WIECK

JAMES A. SEYMOUR
PAT WARD
STEVE KETTERING
WILLIAM A. DOTZLER, JR.
MERLIN BARTZ
RANDY FEENSTRA
SWATI A. DANDEKAR
DAVID JOHNSON
DENNIS H. BLACK
KIM REYNOLDS
BRAD ZAUN
HUBERT HOUSER
TIM L. KAPUCIAN
GENE FRAISE

S–3077

Amend Senate File 364 as follows:

1. Page 3, line 28, by inserting after the word "person" the following: "or the person's attorney".

2. Page 4, line 15, by striking the words "commencing an action" and inserting the following: "filing a petition".

3. Page 8, line 1, by inserting after the word "filed." the following: "Except as otherwise provided in this section, the filing of a rescision shall operate as a setting aside of the decree of foreclosure and a dismissal of the foreclosure without prejudice, with costs assessed against the plaintiff."

4. Page 8, by striking lines 34 and 35 and inserting the following: "lienholder's debt against the mortgaged property, but, subject to the provisions of chapter 615, shall not otherwise".

5. Page 10, by striking lines 12 and 13 and inserting the following: "default. Unless, within thirty days, the junior lienholder performs pursuant to section 655A.5, the mortgagee may file a".

6. Page 10, by striking lines 29 and 30 and inserting the following: "section 654.4B takes effect May 1, 2009."

7. By renumbering as necessary.

ROBERT M. HOGG

S–3078

Amend Senate File 159 as follows:

1. Page 4, by inserting after line 3 the following:

"Sec. ___. Section 103.22, subsection 7, Code 2009, is amended to read as follows:

7. Prohibit an owner of property from performing work on the owner's ~~principal~~ residence, if such residence is ~~an existing dwelling rather than new construction and is~~ not an apartment that is attached to any other apartment or building, as those terms are defined in section 499B.2, and is not larger than a single-family dwelling, or farm property, excluding commercial or industrial installations or installations in public use buildings or facilities, or require such owner to be licensed under this chapter. ~~In order to qualify for inapplicability pursuant to this subsection, a residence shall qualify for the homestead tax exemption.~~"

2. By renumbering as necessary.

MERLIN BARTZ

S–3079

Amend Senate File 159 as follows:

1. Page 4, by inserting after line 3 the following:

"Sec. ___. Section 103.22, subsection 7, Code 2009, is amended to read as follows:

7. Prohibit an owner of property from performing work on the owner's ~~principal~~ residence, if such residence is an existing dwelling rather than new construction and is not an apartment that is attached to any other apartment or building, as those terms are defined in section 499B.2, and is not larger than a single-family dwelling, or farm property, excluding commercial or industrial installations or installations in public use buildings or facilities, or require such owner to be licensed under this chapter. ~~In order to qualify for inapplicability pursuant to this subsection, a residence shall qualify for the homestead tax exemption.~~"

2. By renumbering as necessary.

MERLIN BARTZ

S–3080

Amend Senate File 435 as follows:

1. Page 1, by striking line 19 and inserting the following:

"3. Land surveyors shall".

2. Page 1, line 21, by inserting after the word "property." the following: "A land surveyor shall provide notice to the landowner not less than seven days prior to the entry. The notice shall be sent by

ordinary mail, postmarked not less than seven days prior to the entry, or delivered personally."

KEITH A. KREIMAN

S–3081

Amend Senate File 366 as follows:

1. Page 4, by striking lines 32 and 33.

2. By renumbering as necessary.

KEITH A. KREIMAN

S–3082

Amend Senate File 372 as follows:

1. Page 1, by striking lines 1 through 14 and inserting the following:

"Section 1. STATEWIDE BROADBAND POLICY DEVELOPMENT INTERIM STUDY COMMITTEE. The legislative council is requested to establish an interim study committee to evaluate the need for statewide broadband access, the extent to which such access exists, and the necessity for and content of a statewide broadband policy. In conducting the study, the committee shall review exclusively the provisions of the federal communications code and other federal laws affecting the implementation of broadband. The committee shall".

2. Page 1, by striking lines 23 through 25 and inserting the following: "minority leader of the house of representatives. If the committee decides to issue a report on its review of federal law to the general assembly, the report shall be issued by January 15, 2010."

3. Title page, by striking lines 1 and 2 and inserting the following: "An Act requesting the establishment of a statewide broadband policy development interim study committee."

STEVE WARNSTADT
JERRY BEHN

S–3083

Amend Senate File 418 as follows:

1. Page 3, by inserting after line 7 the following:

"5. This section shall not apply to accident-only, specified disease, short-term hospital or medical, hospital confinement indemnity, credit, dental,

vision, Medicare supplement, long-term care, basic hospital and medical-surgical expense coverage as defined by the commissioner, disability income insurance coverage, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance."

BECKY SCHMITZ

S–3084

Amend Senate File 323 as follows:

1. Page 1, by inserting after line 21 the following:

"Sec. ___. Section 237.3, subsection 2, paragraph k, subparagraph (1), Code 2009, is amended to read as follows:

(1) Receiving information prior to the child's placement regarding risk factors concerning the child that are known to the department, including but not limited to notice if the child is required to register under chapter 692A."

2. Title page, line 1, by striking the words "health records of" and inserting the following: "certain information regarding".

3. By renumbering as necessary.

PAUL McKINLEY

S–3085

Amend Senate File 159 as follows:

1. Page 4, by inserting after line 3 the following:

"Sec. ___. Section 103.22, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Prohibit a person from performing work on an emergency basis. For the purposes of this subsection, "emergency" means a situation where failure to perform the work immediately is likely to result in damage."

2. By renumbering as necessary.

MERLIN BARTZ

S–3086

Amend Senate File 263 as follows:

1. Page 1, line 2, by inserting after the word "an" the following: "individual".

2. Page 1, line 17, by inserting after the word "The" the following: "individual".

JOE BOLKCOM

S–3087

Amend Senate File 396 as follows:

1. Page 4, line 2, by striking the word "annually".

2. Page 4, line 22, by striking the word "Wisconsin" and inserting the following: "Illinois".

3. Page 5, by striking line 1 and inserting the following:

"5. SUBMISSION OF REPORTS — TIMING.

a. On or before December 31, 2009, and".

4. Page 5, by striking lines 6 through 8 and inserting the following: "in subsection 2.

b. On or before December 31, 2009, and every four years thereafter, the commissioner shall submit a report to the general assembly and the governor that includes the commissioner's findings as to existing mandated health care benefits under state law as provided in subsection 3. The report required by subsection 3 may include recommendations to the general".

5. Page 5, by inserting after line 11 the following:

"6. REPEAL. This section is repealed June 30, 2014.

Sec. ___. SURVEY OF OTHER STATE HEALTH CARE MANDATE EXEMPTIONS. The commissioner shall conduct a survey of the laws in other states that allow small employers to offer health insurance plans that are exempt from some or all of that state's health care benefit or health care provider mandates. On or before December 31, 2009, the commissioner shall submit a report to the general assembly and the governor that includes findings and recommendations regarding the enactment of a law in this state that allows small employers to offer such health insurance plans in this state. The commissioner shall consult with representatives of insurance, business, and health care providers in the development of the commissioner's findings and recommendations."

6. By renumbering as necessary.

TOM RIELLY

S–3088

Amend Senate File 159 as follows:

1. Page 4, by inserting after line 3 the following:

"Sec. ___. Section 103.22, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Prohibit a person from performing work on an emergency basis as determined by the board."

2. By renumbering as necessary.

MERLIN BARTZ

S–3089

Amend Senate File 441 as follows:

1. Page 1, by striking lines 6 through 10.

2. By renumbering as necessary.

HERMAN C. QUIRMBACH

S–3090

Amend Senate File 344 as follows:

1. Page 1, by striking lines 31 through 35 and inserting the following:

"___. "Fiscal impact ratio" means a ratio calculated by estimating the amount of taxes to be received from a business by the state and dividing the estimate by the estimated cost to the state of providing certain financial incentives to the business, reflecting a ten-year period of taxation and incentives and expressed in terms of current dollars. For purposes of the grow Iowa values financial assistance program, "fiscal impact ratio" does not include taxes received by political subdivisions."

2. Page 10, line 16, by inserting after the figure "303A.4" the following: "The board of trustees of the Iowa cultural trust shall annually prepare a report for submission to the governor, the general assembly, the department, and the legislative services agency regarding the activities, projects, and programs funded with moneys allocated under this subsection."

3. Page 13, by striking lines 10 and 11 and inserting the following: "consider the appropriateness of the award to the fiscal impact ratio of the project and to other factors deemed

26 relevant by the board."
27 4. By renumbering as necessary.

RICH OLIVE

S–3091

1 Amend Senate File 378 as follows:
2 1. Page 3, line 22, by striking the words "two
3 dollars" and inserting the following: "one dollar".
4 2. Page 3, line 31, by striking the words
5 "paragraphs "b" and "c"" and inserting the following:
6 "paragraph "b"".
7 3. Page 6, line 35, by inserting after the word
8 "subdivisions." the following: "However, persons who
9 have contracted with the governing board of the county
10 land record information system to carry out the duties
11 of the board are not employees for purposes of chapter
12 670, relating to tort liability of governmental
13 subdivisions."

HERMAN C. QUIRMBACH

S–3092

1 Amend Senate File 425 as follows:
2 1. Page 1, line 1, by striking the words "TRIAL
3 INFORMATION OR".
4 2. Page 1, by inserting after line 10 the
5 following:
6 "Sec. ___. NEW SECTION. 813.3B TRIAL INFORMATION
7 — WITNESS NAMES AND MINUTES.
8 The prosecuting attorney shall, at the time of
9 filing an information, also file the minutes of
10 evidence of the witnesses which shall consist of a
11 notice in writing stating the name and occupation of
12 each witness upon whose expected testimony the
13 information is based and a full and fair statement of
14 the witness's expected testimony. The minutes shall
15 also contain the witness's residential address,
16 employment address, or address at which the witness
17 may be contacted."
18 3. By renumbering as necessary.

STEVEN J. SODDERS

S–3093

1 Amend Senate File 405 as follows:
2 1. Page 1, line 7, by inserting before the word
3 "cooking" the following: "composting,".

2. Title page, by striking line 2 and inserting the following: "persons, including individuals practicing veterinary medicine, and making penalties applicable."
3. By renumbering as necessary.

DAVID JOHNSON

S–3094

Amend Senate File 438 as follows:
1. Title page, line 2, by striking the words "residents of health care facilities and".

PAM JOCHUM

S–3095

Amend Senate File 159 as follows:
1. Page 1, by inserting after line 14 the following:
"Sec. ___. Section 103.8, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 3. A person who is exclusively engaged in planning for, laying out, supervising, and installing electrical wiring, apparatus, or equipment for light, heat, and power in a county in this state with a population of under twenty-two thousand shall be exempt from the licensure requirements of this chapter."
2. By renumbering as necessary.

NANCY J. BOETTGER
JAMES A. SEYMOUR
DAVID HARTSUCH
DAVID JOHNSON
KIM REYNOLDS
TIM L. KAPUCIAN
JAMES F. HAHN
STEVE KETTERING

S–3096

Amend Senate File 159 as follows:
1. Page 1, by inserting after line 14 the following:
"Sec. ___. Section 103.10, Code 2009, is amended to read as follows:
103.10 CLASS A MASTER ELECTRICIAN LICENSE — QUALIFICATIONS — CLASS B MASTER ELECTRICIAN LICENSE.
1. An applicant for a class A master electrician

license shall have at least one year's experience, acceptable to the board, as a licensed class A or class B journeyman electrician.

2. In addition, an applicant shall meet examination criteria based upon the most recent national electrical code adopted pursuant to section 103.6 and upon electrical theory, as determined by the board.

3. The provisions of subsections 1 and 2 requiring experience as a licensed class A or class B journeyman electrician, and meeting examination criteria, shall not be applicable to an applicant who provides proof acceptable to the board that the applicant has been working in the electrical business and involved in planning for, laying out, supervising, and installing electrical wiring, apparatus, or equipment for light, heat, and power since January 1, 2004, and for a duration of at least five continuous years.

~~3.~~ 4. a. An applicant who ~~can provide~~ provides proof acceptable to the board that the applicant has been working in the electrical business and involved in planning for, laying out, supervising, and installing electrical wiring, apparatus, or equipment for light, heat, and power since ~~January 1, 1998, and for a total of at least sixteen thousand hours, of which at least eight thousand hours shall have been accumulated since January 1, 1998~~ January 1, 2004, for a duration of at least five continuous years, may be granted a class B master electrician license without taking an examination. An applicant who is issued a class B master electrician license pursuant to this section shall not be authorized to plan, lay out, or supervise the installation of electrical wiring, apparatus, and equipment in a political subdivision which, prior to or after January 1, 2008, establishes licensing standards which preclude such work by class B master electricians in the political subdivision. The board shall adopt rules establishing procedures relating to the restriction of a class B master electrician license pursuant to this subsection.

b. A class B master electrician may become licensed as a class A master electrician upon

successful passage of the examination prescribed in subsection 2.

~~4.~~ 5. A person licensed to plan, lay out, or supervise the installation of electrical wiring, apparatus, or equipment for light, heat, power, and other purposes and supervise apprentice electricians by a political subdivision preceding January 1, 2008,

pursuant to a supervised written examination, and who is currently engaged in the electrical contracting industry, shall be issued an applicable statewide license corresponding to that licensure as a class A master electrician or electrical contractor. The board shall adopt by rule certain criteria for city examination standards satisfactory to fulfill this requirement.

~~5.~~ 6. The board may reject an application for licensure under this section from an applicant who would be subject to suspension, revocation, or reprimand pursuant to section 103.35."

2. Page 1, by inserting after line 33 the following:

"Sec. ___. Section 103.12, Code 2009, is amended to read as follows:

103.12 CLASS A JOURNEYMAN ELECTRICIAN LICENSE QUALIFICATIONS — CLASS B JOURNEYMAN ELECTRICIAN LICENSE.

1. An applicant for a class A journeyman electrician license shall have successfully completed an apprenticeship training program registered by the bureau of apprenticeship and training of the United States department of labor in accordance with the standards established by that department or shall have received training or experience for a period of time and under conditions as established by the board by rule.

2. In addition, an applicant shall meet examination criteria based upon the most recent national electrical code adopted pursuant to section 103.6 and upon electrical theory, as determined by the board.

3. The provisions of subsections 1 and 2 requiring completion of an apprenticeship training program or training and experience as determined by the board, and meeting examination criteria, shall not be applicable to an applicant who provides proof acceptable to the board that the applicant has been working in the electrical business and involved in planning for, laying out, supervising, and installing electrical wiring, apparatus, or equipment for light, heat, and power since January 1, 2004, and for a

Page 3

duration of at least five continuous years.

~~3.~~ 4. a. An applicant who ~~can provide~~ provides proof acceptable to the board that the applicant has been employed as a journeyman electrician since ~~January 1, 1998, and for a total of at least sixteen thousand hours, of which at least eight thousand hours~~

~~shall have been accumulated since January 1, 1998~~ January 1, 2004, for a duration of at least five continuous years, may be granted a class B journeyman electrician license without taking an examination. An applicant who is issued a class B journeyman electrician license pursuant to this section shall not be authorized to wire for or install electrical wiring, apparatus, and equipment in a political subdivision which, prior to or after January 1, 2008, establishes licensing standards which preclude such work by class B journeyman electricians in the political subdivision. The board shall adopt rules establishing procedures relating to the restriction of a class B journeyman electrician license pursuant to this subsection.

b. A class B journeyman electrician may become licensed as a class A journeyman electrician upon successful passage of the examination prescribed in subsection 2.

~~4.~~ 5. A person licensed to wire for or install electrical wiring, apparatus, or equipment or supervise an apprentice electrician by a political subdivision preceding January 1, 2008, pursuant to a supervised written examination, and who is currently engaged in the electrical contracting industry with at least four years' experience, shall be issued an applicable statewide license corresponding to that licensure as a class A journeyman electrician or a class B journeyman electrician. The board shall adopt by rule certain criteria for city examination standards satisfactory to fulfill this requirement.

~~5.~~ 6. The board may reject an application for licensure under this section from an applicant who would be subject to suspension, revocation, or reprimand pursuant to section 103.35."

3. By renumbering as necessary.

NANCY J. BOETTGER
JAMES A. SEYMOUR
PAT WARD
LARRY NOBLE
DAVID HARTSUCH
DAVID JOHNSON
KIM REYNOLDS
TIM L. KAPUCIAN
JAMES F. HAHN
STEVE KETTERING

S–3097

Amend Senate File 404 as follows:

1. Page 1, line 14, by striking the word

"department's" and inserting the following:
"director's".
2. Page 1, by striking lines 15 and 16 and inserting the following:
"(___) The director of the department of inspections and appeals, or the director's designee.
(___) The director of the Leopold center for sustainable agriculture at Iowa state university of science and technology, or the director's designee."
3. Page 1, line 18, by striking the word "Four" and inserting the following: "Three".
4. Page 1, line 21, by striking the word "Four" and inserting the following: "Three".
5. Page 1, by striking line 31 and inserting the following:
"(___) Three individuals representing farm organizations, including one member representing the Iowa farmers union.
(___) One individual representing the Iowa farmers market association.
(___) One individual participating in the choose Iowa program administered by the department of agriculture and land stewardship."
6. Page 1, by striking line 34.
7. By renumbering as necessary.

BILL HECKROTH

S–3098

Amend Senate File 405 as follows:
1. Page 1, by inserting before line 1 the following:
"Section 1. Section 167.3, Code 2009, is amended to read as follows:
167.3 "DISPOSING" DEFINED.
1. ~~Any~~ A person who ~~shall receive~~ receives from any other person the body of any dead animal for the purpose of obtaining the hide, skin, or grease from such animal, in any way whatsoever, or any part thereof, shall be deemed to be engaged in the business of disposing of the bodies of dead animals, and must be the operator or employee of a licensed disposal plant.
2. A disposal plant does not include an operation where the body of a dead animal is cremated, so long as the operation does not use the body of a dead animal for any other purpose described in subsection 1."
2. By renumbering as necessary.

JOE M. SENG

S–3099

Amend Senate File 310 as follows:

1. Page 1, line 28, by inserting after the word and figure "subsection 1." the following: "For any loan or credit guarantee provided under the program to a qualifying business, the department may also enter into an agreement with a city or county for additional loan or credit guarantees to the same qualifying business if the city or county elects to participate."

RICH OLIVE
ROGER STEWART

S–3100

Amend the amendment, S–3072, to Senate File 389, as follows:

1. By striking page 4, line 45, through page 5, line 5, and inserting the following: "that person's employer."

JACK HATCH

S–3101

Amend Senate File 159 as follows:

1. Page 4, by inserting after line 3 the following:

"Sec. ___. Section 103.22, subsection 7, Code 2009, is amended to read as follows:

7. Prohibit an owner of property from performing work on the owner's principal or second residence, if such residence is an existing dwelling rather than new construction and is not an apartment that is attached to any other apartment or building, as those terms are defined in section 499B.2, and is not larger than a single-family dwelling, or farm property, excluding commercial or industrial installations or installations in public use buildings or facilities, or require such owner to be licensed under this chapter. ~~In order to qualify for inapplicability pursuant to this subsection, a residence shall qualify for the homestead tax exemption.~~"

2. By renumbering as necessary.

MERLIN BARTZ

S–3102

Amend Senate File 436 as follows:

1. Page 1, line 3, by striking the word "The" and

inserting the following: "At least seven days before the date that absentee ballots will first be available at satellite absentee voting stations, the".

KEITH A. KREIMAN

S–3103

Amend Senate File 449 as follows:

1. Page 7, by striking lines 33 and 34 and inserting the following:

"b. However, if the population data for legislative".

2. Page 130, by inserting after line 35 the following:

"Sec. ___. Section 437A.15, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

On or before August 31 following tax years 1999, 2000, and 2001, each county treasurer shall compute a special utility property tax levy or tax credit for each taxpayer for which a replacement tax liability for each such tax year is reported to the county treasurer pursuant to subsection 1, and shall notify the taxpayer of the amount of such tax levy or tax credit. The amount of the special utility property tax levy or credit shall be determined for each taxpayer by the county treasurer by comparing the taxpayer's total replacement tax liability allocated to taxing districts in the county pursuant to this section with the anticipated tax revenues from the taxpayer for all taxing districts in the county. If the taxpayer's total replacement tax liability allocated to taxing districts in the county is less than the anticipated tax revenues from the taxpayer for all taxing districts in the county, the county treasurer shall levy a special utility property tax equal to the shortfall which shall be added to and collected with the replacement tax owed by the taxpayer to the county treasurer for the tax year pursuant to section 437A.8, subsection 4. If the taxpayer's total replacement tax liability allocated to taxing districts in the county exceeds the anticipated tax revenues from the taxpayer for all taxing districts in the county, the county treasurer shall issue a credit to the taxpayer which shall be applied to reduce the taxpayer's replacement tax liability to the county treasurer for the tax year. If the taxpayer's total replacement tax liability allocated to taxing districts in the county equals the anticipated tax revenues from the taxpayer for all taxing districts in the county, no levy or credit is

required. Replacement tax liability for purposes of this subsection means replacement tax liability before credits allowed by section 437A.8, subsection 7. A recalculation of a special utility property tax levy or credit shall not be made as a result of a subsequent recalculation of replacement tax liability

Page 2

under section 437A.8, subsection 7, or adjustment to assessed value under section 437A.19, subsection 2, paragraph ~~"f"~~ "a", subparagraph (6). "Anticipated tax revenues from a taxpayer" means the product of the total levy rates imposed by the taxing districts and the value of taxpayer property allocated to the taxing districts and reported to the county auditor. Special utility property tax levies and credits shall be treated as replacement taxes for purposes of section 437A.11. If a special utility property tax levy payment becomes delinquent, the delinquent payment shall accrue interest and penalty in the same manner and amount as the replacement tax under section 437A.13."

3. By renumbering as necessary.

COMMITTEE ON JUDICIARY
KEITH A. KREIMAN, Chair

S–3104

Amend Senate File 159 as follows:

1. Page 4, by inserting after line 3 the following:

"Sec. ___. Section 103.22, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 13. Apply to a person otherwise licensed pursuant to this chapter who is engaged in the wiring or installation of electrical wiring, apparatus, or equipment while presenting a course of instruction relating to home construction technology, or a similar course of instruction, offered to students by a community college established under chapter 260C, an institution under the control of the state board of regents, or a school corporation. A student enrolled in such a course of instruction shall not be considered an apprentice electrician or unclassified person, and supervision ratios as provided in section 103.15, subsection 3, shall not be applicable. The board shall by rule establish inspection procedures in the event that the home constructed pursuant to the course is intended for eventual occupation as a residence.

NEW SUBSECTION. 14. Prohibit a person from performing work on an emergency basis as determined by the board."

2. By renumbering as necessary.

STEVEN J. SODDERS

S–3105

Amend Senate File 430 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 2.32, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The governor shall either make an appointment or file a notice of deferred appointment by March ~~15~~ 1 for the following appointments which are subject to confirmation by the senate:

Sec. ___. Section 2.32, subsection 3, Code 2009, is amended to read as follows:

3. The governor shall submit all appointments requiring confirmation by the senate and notices of deferred appointment to the secretary of the senate who shall provide the governor's office with receipts of submission. Each notice of appointment shall be accompanied by a statement of the appointee's political affiliation. The notice of a deferred appointment shall be filed by the governor with the secretary of the senate and accompanied by a statement of reasons for the deferral. For appointments requiring confirmation by the senate made during the legislative interim, the notice of appointment shall be submitted to the secretary of the senate within three days of the appointment date."

2. Page 5, line 13, by inserting after the word "Act" the following: "and to appointments subject to section 2.32 on or after the effective date of this Act".

3. Title page, by striking lines 1 through 4 and inserting the following: "An Act relating to appointments to statutory boards, commissions, councils, and committees that involve the general assembly, and including effective date and applicability provisions."

4. By renumbering as necessary.

MICHAEL E. GRONSTAL

S–3106

Amend Senate File 393 as follows:

1. Page 1, line 13, by striking the word "and" and inserting the following: "or".

BECKY SCHMITZ

S–3107

Amend Senate File 159 as follows:

1. Page 4, by inserting after line 3 the following:

"Sec. ___. Section 103.22, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 13. Apply to a person otherwise licensed pursuant to this chapter who is engaged in the wiring or installation of electrical wiring, apparatus, or equipment while presenting a course of instruction relating to home construction technology, or a similar course of instruction, offered to students by a community college established under chapter 260C, an institution under the control of the state board of regents, or a school corporation. A student enrolled in such a course of instruction shall not be considered an apprentice electrician or unclassified person, and supervision ratios as provided in section 103.15, subsection 3, shall not be applicable. The board shall by rule establish inspection procedures in the event that the home constructed pursuant to the course is intended for eventual occupation as a residence.

NEW SUBSECTION. 14. Prohibit a person from performing work on an emergency basis as determined by the board."

2. By renumbering as necessary.

STEVEN J SODDERS
MERLIN BARTZ

S–3108

Amend Senate File 339 as follows:

1. Page 1, line 30, by striking the words "increase by no more than" and inserting the following: "do not exceed".

2. Page 3, line 26, by inserting after the word "resources" the following: "and the department of economic development".

3. Page 4, line 4, by striking the word "property" and inserting the following: "proper".

4. By striking page 10, line 9, through page 11, line 11, and inserting the following:

"2. The department shall find that a regulated entity and the affected community are a disadvantaged community by using all of the following criteria:

a. Median household income in the community as a percentage of statewide household income.

b. Annual water and sewer rates as a percentage of median household income.

c. Families below the poverty level in the community as a percentage of the statewide number of families below the poverty level.

d. Per capita outstanding debt of the system as a percentage of median household income.

e. Cost effectiveness calculated by determining construction costs per user."

5. Page 11, line 14, by inserting after the word "law" the following: "or regulations".

6. Page 11, by striking lines 21 through 27 and inserting the following:

"4. The Iowa finance authority, in cooperation with the department, shall utilize the disadvantaged community criteria in this section to determine extended loan repayment terms or reduced interest rates for loans awarded from the revolving loan funds created in sections 455B.291 through 455B.299, as allowed by federal law or regulations.

5. The department of economic development shall utilize the disadvantaged community criteria in this section to determine eligibility for water or sewer community development block grants as provided in section 15.108, subsection 1, paragraph "a"."

7. Page 12, by striking lines 8 through 10.

8. Page 12, by striking lines 26 through 33.

9. Page 12, by inserting after line 35 the following:

"DIVISION IV
SANITARY DISTRICTS

Sec. ___. Section 358.16, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The board of trustees may require connection to the

sanitary sewer system established, maintained, or operated by the district from any adjacent property within the district, and require the installation of sanitary toilets or other sanitary sewage facilities and removal of other toilet and other sewage facilities on the property. However, the board of trustees shall not regulate, restrict the use, or require the connection of a private sewage disposal

facility previously approved by the county board of health pursuant to section 455B.172 without the prior approval of that board of health.

Sec. ___. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment."

10. Title page, line 1, by inserting after the word "treatment" the following: "and providing an effective date".

11. By renumbering, redesignating, and correcting internal references as necessary.

TOM RIELLY

S–3109

Amend Senate File 415 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. PETITION BY CITY FOR TITLE TO DISASTER-AFFECTED ABANDONED PROPERTY.

1. In lieu of the procedures in sections 657A.2 through 657A.10A, a city in which a disaster-affected abandoned building is located may petition the court to enter judgment awarding title to the disaster-affected abandoned property to the city. For the purposes of this section, "disaster-affected abandoned building" means a building that is abandoned as defined in section 657A.1, and the land the building is located on, that was damaged by a disaster as defined in section 29C.2 between May 1, 2008, and September 1, 2008, that is located in an area for which the governor proclaimed a state of disaster emergency during 2008, that constitutes a public nuisance, and that is not feasible to rehabilitate.

2. At least thirty days prior to filing a petition for title to disaster-affected abandoned property under this section, the city shall attempt to notify the owner of the property of the city's intent to acquire the property. The city shall mail the notice by certified mail to the owner at the owner's last known address, to any contract purchaser of record of the property, to any tenant known to be occupying the property, and to any record lienholder or encumbrancer of the property at the lienholder's or encumbrancer's last known address. The city shall also cause the notice to be posted in a conspicuous place on the building.

3. a. If more than one disaster-affected abandoned building is located on a parcel of real estate, the city may combine the actions into one

petition. The owner of the building and land, mortgagees of record, lienholders or encumbrancers of record, the county in which the property is located if delinquent property taxes are owing, the holder of tax sale certificates, and other known persons who hold an interest in the property shall be named as respondents on the petition.

b. The petition shall be filed in the district court of the county in which the property is located. A petition under this section shall be filed not later than December 31, 2010. The action shall be in equity.

4. a. Service on the owner and any other named respondents shall be by certified mail. The petition shall be mailed to each respondent at the respondent's

Page 2

last known address as reflected in county records. The city shall also cause the petition to be published once in a newspaper of general circulation in the county within ten days of the petition being filed. Service of the petition shall be deemed complete on the date of publication.

b. In lieu of mailing and publishing the petition, the city may cause the petition to be served upon such persons in the manner provided by the Iowa rules of civil procedure for the personal service of original notice.

c. In addition to notice provided under paragraph "a" or paragraph "b", the city shall also cause notice of the petition to be posted in a conspicuous place on the building.

5. The city shall set forth in the petition all public nuisance conditions existing on the property, the fair market value of the property in the property's condition existing on the date the petition is filed as determined by an appraisal prepared for the city, the amount of delinquent property taxes or special assessments on the property, and evidence that the city has attempted to provide notice under subsection 2. A copy of the appraisal shall be attached to the petition.

6. The city may request a hearing on the petition not sooner than sixty days after the filing of the petition. Notice of the hearing shall be provided to all respondents in the manner provided in subsection 4. Notice of the hearing shall be given not less than thirty days prior to the date of the hearing.

7. In determining whether a property is a disaster-affected abandoned building, the court shall consider the following for each building that is

located on the property and named in the petition and the building grounds:

a. Whether any property taxes or special assessments on the property were delinquent at the time the petition was filed.

b. Whether any utilities are currently being provided to the property.

c. Whether the building is unoccupied by the owner or lessees or licensees of the owner.

d. Whether the building meets the city's housing code for being fit for human habitation, occupancy, or use.

e. Whether the building is exposed to the elements such that deterioration of the building is occurring.

f. Whether the building is boarded up.

g. Past efforts to rehabilitate the building and

Page 3

grounds.

h. The presence of vermin, accumulation of debris, and uncut vegetation.

i. Other public nuisance conditions existing on the property.

j. Past and current compliance with orders of the local housing official.

k. Any other evidence the court deems relevant.

8. In lieu of the considerations in subsection 7, if the city can establish to the court's satisfaction that all parties with an interest in the property have received proper notice and consented to the entry of an order awarding title to the property to the city, the court shall enter judgment against the respondents granting the city title to the property.

9. If the court determines that the property is a disaster-affected abandoned building or that subsection 8 applies, the court shall enter judgment awarding title to the city and shall determine an award of damages pursuant to subsection 10. The title awarded to the city shall be free and clear of any claims, liens, or encumbrances held by the respondents.

10. a. If the court awards title of the property to the city, the court shall award to the respondents the fair market value of the property and shall give consideration to the value of the property in its current condition.

b. The city may take possession of the property upon deposit of the amount awarded with the clerk of the district court. Notice of the deposit with the clerk of the district court shall be provided to all respondents in the manner provided in subsection 4.

If the amount deposited with the clerk of the district court is not claimed within two years of the date of deposit, the clerk of the district court shall transfer the money to the city for deposit in the general fund of the city."

2. Title page, lines 1 and 2, by striking the word "abandoned property by cities" and inserting the following: "disaster-affected abandoned property by cities in certain years".

ROBERT M. HOGG

S–3110

HOUSE AMENDMENT TO
SENATE FILE 137

Amend Senate File 137, as passed by the Senate, as follows:

1. Page 3, by striking lines 3 through 18 and inserting the following:

"Sec. ___. Section 216.15, subsection 8, paragraph a, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) For an unfair or discriminatory practice relating to wage discrimination pursuant to section 216.6A, payment to the complainant of damages for an injury caused by the discriminatory or unfair practice which damages shall include but are not limited to court costs, reasonable attorney fees, and either of the following:

(a) An amount equal to two times the wage differential paid to another employee compared to the complainant for the period of time for which the complainant has been discriminated against.

(b) In instances of willful and wanton violation, an amount equal to three times the wage differential paid to another employee as compared to the complainant for the period of time for which the complainant has been discriminated against."

2. By renumbering as necessary.

S–3111

Amend the amendment, S–3073, to Senate File 389, as follows:

1. Page 4, line 1, by inserting after the word "designated," the following: "twenty-five percent of such funding shall be deposited in the safety net provider network workforce shortage account to be used for the purposes of the account and the remainder of".

2. Page 5, by striking lines 2 through 7, and inserting the following: "providers. The department of public health in".

3. Page 6, by striking lines 27 through 36, and inserting the following:

"2. Each nursing facility in this state that is not recognized by the Internal Revenue Code as a nonprofit organization or entity shall submit as part of the annual cost report to the department of human services, the information required to be submitted by nonprofit nursing facilities pursuant to subsection 1. Following submission of such annual cost reports by the nursing facilities specified under this subsection, the department of human services shall submit only the information required under this subsection to the department of public health and the legislative services agency."

JOE BOLKCOM
MATT McCOY

S–3112

Amend Senate File 153 as follows:

1. Page 1, line 10, by striking the words "a nurse" and inserting the following: "an advanced registered nurse".

2. Page 1, line 35, by striking the words "a nurse" and inserting the following: "an advanced registered nurse".

3. Page 2, line 20, by striking the words "nurse" and inserting the following: "advanced registered nurse".

4. Page 3, line 10, by striking the words "a nurse" and inserting the following: "an advanced registered nurse".

5. Page 4, line 1, by striking the words "a nurse" and inserting the following: "an advanced registered nurse".

6. Page 4, line 20, by striking the word "nurse" and inserting the following: "advanced registered nurse".

7. Title page, line 2, by striking the word "nurse" and inserting the following: "advanced registered nurse".

BILL DOTZLER

S–3113

Amend Senate File 280 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 613.17, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A person, who in good faith renders emergency care or assistance without compensation, shall not be liable for any civil damages for acts or omissions occurring at the place of an emergency or accident or while the person is in transit to or from the emergency or accident or while the person is at or being moved to or from an emergency shelter unless such acts or omissions constitute recklessness or willful and wanton misconduct. An emergency includes but is not limited to a disaster as defined in section 29C.2 or the period of time immediately following a disaster for which the governor has issued a proclamation of a disaster emergency pursuant to section 29C.6."

ROBERT M. HOGG

S–3114

Amend Senate File 336 as follows:

1. Page 1, by striking lines 16 and 17.

2. Title page, by striking lines 2 and 3 and inserting the following: "tourism program requirements."

ROBERT M. HOGG

S–3115

Amend the amendment, S–3072, to Senate File 389, as follows:

1. Page 8, by inserting after line 32, the following:

"___. Page 27, line 27, by inserting after the word "for" the following: "an individual who meets the requirements of section 513B.2, subsection 14, paragraph "a", "b", "c", "d", or "e", and who is".

___. Page 28, line 12, by inserting after the word "for" the following: "an individual who meets the requirements of section 513B.2, subsection 14, paragraph "a", "b", "c", or "e", and who is".

___. Page 28, line 24, by inserting after the word "for" the following: "an individual who meets

the requirements of section 513B.2, subsection 14, paragraph "a", "b", "c", "d", or "e", and who is"."
2. Page 8, line 43, by inserting after the word "for" the following: "an individual who meets the requirements of section 513B.2, subsection 14, paragraph "a", "b", "c", "d", or "e", and who is".
3. By renumbering as necessary.

JACK HATCH

S–3116

Amend Senate File 279 as follows:
1. Page 1, line 15, by inserting after the word "petition" the following: "and landowner notification".

BILL HECKROTH

S–3117

Amend Senate File 133 as follows:
1. Page 1, by striking lines 26 through 32 and inserting the following: "the political subdivision has made a good faith effort".
2. Page 1, line 33, by inserting after the words "appoint a" the following: "qualified".
3. Page 2, line 1, by inserting after the word "appointment." the following: "In complying with the requirements of this subsection, political subdivisions shall utilize a fair and unbiased method of selecting the best qualified applicants. This subsection shall not prohibit an individual whose term expires prior to January 1, 2012, from being reappointed even though the reappointment continues an inequity in gender balance."

STEVEN J. SODDERS

S–3118

Amend Senate File 443 as follows:
1. Page 2, line 6, by inserting after the word "during" the following: "regularly staffed".

STEVEN J. SODDERS
DAVID HARTSUCH

S–3119

Amend Senate File 339 as follows:
1. Page 9, line 20, by striking the word "forty" and inserting the following: "thirty".

TOM RIELLY

S–3120

Amend the amendment, S–3108, to Senate File 339, as follows:
1. Page 1, by striking line 33 and inserting the following: "the appropriate interest".

TOM RIELLY

S–3121

Amend Senate File 447 as follows:
1. Page 1, by inserting after line 15 the following:
"Sec. ___. Section 455C.5, subsection 2, Code 2009, is amended by adding the following new paragraph:
NEW PARAGRAPH. d. For beverage containers containing wine as defined in section 123.3."
2. Title page, line 1, by inserting after the word "concerning" the following: "wine, including statements of refund value on wine beverage containers and the".
3. By renumbering as necessary.

BRAD ZAUN

S–3122

Amend Senate File 250 as follows:
1. Page 1, line 3, by inserting after the word "program" the following: "and application process".
2. Page 1, line 19, by inserting after the word and figure "chapter 158." the following: "An applicant shall be required to have enrolled in a postsecondary educational institution no earlier than the school year beginning July 1, 2008."

STEVEN J. SODDERS

S–3123

Amend Senate File 367 as follows:
1. Page 1, by striking lines 1 and 2.

2. Page 1, line 6, by striking the figure "2010" and inserting the following: "2013".

3. Page 1, line 18, by striking the figure "2010" and inserting the following: "2013".

4. By striking page 1, line 19, through page 2, line 11, and inserting the following:

"Sec. ___. Section 262.9, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Manage and control the property, both real and personal, belonging to the institutions. For any construction project beginning on or after July 1, 2013, the project must incorporate applicable storm water management standards adopted pursuant to section 455B.277A. The board shall purchase or require the purchase of, when the price is reasonably competitive and the quality as intended, soybean-based inks. All inks purchased that are used internally or are contracted for by the board shall be soybean-based to the extent formulations for such inks are available."

5. Page 2, line 14, by striking the word "January" and inserting the following: "July".

6. Page 2, line 24, by striking the figure "2010" and inserting the following: "2013".

7. Page 2, line 28, by striking the figure "2010" and inserting the following: "2013".

8. By striking page 2, line 33, through page 6, line 8.

9. Title page, by striking line 1 and inserting the following: "An Act relating to storm water management standards."

PAM JOCHUM

S–3124

Amend House File 311, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 8 through 12, and inserting the following: "licensed under chapter 148. Such coverage benefits for".

2. Page 2, by inserting after line 9, the following:

"3. Notwithstanding subsection 1, a policy, contract, or plan providing for third-party payment or prepayment of health or medical expenses that is issued for use in connection with a health savings account as authorized under Title XII of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. No. 108–173, may impose the same deductibles and out-of-pocket limits on the prosthetics coverage benefits required in this section that apply to substantially all health, medical, and

surgical coverage benefits under the policy, contract, or plan."

COMMITTEE ON COMMERCE
STEVE WARNSTADT, Chair

S–3125

Amend Senate File 433 as follows:

1. Page 1, line 21, by striking the figure "488.302" and inserting the following: "488.301".

WILLIAM A. DOTZLER, JR.

S–3126

Amend Senate File 413 as follows:

1. Page 3, by striking line 4 and inserting the following: "miles or loads performed, the statement shall".

2. Page 4, by striking line 14 and inserting the following: "rebutted by evidence that such action was".

3. Page 5, line 19, by inserting after the word "meets" the following: "all of".

4. Page 5, by striking lines 23 and 24 and inserting the following:

"b. The person has a controlling interest or ownership in the employing entity and knowingly violates provisions of this chapter."

5. Page 5, by striking lines 25 through 29 and inserting the following:

"3. Personal liability under this section applies only to those portions of a judgment based directly on wages and does not apply to court costs, attorney fees, civil penalties, interest, and liquidated damages."

WILLIAM A. DOTZLER, JR.

S–3127

Amend Senate File 416 as follows:

1. Page 2, by inserting after line 15 the following:

"Sec. ___. Section 257.11, subsection 6, paragraph b, Code 2009, is amended to read as follows:

b. (1) Supplementary weighting pursuant to this subsection shall be available to a school district for a maximum of five years during the period commencing with the budget year beginning July 1, 2008, through the budget year beginning July 1, 2013.

(2) The minimum amount of additional weighting for which a school district shall be eligible is an amount equivalent to ten additional pupils, and the maximum amount of additional weighting for which a school district shall be eligible is an amount equivalent to forty additional pupils.

(3) When noncontiguous school districts seek to share operational functions, the school districts shall submit to the department at least six months before the next school budget year begins a report documenting the expected cost savings directly attributable to the anticipated shared operational functions between the school districts. The department shall determine whether the shared operational plan between the noncontiguous districts is approved.

(4) Receipt of supplementary weighting by a school district pursuant to this subsection for more than one year shall be contingent upon the annual submission of information by the district to the department documenting cost savings directly attributable to the shared operational functions. Criteria for determining the number of years for which supplementary weighting shall be received pursuant to this subsection, subject to the five-year maximum, and for determining qualification of operational functions for supplementary weighting shall be determined by the department by rule, through consideration of long-term savings by the school district or increased student opportunities."

2. By renumbering as necessary.

BECKY SCHMITZ

S–3128

Amend Senate File 344 as follows:

1. Page 16, line 30, by inserting after the word "benefits." the following: "The rules shall require that each recipient of financial assistance under the program provide a health insurance plan to each employee that pays at least eighty percent of the cost of single coverage and eighty percent of the cost of family coverage."

2. Page 18, line 15, by inserting after the word "benefits." the following: "The rules shall require that each recipient of financial assistance under the program provide a health insurance plan to each employee that pays at least eighty percent of the cost of single coverage and eighty percent of the cost of family coverage."

3. Page 28, line 8, by inserting after the word

"benefits." the following: "The rules shall require that each recipient of financial assistance under the program provide a health insurance plan to each employee that pays at least eighty percent of the cost of single coverage and eighty percent of the cost of family coverage."

4. Page 38, line 11, by inserting after the word "benefits." the following: "The rules shall require that each recipient of financial assistance under the program provide a health insurance plan to each employee that pays at least eighty percent of the cost of single coverage and eighty percent of the cost of family coverage."

DICK L. DEARDEN

S–3129

Amend House File 671, as passed by the House, as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 80.28, subsection 2, paragraph b, unnumbered paragraph 1, as amended by 2009 Iowa Acts, Senate File 108, section 1, is amended to read as follows:

The following members, to be appointed by the governor ~~from nominees submitted by volunteer and professional organizations associated with the following~~:

Sec. 2. Section 80.28, subsection 3, as amended by 2009 Iowa Acts, Senate File 108, section 3, is amended to read as follows:

3. The voting members of the board shall be appointed in compliance with sections 69.16 and 69.16A. Members shall elect a chairperson and vice chairperson from the board membership, who shall serve two-year terms. The members appointed by the governor shall be appointed to three-year staggered terms and the terms shall commence and end as provided by section 69.19. The governor shall solicit and consider recommendations from professional or volunteer organizations in making appointments to the board. If a vacancy occurs among the voting members, a successor shall be appointed to serve the unexpired term. A successor shall be appointed in the same manner and subject to the same qualifications as the original appointment to serve the unexpired term. The voting members of the board are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties from funds appropriated to the department of public safety

and the state department of transportation for that purpose. The departments shall enter into an agreement to provide administrative assistance and support to the board."

2. Page 2, by inserting after line 19 the following:

"Sec. ___. EFFECTIVE DATE. The sections of this Act amending section 80.28, being deemed of immediate importance, take effect upon enactment and apply retroactively to March 19, 2009."

3. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to public safety by providing volunteer emergency services providers protection from employment termination, providing for the membership of the public safety communications interoperability board, and including

Page 2

effective date and retroactive applicability provisions."

4. By renumbering as necessary.

TOM HANCOCK

S–3130

Amend Senate File 64 as follows:

1. Page 1, line 12, by inserting after the words "solemnize a" the following: "heterosexual".

2. Page 1, line 14, by inserting after the word "each" the following: "heterosexual".

3. Page 1, line 17, by inserting after the words "to the" the following: "heterosexual".

4. Page 1, line 18, by inserting after the word "the" the following: "heterosexual".

5. Page 1, line 19, by inserting after the word "a" the following: "heterosexual".

6. Page 1, line 23, by inserting after the words "solemnize a" the following: "heterosexual".

7. Page 1, line 25, by inserting after the word "each" the following: "heterosexual".

8. Page 2, line 7, by inserting after the word "either" the following: "heterosexual".

9. Page 2, by inserting after line 7 the following:

"Sec. ___. Section 595.19, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Nonheterosexual marriages which are solemnized in this state are void."

10. Page 2, by inserting before line 8 the following:

"Sec. ___. NEW SECTION. 595.21 SOLEMNIZATION OF VOID MARRIAGE — CRIMINAL PENALTY.

An individual who knowingly solemnizes a marriage which would be void pursuant to section 595.19 in this state is guilty of a serious misdemeanor."

11. Page 2, by inserting before line 8 the following:

"Sec. ___. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. The section of this Act amending section 595.19 relating to void solemnized marriages, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to January 1, 2007."

12. Title page, line 2, by inserting after the word "state" the following: "and providing a penalty".

13. Title page, line 2, by inserting after the word "state" the following: "and providing effective and retroactive applicability dates".

14. By renumbering as necessary.

MERLIN BARTZ

S–3131

Amend Senate File 416 as follows:

1. Page 11, by inserting after line 28 the following:

"Sec. ___. SCHOOL DISTRICT BOUNDARIES ADVISORY PANEL.

1. The department of education is directed by the general assembly to convene a school district boundaries advisory panel in order to do the following:

a. Review the practicalities involved with separating consolidated school districts.

b. Evaluate the possibility of Iowa school districts and school districts in bordering states developing reciprocity agreements for sharing services.

2. The school district boundaries advisory panel shall be composed of the following members:

a. The director of the department of education, or the director's designee.

b. A representative of the Iowa association of school boards.

c. A representative of the Iowa state education association.

d. A representative of the professional educators of Iowa.

e. A representative of the school administrators of Iowa.

f. A representative of the Iowa state association of counties.

g. A representative of the Iowa farm bureau.

h. A representative of the Iowa league of cities.

i. Four ex officio, nonvoting legislative members. Two members shall be members of the senate, one of whom shall be appointed by the majority leader of the senate and one of whom shall be appointed by the minority leader of the senate. Two members shall be members of the house of representatives, one of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the minority leader of the house of representatives.

3. The advisory panel shall submit a report to the general assembly and the governor no later than January 1, 2010."

MERLIN BARTZ

S–3132

Amend Senate File 344 as follows:

1. Page 14, by inserting before line 13 the following:

"i. The board shall not award financial assistance to a business that has purchased or is leasing real estate acquired by a city or county pursuant to chapter 6A. Financial assistance awarded to a business that subsequently purchases or leases land from a city or county that has acquired the real estate pursuant to chapter 6A is subject to recapture."

2. By renumbering as necessary.

BRAD ZAUN

S–3133

Amend Senate File 344 as follows:

1. Page 15, by inserting before line 15 the following:

"d. The business shall only employ individuals legally authorized to work in this state. In addition to any and all other applicable penalties provided by current law, all or a portion of the assistance received by a business which has received financial assistance under the program and is found to knowingly

employ individuals not legally authorized to work in this state is subject to recapture by the department."

2. By renumbering as necessary.

SHAWN HAMERLINCK

S–3134

Amend Senate File 434 as follows:

1. Page 1, by striking lines 6 through 11 and inserting the following: "617.10, if the legal description of the affected property is included in or attached to the citation.

b. After filing the citation with the clerk of the district court, the city may also file the citation in the office of the county treasurer. Upon request of the city, the county treasurer shall include a notation of the pendency of the action in any future tax sale proceeding involving the property."

2. Page 1, line 27, by striking the words "FILING NOTICE" and inserting the following: "INDEXING".

3. By striking page 1, line 31, through page 2, line 1, and inserting the following: "617.10, if the legal description of the affected property is included in or attached to the petition.

2. After filing the petition with the clerk of the district court, the governmental entity may also file the petition in the office of the county treasurer. Upon request of the governmental entity, the county treasurer shall include a notation of the pendency of the action in any future tax sale proceeding involving the property."

4. Page 2, line 2, by striking the words "FILING NOTICE" and inserting the following: "INDEXING".

5. Page 2, by striking lines 3 through 10 and inserting the following:

"1. When a petition affecting real property is filed by a governmental entity under this chapter, the clerk of the district court shall index the petition pursuant to section 617.10, if the legal description of the affected property is included in or attached to the petition.

2. After filing the petition with the clerk of the district court, the governmental entity may also file the petition in the office of the county treasurer. Upon request of the governmental entity, the county treasurer shall include a notation of the pendency of the action in any future tax sale proceeding involving the property."

HERMAN C. QUIRMBACH

S–3135

Amend House File 45, as passed by the House, as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. NEW SECTION. 249A.38 COMMITTED INDIVIDUALS — SUSPENSION OR TERMINATION OF MEDICAL ASSISTANCE — REAPPLICATION FOR SOCIAL SECURITY AND SUPPLEMENTAL SECURITY INCOME.

1. The medical assistance benefits of an individual who received medical assistance immediately prior to commitment to a public institution by reason of an arrest or charge for or conviction of a crime, may be suspended rather than terminated for the initial twelve-month period of commitment if the individual was eligible for medical assistance by reason of disability or being sixty-five years of age or older. Following the initial twelve-month period of commitment, such benefits may be terminated.

2. The entity with control of the public institution to which an individual specified under subsection 1 is committed shall work with the department to develop a process for all of the following:

a. Notifying the department of the date an individual who may be eligible for suspension of medical assistance enters the public institution.

b. Notifying the department of any changes that may affect the individual's eligibility for medical assistance during the time the individual is committed to the public institution.

c. Assisting the department in the medical assistance review process as part of the individual's discharge planning prior to release of the individual in order to provide the individual with continued medical coverage.

3. The entity with control of the public institution to which an individual specified under subsection 1 is committed shall work with the department to develop a process for the individual to apply or reapply for supplemental security income or social security as part of the individual's discharge planning if the entity determines that the individual may be eligible for such benefits.

4. For the purposes of this section, "public institution" means a public institution, as defined in 42 C.F.R. § 435.1010, to which an individual is committed by reason of arrest or charge for or conviction of a crime.

5. This section applies to individuals as specified in subsection 1 on and after October 1,

Page 2

2009.

Sec. 2. EMERGENCY RULES. The department of human services may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act and the rules shall be effective immediately upon filing unless a later effective date is specified in the rules. Any rules adopted in accordance with this Act shall also be published as a notice of intended action as provided in section 17A.4 to implement this Act."

2. Title page, by striking lines 1 through 3, and inserting the following: "An Act relating to suspension or termination of medical assistance for individuals committed to certain public institutions, including reapplication for social security and supplemental security income."

COMMITTEE ON HUMAN RESOURCES
AMANDA RAGAN, Chair

S–3136

HOUSE AMENDMENT TO
SENATE FILE 266

Amend Senate File 266, as passed by the Senate, as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 428.4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Property shall be assessed for taxation each year. Real estate shall be listed and assessed in 1981 and every two years thereafter. The assessment of real estate shall be the value of the real estate as of January 1 of the year of the assessment. The year 1981 and each odd-numbered year thereafter shall be a reassessment year. In any year, after the year in which an assessment has been made of all the real estate in an assessing jurisdiction, the assessor shall value and assess or revalue and reassess, as the case may require, any real estate that the assessor finds was incorrectly valued or assessed, or was not listed, valued, and assessed, in the assessment year immediately preceding, also any real estate the assessor finds has changed in value subsequent to January 1 of the preceding real estate assessment year. However, a percentage increase on a class of

property shall not be made in a year not subject to an equalization order unless ordered by the department of revenue. The assessor shall determine the actual value and compute the taxable value thereof as of January 1 of the year of the revaluation and reassessment. The assessment shall be completed as specified in section 441.28, but no reduction or increase in actual value shall be made for prior years. If an assessor makes a change in the valuation of the real estate as provided for, sections ~~441.23,~~ 441.37, 441.37A, 441.38, and 441.39 apply.

Sec. ___. Section 441.23, Code 2009, is amended to read as follows:

441.23 NOTICE OF VALUATION.

1. ~~If there has been an increase or decrease in the valuation of the property, or upon the written request of the person assessed, the~~ The assessor shall, at the time of making the assessment, inform the person assessed, in writing, of ~~the~~ all of the following:

a. The valuation put upon the taxpayer's property~~,~~ ~~and notify the person, that if,~~

b. That if the person feels aggrieved, ~~to appear before the board of review and show why the assessment should be changed~~ the person may file a protest against such assessment with the board of review on or after April 16, to and including May 15 of the year of

Page 2

the assessment.

c. That the valuation of the property may be adjusted by an equalization order issued by the director of revenue. The notice shall include a preliminary equalization estimate provided to the assessor by the department under section 441.47A.

d. That the person may protest the application of an equalization order to the board of review by filing an appeal between October 16 and October 25 of the year the equalization order is issued.

2. ~~However, if the valuation of a class of property is uniformly decreased, the assessor may notify the affected property owners by publication in the official newspapers of the county.~~ The owners of real property shall be notified not later than April 15 of ~~any adjustment of the real property assessment~~ each year.

Sec. ___. Section 441.26, unnumbered paragraphs 1 through 4, Code 2009, are amended to read as follows:

The director of revenue shall each year prescribe the form of assessment roll to be used by all assessors in assessing property, in this state, also

the form of pages of the assessor's assessment book. The assessment rolls shall be in a form that will permit entering, separately, the names of all persons assessed, and shall also contain a notice ~~in substantially the following form:~~

~~If you are not satisfied that the foregoing assessment is correct, you may file a protest against such assessment with the board of review on or after April 16, to and including May 5, of the year of the assessment, such protest to be confined to the grounds specified in section 441.37.~~

~~Dated: ..... day of ..... (month), ... (year)~~

~~.....~~

~~County/City Assessor~~

that includes the information required in section 441.23.

The notice in 1981 and each odd-numbered year thereafter shall contain a preliminary equalization estimate pursuant to section 441.47A, a statement that the assessments are subject to equalization pursuant to an order issued by the director of revenue, that the county auditor shall give notice on or before October 15 by publication in an official newspaper of general circulation to any class of property affected by the equalization order, and that the board of review shall be in session from October 15 to November 15 to hear protests of affected property owners or taxpayers whose valuations have been adjusted by the

Page 3

equalization order.

The assessment rolls shall be used in listing the property and showing the values affixed to the property of all persons assessed. The rolls shall be made in duplicate. The duplicate roll shall be signed by the assessor, detached from the original and delivered to the person assessed ~~if there has been an increase or decrease in the valuation of the property~~. ~~If there has been no change in the valuation, the information on the roll may be printed on computer stock paper and preserved as required by this chapter.~~ If the person assessed requests in writing a copy of the roll, the copy shall be provided to the person. The pages of the assessor's assessment book shall contain columns ruled and headed for the information required by this chapter and that which the director of revenue deems essential in the equalization work of the director. The assessor shall return all assessment rolls and schedules to the county auditor, along with the completed assessment book, as provided in this chapter, and the county auditor shall

carefully keep and preserve the rolls, schedules, and book for a period of five years from the time of its filing in the county auditor's office.

Sec. ___. Section 441.37, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Any property owner or aggrieved taxpayer who is dissatisfied with the owner's or taxpayer's assessment may file a protest against such assessment with the board of review on or after April 16, to and including May ~~5~~ 15, of the year of the assessment. In any county which has been declared to be a disaster area by proper federal authorities after March 1 and prior to May 20 of said year of assessment, the board of review shall be authorized to remain in session until June 15 and the time for filing a protest shall be extended to and include the period from May 25 to June 5 of such year. Said protest shall be in writing and signed by the one protesting or by the protester's duly authorized agent. The taxpayer may have an oral hearing thereon if request therefor in writing is made at the time of filing the protest. Said protest must be confined to one or more of the following grounds:

Sec. ___. NEW SECTION. 441.47A PRELIMINARY EQUALIZATION ESTIMATE.

The director of revenue on or before February 20, 2011, and every two years thereafter shall provide preliminary equalization estimates to each assessor in the state for each class of property within the assessing jurisdiction. The preliminary equalization

Page 4

estimate shall be determined by the director based on previous sales of property and on previous productivity and net earning capacity of agricultural property."

2. Page 1, by inserting after line 17 the following:

"Sec. ___. INDIVIDUAL EQUALIZATION NOTICES. For the assessment year beginning January 1, 2009, the county auditor, with the cooperation and assistance of the county assessor and the city assessor, if applicable, shall in writing notify each property owner or taxpayer affected by an equalization order issued by the director if the owner or taxpayer did not receive a notice of valuation under section 441.23. Notices shall be sent on or before October 15, 2009.

Sec. ___. APPLICABILITY DATE. The sections of this Act amending sections 428.4, 441.23, 441.26, and 441.37, and enacting section 441.47A apply to assessment years beginning on or after January 1,

2010."

3. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to property assessment for purposes of property taxation by modifying provisions relating to assessment notices, modifying provisions relating to the protest of assessments, requiring individual notices for property assessment equalization orders in a certain assessment year, and providing an applicability date."

4. By renumbering as necessary.

S–3137

Amend Senate File 119 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 236.3, subsection 6, Code 2009, is amended to read as follows:

6. Name and age of each minor child ~~under eighteen~~ whose welfare may be affected by the controversy. The petition may also specify individual animals owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child of the petitioner or respondent if the petitioner, respondent, or minor child of the petitioner or respondent has a significant and specific established personal or emotional attachment to the individual animal. However, this subsection shall not apply to livestock as defined in section 717.1, held solely or primarily for commercial purposes.

Sec. 2. Section 236.4, subsection 2, Code 2009, is amended to read as follows:

2. a. The court may enter any temporary order it deems necessary to protect the plaintiff from domestic abuse prior to the hearing, upon good cause shown in an ex parte proceeding. Present danger of domestic abuse to the plaintiff constitutes good cause for purposes of this subsection.

b. The court may include in the temporary order issued pursuant to this subsection a grant to the petitioner of the exclusive care, possession, or control of any individual animals owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child of the petitioner or respondent if the petitioner, respondent, or minor child of the petitioner or respondent has a significant and specific established personal or emotional attachment to the individual animal. The court may forbid the respondent from approaching, taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal. This paragraph shall not apply to

livestock as defined in section 717.1, held solely or primarily for commercial purposes.

Sec. 3. Section 236.5, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The court may include in an order issued pursuant to this section a grant to the petitioner of the exclusive care, possession, or control of any individual animals owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child of the petitioner or respondent if the petitioner, respondent, or minor child of the

Page 2

petitioner or respondent has a significant and specific established personal or emotional attachment to the individual animal. The court may forbid the respondent from approaching, taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal. This paragraph shall not apply to livestock as defined in section 717.1, held solely or primarily for commercial purposes."

HERMAN C. QUIRMBACH

S–3138

Amend Senate File 435 as follows:

1. Page 1, line 8, by inserting after the word "vehicles." the following: "A surveyor may not enter buildings or other structures located on the land."

2. Page 1, by inserting after line 14 the following:

"c. Vehicular access to perform surveys under this section is limited to established roads and trails, unless approval for other vehicular access is granted by the landowner."

3. Page 1, by striking line 19 and inserting the following:

"3. Land surveyors shall".

4. Page 1, line 21, by inserting after the word "property." the following: "A land surveyor shall provide written notice to the landowner, or the person who occupies the land as a tenant or lessee, not less than seven days prior to the entry. The notice shall be sent by ordinary mail, postmarked not less than seven days prior to the entry, or delivered personally. A mailing is deemed sufficient if the surveyor mails the required notice to the address of the landowner as contained in the property tax records. For civil liability purposes receipt of this

notice shall not be considered consent."
5. Page 1, by striking lines 24 and 25 and inserting the following: "government."
6. Page 1, by inserting after line 25 the following:
"3A. The written notice of the pending survey shall contain all of the following:
a. The identity of the party for whom the survey is being performed and the purpose for which the survey will be performed.
b. The employer of the surveyor.
c. The identity of the surveyor.
d. The dates the land will be entered, the time, location, and timetable for such entry, the estimated completion date, and the estimated number of entries that will be required."
7. By renumbering as necessary.

KEITH A. KREIMAN
KIM REYNOLDS

S–3139

Amend Senate File 435 as follows:
1. Page 1, line 8, by inserting after the word "vehicles." the following: "A surveyor may not enter buildings or other structures located on the land."
2. Page 1, by inserting after line 14 the following:
"c. Vehicular access to perform surveys under this section is limited to established roads and trails, unless approval for other vehicular access is granted by the landowner."
3. Page 1, by striking line 19 and inserting the following:
"3. Land surveyors shall".
4. Page 1, line 21, by inserting after the word "property." the following: "A land surveyor shall provide written notice to the landowner, or the person who occupies the land as a tenant or lessee, not less than seven days prior to the entry. The notice shall be sent by ordinary mail, postmarked not less than seven days prior to the entry, or delivered personally. A mailing is deemed sufficient if the surveyor mails the required notice to the address of the landowner as contained in the property tax records. For civil liability purposes receipt of this notice shall not be considered consent."
5. Page 1, by striking lines 24 and 25 and inserting the following: "government."
6. Page 1, by inserting before line 26 the following:

"3A. The written notice of the pending survey shall contain all of the following:

a. The identity of the party for whom the survey is being performed and the purpose for which the survey will be performed.

b. The employer of the surveyor.

c. The identity of the surveyor.

d. The dates the land will be entered, the time, location, and timetable for such entry, the estimated completion date, and the estimated number of entries that will be required."

7. By renumbering as necessary.

KEITH A. KREIMAN
KIM REYNOLDS

S–3140

Amend Senate File 224 as follows:

1. Page 4, line 14, by striking the word "subsection" and inserting the following: "subsections".

2. Page 4, by inserting after line 21 the following:

"NEW SUBSECTION. 12. Prohibit a person from performing work valued at less than five hundred dollars."

3. By renumbering as necessary.

BRAD ZAUN

S–3141

Amend Senate File 224 as follows:

1. Page 1, by inserting after line 25 the following:

"Sec. ___. Section 105.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 17. "Routine maintenance" means the maintenance, repair, or replacement of existing fixtures or parts of plumbing, HVAC, refrigeration, or hydronic systems in which no changes in original design are made. "Routine maintenance" does not include the replacement of furnaces, boilers, cooling appliances, or water heaters more than one hundred gallons in size."

2. Page 3, by inserting after line 5 the following:

"Sec. ___. Section 105.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Commencing July 2009 and every

biennium thereafter, the board shall review its revenue, including amounts generated from license fees set pursuant to this chapter, and its expenses for purposes of reevaluating its fee structures. The board shall establish a reduced rate for combined licenses."

3. Page 3, by striking lines 14 through 18 and inserting the following:

"Sec. ___. Section 105.10, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 4. The board shall adopt rules to allow a grace period for a contractor to operate a business described in subsection 2 without employing a licensed master.

NEW SUBSECTION. 5. The board shall by rule provide for the issuance of a license for installers of geothermal heat pump systems that shall require certification pursuant to industry accredited installer certification standards recognized by the United States department of energy."

4. Page 4, by striking lines 8 and 9 and inserting the following: "school corporations, performing routine maintenance on a mechanical system or plumbing system,".

5. Page 4, line 14, by striking the word "subsection" and inserting the following: "subsections".

6. Page 4, by inserting after line 21 the following:

"NEW SUBSECTION. 12. Apply to a person who performs the laying of pipe that originates or connects to pipe in the public right-of-way or

Page 2

property that is intended to become public right-of-way, even if such pipe extends under the property and up to the building. However, the person shall not make any interior pipe connections within a building under this exemption. This exemption does not restrict local jurisdictions from requiring licensure under this chapter if required by local ordinance, resolution, or by bidding specification.

NEW SUBSECTION. 13. Prohibit a rental property owner or employee of such an owner from performing routine maintenance on the rental property."

7. Page 8, by striking lines 20 and 21 and inserting the following: "acceptable to the board, in each such limited class for which the person is licensed. The board shall designate each special, restricted license to be a sublicense of either a plumbing, HVAC, refrigeration, or hydronic license.

An individual holding a master or journeyperson, plumbing, HVAC, refrigeration, or hydronic license shall not be required to obtain any special, restricted license which is a sublicense of the license that the individual holds. Special plumbing and mechanical professional licenses shall not be issued to employees of a rate-regulated gas or electric public utility that provides plumbing or mechanical services as part of a systematic marketing effort, as defined pursuant to section 476.80.

c. The board shall establish a special, restricted license fee at a reduced rate, consistent with any other special, restricted license fees."

8. By renumbering as necessary.

JEFF DANIELSON

S–3142

Amend the amendment, S–3141, to Senate File 224, as follows:

1. Page 2, by striking lines 22 through 27 and inserting the following: "license that the individual holds."

DENNIS H. BLACK

S–3143

Amend Senate File 276 as follows:

1. Page 9, line 22, by inserting after the word "commissioner" the following: "shall, in the month following the end of a calendar quarter, run the statewide voter registration system's matching program to determine whether a listed decedent was registered to vote in the county and".

2. Page 15, by inserting after line 20 the following:

"Sec. ___. Section 49.77, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. A precinct election official may require of the voter unknown to the official, identification ~~upon which the voter's signature or mark appears~~ in the form prescribed by the state commissioner by rule. If identification is established to the satisfaction of the precinct election officials, the person may then be allowed to vote."

3. Page 26, line 15, by striking the word "~~prominently~~" and inserting the following: "prominently".

4. Page 28, line 6, by striking the word

"~~prominently~~" and inserting the following:
"prominently".

5. Page 29, by striking lines 10 and 11 and inserting the following: "registration form ~~under section 48A.8~~ and ~~an~~ another absentee ballot application form ~~to the eligible elector~~. ~~If the~~".

6. Page 29, line 27, by inserting after the word "applicant" the following: "by mail".

7. Page 29, line 29, by inserting after the figure "48A.7A." the following: "In addition to notification by mail, the commissioner shall also attempt to contact the applicant by any other method available to the commissioner."

8. Page 32, by inserting after line 7 the following:

"Sec. ___. Section 53.20, subsection 2, Code 2009, is amended to read as follows:

2. Results from the special precinct shall be reported separately from the results of the ballots cast at the polls on election day. The commissioner shall for general elections also report the results of the special precinct by the resident precincts of the voters who cast absentee and provisional ballots. For all other elections, the commissioner may report the results of the special precinct by the resident precincts of the voters who cast absentee and provisional ballots, or may report the absentee results as a single precinct. ~~The separate residence~~

Page 2

~~precinct reports shall be provided in one of the following ways:~~

~~a. The commissioner may manually sort the absentee ballots by precinct upon receipt of completed ballots. Each group of ballots from an individual precinct shall be tallied together.~~

~~b. The commissioner may prepare a separate absentee ballot style for each precinct in the county and shall program the voting system to produce reports by the resident precincts of the voters.~~ For the general election and for any election in which the commissioner determines in advance of the election to report the results of the special precinct by the resident precincts of the voters who cast absentee and provisional ballots, the commissioner shall prepare a separate absentee ballot style for each precinct in the county and shall program the voting system to produce reports by the resident precincts of the voters."

9. Page 36, line 25, by striking the word "~~prominently~~" and inserting the following:

"prominently".

10. Page 37, by inserting after line 21 the following:

"Sec. ___. Section 298.2, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The board may on its own motion, and upon the written request of not less than one hundred eligible electors or thirty percent of the number of eligible electors voting at the last regular school election, whichever is greater, shall, direct the county commissioner of elections to provide for submitting the proposition of levying the voter-approved physical plant and equipment levy for a period of time authorized by the voters in the notice of election, not to exceed ten years, in the notice of the regular school election. The proposition is adopted if a majority of those voting on the proposition at the election approves it. The voter-approved physical plant and equipment levy shall be funded either by a physical plant and equipment property tax or by a combination of a physical plant and equipment property tax and a physical plant and equipment income surtax, as determined by the board. However, if the board intends to enter into a rental or lease arrangement under section 279.26, or intends to enter into a loan agreement under section 297.36, only a property tax shall be levied for those purposes. Subject to the limitations of section 298.14, if the board uses a combination of a physical plant and equipment property

Page 3

tax and a physical plant and equipment surtax, for each fiscal year the board shall determine the percent of income surtax to be imposed expressed as full percentage points, not to exceed twenty percent."

11. Page 40, line 21, by striking the word "~~prominently~~" and inserting the following: "prominently".

12. By renumbering as necessary.

STEVEN J. SODDERS

S–3144

Amend Senate File 456 as follows:

1. Page 1, line 9, by inserting after the word "regents," the following: "public or accredited nonpublic elementary and secondary school,".

ROBERT M. HOGG

S–3145

Amend Senate File 226 as follows:

1. Page 1, line 4, by inserting after the word "tract" the following: ", infectious disease, or cancer,".

2. Page 1, by striking lines 7 through 9 and inserting the following: "gases. For purposes of this paragraph, "cancer" means prostate cancer, primary brain cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer, colorectal cancer, multiple myeloma, testicular cancer, and kidney cancer; and "infectious disease" means HIV or AIDS as defined in section 141A.1, all strains of hepatitis, meningococcal meningitis, and mycobacterium tuberculosis. However, if a".

3. Page 1, line 12, by inserting after the word "tract" the following: ", infectious disease".

4. Page 1, line 29, by striking the words "disease or any" and inserting the following: "disease ~~or~~, any".

5. Page 1, line 29, by inserting after the word "tract" the following: ", infectious disease, or cancer,".

6. Page 1, by striking lines 32 through 34 and inserting the following: "poison, or gases."

7. Page 2, line 8, by striking the words "if the member is a fire fighter,".

8. Page 2, line 17, by striking the words "if the member is a fire fighter,".

9. Page 2, by inserting after line 30 the following:

"Sec. ___. MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM — REPORT. The municipal fire and police retirement system, as established pursuant to chapter 411, shall collect data related to the implementation, utilization, and costs associated with the requirements of this Act providing that cancer and infectious disease are presumed to be a disease contracted while a member of the retirement system is on active duty as provided in section 411.6, subsections 5 and 9. The retirement system shall submit a written report to the general assembly by January 1, 2014, concerning the data collected, including its findings and recommendations."

10. Title page, line 2, by striking the words "cancer is" and inserting the following: "cancer and infectious diseases are".

11. Title page, line 3, by striking the words "for fire fighters".

12. Title page, line 4, by striking the words "for fire fighters".

Page 2

1 13. By renumbering as necessary.

JEFF DANIELSON

S–3146

1 Amend the amendment, S–3145, to Senate File 226 as
2 follows:
3 1. Page 1, line 7, by striking the word
4 "paragraph" and inserting the following: "section".
5 2. Page 1, line 8, by inserting after the word
6 "cancer," the following: "breast cancer, ovarian
7 cancer, cervical cancer, uterine cancer,".

STEVEN J. SODDERS
JOE BOLKCOM
MARY JO WILHELM
WILLIAM A. DOTZLER, JR.
AMANDA RAGAN
GENE FRAISE
DENNIS H. BLACK
STACI APPEL
JOHN P. KIBBIE
PAM JOCHUM
DICK L. DEARDEN
JEFF DANIELSON
WALLY E. HORN
THOMAS G. COURTNEY
ROBERT E. DVORSKY
JACK HATCH
MICHAEL E. GRONSTAL
ROBERT M. HOGG
STEVE WARNSTADT
BECKY SCHMITZ
BILL HECKROTH

S–3147

1 Amend House File 758, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 31 through 35 and
4 inserting the following:
5 "2. For purposes of this section, "loss of
6 enjoyment of life" includes but is not limited to the
7 value of life itself and is measured separate from the
8 economic productive value the decedent would have
9 had."
10 2. By renumbering as necessary.

DAVID JOHNSON

S–3148

Amend House File 671, as passed by the House, as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 80.28, subsection 2, paragraph b, unnumbered paragraph 1, as amended by 2009 Iowa Acts, Senate File 108, section 1, is amended to read as follows:

The following members, to be appointed by the governor ~~from nominees submitted by volunteer and professional organizations associated with the following~~:

Sec. 2. Section 80.28, subsection 3, as amended by 2009 Iowa Acts, Senate File 108, section 3, is amended to read as follows:

3. The voting members of the board shall be appointed in compliance with sections 69.16 and 69.16A. Members shall elect a chairperson and vice chairperson from the board membership, who shall serve two-year terms. The members appointed by the governor shall be appointed to three-year staggered terms and the terms shall commence and end as provided by section 69.19. The governor shall solicit and consider recommendations from professional or volunteer organizations in making appointments to the board. If a vacancy occurs among the voting members, a successor shall be appointed to serve the unexpired term. A successor shall be appointed in the same manner and subject to the same qualifications as the original appointment to serve the unexpired term. The voting members of the board are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties from funds appropriated to the department of public safety and the state department of transportation for that purpose. The departments shall enter into an agreement to provide administrative assistance and support to the board."

2. Page 2, by inserting after line 19 the following:

"Sec. ___. Section 357J.4, Code 2009, is amended to read as follows:

357J.4 DISTRICT — BOUNDARY CHANGES.

1. The boundary lines of a district may include any incorporated or unincorporated areas within a county.

2. The boundary lines of a district shall not be changed after the district is established except upon approval of all of the following:

a. The commission.

Page 2

b. The board of township trustees of the area proposed to be included or excluded from the district.

c. The district fire chief.

d. The assistant fire chief who is responsible for delivery of fire protection service and emergency medical service within the area proposed to be excluded from the district, if applicable.

e. The fire chief of a fire department in the area proposed to be included in the district, if applicable.

Sec. ___. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. The sections of this Act amending section 80.28, being deemed of immediate importance, take effect upon enactment and apply retroactively to March 19, 2009. The section of this Act amending section 357J.4, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008."

3. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to public safety by providing volunteer emergency services providers protection from employment termination, providing for the membership of the public safety communications interoperability board, providing for modifications in the boundaries of emergency response districts, and including effective and retroactive applicability date provisions."

4. By renumbering as necessary.

COMMITTEE ON JUDICIARY
KEITH A. KREIMAN, Chair

S–3149

Amend the amendment, S–3145, to Senate File 226 as follows:

1. Page 1, line 7, by striking the word "paragraph" and inserting the following: "section".

2. Page 1, line 8, by inserting after the word "cancer," the following: "breast cancer, ovarian cancer, cervical cancer, uterine cancer,".

STEVEN J. SODDERS
JOE BOLKCOM
MARY JO WILHELM
WILLIAM A. DOTZLER, JR.
AMANDA RAGAN
GENE FRAISE
DENNIS H. BLACK
STACI APPEL

JOHN P. KIBBIE
PAM JOCHUM
BRIAN SCHOENJAHN
DICK L. DEARDEN
JEFF DANIELSON
WALLY E. HORN
THOMAS G. COURTNEY
ROBERT E. DVORSKY
JACK HATCH
MICHAEL E. GRONSTAL
ROBERT M. HOGG
STEVE WARNSTADT
BECKY SCHMITZ
BILL HECKROTH
HERMAN C. QUIRMBACH
DARYL BEALL
KEITH A. KREIMAN
MATT McCOY

S–3150

Amend Senate File 226 as follows:

1. Page 1, lines 4 and 5, by striking the words "be presumed to have been" and inserting the following: "~~be presumed to have been~~ create a rebuttable presumption that the disease was".

2. Page 1, line 30, by striking the words "be presumed to have been" and inserting the following: "~~be presumed to have been~~ create a rebuttable presumption that the disease was".

SHAWN HAMERLINCK

S–3151

Amend House File 758, as passed by the House, as follows:

1. Page 1, by striking lines 31 through 35 and inserting the following:

"2. For purposes of this section, "loss of enjoyment of life" includes but is not limited to the value of life itself and is measured separate from the economic productive value the decedent would have had and such damages shall not be duplicative of damages recoverable under section 613.15 and 613.15A."

2. By renumbering as necessary.

DAVID JOHNSON

S–3152

Amend Senate File 459 as follows:

1. Page 1, by inserting after line 25 the following:

"Sec. ___. IMPLEMENTATION. Section 25B.7 does not apply to the property tax exemption enacted in this Act."

2. By renumbering as necessary.

HERMAN C. QUIRMBACH

S–3153

Amend House File 266, as passed by the House, as follows:

1. Page 1, by striking lines 1 through 5.

COMMITTEE ON JUDICIARY
KEITH A. KREIMAN, Chair

S–3154

Amend Senate File 432 as follows:

1. Page 2, line 17, by inserting after the word "application." the following: "The department's telephone number shall be the same telephone number available on a twenty-four-hour-per-day, seven-days-per-week basis for notifying the department of other types of emergency conditions."

2. Page 2, by striking lines 27 and 28 and inserting the following:

"___. The liquid manure must be applied on a field with a phosphorus index rating of two or less."

3. Page 2, line 33, by striking the words "one week" and inserting the following: "two weeks".

4. Page 5, line 1, by striking the word "building" and inserting the following: "building,".

5. Page 8, by striking lines 1 and 2 and inserting the following:

"___. The person must construct the dry bedded confinement feeding operation structure with a floor consisting of reinforced concrete at least".

6. Page 11, by inserting after line 31 the following:

"Sec. ___. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment."

7. Page 17, by inserting after line 2 the following:

"Sec. ___. Section 459.102, subsections 5 and 35,

Code 2009, are amended to read as follows:

5. "Animal feeding operation structure" means a confinement building, manure storage structure, dry bedded confinement feeding operation structure as defined in section 459B.102, or egg washwater storage structure.

35. "Manure storage structure" means a formed manure storage structure or an unformed manure storage structure.

a. A manure storage structure includes a dry bedded manure storage structure as defined in section 459B.102.

b. A manure storage structure does not include an egg washwater storage structure."

8. Page 17, by inserting after line 8 the following:

"Sec.___. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment."

9. Title page, line 2, by inserting after the word "penalties" the following: "and effective dates".

Page 2

10. By renumbering as necessary.

RICH OLIVE

S–3155

Amend the amendment, S–3151, to House File 758, as passed by the House, as follows:

1. Page 1, line 7, by inserting after the word "itself" the following: "including the life of an unborn child,".

2. Page 1, line 10, by striking the word "section" and inserting the following: "sections".

DAVID JOHNSON

S–3156

Amend House File 705, as amended, passed, and reprinted by the House, as follows:

1. Page 1, line 3, by striking the word "community".

2. Page 1, line 5, by striking the word "COMMUNITY".

3. Page 1, line 11, by striking the word "community".

4. Page 1, line 16, by striking the word "community".

5. Page 1, line 18, by striking the word "authorized" and inserting the following: "required".

6. Page 1, line 20, by striking the word "community".

7. Page 1, line 22, by striking the figure "2010" and inserting the following: "2011".

8. Page 1, by inserting after line 24 the following:

"The commissioner may provide education and training to promote the use of best practices in the design, construction, and maintenance of buildings, safe rooms, and shelters to reduce the risk of personal injury from tornadoes or other severe weather.

Sec. ___. STATE BUILDING CODE — SAFE ROOMS AND STORM SHELTERS — RULEMAKING. The initial administrative rules required to be adopted pursuant to section 103A.8C, as enacted by this Act, shall be adopted by the state building code commissioner on or after February 1, 2010, but no later than April 1, 2010, and shall not become effective prior to July 1, 2010.

Sec. ___. SAFE ROOMS AND STORM SHELTERS — BEST PRACTICES REVIEW — REPORT. The state building code commissioner, in cooperation with the department of public defense, the department of natural resources, and the rebuild Iowa office, shall review and assess best practices in the design, construction, and maintenance of buildings, safe rooms, and storm shelters to reduce the risk of personal injury from tornadoes and other severe weather. The commissioner shall report the findings of the review and assessment to the governor and the general assembly by December 15, 2009. The review and assessment shall be conducted as part of the rulemaking process for the initial rulemaking required pursuant to this Act and section 103A.8C, as enacted by this Act, and shall include public comment received during that process."

9. Title page, line 1, by striking the word "community".

Page 2

10. Title page, line 2, by striking the word "public".

11. By renumbering as necessary.

COMMITTEE ON REBUILD IOWA
ROBERT M. HOGG, Chair

S–3157

Amend House File 759, as amended, passed, and reprinted by the House, as follows:

1. Page 1, line 10, by striking the word "July" and inserting the following: "June".
2. Page 1, by striking lines 21 through 25.
3. Page 1, line 26, by inserting after the word "assistance" the following: "for a flood-related disaster".
4. Page 1, line 29, by inserting after the word "to" the following: "the terms, conditions, and deadlines set forth in".
5. By renumbering as necessary.

COMMITTEE ON REBUILD IOWA
ROBERT M. HOGG, Chair

S–3158

Amend House File 670, as passed by the House, as follows:

1. Page 1, line 32, by striking the word "shall" and inserting the following: "may".
2. Page 1, line 34, by inserting after the word "ballots." the following: "However, if in the preceding general election the counting of absentee ballots was not completed by 10:00 p.m. on election day, the commissioner shall convene the special precinct election board on the day before the next general election to begin counting absentee ballots."
3. Title page, line 1, by striking the words "by requiring" and inserting the following: "and".
4. Title page, line 2, by striking the words "to begin" and inserting the following: "beginning on".

DICK L. DEARDEN

S–3159

HOUSE AMENDMENT TO
SENATE FILE 380

Amend Senate File 380, as passed by the Senate, as follows:

1. By striking page 1, line 1, through page 2, line 19.
2. Title page, line 2, by striking the words "school inspections,".
3. By renumbering as necessary.

S–3160

HOUSE AMENDMENT TO
SENATE FILE 187

Amend Senate File 187, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 5, by striking the words "muzzleloading shotgun" and inserting the following: "muzzleloading rifle".

S–3161

Amend Senate File 457 as follows:

1. Page 1, line 4, by inserting after the word "BUDGETS" the following: "— REPORT".

2. Page 1, line 5, by inserting after the word "county" the following: "located in an area that the governor has proclaimed a disaster emergency or the United States president has declared a major disaster,".

3. Page 1, by inserting after line 21 the following:

"On or before January 1, 2010, the Iowa league of cities and the Iowa state association of counties shall each submit a report to the chairpersons and ranking members of the rebuild Iowa committees of the senate and house of representatives. Each report shall include a summary of the circumstances and actions taken by those cities or counties, as applicable, that are subject to this division of this Act."

4. Page 1, line 30, by inserting after the word "moneys" the following: "received under the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111–5, and".

5. Page 2, line 21, by striking the word and figure "through (20)" and inserting the following: "and (19)".

6. Page 2, line 22, by striking the words "through "z"" and inserting the following: "and "x"".

7. Page 4, line 17, by inserting after the figure "29C.2" the following: "and that are located in an area that the governor has proclaimed a disaster emergency or the United States president has declared a major disaster".

8. Page 4, line 21, by inserting after the figure "29C.2" the following: ", if the damage is located in an area that the governor has proclaimed a disaster emergency or the United States president has declared a major disaster".

9. Page 4, by striking lines 22 through 24.

10. Page 5, line 9, by inserting after the figure "29C.2" the following: "and that are located in an area that the governor has proclaimed a disaster emergency or the United States president has declared a major disaster".

11. Page 5, line 13, by inserting after the figure "29C.2" the following: ", if the damage is located in an area that the governor has proclaimed a disaster emergency or the United States president has declared a major disaster".

12. Page 5, by striking lines 14 through 28.

Page 2

13. Page 7, line 3, by inserting after the word "moneys" the following: "received under the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111–5, and".

14. By renumbering as necessary.

ROBERT M. HOGG

S–3162

Amend House File 571, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 1 through 7 and inserting the following:

"Section 1. Section 21.2, subsection 1, Code 2009, is amended to read as follows:

1. "Governmental body" means:

a. A board, council, commission, or other governing body expressly created by the statutes of this state or by executive order.

b. A board, council, commission, or other governing body of a political subdivision or tax-supported district in this state.

c. A multimembered body formally and directly created by one or more boards, councils, commissions, or other governing bodies subject to paragraphs "a" and "b" of this subsection.

d. Those multimembered bodies to which the state board of regents or a president of a state university has formally created to develop policy or make recommendations regarding the policymaking duties of the state board of regents or the president, as applicable, and those multimembered bodies to which the state board of regents or a president of a state university has delegated the responsibility for the management and control of public money, including the intercollegiate athletic programs at the state universities.

e. An advisory board, advisory commission, ~~or~~ task force, or other body created by ~~the governor or the general assembly~~ any of the following to develop and make recommendations on public policy issues~~.~~:

(1) The governor.

(2) The general assembly.

(3) A governmental body as defined in paragraphs "a" through "d".

(4) An order, motion, resolution, or ordinance of a political subdivision of this state.

(5) An entity organized under chapter 28E or by the administrator or joint board specified in a chapter 28E agreement.

f. A nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D or a nonprofit corporation which is a successor to the nonprofit corporation which built the facility.

g. A nonprofit corporation licensed to conduct

Page 2

gambling games pursuant to chapter 99F.

~~h. An advisory board, advisory commission, advisory committee, task force, or other body created by statute or executive order of this state or created by an executive order of a political subdivision of this state to develop and make recommendations on public policy issues.~~"

2. Title page, by striking line 2 and inserting the following: "law to advisory bodies created by certain governmental bodies and certain multimembered bodies created by the state board of regents or a president of a state university".

3. By renumbering as necessary.

HERMAN C. QUIRMBACH

S–3163

HOUSE AMENDMENT TO
SENATE FILE 186

Amend Senate File 186, as passed by the Senate, as follows:

1. Page 1, line 8, by inserting after the word "qualifications." the following: "However, any veteran's preference provided shall not deny equally qualified residents of this state from being given

equal consideration for an interview as veterans who are not residents of this state."

2. Page 1, line 34, by inserting after the word "interview" the following: "and any veteran's preference provided shall not deny equally qualified residents of this state from being given equal consideration for an interview as veterans who are not residents of this state".

S–3164

HOUSE AMENDMENT TO
SENATE FILE 254

Amend Senate File 254, as passed by the Senate, as follows:

1. Page 1, line 3, by striking the word and figure "June 30" and inserting the following: "August 31."

S–3165

HOUSE AMENDMENT TO
SENATE FILE 291

Amend Senate File 291, as passed by the Senate, as follows:

1. Page 1, by inserting before line 35 the following:

"The department is encouraged to collaborate with the Iowa cooperative extension service in agriculture and home economics at Iowa state university of science and technology in the development of an outreach program to assist communities seeking certification."

2. Page 3, by inserting before line 27 the following:

"___. PROGRAM ADMINISTRATION DEFERRAL. If in the fiscal year beginning July 1, 2009, the department of elder affairs' appropriations or authorized full-time-equivalent positions are reduced, the department may defer the implementation of the certified retirement communities program until such time as the department has the resources to administer the program."

3. By renumbering as necessary.

S–3166

HOUSE AMENDMENT TO
SENATE FILE 339

Amend Senate File 339, as passed, amended, and

reprinted by the Senate, as follows:

1. Page 3, by striking lines 29 and 30 and inserting the following: "wastewater treatment financial assistance program. A".

2. Page 4, by striking lines 9 through 13.

3. Page 7, by striking lines 31 through 34 and inserting the following:

"10. A water resource restoration project shall not include the acquisition of property, an interest in property, or improvements to property through condemnation."

4. Page 9, line 8, by inserting after the word "impact" the following: "while improving water quality".

5. Page 10, line 29, by inserting after the word "variance" the following: "improve water quality and".

6. Page 11, by striking lines 27 and 28.

7. Page 11, by striking lines 34 and 35.

8. By renumbering, redesignating, and correcting internal references as necessary.

S–3167

HOUSE AMENDMENT TO
SENATE FILE 436

Amend Senate File 436, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 4, by striking the words "first be available at" and inserting the following: "be available at a".

2. Page 1, line 5, by striking the word "stations" and inserting the following: "station".

3. Page 1, line 7, by striking the word "each" and inserting the following: "the".

4. Page 1, line 9, by striking the word "stations" and inserting the following: "station".

S–3168

HOUSE AMENDMENT TO
SENATE FILE 441

Amend Senate File 441, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 1 through 5.

2. Page 2, by striking lines 9 through 17.

3. Title page, lines 1 and 2, by striking the words "and by making changes to certain funding provisions".

4. By renumbering as necessary.

S–3169

Amend the amendment, S–3148, to House File 671, as passed by the House, as follows:

1. By striking page 1, line 48, through page 2, line 10, and inserting the following: "changed after the district is established except as provided in this subsection.

a. The boundary lines of a district shall be changed and shall become effective immediately upon approval of all of the following:

(1) The commission.

(2) The board of township trustees of the area proposed to be included or excluded from the district.

(3) The district fire chief.

(4) The assistant fire chief who is responsible for delivery of fire protection service and emergency medical service within the area proposed to be excluded from the district, if applicable.

(5) The fire chief of a fire department in the area proposed to be included in the district, if applicable.

b. The boundary lines of a district shall be changed to exclude a city or the unincorporated areas of a township if the commission receives a written request from the governing body of the city or the board of township trustees, as applicable, requesting exclusion from the district. However, a boundary change under this paragraph shall become effective no earlier than eighteen months following receipt of the written request."

TOM HANCOCK

S–3170

Amend House File 580, as passed by the House, as follows:

1. Page 1, by inserting after line 31 the following:

"Sec. ___. CONTINGENCY. Notwithstanding the requirement of this Act directing the department of human services to include provisions for reimbursement of eligible services provided to an expansion population member by a nonparticipating provider under any medical assistance program waiver relating to the continuation of the IowaCare program, if the department of human services in consultation with the governor determines that such requirement would adversely affect continuation of the IowaCare waiver, the department shall not include such provisions in

the IowaCare waiver."

2. Title page, line 2, by inserting after the word "members" the following: ", and providing a contingency".

3. By renumbering as necessary.

AMANDA RAGAN

S–3171

Amend Senate File 467 as follows:

1. Page 13, by inserting after line 4 the following:

"Sec. ___. Section 455B.134, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. In providing for public participation concerning an application involving prevention of significant deterioration permits for the construction or modification of a major stationary source as provided in 567 IAC 33.3, the department shall provide that not more than thirty calendar days be provided for public comment and for notification of any public hearing. A public hearing shall be held in the county impacted by the proposed source or modification. Any other public hearing may only be held in such county or a contiguous county. The department shall not reopen or extend the public comment period for more than fifteen calendar days after the department determines that the original comment period raised substantial new issues concerning the permit. The reopened or extended period for public comment shall be limited to only the substantial new issues raised during the original comment period."

2. By renumbering as necessary.

STEVEN J. SODDERS

S–3172

Amend Senate File 467 as follows:

1. Page 5, by inserting after line 2 the following:

"Sec. ___. PHARMACEUTICAL COLLECTION AND DISPOSAL PILOT PROGRAM. Of the moneys allocated under section 455E.11, subsection 2, paragraph "a", subparagraph (1), subparagraph subdivision (c), the department of natural resources shall award up to $165,000 to the board of pharmacy to implement and administer a pharmaceutical collection and disposal pilot program.

The program shall provide for the management and disposal of unused, excess, and expired pharmaceuticals. The board of pharmacy may cooperate with the Iowa pharmacy association in implementing and administering the program. The board may consult with the department and sanitary landfill operators in implementing and administering the program."

2. Page 13, by inserting after line 27 the following:

"Sec. ___. NEW SECTION. 268.6 AGRICULTURE ENERGY EFFICIENCY EDUCATION PROGRAM.

The university of northern Iowa shall, to the extent required in this section, establish and administer an agriculture energy efficiency education program to assist agricultural producers to increase profitability and reduce the amount of energy used in the production of agricultural animals and crops.

1. If established, the university shall administer the program to promote strategies or methods that the university determines best foster the most efficient use of fuel and electricity, and which may include but are not limited to any of the following:

a. Minimizing the consumption of fuel due to the idling of farm equipment.

b. Increasing fuel savings, by promoting the use of efficient planting and harvest travel patterns.

c. Optimizing the performance of farm equipment, including by the proper ballasting of tractors.

d. Designing, constructing, or remodeling agricultural buildings to be more efficient, including by using systems that incorporate natural lighting and passive solar or passive cooling materials or principles such as exposure, ventilation, and shade.

2. The university is encouraged to cooperate with agricultural and energy efficiency advocates and governmental entities in administering the program, including the office of energy independence established pursuant to section 469.2.

3. The university is not required to implement this section until moneys are made available for

implementation by the federal government.

Sec. ___. Section 455B.172, subsection 11, paragraph a, as enacted by 2008 Iowa Acts, chapter 1033, section 1, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (7) A transfer for which consideration is five hundred dollars or less.

NEW SUBPARAGRAPH. (8) A deed between a family corporation, partnership, limited partnership, limited

liability partnership, or limited liability company as defined in section 428A.2, subsection 15, and its stockholders, partners, or members for the purpose of transferring real property in an incorporation or corporate dissolution or in the organization or dissolution of a partnership, limited partnership, limited liability partnership, or limited liability company under the laws of this state, where the deed is given for no actual consideration other than for shares or for debt securities of the family corporation, partnership, limited partnership, limited liability partnership, or limited liability company.

Sec. ___. 2008 Iowa Acts, chapter 1033, section 2, is amended to read as follows:

SEC. 2. EFFECTIVE DATE. This Act takes effect ~~July 1, 2009~~ July 1, 2010.

Sec. ___. FUTURE CONTINGENT REPEAL AND CODE EDITOR NOTIFICATION. Section 268.6, as enacted by this division of this Act, is repealed on July 1, 2012, if the university of northern Iowa does not implement the section and so notifies the Code editor in writing.

Sec. ___. EFFECTIVE DATE. The section of this Act amending section 455B.172, subsection 1, paragraph "a", as enacted by 2008 Iowa Acts, chapter 1033, section 1, takes effect July 1, 2010."

3. Title page, line 3, by inserting after the word "protection" the following: ", and providing for effective dates".

4. By renumbering as necessary.

JOE M. SENG

S–3173

Amend House File 687, as passed by the House, as follows:

1. Page 1, by striking lines 15 through 24 and inserting the following: "students who drop out of school; the number of students pursuing a high school equivalency diploma pursuant to chapter 259A; the number of students who were enrolled in the district within the past five years and who received a high school equivalency diploma; the percentage of students who receive a high school diploma and who were not proficient in reading, mathematics, and science in grade eleven; the number of students in the prior year who were enrolled as high school juniors who are within four units of meeting the district's graduation requirements; the number of students who are tested".

2. Page 3, by striking lines 26 and 27.

3. Title page, by striking line 3 and inserting

the following: "and accredited nonpublic schools."
4. By renumbering as necessary.

NANCY J. BOETTGER

S-3174

Amend House File 687, as passed by the House, as follows:
1. Page 2, by striking lines 14 through 20 and inserting the following: "child's skills. If the diagnostic assessments administered in accordance with this subsection indicate that a child is reading below grade level, the school district shall submit a report of the assessment results to the parent, which the parent shall sign and return to the school district. If the parent does not sign or return the report, the school district shall note in the student's record the inaction on the part of the parent."
2. Page 2, line 21, by striking the words "~~the parent.~~"
3. Page 2, line 21, by inserting before the words "The board" the following: "If the parent does not sign or return the report, the school district shall also attempt to contact the parent at least three times or until the school district successfully communicates with the parent regarding the report of the child's assessment results, whichever occurs first. Each attempt to contact the parent shall be noted in the student's record."

PAT WARD

S–3175

Amend Senate File 465 as follows:
1. Page 2, by inserting after line 2 the following:
"Sec. ___. Section 331.604, subsection 3, Code 2009, as amended by 2009 Iowa Acts, Senate File 288, section 6, is amended to read as follows:
3. a. ~~The~~ Each county shall participate in the county land record information system and shall comply with the policies and procedures established by the governing board of the county land record information system.
b. (1) For the period beginning July 1, 2004, and ending June 30, 2009, the county recorder shall also collect a fee of one dollar for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be

used for the purpose set forth in paragraph ~~"c"~~ "d".

(2) For the period beginning July 1, 2009, and ending June 30, 2011, the recorder shall also collect a fee of three dollars for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the following purposes:

(a) Maintaining the statewide internet website and the county land record information system.

(b) Integrating information contained in documents and records maintained by the recorder and other land record information from other sources with the county land record information system.

(c) Implementing and maintaining a process for redacting personally identifiable information contained in electronic documents that are displayed for public access through an internet website or that are transferred to another person.

(3) Beginning July 1, 2011, the recorder shall also collect a fee of one dollar for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the purposes in subparagraph (2) and for the following purposes:

(a) Establishing and implementing standards for recording, processing, and archiving electronic documents and records.

(b) Expanding access to records by encouraging electronic indexing and scanning of documents and instruments recorded in prior years.

(4) Notwithstanding subparagraph (2), the fee collected by the recorder under this subsection for recording a plat of survey is one dollar, regardless of the number of pages. For purposes of this

Page 2

subparagraph, "plat of survey" means the same as defined in section 355.1, subsection 9.

(5) Fees collected in excess of the amount needed for the purposes specified in this subsection shall be used by the county land record information system to reduce or eliminate service fees for electronic submission of documents and instruments.

~~b.~~ c. The county treasurer, on behalf of the recorder, shall establish and maintain a county recorder's electronic transaction fund into which all moneys collected pursuant to paragraph ~~"a"~~ "b" shall be deposited. Interest earned on moneys deposited in this fund shall be computed based on the average monthly balance in the fund and shall be credited to the county recorder's electronic transaction fund.

~~c.~~ d. The local government electronic transaction fund is established in the office of the treasurer of state under the control of the treasurer of state. Moneys deposited into the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the local government electronic transaction fund shall be credited to the fund. Moneys in the local government electronic transaction fund are not subject to transfer, appropriation, or reversion to any other fund, or any other use except as provided in this ~~paragraph "c"~~ subsection. On a monthly basis, the county treasurer shall pay ~~each fee collected pursuant to paragraph "a"~~ the fees deposited into the county recorder's electronic transaction fund to the treasurer of state for deposit into the local government electronic transaction fund. Moneys credited to the local government electronic transaction fund are appropriated to the treasurer of state for the payment of claims approved by the governing board of the county land record information system. ~~Expenditures~~ Except as otherwise provided in this subsection, expenditures from the fund shall be for the purpose of planning and implementing electronic recording and electronic transactions in each county, ~~and~~ developing county and statewide internet websites to provide electronic access to records and information, and to pay the ongoing costs of integrating and maintaining the statewide internet website.

~~d.~~ e. The recorder shall make available any information required by the county auditor or auditor of state concerning the fees collected under this subsection for the purposes of determining the amount of fees collected and the uses for which such fees are expended."

Page 3

2. By striking page 2, line 21, through page 5, line 1.

3. Page 7, line 21, by striking the words and figures "331.605C, subsection 2" and inserting the following: "331.604, subsection 3".

4. Page 7, by inserting after line 21 the following:

"Sec. ___. Section 598.21, subsection 2, Code 2009, as amended by 2009 Iowa Acts, Senate File 288, section 36, is amended to read as follows:

2. DUTIES OF COUNTY RECORDER. The county recorder shall record each quitclaim deed or change of title and shall collect the ~~fees~~ fee specified in section 331.507, subsection 2, paragraph "a", and the ~~fee~~ fees

specified in section 331.604."

5. By renumbering, redesignating, and correcting internal references as necessary.

HERMAN C. QUIRMBACH

S–3176

Amend Senate File 469 as follows:

1. Page 14, by striking lines 25 through 27 and inserting the following:

"Sec. ___. IOWA FINANCE AUTHORITY AUDIT. The auditor of state shall audit the Iowa finance authority."

2. By renumbering as necessary.

JAMES F. HAHN

S–3177

Amend House File 488, as passed by the House, as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 216C.11, subsection 2, Code 2009, is amended to read as follows:

2. A person with a disability ~~or~~, a person assisting a person with a disability by controlling an assistive animal, or a person training an assistive animal has the right to be accompanied by a service dog or an assistive animal, under control, in any of the places listed in sections 216C.3 and 216C.4 without being required to make additional payment for the service dog or assistive animal. A landlord shall waive lease restrictions on the keeping of animals for the service dog or assistive animal of a person with a disability. The person is liable for damage done to any premises or facility by a service dog or assistive animal."

2. Title page, line 1, by inserting after the words "to" the following "assistive or service animals including provisions relating to persons controlling the assistive animal and".

3. By renumbering as necessary.

BRAD ZAUN

S–3178

Amend House File 260, as passed by the House, as follows:

1. Page 18, line 14, by inserting after the words "seven-member board." the following: "However, if a three-member board is expanded to a five-member board, the resulting five-member board shall not be expanded to a seven-member board until after the second succeeding general or regular city election following the expansion to a five-member board."

HERMAN C. QUIRMBACH
KEITH A. KREIMAN

S–3179

Amend House File 260, as passed by the House, as follows:

1. Page 11, line 24, by striking the word "Accept" and inserting the following: "a. Accept money or".

2. Page 11, by inserting after line 30 the following:

"b. If the amount of money or the value of property accepted by a board of hospital trustees exceeds one thousand dollars and the money or property was accepted for a specified purpose or the acceptance of the money or property was according to specific terms or conditions, the board shall adopt a resolution specifying the amount of money or the value of the property and the terms or conditions of accepting the money or property. The board of hospital trustees shall use the money or property according to the terms or conditions specified in the resolution."

HERMAN C. QUIRMBACH
KEITH A. KREIMAN

S–3180

Amend Senate File 457 as follows:

1. Page 7, by inserting after line 8 the following:

"DIVISION III
DISASTER REVITALIZATION AREAS

Sec. ___. Section 364.19, Code 2009, is amended to read as follows:

364.19 CONTRACTS TO PROVIDE SERVICES TO TAX-EXEMPT PROPERTY.

A city council or county board of supervisors may enter into a contract with a person whose property is totally or partially exempt from taxation under chapter 404, chapter 404B, section 427.1, or section

427B.1, for the city or county to provide specified services to that person including but not limited to police protection, fire protection, street maintenance, and waste collection. The contract shall terminate as of the date previously exempt property becomes subject to taxation.

Sec. ___. NEW SECTION. 404B.1 DISASTER REVITALIZATION AREA.

1. a. The governing body of a city may, by ordinance, designate an area of the city a disaster revitalization area if that area is within a county or portion of a county in which the governor has proclaimed a disaster emergency or the United States president has declared a major disaster.

b. The governing body of a county may, by ordinance, designate an area of the county outside the boundaries of a city as a disaster revitalization area if that area is within a county or portion of a county in which the governor has proclaimed a disaster emergency or the United States president has declared a major disaster.

2. A disaster revitalization area shall be composed of contiguous parcels. However, the governing body of a city or the governing body of a county may establish more than one disaster revitalization area.

Sec. ___. NEW SECTION. 404B.2 CONDITIONS MANDATORY.

A city or county may only exercise the authority conferred upon it in this chapter after all of the following conditions have been met:

1. The governing body has adopted a resolution finding that the property located within the area was damaged by a disaster, that revitalization of the area is in the economic interest of the residents of the city or county, as applicable, and the area substantially meets the criteria of section 404B.1.

2. The city or county has prepared a proposed plan for the designated disaster revitalization area. The proposed disaster revitalization plan shall include all of the following:

a. A legal description of the real property forming the boundaries of the proposed area along with a map depicting the existing parcels of real property.

b. The assessed valuation of the real property in the proposed area as of January 1, 2007, listing the land and building values separately.

c. A list of names and addresses of the owners of record of real property within the area.

d. The existing zoning classifications and district boundaries and the existing and proposed land uses within the area.

e. The exemption percentage applicable in the proposed area pursuant to section 404B.4.

f. A statement specifying whether none, some, or all of the property assessed as residential, agricultural, commercial, or industrial property within the designated area is eligible for the exemption under section 404B.4.

g. A definition of revitalization, including whether it is applicable to existing buildings, new construction, or development of previously vacant land. A definition of revitalization may also include a requirement for a minimum increase in assessed valuation of individual parcels of property in the area.

h. A statement specifying the duration of the designated disaster revitalization area.

i. A description of planned measures to mitigate or prevent future disaster damage in the area.

j. A description of revitalization projects commenced prior to the effective date of the plan that are eligible for the exemption under section 404B.4.

3. a. The city or county has scheduled a public hearing and published notice of the hearing in accordance with section 362.3 or 331.305, as applicable. In addition to notice by publication, notification shall also be given by ordinary mail to the last known address of the owners of record. The city or county shall also send notice by ordinary mail addressed to the "occupants" of addresses located within the proposed area, unless the governing body of the city or county, by reason of lack of a reasonably current and complete address list, or for other good cause, shall have waived the notice.

b. The notice provided by mail to owners and occupants within the area shall be given no later than

thirty days before the date of the public hearing.

4. The public hearing has been held.

5. The city or county has adopted the proposed or amended plan for the disaster revitalization area after the hearing.

Sec. ___. NEW SECTION. 404B.3 DISASTER REVITALIZATION PLAN AMENDMENTS.

1. The city or county may subsequently amend a disaster revitalization plan after a hearing. Notice of the hearing shall be published as provided in section 362.3 or 331.305, except that at least seven

days' notice must be given, and the public hearing shall not be held earlier than the next regularly scheduled city council or board of supervisors meeting following the published notice. Notice shall also be provided by ordinary mail to owners and occupants within the area and any proposed addition to the area.

2. A city which has adopted a plan for a disaster revitalization area that covers all property within the city limits may amend that plan at any time, pursuant to this section, to include property which has been or will be annexed to the city. The provisions of the original disaster revitalization plan shall be applicable to the property that is annexed and the property shall be considered to have been part of the disaster revitalization area as of the effective date of its annexation to the city. The notice and hearing provisions of subsection 1 shall apply to amendments under this subsection.

Sec. ___. NEW SECTION. 404B.4 BASIS OF TAX EXEMPTION.

1. All real property within a disaster revitalization area is eligible to receive a one hundred percent exemption from taxation on the increase in assessed value of the property, as compared to the property's assessed value on January 1, 2007, if the increase in assessed value is attributable to revitalization of the property occurring between May 25, 2008, and December 31, 2013. The exemption is for a period not to exceed five years, starting with an assessment year beginning on or after January 1, 2010.

2. A city or county may adopt a different tax exemption percentage than the exemption provided in subsection 1. The different percentage adopted shall not allow a greater exemption, but may allow a smaller exemption. A different percentage adopted by a city or county shall apply to every disaster revitalization area within the city or county. The owners of real property eligible for the exemption provided in this

section shall elect to take the exemption or shall elect to take an eligible exemption provided under another statute. Once the election has been made and the exemption granted, the owner is not permitted to change the method of exemption.

Sec. ___. NEW SECTION. 404B.5 APPLICATION FOR EXEMPTION BY PROPERTY OWNER.

An application shall be filed for each revitalization project resulting in increased assessed value for which an exemption is claimed. The

application for exemption shall be filed by the owner of the property with the local assessor by February 1 of the first assessment year for which the exemption is requested. Applications for exemption shall be made on forms prescribed by the local assessor and shall contain information pertaining to the requirements under this section and any requirements imposed by a city or county governing body.

Sec. ___. NEW SECTION. 404B.6 PHYSICAL REVIEW OF PROPERTY BY ASSESSOR.

The local assessor shall review each application by making a physical review of the property to determine if the revitalization project increased the assessed value of the real property. If the assessor determines that the assessed value of the real property has increased, the assessor shall proceed to determine the assessed value of the property and certify the valuation determined to the county auditor at the time of transmitting the assessment rolls. The assessor shall notify the applicant of the determination, and the assessor's decision may be appealed to the local board of review at the times specified in section 441.37. After the tax exemption is granted, the local assessor shall continue to grant the tax exemption, with periodic physical review by the assessor, for the time period specified by ordinance. The tax exemption for the succeeding years shall be granted without the taxpayer having to file an application for the succeeding years, unless additional revitalization projects occur on the property.

Sec. ___. NEW SECTION. 404B.7 EXPIRATION OR REPEAL OF ORDINANCE.

An ordinance enacted under this chapter shall expire or be repealed no later than December 31, 2016.

Sec. ___. Section 437A.19, subsection 1, paragraph a, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) The local amount of any major addition eligible for the disaster

Page 5

revitalization exemption provided for in chapter 404B, by situs.

Sec. ___. Section 437A.19, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. In the event any taxpayer property is eligible for the disaster revitalization tax exemption described in chapter 404B, adjust the assessed value of taxpayer property within each

affected local taxing district to reflect such exemption.

Sec. ___. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment."

2. Title page, line 13, by inserting after the word "funds," the following: "authorizing cities and counties to create disaster revitalization areas,".

3. By renumbering as necessary.

ROBERT M. HOGG

S–3181

Amend Senate File 465 as follows:

1. Page 6, by inserting after line 10 the following:

"Sec. ___. Section 331.606A, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. DISSEMINATION OF DOCUMENTS. Persons who have contracted with a county recorder or the governing board of the county land record information system to redact personally identifiable information from electronic documents pursuant to subsection 3 shall not sell, transfer, or otherwise disseminate the electronic documents in an unaltered or redacted form, except as provided for in the contract."

2. By renumbering as necessary.

KEITH A. KREIMAN

S–3182

Amend Senate File 469 as follows:

1. Page 2, line 11, by striking the figure "77,936" and inserting the following: "38,936".

2. Page 2, by inserting before line 15 the following:

"9. VACANT, FUNDED FULL-TIME EQUIVALENT POSITIONS. The appropriations under this section shall be reduced by $519,000. The department shall offset the reduction by eliminating vacant, funded full-time equivalent positions. Any of the appropriations in subsections 3 through 7 may be used for purposes of achieving the reductions required under this subsection. By January 1, 2010, the department shall submit a written report to the joint appropriations subcommittee on economic development identifying the positions eliminated."

3. Page 3, line 35, by striking the figure

"5,965,227" and inserting the following: "5,565,227".

4. Page 4, by inserting before line 1 the following:

"Of the moneys appropriated pursuant to this subsection, the department shall expend $400,000 less for the support and maintenance of offices in foreign countries than in the fiscal year beginning July 1, 2008."

5. Page 6, line 14, by striking the figure "125,000" and inserting the following: "66,000".

6. Page 6, by inserting before line 21 the following:

"7. VACANT, FUNDED FULL-TIME EQUIVALENT POSITIONS. The appropriations under this section shall be reduced by $96,000. The department shall offset the reduction by eliminating vacant, funded full-time equivalent positions. Any of the appropriations in subsections 1 through 3 may be used for purposes of achieving the reductions required under this subsection. By January 1, 2010, the department shall submit a written report to the joint appropriations subcommittee on economic development identifying the positions eliminated."

7. Page 11, line 22, by striking the figure "2,884,187" and inserting the following: "2,748,187".

8. Page 11, line 23, by striking the figure "30.00" and inserting the following: "29.00".

9. Page 12, by inserting before line 23 the following:

"3A. VACANT, FUNDED FULL-TIME EQUIVALENT POSITIONS. The appropriations under this section shall be reduced by $610,000. The department shall offset the reduction by eliminating vacant, funded full-time equivalent positions. Any of the

Page 2

appropriations in subsections 1 through 3 may be used for purposes of achieving the reductions required under this subsection. By January 1, 2010, the department shall submit a written report to the joint appropriations subcommittee on economic development identifying the positions eliminated."

10. By renumbering as necessary.

TIM L. KAPUCIAN

S–3183

Amend Senate File 469 as follows:

1. Page 15, by inserting before line 18 the following:

"Sec. ___. EXPENDITURES FOR CELLULAR TELEPHONES

AND PERSONAL DIGITAL ASSISTANTS PROHIBITED. Notwithstanding any provision to the contrary, other than for employees performing inspections or who are otherwise normally performing their primary duties away from a fixed location more than 70 percent of the time, for the fiscal year beginning July 1, 2009, a department receiving appropriations in this Act shall not expend moneys appropriated from the general fund of the state to pay for or reimburse the initial or associated service costs for cellular telephones, personal digital assistant devices, or handheld computers. However, the executive council may authorize an exception on a case-by-case basis, to address an emergency situation for a period of time not more than three consecutive calendar months in length or to complete the minimum period specified under the terms of a lease or contract."

2. By renumbering as necessary.

KIM REYNOLDS

S–3184

Amend the amendment, S–3175, to Senate File 465, as follows:

1. Page 2, line 45, by inserting after the word "e." the following: "(1) The county treasurer, on behalf of the recorder, shall establish and maintain a county recorder's redaction fund into which all moneys collected pursuant to section 331.606B, subsection 7, shall be deposited. Interest earned on moneys deposited in this fund shall be computed based on the average monthly balance in the fund and shall be credited to the county recorder's redaction fund.

(2) The local government redaction fund is established in the office of the treasurer of state under the control of the treasurer of state. Moneys deposited into the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the local government redaction fund shall be credited to the fund. Moneys in the local government redaction fund are not subject to transfer, appropriation, or reversion to any other fund, or any other use except as provided in this subparagraph. On a monthly basis, the county treasurer shall pay the fees deposited into the county recorder's redaction fund to the treasurer of state for deposit into the local government redaction fund. Moneys credited to the local government redaction fund are appropriated to the treasurer of state for the payment of claims approved by the governing board of the county land record information system.

Expenditures from the fund shall be used for the purpose specified in paragraph "b", subparagraph (2), subparagraph division (d), and may be combined with expenditures made from the local government electronic transaction fund for that purpose.

f."

2. Page 2, line 48, by inserting after the word "subsection" the following: "or under section 331.606B, subsection 7".

3. Page 3, by inserting after line 2 the following:

"___. Page 7, by striking lines 5 through 9 and inserting the following:

"Sec. ___. Section 331.606B, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Except as otherwise provided in ~~subsection~~ subsections 6 and 7, the county recorder shall refuse any document or instrument presented for recording that does not meet the following requirements:

Sec. ___. Section 331.606B, Code 2009, is amended

Page 2

by adding the following new subsection:

NEW SUBSECTION. 7. a. On or after July 1, 2009, a document or instrument that does not conform to the requirements of section 331.606A, subsection 2, shall not be accepted for recording except upon payment of an additional recording fee of one hundred dollars per document or instrument. The requirement applies only to documents or instruments dated on or after July 1, 2009, and does not apply to those documents or instruments specifically exempted under subsection 4.

b. Additional recording fees collected under paragraph "a" shall be deposited in the county recorder's redaction fund established in section 331.604, subsection 3, paragraph "e"."

4. By renumbering as necessary.

MATT McCOY

S–3185

Amend Senate File 466 as follows:

1. Page 6, by inserting before line 24 the following:

"Sec. ___. Section 423A.2, subsection 3, Code 2009, is amended to read as follows:

3. "Lodging" means rooms, apartments, or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, or manufactured or mobile home which is

tangible personal property, or in a tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals. Lodging does not include rooms that are not used for sleeping accommodations."

2. By renumbering as necessary.

ROBERT M. HOGG
BRAD ZAUN

S–3186

HOUSE AMENDMENT TO
SENATE FILE 151

Amend Senate File 151, as amended, passed, and reprinted by the Senate, as follows:

1. Page 4, by striking lines 29 through 31 and inserting the following: "expenditure under this section."

2. Page 5, by striking lines 25 through 27 and inserting the following:

"Sec. ___. Section 327J.2, subsections 1 and 2, Code 2009, are amended to read as follows:"

3. Page 6, by striking lines 8 through 12.

4. By renumbering as necessary.

S–3187

HOUSE AMENDMENT TO
SENATE FILE 336

Amend Senate File 336, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 2, by striking the words "each fiscal year of the fiscal period" and inserting the following: "the fiscal year".

2. Page 1, by inserting after line 12 the following:

"If the board receives repayments of or recaptures financial assistance awarded in a fiscal year prior to the fiscal year beginning July 1, 2009, and ending June 30, 2010, the board may grant all or a portion of an applicant's waiver request pursuant to this subsection 1 and use the repayments or recaptured financial assistance to provide financial assistance under this subsection to an applicant during the fiscal year beginning July 1, 2009, and ending June 30, 2010."

3. By renumbering as necessary.

S–3188

HOUSE AMENDMENT TO
SENATE FILE 356

Amend Senate File 356, as passed by the Senate, as follows:

1. By striking page 1, line 20, through page 5, line 14, and inserting the following:

"Sec. ___. NEW SECTION. 321.200A CONVICTIONS BASED UPON FRAUD.

1. If a person discovers a record of conviction for a scheduled violation under this chapter was entered by fraudulent use of the person's name or by use of other fraudulent identification, the person may, within one year of the date of the discovery of the conviction, submit a written application to the department to investigate the allegation. The department may summarily reject the application as submitted, or proceed to investigate the application. If the department investigates the application, the department may either deny the application or if the department determines the allegation is warranted, approve the application. If the department investigates the application the department shall also issue a report and findings with the decision of the department. The rejection, approval, or denial of an application is not subject to contested case proceedings or further review as provided in chapter 17A. If the application is investigated, the department shall provide the applicant with a certified copy of the decision of the department. If the department approves the application, the department shall also provide the applicant with a certified copy of the investigative report and findings. The department shall also provide certified copies of the department's decision approving or denying the application together with the investigative report and findings to the appropriate prosecuting attorney in the city or county that prosecuted the scheduled violation, and to the district court in the county that prosecuted the scheduled violation. The department may electronically provide copies of any decision approving or denying the application and the investigative report and findings, to the district court.

2. A person who discovers that a record of conviction for a scheduled violation under this chapter was entered by fraudulent use of the person's name or by use of other fraudulent identification, may bypass the application process in subsection 1, and

move in district court to set aside the judgment of conviction within one year of discovery of the conviction. An applicant with an approved application

Page 2

under subsection 1, shall also move in district court to set aside the judgment of conviction in order to have the department expunge or alter the records of the department or rescind or modify an administrative sanction. If the district court grants the motion to set aside the judgment, the district court shall order the charging agency or official to modify the records of the agency or official to reflect the order setting aside the judgment. The clerk of the district court shall provide the court order setting aside the judgment, either by regular mail or electronic means, to the charging agency or official, and the department of transportation. The clerk of the district court shall also provide the applicant with a certified copy of the court order at no cost to the applicant.

3. Notwithstanding the department's approval of an application pursuant to subsection 1, the department shall not expunge or alter the records of the department or rescind or modify an administrative sanction unless the department receives an order from the district court setting aside the previous judgment of the court as provided in subsection 2. Upon receiving a copy of an order from the district court setting aside the previous judgment of the court, the department shall expunge the record and shall rescind any administrative sanction imposed upon the applicant as a result of the judgment, unless the applicant is subject to sanctions for other reasons. The department may impose a new sanction if expunging the judgment would result in a lesser or different sanction.

4. The department shall adopt rules pursuant to chapter 17A to implement this section.

Sec. ___. Section 811.9, Code 2009, is amended to read as follows:

811.9 FORFEITURE OF APPEARANCE BOND.

Sections 811.6 through 811.8 shall not apply in a case where a simple misdemeanor is charged upon a uniform citation and complaint and where the defendant has submitted an unsecured appearance bond or has submitted bail in the form of cash, check, credit card as provided in section 805.14, or guaranteed arrest bond certificate as defined in section 321.1. When a defendant fails to appear as required in such cases, the court, or the clerk of the district court, shall enter a judgment of forfeiture of the bond or bail.

The judgment shall be final upon entry and shall not be set aside unless a conviction for a scheduled violation under chapter 321 was set aside under the procedures established in section 321.200A."

Page 3

2. By renumbering as necessary.

S–3189

HOUSE AMENDMENT TO
SENATE FILE 377

Amend Senate File 377, as passed by the Senate, as follows:

1. Page 1, by striking line 5 and inserting the following: "low-income Iowans and Iowans who have been victims of a state of disaster emergency proclaimed by the governor pursuant to section 29C.6 or a public health disaster as defined in section 135.140, subsection 6, through a prescription drug".

S–3190

HOUSE AMENDMENT TO
SENATE FILE 379

Amend Senate File 379, as passed by the Senate, as follows:

1. Page 1, line 35, by striking the word "adjust" and inserting the following: "examine and consider adjusting".

S–3191

HOUSE AMENDMENT TO
SENATE FILE 423

Amend Senate File 423, as passed by the Senate, as follows:

1. Page 1, line 4, by striking the words "other than a dispenser".

2. Page 1, line 13, by inserting before the words "to dispense" the following: "that does not satisfy the requirement in subsection 2".

3. Page 1, line 14, by striking the words "E-9 or higher" and inserting the following: "higher than E-10".

4. Page 2, line 19, by striking the word "class" and inserting the following: "model".

5. Page 2, line 25, by striking the word "class" and inserting the following: "model".
6. By striking page 2, line 32, through page 3, line 5.
7. Page 3, by striking lines 6 and 7.
8. Title page, by striking lines 2 and 3, and inserting the following: "by authorizing the use of secondary containment."
9. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S–3192

HOUSE AMENDMENT TO
SENATE FILE 419

Amend Senate File 419, as passed by the Senate, as follows:
1. Page 4, by inserting after line 20 the following:
"Sec. ___. Section 321.194, subsection 1, paragraph a, subparagraph (1), Code 2009, is amended to read as follows:
(1) During the hours of ~~6~~ 5 a.m. to 10 p.m. over the most direct and accessible route between the licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities within the school district."
2. Page 4, by inserting after line 20 the following:
"Sec. ___. Section 321.194, subsection 1, paragraph a, Code 2009, is amended by adding the following new subparagraph:
NEW SUBPARAGRAPH. (1A) To a service station for the purpose of refueling, so long as the service station is the station closest to the route the licensee is traveling on under subparagraph (1)."
3. Page 5, by inserting after line 2 the following:
"Sec. ___. Section 321.218, subsection 3, Code 2009, is amended to read as follows:
3. a. The department, upon receiving the record of the conviction of a person under this section upon a charge of operating a motor vehicle while the license of the person is suspended or revoked, shall, except for licenses suspended under section 252J.8, 321.210, subsection 1, paragraph "c", or section 321.210A or 321.513, extend the period of suspension or revocation for an additional like period or for one

year, whichever period is shorter, and the department shall not issue a new driver's license to the person during the ~~additional~~ extended period.

b. If the department receives a record of a conviction of a person under this section but the person's driving record does not indicate what the original grounds of suspension were, the period of suspension under this subsection shall be for a period not to exceed six months."

4. Page 5, by inserting after line 2 the following:

"Sec. ___. Section 321J.4, subsection 2, Code 2009, is amended to read as follows:

2. If a defendant is convicted of a violation of

Page 2

section 321J.2, and the defendant's driver's license or nonresident operating privilege has not already been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for two years if the defendant has had a previous conviction or revocation under this chapter. The defendant shall not be eligible for any temporary restricted license for ~~one year~~ forty-five days after the effective date of revocation. The defendant shall be ordered to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

5. Page 6, by inserting after line 1 the following:

"Sec. ___. Section 805.6, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. The written appearance defined in paragraph "b" shall not be used for any offense other than a simple misdemeanor ~~and shall not be used for any offense under section 321.218 or 321A.32~~."

6. Page 6, by inserting after line 2 the following:

"Sec. ___. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 321J.13, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2005, for disqualifications in effect on or after that date."

7. Page 11, by inserting after line 26 the

following:

"Sec. ___. Section 321.166, subsection 2, Code 2009, is amended to read as follows:

2. Every registration plate or pair of plates shall display a registration plate number which shall consist of alphabetical or numerical characters or a combination thereof and the name of this state, which may be abbreviated. Every registration plate issued by the county treasurer shall display the name of the county, including any plate issued pursuant to section 321.34, except Pearl Harbor and purple heart registration plates issued prior to January 1, 1997~~.~~; registration plates issued pursuant to section 321.34, subsection 13, paragraph "d"; and collegiate, fire fighter, and medal of honor registration plates.

Page 3

Special truck registration plates shall display the word "special". The department may adopt rules to implement this subsection."

8. Page 12, by inserting after line 4 the following:

"Sec. ___. Section 321A.17, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The registration suspension required under this section does not apply to a motor vehicle awarded to an individual under an order entered pursuant to section 598.21, if all of the following apply:

a. The individual was the co-owner of the motor vehicle with a spouse who is required to file and maintain proof of financial responsibility.

b. The individual is not otherwise required to file and maintain proof of financial responsibility.

c. The individual is not able to obtain title to the motor vehicle in the individual's sole name due to a lien against the motor vehicle that existed at the time the order was entered pursuant to section 598.21."

9. Page 19, by inserting after line 3 the following:

"Sec. ___. EFFECTIVE DATE. The section of this division of this Act enacting section 321A.17, subsection 9, being deemed of immediate importance, takes effect upon enactment."

10. Page 21, by striking lines 2 through 25 and inserting the following:

"NEW SUBSECTION. 8. In the course of enforcing the motor carrier safety rules adopted by the department under chapter 17A, the department's peace officers are authorized, at reasonable times and

places and with reasonable notice, to enter a motor carrier's place of business for the purpose of performing a motor carrier safety audit or compliance review. Nothing in this subsection by itself permits the seizure of the property of a motor carrier. Any audit or review shall be conducted in compliance with the federal motor carrier safety regulations in 49 C.F.R. pts. 105–185, 382, 383, 385, and 390–399. A peace officer of the department is authorized to inspect and copy motor carrier records required by 49 C.F.R. pts. 105–185, 382, 383, 385, and 390–399."

11. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S–3193

Amend House File 562, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 25 through 27 and inserting the following: "appointment to the council."

2. Page 2, line 13, by inserting before the words "a family" the following: "a provider who is exempt from licensing or registration under this chapter or".

HERMAN C. QUIRMBACH
MERLIN BARTZ

S–3194

Amend Senate File 471 as follows:

1. Page 28, by inserting after line 30 the following:

"Sec. ___. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment."

2. Title page, line 4, by striking the word "and".

3. Title page, line 6, by inserting after the word "authority" the following: ", and providing an effective date".

4. By renumbering as necessary.

ROBERT M. HOGG

S–3195

Amend Senate File 470 as follows:

1. Page 18, by inserting after line 30 the following:

"Sec. ___. Section 256.51, subsection 1, Code 2009, is amended by adding the following new

paragraph:

NEW PARAGRAPH. k. Require a public library that receives state funds to adopt a policy to restrict the content of video materials a child under seventeen years of age may borrow from the library to those video cassettes or digital video discs that receive a G, PG, or PG–13 rating under the motion picture association of America's rating system."

2. By renumbering as necessary.

BRAD ZAUN
LARRY NOBLE
DAVID JOHNSON
MERLIN BARTZ
DAVID HARTSUCH
NANCY J. BOETTGER
JAMES A. SEYMOUR
SHAWN HAMERLINCK
HUBERT HOUSER
JAMES F. HAHN
RANDY FEENSTRA
STEVE KETTERING
PAUL McKINLEY
JERRY BEHN
PAT WARD
RON WIECK
TIM L. KAPUCIAN
KIM REYNOLDS

S–3196

Amend Senate File 470 as follows:

1. Page 22, by inserting after line 29 the following:

"Sec. ___. Section 257.17, Code 2009, is amended to read as follows:

257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced by one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest starting date specified in section 279.10, subsection 1. However, this section does not apply to a school district that has received approval from the ~~director of the~~ department of education ~~under section 279.10, subsection 4, to commence classes for regularly established elementary and secondary schools in advance of the starting date established in~~ for a pilot program for an innovative school year in accordance with section 279.10, subsection ~~1~~ 3."

2. Page 27, by inserting after line 17 the following:

"Sec. ___. Section 279.10, subsections 1 and 2, Code 2009, are amended to read as follows:

1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than ~~a day during the calendar week in which the first day of September falls~~ the fourth Monday in August but no later than the first Monday in December~~. However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September~~ unless the school district has received approval from the department of education for a pilot program for an innovative school year in accordance with subsection 3~~.~~ School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. However, if the board of directors of a district extends the school calendar because inclement weather caused the district to temporarily close school during the regular school calendar, the district may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school. The earliest starting date specified in this subsection shall not apply to a school district which maintains a year

Page 2

around three semester school year.

2. The board of directors shall hold a public hearing on any ~~proposal~~ request made pursuant to subsection 3 prior to submitting it to the department of education for approval.

Sec. ___. Section 279.10, subsection 4, Code 2009, is amended by striking the subsection.

Sec. ___. Section 280.3, subsection 1, Code 2009, is amended to read as follows:

1. The board of directors of each public school district and the authorities in charge of each nonpublic school shall prescribe the minimum educational program and an attendance policy which shall require each child to attend school for at least one hundred forty-eight days, to be met by attendance for at least thirty-seven days each school quarter, for the schools under their jurisdictions. Each public school and nonpublic school shall comply with the start date and school calendar requirements specified in section 279.10, subsection 1."

3. Page 34, line 24, by inserting after the word "EFFECTIVE" the following: "AND APPLICABILITY".
4. Page 34, by inserting after line 30 the following:
"___. The sections of this Act amending sections 257.17, 279.10, and 280.3 take effect July 1, 2010, and are applicable for school years beginning on or after that date."
5. Title page, line 5, by inserting after the word "effective" the following: "and applicability".
6. By renumbering as necessary.

DAVID JOHNSON
STEVE KETTERING
NANCY J. BOETTGER
PAUL McKINLEY
PAT WARD
RON WIECK
TIM L. KAPUCIAN

S–3197

Amend Senate File 470 as follows:
1. Page 16, by striking lines 10 through 13.
2. Page 16, line 14, by striking the figure "(2)".
3. Page 24, by striking lines 34 and 35 and inserting the following: "system."
4. Page 25, by striking lines 4 through 21 and inserting the following: "postsecondary education or training to ~~persons~~ a person who ~~have~~ has a high school diploma or a high school equivalency diploma under chapter 259A~~, are age eighteen through twenty-three,~~ and ~~are~~ is described by any of the following:
a. Is age seventeen and is in a court-ordered placement under chapter 232 under the care and custody of the department of human services or juvenile court services.
b. Is age seventeen and has been placed in the state training school or the Iowa juvenile home pursuant to a court order entered under chapter 232 under the care and custody of the department of human services.
c. Is age eighteen through twenty-three and is described by any of the following:
(1) On the date the person reached age eighteen or during the thirty calendar days preceding or succeeding that date, the person was in a licensed foster care placement pursuant to a court order entered under chapter 232 under the care and custody of the department of human services or juvenile court

services.

~~b.~~ (2) On the date the person reached age eighteen or during the thirty calendar days preceding or succeeding that date, the person was under a court order under chapter 232 to live with a relative or other suitable person.

~~c.~~ (3) The person was in a licensed foster care placement pursuant to an order entered under chapter 232 prior to being legally adopted after reaching age sixteen.

~~d.~~ (4) On the date the person reached age eighteen".

5. Page 27, by inserting after line 17 the following:

"Sec. ___. Section 264.5, Code 2009, is amended to read as follows:

264.5 FEES.

For the preparation of ~~each of such transcripts~~ a transcript in accordance with section 264.4, the state university may charge a nominal fee~~, not to exceed~~

Page 2

~~five dollars,~~ to compensate the institution for ~~the actual~~ its actual costs, including but not limited to the labor ~~of~~ involved in recording the credits~~,~~ and preparing a transcript, and postage~~, etc~~."

6. By striking page 29, line 33, through page 31, line 27.

7. By renumbering as necessary.

BRIAN SCHOENJAHN

S–3198

Amend Senate File 470 as follows:

1. Page 34, by inserting after line 9 the following:

"Sec. ___. Section 422.12, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A tuition credit equal to ~~twenty-five~~ fifty percent of the first one thousand dollars which the taxpayer has paid to others for each dependent in grades kindergarten through twelve, for tuition and textbooks of each dependent in attending an elementary or secondary school situated in Iowa, which school is accredited or approved under section 256.11, which is not operated for profit, and which adheres to the provisions of the federal Civil Rights Act of 1964 and chapter 216. As used in this subsection, "textbooks" means books and other instructional materials and

equipment used in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state and does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship. "Textbooks" includes books or materials used for extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature. Notwithstanding any other provision, all other credits allowed under this section shall be deducted before the tuition credit under this subsection. The department, when conducting an audit of a taxpayer's return, shall also audit the tuition tax credit portion of the tax return."

2. Title page, line 4, by inserting after the word "matters," the following: "increasing the tuition tax credit,".

3. By renumbering as necessary.

RANDY FEENSTRA

S–3199

Amend Senate File 470 as follows:

1. Page 19, by striking lines 1 through 9 and inserting the following: "counted as three-tenths of one pupil. School districts shall not spend less in a given fiscal year than the amount expended for the delivery of home school assistance programming during the previous fiscal year ~~beginning July 1, 2007,~~ unless there is a decline in enrollment in the program. If a school district offered a home school assistance program in the fiscal year beginning July 1, 2007, it shall continue to offer a home school assistance program in the fiscal year beginning July 1, 2008, and subsequent fiscal years. If the school district".

NANCY J. BOETTGER
JAMES A. SEYMOUR
HUBERT HOUSER
JAMES F. HAHN

S–3200

Amend House File 759, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by inserting before line 1, the

following:

"Section 1. Section 8A.321, subsection 7, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For real property projects beginning construction on or after July 1, 2013, a project must incorporate applicable storm water management standards adopted pursuant to section 455B.277A.

Sec. 2. NEW SECTION. 15A.5 ECONOMIC DEVELOPMENT FINANCIAL ASSISTANCE — STORM WATER MANAGEMENT STANDARDS.

Financial assistance for economic development shall not be given for purposes of a vertical infrastructure project unless the project incorporates applicable storm water management standards adopted pursuant to section 455B.277A. For purposes of this section, "vertical infrastructure" means the same as defined in section 8.57, subsection 6, paragraph "c". This section applies to projects that begin construction on or after July 1, 2013.

Sec. 3. Section 262.9, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Manage and control the property, both real and personal, belonging to the institutions. For any construction project beginning on or after July 1, 2013, the project must incorporate applicable storm water management standards adopted pursuant to section 455B.277A. The board shall purchase or require the purchase of, when the price is reasonably competitive and the quality as intended, soybean-based inks. All inks purchased that are used internally or are contracted for by the board shall be soybean-based to the extent formulations for such inks are available."

2. Page 1, by inserting after line 29, the following:

"Sec. ___. NEW SECTION. 455B.277A STORM WATER MANAGEMENT STANDARDS.

1. By July 1, 2010, the department of natural resources, in cooperation with the department of agriculture and land stewardship, shall adopt storm water management standards designed to limit water runoff, reduce future flood damage, and improve water quality.

2. All cities and counties shall adopt development standards to incorporate storm water management standards adopted pursuant to subsection 1 and limit

Page 2

development in a five hundred year floodplain, unless the development is designed to mitigate future flood

damage, by the following dates:

a. By July 1, 2015, for each city with a population of, and for each county whose largest city has a population of, more than two hundred thousand, according to the most recent federal decennial census.

b. By July 1, 2013, for each city with a population of, and for each county whose largest city has a population of, one hundred thousand but not more than two hundred thousand, according to the most recent federal decennial census.

c. By July 1, 2015, for each city with a population of, and for each county whose largest city has a population of, ten thousand but less than one hundred thousand, according to the most recent federal decennial census.

d. By July 1, 2017, for each city with a population of, and for each county whose largest city has a population of, one thousand but less than ten thousand, according to the most recent federal decennial census.

e. For each city with a population of less than one thousand, this subsection is not applicable.

3. A city or county shall not approve public funding or the use of tax increment financing for any project or development that does not conform to storm water management standards, by the following dates:

a. On or after July 1, 2015, for each city with a population of, and for each county whose largest city has a population of, more than two hundred thousand, according to the most recent federal decennial census.

b. On or after July 1, 2013, for each city with a population of, and for each county whose largest city has a population of, one hundred thousand but not more than two hundred thousand, according to the most recent federal decennial census.

c. On or after July 1, 2015, for each city with a population of, and for each county whose largest city has a population of, ten thousand but less than one hundred thousand, according to the most recent federal decennial census.

d. On or after July 1, 2017, for each city with a population of, and for each county whose largest city has a population of, one thousand but less than ten thousand, according to the most recent federal decennial census.

e. For each city with a population of less than one thousand, this subsection is not applicable.

4. A city or county shall not approve public

Page 3

funding or the use of tax increment financing for any project or development within a five hundred year flood plain that is not designed to mitigate future flood damage, by the following dates:

a. On or after July 1, 2015, for each city with a population of, and for each county whose largest city has a population of, more than two hundred thousand, according to the most recent federal decennial census.

b. On or after July 1, 2013, for each city with a population of, and for each county whose largest city has a population of, one hundred thousand but not more than two hundred thousand, according to the most recent federal decennial census.

c. On or after July 1, 2015, for each city with a population of, and for each county whose largest city has a population of, ten thousand but less than one hundred thousand, according to the most recent federal decennial census.

d. On or after July 1, 2017, for each city with a population of, and for each county whose largest city has a population of, one thousand but less than ten thousand, according to the most recent federal decennial census.

e. For each city with a population of less than one thousand, this subsection is not applicable.

5. If a county or city does not currently have an effective flood insurance rate map or flood hazard boundary map published by the federal emergency management agency that identifies a special flood hazard area within the political boundaries of the county or city, the county or city shall have sixty months from the effective date of any future flood insurance rate map or flood hazard boundary map published by the federal emergency management agency or the applicable time period for that county or city to implement the provisions of subsections 2, 3, and 4, to comply with the requirements of this section, whichever period is longer.

Sec. ___. Section 466A.2, subsection 2, paragraph c, Code 2009, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (8) Structures and conservation systems for the prevention and mitigation of floods within the watershed of the project.

NEW SUBPARAGRAPH. (9) Removal of channels of waterways to allow waterways to meander.

Sec. ___. Section 466B.1, Code 2009, is amended to read as follows:

466B.1 SHORT TITLE.

This chapter shall be known and may be cited as the

Page 4

"Surface Water Protection and Flood Mitigation Act".

Sec. ___. Section 466B.3, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Whether the potential for flood damage in each watershed in the state has been reduced.

Sec. ___. Section 466B.3, subsection 4, paragraph l, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The governor, who shall be the chairperson, or the governor's designee. As the chairperson, and in order to further the coordination efforts of the council, the governor may invite representatives from any other public agency, private organization, business, citizen group, or nonprofit entity to give public input at council meetings provided the entity has an interest in the coordinated management of land resources, soil conservation, flood mitigation, or water quality. The governor shall also invite and solicit advice from the following:

Sec. ___. Section 466B.3, subsection 4, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. m. The dean of the college of engineering at the university of Iowa or the dean's designee.

NEW PARAGRAPH. n. The director of the rebuild Iowa office or the director's designee, until June 30, 2011.

Sec. ___. Section 466B.3, subsection 6, paragraph b, subparagraph (9), Code 2009, is amended to read as follows:

(9) Review best available technologies on a regular basis, so that investments of time and program resources can be prioritized and directed to projects that will best and most effectively improve water quality and reduce flood damage within regional and community subwatersheds.

Sec. ___. Section 466B.3, subsection 6, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The council shall develop recommendations for policies and funding promoting a watershed management approach to reduce the adverse impact of future flooding on this state's residents, businesses, communities, and soil and water quality. Policy and funding recommendations shall be submitted to the governor and the general assembly no later than November 15, 2009. The council shall consider policies and funding options for various strategies to reduce the impact of flooding including but not limited to additional floodplain regulation; wetland

Page 5

protection, restoration, and construction; the promulgation and implementation of statewide storm water management standards; conservation easements and other land management; perennial ground cover and other agricultural conservation practices; pervious pavement, bioswales, and other urban conservation practices; and permanent or temporary water retention structures. In developing recommendations, the council shall consult with hydrological and land use experts, representatives of cities, counties, and soil and water conservation districts, and other urban and regional planning experts.

Sec. ___. Section 466B.4, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The land in watersheds and flood plains should be managed to reduce flooding, reduce flood damage, ameliorate the effects of drought, improve water quality, improve habitat and the natural environment, increase renewable energy production, and enhance economic and recreational opportunities."

3. Title page, line 1, by inserting after the word "Act" the following: "relating to the management of water, including adoption of storm water management standards,".

4. Title page, line 3, by inserting after the word "program" the following: "and relating to regional watershed, land use, and floodplain management policies".

5. By renumbering as necessary.

PAM JOCHUM
ROBERT M. HOGG

S–3201

Amend Senate File 470 as follows:

1. Page 34, by inserting after line 21 the following:

"Sec. ___. NEW SECTION. 321.179 DRIVER EDUCATION — TEACHING PARENT.

1. TEACHING PARENT. As an alternative to the driver education requirements under section 321.178, a teaching parent may instruct a student in a driver education course that meets the requirements of this section and provide evidence that the requirements under this section have been met.

2. DEFINITIONS. For purposes of this section:

a. "Approved course" means driver education curriculum approved by the department pursuant to

rules adopted under chapter 17A. An approved course shall, at a minimum, meet the requirements of subsection 3 and be appropriate for teaching-parent-directed driver education and related street or highway instruction. Driver education materials that meet or exceed standards established by the department for an approved course in driver education for a public or private school shall be approved unless otherwise determined by the department. The list of approved courses shall be posted on the department's internet website.

b. "Student" means a person between the ages of fourteen and twenty-one years who is within the custody and control of the teaching parent and who satisfies preliminary licensing requirements of the department.

c. "Teaching parent" means a parent, guardian, or legal custodian of a student who is currently providing competent private instruction to the student pursuant to section 299A.2 or 299A.3 and who provided such instruction to the student during the previous year; who has a valid driver's license, other than a motorized bicycle license or a temporary restricted license, that permits unaccompanied driving; and who has maintained a clear driving record for the previous two years. For purposes of this paragraph, "clear driving record" means the individual has not been identified as a candidate for suspension of a driver's license under the habitual offender provisions of the department's regulations; is not subject to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

3. COURSE OF INSTRUCTION.

a. An approved course administered by a teaching

Page 2

parent shall consist of, but not be limited to, the following:

(1) Thirty clock hours of classroom instruction.

(2) Forty hours of street or highway driving including four hours of driving after sunset and before sunrise while accompanied by the teaching parent.

(3) Four hours of classroom instruction concerning substance abuse.

(4) A minimum of twenty minutes of instruction concerning railroad crossing safety.

(5) Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as

provided in chapter 142C.

(6) Instruction providing an awareness about sharing the road with bicycles and motorcycles.

b. The content of the course of instruction required under this subsection shall be equivalent to that required under section 321.178. However, reference and study materials, physical classroom requirements, and extra vehicle safety equipment required for instruction under section 321.178 shall not be required for the course of instruction provided under this section.

4. COURSE COMPLETION AND CERTIFICATION. Upon application by a student for an intermediate license, the teaching parent shall provide evidence showing the student's completion of an approved course and substantial compliance with the requirements of subsection 3 by affidavit signed by the teaching parent on a form to be provided by the department. The evidence shall include all of the following:

a. Documentation that the instructor is a teaching parent as defined in subsection 2.

b. Documentation that the student is receiving competent private instruction under section 299A.2 or the name of the school district within which the student is receiving instruction under section 299A.3.

c. The name of the approved course completed by the student.

d. An affidavit attesting to satisfactory completion of course work and street or highway driving instruction.

e. Copies of written tests completed by the student.

f. A statement of the number of classroom hours of instruction.

g. A log of completed street or highway driving instruction including the dates when the lessons were conducted, the student's and the teaching parent's

Page 3

name and initials noted next to each entry, notes on driving activities including a list of driving deficiencies and improvements, and the duration of the driving time for each session.

5. INTERMEDIATE LICENSE. Any student who successfully completes an approved course as provided in this section, passes a driving test to be administered by the department, and is otherwise qualified under section 321.180B, subsection 2, shall be eligible for an intermediate license pursuant to section 321.180B. Twenty of the forty hours of street or highway driving instruction required under

subsection 3, paragraph "a", subparagraph (2), may be utilized to satisfy the requirement of section 321.180B, subsection 2.

6. FULL LICENSE. A student must comply with section 321.180B, subsection 4, to be eligible for a full driver's license pursuant to section 321.180B.

Sec. ___. Section 321.180B, subsection 2, Code 2009, is amended to read as follows:

2. INTERMEDIATE LICENSE.

a. The department may issue an intermediate driver's license to a person sixteen or seventeen years of age who possesses an instruction permit issued under subsection 1 or a comparable instruction permit issued by another state for a minimum of six months immediately preceding application, and who presents an affidavit signed by a parent or guardian on a form to be provided by the department that the permittee has accumulated a total of twenty hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the permittee's parent, guardian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent or guardian to accompany the permittee, and whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and violation free continuously for, the six-month period immediately preceding the application for an intermediate license. An applicant for an intermediate license must meet the requirements of section 321.186, including satisfactory completion of driver education as required in section 321.178 or 321.179, and payment of the required license fee before an intermediate license will be issued.

b. A person issued an intermediate license must limit the number of passengers in the motor vehicle when the intermediate licensee is operating the motor

vehicle to the number of passenger safety belts.

c. Except as otherwise provided, a person issued an intermediate license under this subsection who is operating a motor vehicle between the hours of twelve-thirty a.m. and five a.m. must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent or guardian of the permittee, a member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is

enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent or guardian, and who is actually occupying a seat beside the driver. However, a licensee may operate a vehicle to and from school-related extracurricular activities and work without an accompanying driver between the hours of twelve-thirty a.m. and five a.m. if such licensee possesses a waiver on a form to be provided by the department. An accompanying driver is not required between the hours of five a.m. and twelve-thirty a.m."

2. Title page, line 4, by inserting after the word "matters," the following: "providing for driver education instruction by a teaching parent,".

3. By renumbering as necessary.

SHAWN HAMERLINCK

S–3202

Amend Senate File 470 as follows:

1. Page 22, by inserting after line 29 the following:

"Sec. ___. Section 257.35, subsection 1, Code 2009, is amended to read as follows:

1. ~~The~~ For school budget years beginning prior to July 1, 2010, the department of management shall deduct the amounts calculated for special education support services, media services, area education agency teacher salary supplement district cost, area education agency professional development supplement district cost, and educational services for each school district from the state aid due to the district pursuant to this chapter and shall pay the amounts to the respective area education agencies on a monthly basis from September 15 through June 15 during each school year. The department of management shall notify each school district of the amount of state aid deducted for these purposes and the balance of state aid shall be paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover its amount due to the area education agency as calculated by the department of management, the school district shall pay the deficiency to the area education agency from other moneys received by the district, on a quarterly basis during each school year.

Sec. ___. NEW SECTION. 257.35A AREA EDUCATION AGENCIES — STATE FUNDING REDIRECTED.

1. Notwithstanding any provision of this chapter

to the contrary, for school budget years beginning after July 1, 2010, the state aid funding for special education support services, media services, and educational services, as calculated by this chapter, shall be paid directly to the applicable school district.

2. A school district receiving funding under subsection 1 shall choose one of the following options:

a. A school district may provide its own special education services, media services, and educational services, as those services are described in chapter 273. However, the school district shall not receive funding for its costs that exceeds the amount determined under subsection 1, except for funds received from another school district for providing special education services, media services, or educational services to such other school district.

b. A school district may solicit bids from organizations, including other school districts and

Page 2

area education agencies, to provide special education services, media services, and educational services, as those services are described in chapter 273. However, the school district soliciting bids shall not receive funding for its costs that exceeds the amount determined under subsection 1.

3. The department of education shall distribute the appropriate amount of area education agency professional development supplement and area education agency teacher salary supplement funding to a school district if an area education agency successfully bids to provide the services."

2. Page 27, by inserting after line 17 the following:

"Sec. ___. Section 273.9, subsection 1, Code 2009, is amended to read as follows:

1. ~~School~~ For school budget years beginning prior to July 1, 2010, school districts shall pay for the programs and services provided through the area education agency and shall include expenditures for the programs and services in their budgets, in accordance with this section.

Sec. ___. NEW SECTION. 273.9A FUNDING FROM SCHOOL DISTRICTS — STATE AND LOCAL FUNDS.

Notwithstanding any provision of this chapter to the contrary, for school budget years beginning after July 1, 2010, an area education agency or other organization shall receive state aid funding for providing special education support services, media

services, and educational services from the applicable school district. Area education agencies and other organizations may submit bids for providing special education support services, media services, and educational services in a process to be determined by the department of education by rule under chapter 17A."

3. Page 34, line 24, by inserting after the word "EFFECTIVE" the following: "AND APPLICABILITY".

4. Page 34, by inserting after line 30 the following:

"___. The sections of this Act amending sections 257.35 and 273.9, and enacting sections 257.35A and 273.9A, apply to school budget years beginning on and after July 1, 2010."

5. Title page, line 5, by inserting after the word "effective" the following: "and applicability".

6. By renumbering as necessary.

RANDY FEENSTRA

S–3203

Amend Senate File 470 as follows:

1. Page 34, by inserting after line 9 the following:

"Sec. ___. Section 301.1, subsection 3, Code 2009, is amended to read as follows:

3. As used in subsection 2, "textbooks" means ~~books~~ any of the following:

a. Books and loose-leaf or bound manuals, systems of reusable instructional materials or combinations of books and supplementary instructional materials which convey information to the student or otherwise contribute to the learning process~~, or electronic.~~

b. Electronic textbooks, including but not limited to computer software, applications using computer-assisted instruction, interactive videodisc, and other computer courseware and magnetic media.

c. Instructional technology applicable within a classroom setting."

2. By renumbering as necessary.

DAVID JOHNSON
RANDY FEENSTRA

S–3204

Amend Senate File 470 as follows:

1. Page 34, by striking line 22 and inserting the following:

"Sec. ___. Chapter 7K, Code 2009, is repealed."
2. By renumbering as necessary.

NANCY J. BOETTGER

S–3205

HOUSE AMENDMENT TO
SENATE FILE 323

Amend Senate File 323, as amended, passed, and reprinted by the Senate, as follows:
1. Page 1, by striking line 27 and inserting the following: "child would be required to register under chapter 692A but for the exemption under section 692A.2, subsection 6, while the child is in foster care.
Sec. ___. DEPARTMENT REPORT. The department of human services shall track the amount of time taken to supply child health records to foster care providers, including but not limited to instances when the records are incomplete and when the provider requests additional information, in accordance with section 237.3, subsection 2, paragraph "f", subparagraph (2), as amended by this Act. The department shall report to the general assembly on or before January 15, 2010, regarding the results of the tracking."
2. Page 1, by inserting before line 28 the following:
"Sec. ___. Section 237.3, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 11. The department shall adopt rules prohibiting an individual foster parent licensee from providing child care to children as a child care home or child development home provider registered under chapter 237A at times when a child is present who is receiving foster care from the licensee and who has been found by the department to have committed abuse of another child."
3. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S–3206

HOUSE AMENDMENT TO
SENATE FILE 374

Amend Senate File 374, as passed by the Senate, as follows:
1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 321A.3, subsection 8, Code 2009, is amended to read as follows:

8. a. (1) A person ~~making a request for a record or an abstract~~ who purchases a certified abstract of an operating record directly from the department under this section ~~that is subject to a fee~~ shall only use ~~the record or abstract requested~~, sell, disclose, or distribute the abstract or any portion of the abstract one time, for one purpose, and ~~it~~ the person shall not supply that ~~record~~ abstract or any portion of that abstract to more than one other person. ~~Any subsequent use of the same record or abstract shall require that the~~ The person shall make a subsequent request for the record or abstract and pay an additional fee for the request in the same manner as provided for the initial request for any subsequent use, sale, disclosure, or distribution of the same certified abstract or any portion of the abstract or to supply the same certified abstract or any portion of the abstract to another person, except as provided in subparagraph (2).

(2) Notwithstanding the limitation on use, sale, disclosure, and distribution of a certified abstract under subparagraph (1), a person who purchases a certified abstract under this section may provide a copy of the previously purchased certified abstract to the person who is an insurer who was originally supplied the certified abstract by the person who purchased the certified abstract.

b. A person who is supplied a certified abstract or any portion of the abstract by a person who purchases the certified abstract under paragraph "a" shall only use the abstract one time, for one purpose, and shall not reuse, sell, disclose, or distribute the abstract or any portion of the abstract except as provided in paragraph "c".

c. A person who is an insurer or an insurance producer licensed under chapter 522B who purchases a certified abstract under this section or a person who is supplied a certified abstract or any portion of the abstract pursuant to paragraph "b" may use the certified abstract pursuant to this paragraph "c" for more than one use for the following purposes:

(1) To provide a copy to a consumer with respect to a specific decision impacting the consumer and made in whole or in part based upon information contained

in the certified abstract, as defined by rule of the department.

(2) Internal auditing purposes, or similar

internal purposes as defined by rule of the department.

(3) Internal purposes in a manner consistent with the federal Driver's Privacy Protection Act, 18 U.S.C. § 2721–2725, by a person who is an insurer.

(4) To show compliance with the retention requirements imposed under this section or other applicable law.

(5) By an insurer, to provide a copy to an insurance producer licensed under chapter 522B and appointed by the insurer for purposes of a specific application for coverage. However, a producer who is provided a certified abstract pursuant to this subparagraph shall not reuse, sell, disclose, or distribute the abstract with respect to any transaction not associated with the insurer who appointed the producer.

(6) To provide a copy to an insurer for purposes of a specific application for coverage if the person requesting the certified abstract is an insurance producer licensed under chapter 522B and appointed by the insurer for purposes of the specific application for coverage.

(7) To provide a copy, for the purpose of a specific application for coverage or for a purpose as provided under subparagraphs (1) through (4), to an affiliate of the person who is an insurer who originally purchased or was supplied the certified abstract. An affiliate who receives a copy of a certified abstract pursuant to this subparagraph shall only use the copy of the abstract one time and shall not reuse, sell, disclose, or distribute the copy to any other person, except as provided under subparagraphs (1) through (5) in the same manner as permitted for a person who is an insurer.

d. For purposes of this subsection, "affiliate" means an insurer who directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the person who is an insurer.

e. A person ~~requesting a record or an abstract~~ who purchases a certified abstract directly from the department pursuant to this section shall keep records for a period of five years identifying ~~who the record or~~ the persons to whom the abstract is provided ~~to,~~ and the use of the ~~record or~~ abstract~~, for a period of five years~~. Records maintained pursuant to this

subsection shall be made available to the department upon request. A person who is otherwise supplied a

certified abstract and who then provides that abstract to another person for a purpose other than the purposes identified under paragraph "c" shall also be subject to the recordkeeping requirements under this paragraph.

f. A person shall not ~~sell, retain, distribute, provide, or transfer any record or~~ use, sell, disclose, or distribute any abstract information or portion of the ~~record or~~ abstract information acquired under this ~~agreement~~ section except as authorized by this section and any applicable rules of the department ~~and~~. Nothing in this section shall be construed to authorize the use, sale, disclosure, or distribution of personal information, protected personal information, or highly protected personal information as prohibited under section 321.11 or the federal Driver's Privacy Protection Act, 18 U.S.C. § 2721–2725."

S–3207

HOUSE AMENDMENT TO
SENATE FILE 437

Amend Senate File 437, as passed by the Senate, as follows:

1. Page 1, line 2, by striking the word "paragraph" and inserting the following: "paragraphs".

2. Page 1, by inserting after line 6 the following:

"NEW PARAGRAPH. j. An advisory board, advisory commission, advisory committee, task force, or other body created by an entity organized under chapter 28E, or by the administrator or joint board specified in a chapter 28E agreement, to develop and make recommendations on public policy issues.

Sec. ___. Section 21.4, subsection 1, Code 2009, is amended to read as follows:

1. A governmental body~~, except township trustees,~~ shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held."

3. Page 1, by inserting after line 23 the

following:

"Sec. ___. Section 359.17, subsection 2, Code 2009, is amended to read as follows:

2. A board of township trustees shall give prior notice of a meeting to discuss, deliberate, or act upon a matter relating to the budget or a tax levy of the township or relating to the trustees' duty to provide fire protection service and, if provided, emergency medical service, pursuant to section 359.42. The trustees shall give notice of such meeting at least ~~forty-eight~~ twenty-four hours preceding the commencement of the meeting. However, a notice is not required pursuant to this subsection when the trustees gather for ~~minor or~~ purely ministerial matters relating to the trustees' duty for providing such fire protection service or emergency medical service. The notice shall state the time, date, and place of the meeting and the proposed agenda. The notice shall be provided to the county auditor who shall post the notice in an area of the courthouse where notices to the public are commonly posted."

4. Title page, by striking lines 1 and 2 and

Page 2

inserting the following: "An Act relating to the affairs of governmental entities by providing for public access to meetings".

5. By renumbering as necessary.

S–3208

Amend Senate File 464 as follows:

1. By striking everything after the enacting clause and inserting the following:

"DIVISION I

BIODIESEL FUEL STANDARD

Section 1. FINDINGS AND PURPOSE OF THE ACT — SUSTAINABLE BIODIESEL INITIATIVE.

1. The general assembly finds and declares that access to affordable energy has become essential to the functioning of modern economies. However, the uneven distribution of energy supplies among countries and the critical need for energy has created significant vulnerabilities to this nation. Threats to national energy security include the political instability of several energy producing countries, the manipulation of energy supplies, the competition over energy sources, and attacks upon energy supply infrastructure.

2. The purpose of this Act is to accomplish the vital goals of promoting sustainable biodiesel that

will demonstrate environmental stewardship across its life cycle by maximizing a net energy balance, minimizing negative impacts on natural ecosystems, both globally and locally, and adding value to Iowa commodities; creating wealth; and enhancing the entire community of energy stakeholders.

Sec. 2. Section 15G.201A, Code 2009, is amended to read as follows:

15G.201A ~~CLASSIFICATION~~ DESIGNATION OF RENEWABLE FUEL.

For purposes of this ~~division~~ subchapter, ethanol blended fuel and biodiesel fuel shall be ~~classified~~ designated in the same manner as provided in section 214A.2.

Sec. 3. Section 15G.203, subsection 1, paragraph a, subparagraph (1), subparagraph division (b), Code 2009, is amended to read as follows:

(b) ~~Store, blend,~~ Blend and dispense motor fuel from a motor fuel blender pump, as required in this subparagraph ~~subdivision~~ division. The ethanol infrastructure must provide for the storage of ethanol or ethanol blended gasoline, or for blending ethanol with gasoline. The ethanol infrastructure must at least include a motor fuel blender pump which dispenses different ~~classifications~~ designations of ethanol blended gasoline and allows E-85 gasoline to be dispensed at all times that the blender pump is operating.

Sec. 4. Section 15G.203, subsection 1, paragraph a, subparagraph (2), Code 2009, is amended to read as

Page 2

follows:

(2) Biodiesel infrastructure shall be designed and used exclusively to do any of the following:

(a) Store and dispense biodiesel ~~or biodiesel blended~~ fuel designated as B-6 or higher.

(b) Blend or dispense biodiesel fuel from a motor fuel blender pump which dispenses different designations of biodiesel fuel and allows biodiesel fuel designated B-6 or higher to be dispensed at all times that the blender pump is operating.

Sec. 5. Section 15G.204, subsection 3, paragraph a, subparagraph (1), Code 2009, is amended to read as follows:

(1) For improvements to store, blend, or dispense biodiesel fuel from ~~B-2~~ B-5 or higher but not as high as B-99, fifty percent of the actual cost of making the improvements or fifty thousand dollars, whichever is less.

Sec. 6. Section 214A.2, subsection 4, paragraph b,

subparagraph (2), Code 2009, is amended by striking the subparagraph.

Sec. 7. NEW SECTION. 214A.2C STANDARD FOR DIESEL FUEL — BIODIESEL REQUIRED.

1. A retail dealer shall not advertise for sale or sell diesel fuel in this state, unless it is biodiesel fuel designated as B-5 or higher as specified in section 214A.2.

2. Subsection 1 does not apply to diesel fuel used to power any of the following:

a. (1) A motor located at an electric generating plant regulated by the United States nuclear regulatory commission.

(2) This paragraph "a" is repealed thirty days after the United States nuclear regulatory commission approves the use of biodiesel fuel designated as B-5 or higher in motors located at electric generating plants that it regulates.

b. A railroad locomotive.

c. A vehicle used exclusively as an airport landing field.

d. A motor used to temporarily generate power due to a disruption in the delivery of electricity or natural gas until the delivery of the electricity or natural gas may be resumed.

3. Subsection 1 does not apply during a period that the governor issues a biodiesel suspension order.

a. The biodiesel suspension order must include a determination by the governor that any of the following exists:

(1) A lack of infrastructure in this state

Page 3

necessary to support the retail sale of biodiesel fuel designated as B-5.

(2) A significant shortage of biodiesel fuel designated as B-5 in this state available for retail sale in this state.

(3) A systemic market change in the supplies or prices of biodiesel fuel designated B-5 will cause a material economic hardship to the state.

b. The biodiesel suspension order may reduce the biodiesel fuel designation provided in subsection 1 during the period of the suspension. The biodiesel suspension order may apply to the entire state or to specific counties named in the biodiesel suspension order.

c. The biodiesel suspension order shall take effect when published in the Iowa administrative bulletin unless the biodiesel suspension order specifies a later date. The biodiesel suspension

order shall terminate on a date certain as specified in the biodiesel suspension order.

Sec. 8. EMERGENCY RULES. The department of agriculture and land stewardship shall adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of section 214A.2C, as enacted in this Act, and the rules shall be effective September 1, 2009. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 9. EFFECTIVE DATE. This division of this Act takes effect on September 1, 2009, except for the provisions authorizing the department of agriculture and land stewardship to adopt emergency rules and to publish a notice of intended action to implement the provisions of section 214A.2C, as enacted in this Act, which, being deemed of immediate importance, take effect upon enactment.

DIVISION II

BIOFUEL DESIGNATIONS AND LABELING — PENALTY

Sec. 10. Section 214A.2, subsection 5, Code 2009, is amended to read as follows:

5. Ethanol blended gasoline shall be designated E-xx where "xx" is the volume percent of ethanol in the ethanol blended gasoline and biodiesel fuel shall be designated B-xx where "xx" is the volume percent of biodiesel.

Sec. 11. Section 214A.3, subsection 2, paragraph b, subparagraph (2), Code 2009, is amended to read as follows:

(2) ~~Biodiesel fuel shall be designated according~~

Page 4

~~to its classification as provided in section 214A.2.~~ A person shall not knowingly falsely advertise biodiesel ~~blended~~ fuel by using an inaccurate designation ~~in violation of this subparagraph~~ as provided in section 214A.2.

Sec. 12. Section 214A.5, Code 2009, is amended to read as follows:

214A.5 ~~SALES SLIP ON DEMAND~~ DOCUMENTATION.

1. A wholesale dealer or retail dealer shall, when making a sale of motor fuel, give to a purchaser upon demand a sales slip.

2. A wholesale dealer selling ethanol blended gasoline or biodiesel blended fuel to a purchaser shall provide the purchaser with a statement indicating its designation as provided in section 214A.2. The statement may be on the sales slip provided in this section or a similar document,

including but not limited to a bill of lading or invoice.

Sec. 13. Section 214A.11, subsection 1, Code 2009, is amended to read as follows:

1. Except as provided in subsection 2, a person who violates a provision of this chapter is guilty of a ~~serious~~ simple misdemeanor. Each day that a continuing violation occurs shall be considered a separate offense.

Sec. 14. Section 214A.16, subsection 1, Code 2009, is amended to read as follows:

1. a. If ~~motor fuel containing a renewable fuel~~ ethanol blended gasoline is sold from a motor fuel pump, the motor fuel pump shall have affixed a decal identifying the ~~name of the renewable fuel~~ ethanol blended gasoline. ~~The decal shall be different based on the type of renewable fuel dispensed.~~ If the motor fuel pump dispenses ethanol blended gasoline classified as higher than standard ethanol blended gasoline pursuant to section 214A.2, the decal shall contain the following notice: "FOR FLEXIBLE FUEL VEHICLES ONLY".

b. If biodiesel fuel is sold from a motor fuel pump, the motor fuel pump shall have affixed a decal identifying the biodiesel fuel as provided in 16 C.F.R. pt. 306.

Sec. 15. Section 452A.12, subsection 2, Code 2009, is amended to read as follows:

2. A person while transporting motor fuel or undyed special fuel from a refinery or marine or pipeline terminal in this state or from a point outside this state over the highways of this state in service other than that under subsection 1 shall carry

Page 5

in the vehicle a loading invoice showing the name and address of the seller or consignor, the date and place of loading, and the kind and quantity of motor fuel or special fuel loaded, together with invoices showing the kind and quantity of each delivery and the name and address of each purchaser or consignee. An invoice carried pursuant to this subsection for ethanol blended gasoline or biodiesel blended fuel shall state its designation as provided in section 214A.2.

DIVISION III

BIOFUEL TAX CREDITS — REPORTING

Sec. 16. Section 422.11N, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. The retail dealer's adjusted biofuel distribution percentage ~~which is the sum of the retail~~

~~dealer's total ethanol gallonage plus the retail dealer's total biodiesel gallonage expressed as a percentage of the retail dealer's total gasoline gallonage,~~ calculated pursuant to section 452A.31, subsection 3A, in the retail dealer's applicable determination period.

Sec. 17. Section 422.11N, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. The retail dealer's biofuel threshold percentage disparity which is a positive percentage difference obtained by taking the minuend which is the retail dealer's biofuel threshold percentage and subtracting from it the subtrahend which is the retail dealer's adjusted biofuel distribution percentage, in the retail dealer's applicable determination period.

Sec. 18. Section 422.11P, subsections 1 through 3, Code 2009, are amended to read as follows:

1. As used in this section, unless the context otherwise requires:

a. "Biodiesel ~~blended~~ fuel", "diesel fuel", and "retail dealer" mean the same as defined in section 214A.1.

b. "Motor fuel pump" means the same as defined in section 214.1.

c. "Sell" means to sell on a retail basis.

d. "Tax credit" means a biodiesel ~~blended~~ fuel promotion tax credit as provided in this section.

2. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by the amount of the biodiesel ~~blended~~ fuel promotion tax credit for each tax year that the taxpayer is eligible to claim a tax credit under this subsection.

a. In order to be eligible, all of the following must apply:

Page 6

(1) The taxpayer is a retail dealer who sells and dispenses biodiesel ~~blended~~ fuel through a motor fuel pump located at a motor fuel site operated by the retail dealer in this state in the tax year in which the tax credit is claimed.

(2) ~~Of the total gallons of diesel fuel that the retail dealer sells and dispenses through all motor fuel pumps located at a motor fuel site operated by the retail dealer during the retail dealer's tax year, fifty percent or more is biodiesel blended fuel which meets the requirements of this section.~~

~~(3)~~ The retail dealer complies with requirements of the department established to administer this section.

b. The ~~tax credit shall apply to~~ biodiesel ~~blended~~

fuel ~~formulated with a minimum percentage of two percent by volume of biodiesel, if the formulation meets the standards provided in section 214A.2~~ must meet the standards for biodiesel fuel provided in section 214A.2.

3. ~~a. The tax credit shall be calculated separately for each retail motor fuel site operated by the retail dealer.~~

~~b.~~ The amount of the tax credit is three cents multiplied by the total number of gallons of biodiesel ~~blended~~ fuel designated as B-10 or higher as provided in section 214A.2 sold and dispensed by the retail dealer through all motor fuel pumps located at a retail motor fuel site operated by the retail dealer in this state during the retail dealer's tax year.

Sec. 19. Section 422.33, subsection 11C, Code 2009, is amended to read as follows:

11C. The taxes imposed under this division shall be reduced by a biodiesel ~~blended~~ fuel promotion tax credit for each tax year that the taxpayer is eligible to claim the tax credit under this subsection.

a. The taxpayer may claim the biodiesel ~~blended~~ fuel promotion tax credit according to the same requirements, for the same amount, and calculated in the same manner, as provided for the biodiesel ~~blended~~ fuel promotion tax credit pursuant to section 422.11P.

b. Any biodiesel ~~blended~~ fuel promotion tax credit which is in excess of the taxpayer's tax liability shall be refunded or may be shown on the taxpayer's final, completed return credited to the tax liability for the following tax year in the same manner as provided in section 422.11P.

c. ~~The tax credit shall be calculated separately for each retail motor fuel site operated by the taxpayer in the same manner as provided in section 422.11P.~~

~~d.~~ This subsection is repealed on January 1, 2012.

Sec. 20. Section 452A.31, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. A retail dealer's total biodiesel gallonage is the total number of gallons of biodiesel which may or may not be a component of biodiesel blended fuel, and which the retail dealer sells and dispenses from motor fuel pumps as provided in paragraph "a" during a twelve-month period beginning January 1 and ending December 31. The retail dealer's total biodiesel gallonage is divided into the following classifications:

(1) The total standard biodiesel gallonage which

is the aggregate biodiesel gallonage that is a component of biodiesel blended fuel designated B-5 or less.

(2) The total above standard biodiesel gallonage which is the total biodiesel gallonage that is any of the following:

(a) A component of biodiesel blended fuel designated B-6 or higher.

(b) B-100.

Sec. 21. Section 452A.31, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. The retail dealer's biofuel distribution percentage which is the sum of the retail dealer's total ethanol gallonage plus the retail dealer's total biodiesel gallonage expressed as a percentage of the retail dealer's total gasoline gallonage during a twelve-month period beginning January 1 and ending December 31.

b. The retail dealer's adjusted biofuel distribution percentage which is the sum of the retail dealer's total ethanol gallonage plus the retail dealer's total above standard biodiesel gallonage expressed as a percentage of the retail dealer's total gasoline gallonage during a twelve-month period beginning January 1 and ending December 31.

Sec. 22. TAX CREDIT APPLICABILITY.

1. A taxpayer who is a retail dealer selling or dispensing ethanol blended gasoline prior to the effective date of this division of this Act may claim the ethanol promotion tax credit on ethanol blended gasoline by calculating the retail dealer's biofuel distribution percentage pursuant to section 422.11N and section 422.33, subsection 11A, Code 2009. The taxpayer selling or dispensing ethanol blended gasoline on or after the effective date of this division of this Act shall only claim the tax credit

Page 8

by calculating the retail dealer's adjusted biofuel distribution percentage pursuant to section 422.11N and section 422.33, subsection 11A, as provided in this division of this Act.

2. A taxpayer who is a retail dealer selling or dispensing biodiesel blended fuel prior to the effective date of this division of this Act may claim the biodiesel blended fuel tax credit on biodiesel blended fuel formulated with a minimum percentage of two percent by volume of biodiesel pursuant to section 422.11P and section 422.33, subsection 11C, Code 2009. The taxpayer selling or dispensing biodiesel blended fuel on or after the effective date of this division

of this Act shall only claim the tax credit as a biodiesel fuel promotion tax credit pursuant to section 422.11P and section 422.33, subsection 11C, as provided in this division of this Act.

Sec. 23. 2006 Iowa Acts, chapter 1142, section 49, subsection 5, is amended to read as follows:

5. For a retail dealer who may claim a biodiesel ~~blended~~ fuel promotion tax credit under section 422.11P or 422.33, subsection 11C, as enacted in ~~this Act~~ 2006 Iowa Acts, chapter 1142, sections 41 and 47, and amended in this 2009 Iowa Act, in calendar year 2011 and whose tax year ends prior to December 31, 2011, the retail dealer may continue to claim the tax credit in the retail dealer's following tax year. In that case, the tax credit shall be calculated in the same manner as provided in section 422.11P or 422.33, subsection 11C, as enacted in ~~this Act~~ 2006 Iowa Acts, chapter 1142, sections 41 and 47, and amended in this 2009 Iowa Act, for the remaining period beginning on the first day of the retail dealer's new tax year until December 31, 2011. For that remaining period, the tax credit shall be calculated in the same manner as a retail dealer whose tax year began on the previous January 1 and who is calculating the tax credit on December 31, 2011.

Sec. 24. EFFECTIVE DATE. This division of this Act takes effect September 1, 2009."

2. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to motor fuel, by providing for a biodiesel quality standard for energy security and sustainability, ethanol blended gasoline and biodiesel blended fuel designations and tax credits, penalties, and effective dates."

JOHN P. KIBBIE
DARYL BEALL
STEVEN J. SODDERS
MERLIN BARTZ
HUBERT HOUSER
ROBERT M. HOGG
NANCY J. BOETTGER
ROGER STEWART
TOM HANCOCK
JAMES F. HAHN
GENE FRAISE
AMANDA RAGAN
ROBERT E. DVORSKY
BECKY SCHMITZ
JOE BOLKCOM
DENNIS H. BLACK
JEFF DANIELSON

STACI APPEL
THOMAS G. COURTNEY
RICH OLIVE
JAMES A. SEYMOUR
TOM RIELLY
PAM JOCHUM
WILLIAM A. DOTZLER, JR.
HERMAN C. QUIRMBACH
DICK L. DEARDEN

S–3209

Amend Senate File 472 as follows:

1. Page 4, by striking lines 1 through 17 and inserting the following:

"Sec. ___. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2008 Iowa Acts, chapter 1191, section 11, for the fiscal period beginning July 1, 2008, and ending June 30, 2010, the supreme court may by order place all judicial officers on unpaid leave status on any day employees of the judicial branch are placed on temporary layoff status. The biweekly pay of the judicial officers shall be reduced accordingly for the pay period in which the unpaid leave date occurred in the same manner as for noncontract employees of the judicial branch. Through the course of the fiscal period, the judicial branch may use an amount equal to the aggregate amount of salary reductions due to the judicial officer unpaid leave days for any purpose other than for judicial salaries."

2. Page 4, line 19, by striking the words "voluntary judicial officer furloughs" and inserting the following: "unpaid leave for judicial officers".

TOM HANCOCK

S–3210

Amend the House amendment, S–3110, to Senate File 137, as passed by the Senate, as follows:

1. Page 1, line 19, by striking the words "and wanton".

STACI APPEL

S–3211

Amend Senate File 245 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. 2008 Iowa Acts, chapter 1094, section 2, subsection 1, is amended to read as follows:

1. "Apprentice sprinkler fitter" means a person who~~, as a principal occupation,~~ is engaged in learning the fire protection system industry trade under the direct supervision of a certified fire extinguishing system contractor or licensed fire sprinkler installer and maintenance worker and who is registered with the United States department of labor, office of apprenticeship.

Sec. 2. 2008 Iowa Acts, chapter 1094, section 2, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Division" means division of the state fire marshal in the department.

Sec. 3. 2008 Iowa Acts, chapter 1094, section 2, subsection 7, is amended to read as follows:

7. "Fire sprinkler installer and maintenance worker" means a person who, ~~as a principal occupation, and~~ having the necessary qualifications, training, experience, and technical knowledge, conducts fire protection system installation and maintenance, and who is licensed by the department.

Sec. 4. 2008 Iowa Acts, chapter 1094, section 3, subsection 1, is amended to read as follows:

1. ~~A~~ On or after January 1, 2010, a person shall not perform fire protection system installations or fire protection system maintenance without ~~first obtaining~~ holding a current, valid fire ~~protection~~ sprinkler installer and maintenance worker license issued pursuant to this chapter.

a. An employee of a fire extinguishing system contractor working as an apprentice sprinkler fitter performing fire protection system installation or maintenance under the direct supervision of an on-site licensed fire sprinkler installer and maintenance worker is not required to ~~obtain~~ hold a current, valid fire sprinkler installer and maintenance worker license.

b. A person who installs or demolishes walls, ceilings, flooring, insulation, or associated materials or a person who demolishes sprinkler pipe is not subject to the provisions of this chapter except when the work involves a complete sprinkler system.

c. A person who is a responsible managing employee of a fire extinguishing system contractor is not required to hold a current, valid fire sprinkler installer and maintenance worker license.

Page 2

Sec. 5. 2008 Iowa Acts, chapter 1094, section 3, subsection 5, is amended by striking the subsection.

Sec. 6. 2008 Iowa Acts, chapter 1094, section 3, subsection 2, is amended to read as follows:

2. A licensed fire sprinkler installer and maintenance worker must be present at all locations and at all times when fire protection system installation work is being performed. At least one licensed fire sprinkler installer and maintenance worker must be present for every three apprentice sprinkler fitters~~, or any other employees~~ performing work related to fire protection system installation.

Sec. 7. 2008 Iowa Acts, chapter 1094, section 3, subsection 6, is amended to read as follows:

6. On and after ~~August 1, 2009~~ January 1, 2010, a governmental subdivision shall not issue a license to a person installing a fire protection system and shall not prohibit a person installing fire protection systems and licensed pursuant to this chapter from performing services for which that person is licensed pursuant to this chapter or enforce any licensing provisions promulgated by the governmental subdivision against a person licensed pursuant to this chapter.

Sec. 8. 2008 Iowa Acts, chapter 1094, section 4, is amended to read as follows:

SEC. 4. 100D.3 FIRE SPRINKLER INSTALLER AND MAINTENANCE WORKER LICENSE.

1. The state fire marshal shall issue a fire sprinkler installer and maintenance worker license to an applicant who ~~possesses~~ meets all of the following requirements:

a. Possesses a minimum of four years of employment experience as an apprentice sprinkler fitter ~~and~~.

b. Has completed a United States department of labor apprenticeship program ~~and is~~.

c. Is employed by a fire extinguishing system contractor~~, who either receives~~. However, an applicant whose work on extinguishing systems will be restricted to systems on property owned or controlled by the applicant's employer may obtain a license if the employer is not a certified contractor.

d. Has received a passing score on the national inspection, testing, and certification star fire sprinkler mastery exam or on an equivalent exam from a nationally recognized third-party testing agency that is approved by the state fire marshal, or ~~who~~ is certified at level one by the national institute for certification in engineering technologies based on general work elements, as defined by the national institute for certification in engineering

Page 3

technologies, and as specified by rule by the state fire marshal.

2. The holder of a fire sprinkler installer and maintenance worker license shall be responsible for license fees, renewal fees, and continuing education hours.

3. The license of a fire sprinkler installer and maintenance worker licensee who ceases to be employed by a fire extinguishing system contractor shall continue to be valid until it would otherwise expire, but the licensee shall not perform work requiring licensure under this chapter until the licensee is again employed by a fire extinguishing system contractor. If the licensee becomes employed by a fire extinguishing system contractor other than the contractor which employed the licensee at the time the license was issued, the licensee shall notify the fire marshal and shall apply for an amendment to the license. The fire marshal may establish by rule a fee for amending a license. This subsection shall not extend the time period during which a license is valid. This subsection does not apply to a licensee whose work on extinguishing systems is restricted to systems on property owned or controlled by the licensee's employer.

Sec. 9. 2008 Iowa Acts, chapter 1094, section 5, subsections 1 and 3, are amended to read as follows:

1. An applicant for a fire sprinkler installer and maintenance worker license or renewal of an active license shall provide evidence of a public liability insurance policy and surety bond in an amount determined sufficient by the ~~department~~ fire marshal by rule.

3. The insurance and surety bond shall be written by an entity licensed to do business in this state and each licensee shall maintain on file with the department a certificate evidencing the insurance providing that the insurance or surety bond shall not be canceled without the entity first giving fifteen days written notice to the ~~department~~ fire marshal.

Sec. 10. 2008 Iowa Acts, chapter 1094, section 6, subsection 5, is amended to read as follows:

5. Adopt rules specifying a violation reporting procedure ~~applicable to division employees, deputy fire marshals, division inspectors, and municipal fire departments~~.

Sec. 11. 2008 Iowa Acts, chapter 1094, section 9, is amended to read as follows:

SEC. 9. 100D.8 ~~TEMPORARY~~ PROVISIONAL LICENSURE.

1. An applicant for licensure under this chapter

Page 4

as a fire sprinkler installer and maintenance worker who possesses a minimum of four years of experience as an apprentice sprinkler fitter and who has not successfully passed the licensure examination or achieved certification as required pursuant to section 100D.3 by ~~August 1, 2009~~ January 1, 2010, shall be issued a ~~temporary~~ license as a fire sprinkler installer and maintenance worker for a period ~~of sixty days commencing August 1, 2009~~ ending no later than June 30, 2010. A ~~temporary~~ provisional license shall be granted upon presentation of satisfactory evidence to the ~~department~~ fire marshal demonstrating experience and competency in conducting fire protection system installations and fire protection system maintenance according to criteria to be determined by the ~~department~~ fire marshal in rule. ~~A temporary license shall not be renewed.~~

2. An applicant issued a ~~temporary~~ provisional license pursuant to this section shall pass the licensure examination or achieve certification on or before ~~February 1~~ June 30, 2010, in order to remain licensed as a fire sprinkler installer and maintenance worker. A ~~temporary~~ provisional license fee shall be established by the ~~department~~ fire marshal by rule. No ~~temporary~~ provisional licenses ~~will~~ shall be issued after ~~February~~ April 1, 2010.

Sec. 12. 2008 Iowa Acts, chapter 1094, section 10, subsections 2 and 3, are amended to read as follows:

2. A passing score on the national inspection, testing and certification star fire sprinkler mastery exam or an equivalent exam from a nationally recognized third-party testing agency that is approved by the state fire marshal.

3. ~~A passing score on the NICET level I examination.~~ Certification, based upon general work elements, as defined by the national institute for certification in engineering technologies, at level I by the national institute for certification in engineering technologies, and as specified by rule by the state fire marshal.

Sec. 13. 2008 Iowa Acts, chapter 1094, section 10, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. After July 31, 2012, a person licensed pursuant to this section shall renew or obtain a license pursuant to section 100D.3.

Sec. 14. 2008 Iowa Acts, chapter 1094, section 12, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The provisions of this chapter shall not be construed to apply to a person licensed

Page 5

as a plumber pursuant to chapter 105 who is working within the scope of the person's license.

Sec. 15. 2008 Iowa Acts, chapter 1094, is amended by adding the following new section after section 13:

SEC. ___. NEW SECTION. 100D.13 TEMPORARY LICENSES.

1. The state fire marshal may issue a temporary fire sprinkler installer and maintenance worker license to a person, providing that all of the following conditions are met:

a. The person is currently licensed or certified to perform work as a fire sprinkler installer and maintenance worker in another state.

b. The person meets any additional criteria for a temporary license established by the state fire marshal by rule.

c. The person provides all information required by the state fire marshal.

d. The person has paid the fee for a temporary license, which fee shall be established by the state fire marshal by rule.

e. The person intends to perform work as a fire sprinkler installer and maintenance worker only in areas of this state which are covered by a disaster emergency declaration issued by the governor pursuant to section 29C.6.

2. A temporary license issued pursuant to this section shall be valid for ninety days. The state fire marshal may establish criteria and procedures for the extension of such licenses for additional periods, which in no event shall exceed ninety days.

3. A temporary license shall be valid only in areas of the state which are subject to a disaster emergency declaration issued by the governor pursuant to section 29C.6 at the time at which the license is issued, which become subject to such a declaration during the time the license is valid, or which were subject to such a declaration issued within the six months preceding the issuance of the license."

JEFF DANIELSON

S–3212

Amend House File 571, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 1 through 7 and inserting the following:

"Section 1. Section 21.2, subsection 1, Code 2009, is amended to read as follows:

1. "Governmental body" means:

a. A board, council, commission, or other governing body expressly created by the statutes of this state or by executive order.

b. A board, council, commission, or other governing body of a political subdivision or tax-supported district in this state.

c. A multimembered body formally and directly created by one or more boards, councils, commissions, or other governing bodies subject to paragraphs "a" and "b" of this subsection.

d. Those multimembered bodies to which the state board of regents or a president of a university has delegated the responsibility for the management and control of the intercollegiate athletic programs at the state universities.

e. An advisory board, advisory commission, ~~or~~ task force, or other body created by ~~the governor or the general assembly~~ any of the following to develop and make recommendations on public policy issues~~.~~:

(1) The governor.

(2) The general assembly.

(3) A governmental body as defined in paragraphs "a" through "c".

(4) An order, motion, resolution, or ordinance of a political subdivision of this state.

(5) An entity organized under chapter 28E or by the administrator or joint board specified in a chapter 28E agreement.

f. A nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D or a nonprofit corporation which is a successor to the nonprofit corporation which built the facility.

g. A nonprofit corporation licensed to conduct gambling games pursuant to chapter 99F.

~~h. An advisory board, advisory commission, advisory committee, task force, or other body created by statute or executive order of this state or created by an executive order of a political subdivision of this state to develop and make recommendations on~~

Page 2

~~public policy issues.~~"

2. Title page, by striking line 2 and inserting the following: "law to advisory bodies created by

certain governmental bodies".
3. By renumbering as necessary.

HERMAN C. QUIRMBACH

S–3213

Amend the amendment, S–3208, to Senate File 464, as follows:
1. Page 2, by striking lines 39 and 40 and inserting the following:
"___. A vehicle used primarily on the grounds of a public airport."
2. Page 2, line 42, by striking the words "to a" and inserting the following: "to peak demand for electricity or a".
3. Page 7, line 15, by striking the word "aggregate" and inserting the following: "total".
4. By renumbering as necessary.

JOHN P. KIBBIE

S–3214

HOUSE AMENDMENT TO
SENATE FILE 81

Amend Senate File 81, as amended, passed, and reprinted by the Senate, as follows:
1. Page 4, line 16, by striking the words "attendance center" and inserting the following: "school facility".
2. Page 4, line 21, by striking the words "attendance center" and inserting the following: "school facility".
3. Page 4, line 24, by striking the words "attendance center" and inserting the following: "school facility".

S–3215

HOUSE AMENDMENT TO
SENATE FILE 226

Amend Senate File 226, as amended, passed, and reprinted by the Senate, as follows:
1. By striking page 1, line 1, through page 2, line 3, and inserting the following:
"Section 1. Section 411.1, Code 2009, is amended by adding the following new subsections:
NEW SUBSECTION. 5A. "Cancer" means prostate

cancer, primary brain cancer, breast cancer, ovarian cancer, cervical cancer, uterine cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer, colorectal cancer, multiple myeloma, testicular cancer, and kidney cancer.

NEW SUBSECTION. 9A. "Infectious disease" means HIV or AIDS as defined in section 141A.1, all strains of hepatitis, meningococcal meningitis, and mycobacterium tuberculosis.

Sec. ___. Section 411.6, subsection 5, paragraph c, Code 2009, is amended to read as follows:

c. (1) Disease under this ~~section~~ subsection shall mean heart disease or any disease of the lungs or respiratory tract and shall be presumed to have been contracted while on active duty as a result of strain or the inhalation of noxious fumes, poison, or gases.

(2) Disease under this subsection shall also mean cancer or infectious disease and shall be presumed to have been contracted while on active duty as a result of that duty.

(3) However, if a person's membership in the system first commenced on or after July 1, 1992, and the heart disease, ~~or~~ disease of the lungs or respiratory tract, cancer, or infectious disease would not exist, but for a medical condition that was known to exist on the date that membership commenced, the presumption established in this paragraph "c" shall not apply.

Sec. ___. Section 411.6, subsection 9, paragraph a, Code 2009, is amended to read as follows:

a. (1) If, upon the receipt of evidence and proof from the chief of the police or fire department that the death of a member in service was the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty at some definite time and place, or while acting pursuant to order, outside of the city by which the member is regularly employed, the system decides that death was so caused in the performance of duty, there shall be paid, in lieu of the ordinary death benefit provided in subsection 8, an accidental death benefit as set forth in this subsection.

Page 2

(2) (a) Disease under this subsection shall mean heart disease or any disease of the lungs or respiratory tract and shall be presumed to have been contracted while on active duty as a result of strain or the inhalation of noxious fumes, poison, or gases.

(b) Disease under this subsection shall also mean

cancer or infectious disease and shall be presumed to have been contracted while on active duty as a result of that duty."

2. Page 3, line 6, by inserting after the word and figure "and 9." the following: "In collecting and reporting data, the system shall provide information as to the actuarial cost to the system of the requirements of this Act and shall collect data from the cities relative to any associated medical, insurance, or other costs incurred by the cities as a result of this Act."

3. Page 3, line 8, by striking the word and figures "January 1, 2014," and inserting the following: "October 1, 2013,".

4. By renumbering as necessary.

S–3216

HOUSE AMENDMENT TO
SENATE FILE 279

Amend Senate File 279, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 15, by inserting after the word "notification." the following: "The petitioner shall provide written notice concerning the anticipated construction to the last known address of the owners of record of the property where construction will occur and to the parties residing on such property."

S–3217

Amend Senate File 466 as follows:

1. Page 9, by inserting before line 13 the following:

"DIVISION ___
TEACHER EXPENSES

Sec. ___. Section 422.7, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 54. A taxpayer is allowed to take the deduction for certain expenses of elementary and secondary school teachers allowed under section 62(a)(2)(D) of the Internal Revenue Code, as amended by the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110–343, in computing net income for state tax purposes.

Sec. ___. EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS. This division of this Act, being deemed of immediate importance, takes effect upon

enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date."

2. By renumbering as necessary.

RANDY FEENSTRA

S–3218

Amend Senate File 466 as follows:

1. Page 9, by inserting before line 13 the following:

"DIVISION ___

PENSION INCOME

Sec.___. Section 422.7, subsection 31, Code 2009, is amended to read as follows:

31. a. For a person who is disabled, or is fifty-five years of age or older, or is the surviving spouse of an individual or a survivor having an insurable interest in an individual who would have qualified for the exemption under this subsection for the tax year, subtract, to the extent included, the total amount of a governmental or other pension or retirement pay, including, but not limited to, defined benefit or defined contribution plans, annuities, individual retirement accounts, plans maintained or contributed to by an employer, or maintained or contributed to by a self-employed person as an employer, and deferred compensation plans or any earnings attributable to the deferred compensation plans, up to a maximum of six thousand dollars for a person, other than a husband or wife, who files a separate state income tax return and up to a maximum of twelve thousand dollars for a husband and wife who file a joint state income tax return. However, a surviving spouse who is not disabled or fifty-five years of age or older can only exclude the amount of pension or retirement pay received as a result of the death of the other spouse. A husband and wife filing separate state income tax returns or separately on a combined state return are allowed a combined maximum exclusion under this subsection of up to twelve thousand dollars. The twelve thousand dollar exclusion shall be allocated to the husband or wife in the proportion that each spouse's respective pension and retirement pay received bears to total combined pension and retirement pay received.

b. For the tax year beginning January 1, 2009, subtract an amount equal to twenty percent of the income described in paragraph "a" after the exclusion in paragraph "a" is subtracted.

c. For the tax year beginning January 1, 2010, subtract an amount equal to forty percent of the

income described in paragraph "a" after the exclusion in paragraph "a" is subtracted.

d. For the tax year beginning January 1, 2011, subtract an amount equal to sixty percent of the income described in paragraph "a" after the exclusion in paragraph "a" is subtracted.

Page 2

e. For the tax year beginning January 1, 2012, subtract an amount equal to eighty percent of the income described in paragraph "a" after the exclusion in paragraph "a" is subtracted.

f. For tax years beginning on or after January 1, 2013, subtract the total amount of the income described in paragraph "a".

g. For a husband and wife filing separate state income tax returns or separately on a combined state return, the additional exclusion in paragraphs "b" through "f" shall be allocated to the husband or wife in the proportion that each spouse's respective pension and retirement pay received bears to total combined pension and retirement pay received."

2. By renumbering as necessary.

BRAD ZAUN

S–3219

Amend Senate File 466 as follows:

1. Page 9, by inserting before line 13 the following:

"DIVISION ___

FEDERAL REBATES

Sec. ___. Section 422.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9. In determining the amount of deduction for federal income tax under subsection 1 or subsection 2, paragraph "b", for tax years beginning in the 2009 calendar year, if a refund is attributable to the receipt of an advance refund pursuant to the federal Recovery Rebates and Economic Stimulus for the American People Act of 2008, Pub. L. No. 110–185, the amount of the deduction for the tax year shall not be adjusted by the amount of the advance refund, and the amount of the advance refund shall not be taxable under this division.

Sec. ___. RETROACTIVE APPLICABILITY DATE. This division of this Act applies retroactively to January 1, 2009, for tax years beginning on or after that

date."
2. By renumbering as necessary.

MERLIN BARTZ

S–3220

Amend Senate File 466 as follows:
1. Page 9, by inserting before line 13 the following:
"DIVISION ___
RESEARCH ACTIVITIES TAX CREDIT
Sec. ___. Section 15.335, subsection 4, paragraph b, Code 2009, is amended to read as follows:
b. For purposes of this section, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.
Sec. ___. Section 15A.9, subsection 8, paragraph e, subparagraph (2), Code 2009, is amended to read as follows:
(2) For purposes of this subsection, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.
Sec. ___. Section 422.10, subsection 3, unnumbered paragraph 2, Code 2009, is amended to read as follows:
For purposes of this section, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.
Sec. ___. Section 422.33, subsection 5, paragraph d, unnumbered paragraph 2, Code 2009, is amended to read as follows:
For purposes of this subsection, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.
Sec. ___. EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date."
2. By renumbering as necessary.

PAT WARD

S–3221

Amend the House amendment, S–3192, to Senate File 419, as passed by the Senate, as follows:
1. Page 3, by inserting after line 45 the following:
"___. Page 24, by inserting after line 23 the following:
"DIVISION ___

MISCELLANEOUS PROVISIONS

Sec. ___. UNITED STATES HIGHWAY 30 — TRAFFIC CONTROL SIGNALS. Notwithstanding section 321.253, at the request of a city located along United States highway 30 with a population of at least nine thousand five hundred but not more than eleven thousand, the department of transportation shall place and maintain a traffic control signal at the location along United States highway 30 within the city limits which was identified in a study conducted during the past year as a location where a traffic signal is needed."

___. Title page, line 3, by inserting after the word "vehicle" the following: "and traffic"."

2. By renumbering as necessary.

STEVE KETTERING

S–3222

Amend the House amendment, S–3192, to Senate File 419, as passed by the Senate, as follows:

1. Page 1, by inserting after line 2 the following:

"___. Page 1, line 7, by inserting after the word "LICENSING" the following: "AND DRIVER EDUCATION".

___. Page 1, by inserting after line 7 the following:

"Sec. ___. NEW SECTION. 321.179 DRIVER EDUCATION — TEACHING PARENT.

1. TEACHING PARENT. As an alternative to the driver education requirements under section 321.178, a teaching parent may instruct a student in a driver education course that meets the requirements of this section and provide evidence that the requirements under this section have been met.

2. DEFINITIONS. For purposes of this section:

a. "Approved course" means driver education curriculum approved by the department pursuant to rules adopted under chapter 17A. An approved course shall, at a minimum, meet the requirements of subsection 3 and be appropriate for teaching-parent-directed driver education and related street or highway instruction. Driver education materials that meet or exceed standards established by the department for an approved course in driver education for a public or private school shall be approved unless otherwise determined by the department. The list of approved courses shall be posted on the department's internet website.

b. "Student" means a person between the ages of fourteen and twenty-one years who is within the custody and control of the teaching parent and who

satisfies preliminary licensing requirements of the department.

c. "Teaching parent" means a parent, guardian, or legal custodian of a student who is currently providing competent private instruction to the student pursuant to section 299A.2 or 299A.3 and who provided such instruction to the student during the previous year; who has a valid driver's license, other than a motorized bicycle license or a temporary restricted license, that permits unaccompanied driving; and who has maintained a clear driving record for the previous two years. For purposes of this paragraph, "clear driving record" means the individual has not been identified as a candidate for suspension of a driver's license under the habitual offender provisions of the department's regulations; is not subject to a driver's license suspension, revocation, denial, cancellation,

Page 2

disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

3. COURSE OF INSTRUCTION.

a. An approved course administered by a teaching parent shall consist of, but not be limited to, the following:

(1) Thirty clock hours of classroom instruction.

(2) Forty hours of street or highway driving including four hours of driving after sunset and before sunrise while accompanied by the teaching parent.

(3) Four hours of classroom instruction concerning substance abuse.

(4) A minimum of twenty minutes of instruction concerning railroad crossing safety.

(5) Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in chapter 142C.

(6) Instruction providing an awareness about sharing the road with bicycles and motorcycles.

b. The content of the course of instruction required under this subsection shall be equivalent to that required under section 321.178. However, reference and study materials, physical classroom requirements, and extra vehicle safety equipment required for instruction under section 321.178 shall not be required for the course of instruction provided under this section.

4. COURSE COMPLETION AND CERTIFICATION. Upon application by a student for an intermediate license, the teaching parent shall provide evidence showing the

student's completion of an approved course and substantial compliance with the requirements of subsection 3 by affidavit signed by the teaching parent on a form to be provided by the department. The evidence shall include all of the following:

a. Documentation that the instructor is a teaching parent as defined in subsection 2.

b. Documentation that the student is receiving competent private instruction under section 299A.2 or the name of the school district within which the student is receiving instruction under section 299A.3.

c. The name of the approved course completed by the student.

d. An affidavit attesting to satisfactory completion of course work and street or highway driving instruction.

e. Copies of written tests completed by the student.

Page 3

f. A statement of the number of classroom hours of instruction.

g. A log of completed street or highway driving instruction including the dates when the lessons were conducted, the student's and the teaching parent's name and initials noted next to each entry, notes on driving activities including a list of driving deficiencies and improvements, and the duration of the driving time for each session.

5. INTERMEDIATE LICENSE. Any student who successfully completes an approved course as provided in this section, passes a driving test to be administered by the department, and is otherwise qualified under section 321.180B, subsection 2, shall be eligible for an intermediate license pursuant to section 321.180B. Twenty of the forty hours of street or highway driving instruction required under subsection 3, paragraph "a", subparagraph (2), may be utilized to satisfy the requirement of section 321.180B, subsection 2.

6. FULL LICENSE. A student must comply with section 321.180B, subsection 4, to be eligible for a full driver's license pursuant to section 321.180B."

___. Page 2, by striking line 13 and inserting the following:

"2. INTERMEDIATE LICENSE.

a. The department may issue an".

___. Page 2, line 34, by inserting after the figure "321.178" the following: "or 321.179".

___. Page 3, by striking line 1 and inserting the following: "license will be issued.

b. A person issued an intermediate".

___. Page 3, line 5, by inserting before the word "Except" the following: "c.""

2. Page 3, by inserting after line 45 the following:

"___. Title page, line 3, by inserting after the word "driver" the following: "education and".

3. By renumbering as necessary.

SHAWN HAMERLINCK

S–3223

Amend House File 758, as passed by the House, as follows:

1. Page 1, by inserting after line 30, the following:

"1A. The amount of damages recoverable for the decedent's loss of enjoyment of life shall not exceed one million dollars."

2. By renumbering as necessary.

DAVID L. HARTSUCH

S–3224

Amend House File 580 as follows:

1. By striking everything after the enacting clause, and inserting the following:

"Section 1. NEW SECTION. 249J.24A NONPARTICIPATING PROVIDER REIMBURSEMENT FOR COVERED SERVICES — REIMBURSEMENT FUND.

1. Beginning July 1, 2010, the department of human services shall include in any medical assistance program waiver relating to the continuation of the IowaCare program pursuant to this chapter, provisions for reimbursement of covered expansion population services provided to an expansion population member by a nonparticipating provider if the nonparticipating provider contacts the appropriate participating provider prior to providing covered services to verify consensus regarding one of the following courses of action:

a. If the nonparticipating provider and the participating provider agree that the medical status of the expansion population member indicates it is medically possible to postpone provision of services, the nonparticipating provider shall direct the expansion population member to the appropriate participating provider for services.

b. If the nonparticipating provider and the

participating provider agree that the medical status of the expansion population member indicates it is not medically possible to postpone provision of services, the nonparticipating provider shall provide medically necessary services.

c. If the nonparticipating provider and the participating provider agree that transfer of the expansion population member is not possible due to lack of available inpatient capacity, the nonparticipating provider shall provide medically necessary services.

d. If the medical status of the expansion population member indicates a medical emergency and the nonparticipating provider is not able to contact the appropriate participating provider prior to providing medically necessary services, the nonparticipating provider shall document the medical emergency and inform the appropriate participating provider immediately after the member has been stabilized of any covered services provided.

2. If the nonparticipating provider meets the requirements specified in subsection 1, the nonparticipating provider shall be reimbursed for covered expansion population services provided to the expansion population member through the

Page 2

nonparticipating provider reimbursement fund in accordance with the following:

a. The nonparticipating provider shall request reimbursement from the department through an exception to policy request as provided in departmental rule. The nonparticipating provider shall submit a clean claim to the department for reimbursement within twenty days of provision of the covered service. The department shall adopt rules relating to the format of and the information to be included in the request for reimbursement.

b. The nonparticipating provider shall include in the request for reimbursement only clean claims for inpatient hospital services provided to the expansion population member during the episode of care or treatment described in subsection 1.

c. Reimbursement shall be based on the reimbursement rates and policies applicable to the nonparticipating provider under the full benefit medical assistance program, subject to the availability of funds in the nonparticipating provider reimbursement fund and subject to the appropriation of moneys in the fund to the department.

d. The department shall reimburse the

nonparticipating provider only if the recipient of the services is an expansion population member with active eligibility status at the time the services are provided.

3. a. A nonparticipating provider reimbursement fund is created in the state treasury under the authority of the department. Moneys designated for deposit in the fund that are received from sources including but not limited to appropriations from the general fund of the state, grants, and contributions, shall be deposited in the fund.

b. Moneys in the fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys deposited in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes specified in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

c. Moneys deposited in the fund shall be used only to reimburse nonparticipating providers who provide covered services to expansion population members if no other third party is liable for reimbursement and as specified in subsections 1 and 2.

Page 3

d. The department shall attempt to maximize receipt of federal matching funds under the medical assistance program for covered services provided under this section if such attempt does not directly or indirectly limit the federal funds available to participating providers.

4. For the purposes of this section, "nonparticipating provider" means a hospital licensed pursuant to chapter 135B that is not a member of the expansion population provider network as specified in section 249J.7.

Sec. 2. CONTINGENT IMPLEMENTATION. Notwithstanding the requirement of this Act directing the department of human services to include provisions for reimbursement of covered services provided to an expansion population member by a nonparticipating provider under any medical assistance program waiver relating to the continuation of the IowaCare program, if the department of human services in consultation with the governor determines that such requirement would adversely affect continuation of the IowaCare waiver, the department shall not include such provisions in the IowaCare waiver and this Act shall

not be implemented."

2. Title page, by striking line 2 and inserting the following: "for covered services provided to IowaCare program members, creating a reimbursement fund, and providing for contingent implementation."

AMANDA RAGAN

S–3225

Amend Senate File 466 as follows:

1. Page 9, by inserting before line 13 the following:

"DIVISION ___

QUALIFIED HIGHER EDUCATION EXPENSES

Sec. ___. Section 422.7, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 54. A taxpayer is allowed to take the deduction for qualified tuition and related expenses allowed under section 222 of the Internal Revenue Code, as amended by the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110–343, in computing net income for state tax purposes.

Sec. ___. EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date."

2. By renumbering as necessary.

BRAD ZAUN

S–3226

Amend Senate File 468 as follows:

1. Page 1, by inserting before line 12 the following:

"Sec. ___. Section 422.4, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. "Cumulative standard deduction factor" means the product of the annual standard deduction factor for the ~~1989~~ 2009 calendar year and all annual standard deduction factors for subsequent calendar years as determined pursuant to this subsection. The cumulative standard deduction factor applies to all tax years beginning on or after January 1 of the calendar year for which the latest annual standard deduction factor has been determined.

c. The annual standard deduction factor for the 2009 calendar year is one hundred percent."

2. Page 2, line 18, by striking the figure "4.18%" and inserting the following: "4.20%".
3. Page 2, line 25, by striking the figure "5.42%" and inserting the following: "5.46%".
4. Page 2, line 32, by striking the figure "5.42%" and inserting the following: "5.46%".
5. Page 3, line 3, by striking the figure "5.73%" and inserting the following: "5.76%".
6. Page 3, line 10, by striking the figure "6.16%" and inserting the following: "6.20%".
7. Page 3, by inserting before line 16 the following:

"Sec. ___. Section 422.9, subsection 1, Code 2009, is amended to read as follows:

1. An optional standard deduction, after deduction of federal income tax, equal to ~~one~~ two thousand ~~two~~ seven hundred ~~thirty~~ ten dollars for a married person who files separately or a single person or equal to ~~three~~ five thousand ~~thirty~~ four hundred twenty dollars for a husband and wife who file a joint return, a surviving spouse, or a head of household. The optional standard deduction shall not exceed the amount remaining after deduction of the federal income tax. The amount of federal income tax deducted shall be computed as provided in subsection 2, paragraph "b"."

8. Page 4, by inserting before line 2 the following:

"Sec. ___. NEW SECTION. 422.11X IOWA COLLEGE STUDENT TAX CREDIT.

1. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by an Iowa college student tax credit in an amount equal to one hundred dollars. Any credit in excess of

Page 2

the tax liability is refundable.

2. A taxpayer is entitled to claim the credit if the taxpayer meets all of the following requirements during the tax year:

a. The taxpayer is an Iowa resident.

b. The taxpayer is an undergraduate student enrolled at an institution of higher education. For purposes of this section, "institution of higher education" has the same meaning as defined in section 12D.1.

c. The taxpayer is carrying at least one-half the normal full-time workload for the course of study the student is pursuing.

3. The tax credit is only available under this subsection for the year beginning with the tax year in

which the taxpayer is enrolled or the following year and is then available for the ensuing three tax years if the requirements of subsection 2 are met."

9. Page 7, line 8, by striking the figure "1990" and inserting the following: "~~1990~~ 2010".

10. Page 7, by inserting before line 18 the following:

"Sec. ___. Section 422.21, unnumbered paragraph 6, Code 2009, is amended to read as follows:

The department shall provide on income tax forms or in the instruction booklets in a manner that will be noticeable to the taxpayers a statement that, even though the taxpayer may not have any federal or state income tax liability, the taxpayer may be eligible for the federal earned income tax credit, the Iowa college student tax credit, or the state child and dependent care credit. The statement shall also contain notice of where the taxpayer may check on the taxpayer's eligibility for these credits."

11. Title page, line 2, by inserting after the word "rates," the following: "an increased standard deduction, a college student tax credit,".

12. By renumbering as necessary.

JOE BOLKCOM

S–3227

Amend Senate File 466 as follows:

1. Page 9, by inserting before line 13 the following:

"DIVISION ___

DISASTER PROPERTY BONUS DEPRECIATION

Sec. ___. Section 422.7, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 54. A taxpayer is allowed to take the additional depreciation for qualified disaster assistance property allowed under section 168(n) of the Internal Revenue Code, as enacted by the federal Heartland Disaster Relief Act of 2008, Pub. L. No. 110–343, in computing net income for state tax purposes.

Sec. ___. EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date."

2. By renumbering as necessary.

RON WIECK

S–3228

Amend Senate File 466 as follows:

1. Page 9, by inserting before line 13 the following:

"DIVISION ___

DISASTER-RELATED CASUALTY LOSSES

Sec. ___. Section 422.9, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. A taxpayer is allowed to take the deduction for disaster-related casualty losses allowed under section 165(h) of the Internal Revenue Code, as amended by the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110–343, in computing taxable income for state tax purposes.

Sec. ___. EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date."

2. By renumbering as necessary.

DAVID HARTSUCH

S–3229

Amend the House amendment, S–3192, to Senate File 419, as passed by the Senate, as follows:

1. Page 1, by inserting after line 2 the following:

"___. Page 1, by inserting after line 2 the following:

"Sec. ___. NEW SECTION. 314.14A WAGE EXEMPTION FOR DISADVANTAGED BUSINESS ENTERPRISE CONTRACTORS.

In the bidding process for a contract let by the department of transportation for the construction, reconstruction, improvement, or repair or maintenance of a highway, bridge, or culvert, any requirement for the payment of local prevailing wages shall not apply to a bidder that qualifies as a disadvantaged business enterprise as defined in section 314.14, provided the contract is not subject to federal requirements for the payment of local prevailing wages.""

2. Page 3, by inserting after line 45 the following:

"___. Title page, line 3, by inserting after the word "department," the following: "highway construction contracts,"."

3. By renumbering as necessary.

DAVID HARTSUCH

S–3230

Amend the amendment, S–3207, to Senate File 437, as passed by the Senate, as follows:

1. Page 1, by striking lines 3 through 27.

2. Page 1, by inserting after line 29 the following:

"Sec. ___. Section 331.325, subsection 1, Code 2009, is amended to read as follows:

1. As used in this section, "pioneer cemetery" means a cemetery where there have been ~~six~~ twelve or fewer burials in the preceding fifty years."

3. Page 1, by striking line 42 and inserting the following: "gather for minor or ministerial matters".

4. Page 1, by inserting after line 49 the following:

"Sec. ___. Section 523I.102, subsection 39, Code 2009, is amended to read as follows:

39. "Pioneer cemetery" means a cemetery where there were ~~six~~ twelve or fewer burials in the preceding fifty years."

5. Page 2, by striking lines 1 through 3 and inserting the following: "inserting the following: "An Act relating to the activities of governmental entities by amending provisions relating to public access to meetings and records and by modifying provisions relating to cemeteries under the control of certain governmental entities.""

6. By renumbering as necessary.

KEITH A. KREIMAN
RICH OLIVE
KIM REYNOLDS

S–3231

Amend House File 788, as amended, passed, and reprinted by the House, as follows:

1. Page 4, line 27, by inserting after the word "permit." the following: "However, the absence of security personnel on the licensed premises is insufficient, without additional evidence, to prove that criminal activity occurring on the licensed premises was knowingly permitted in violation of this paragraph "j"."

WILLIAM A. DOTZLER, JR.

S–3232

Amend House File 805, as amended, passed, and reprinted by the House, as follows:

1. Page 4, by inserting after line 30 the following:

"Sec. ___. NEW SECTION. 314.14A WAGE EXEMPTION FOR DISADVANTAGED BUSINESS ENTERPRISE CONTRACTORS.

In the bidding process for a contract let by the department of transportation for the construction, reconstruction, improvement, or repair or maintenance of a highway, bridge, or culvert, any requirement for the payment of local prevailing wages shall not apply to a bidder that qualifies as a disadvantaged business enterprise as defined in section 314.14, provided the contract is not subject to federal requirements for the payment of local prevailing wages."

2. Title page, line 4, by inserting after the words "road fund" the following: ", and relating to the bidding process for primary road construction contracts".

3. By renumbering as necessary.

DAVID HARTSUCH
STEVE KETTERING
RANDY FEENSTRA
SHAWN HAMERLINCK
BRAD ZAUN

S–3233

Amend House File 805, as amended, passed, and reprinted by the House, as follows:

1. Page 4, by inserting after line 30 the following:

"Sec. ___. EXPENDITURES FOR CELLULAR TELEPHONES AND PERSONAL DIGITAL ASSISTANTS PROHIBITED. Notwithstanding any provision to the contrary, other than for employees performing inspections or who are otherwise normally performing their primary duties away from a fixed location more than seventy percent of the time, for the fiscal year beginning July 1, 2009, the department of transportation shall not expend moneys appropriated from state moneys to pay for or reimburse the initial or associated service costs for cellular telephones, personal digital assistant devices, or handheld computers. However, the executive council may authorize an exception on a case-by-case basis, to address an emergency situation for a period of time not more than three consecutive calendar months in length or to complete the minimum

period specified under the terms of a lease or contract."

2. By renumbering as necessary.

KIM REYNOLDS

S–3234

Amend House File 805, as amended, passed, and reprinted by the House, as follows:

1. Page 4, by inserting after line 30 the following:

"Sec. ___. NEW SECTION. 321.179 DRIVER EDUCATION — TEACHING PARENT.

1. TEACHING PARENT. As an alternative to the driver education requirements under section 321.178, a teaching parent may instruct a student in a driver education course that meets the requirements of this section and provide evidence that the requirements under this section have been met.

2. DEFINITIONS. For purposes of this section:

a. "Approved course" means driver education curriculum approved by the department pursuant to rules adopted under chapter 17A. An approved course shall, at a minimum, meet the requirements of subsection 3 and be appropriate for teaching-parent-directed driver education and related street or highway instruction. Driver education materials that meet or exceed standards established by the department for an approved course in driver education for a public or private school shall be approved unless otherwise determined by the department. The list of approved courses shall be posted on the department's internet website.

b. "Student" means a person between the ages of fourteen and twenty-one years who is within the custody and control of the teaching parent and who satisfies preliminary licensing requirements of the department.

c. "Teaching parent" means a parent, guardian, or legal custodian of a student who is currently providing competent private instruction to the student pursuant to section 299A.2 or 299A.3 and who provided such instruction to the student during the previous year; who has a valid driver's license, other than a motorized bicycle license or a temporary restricted license, that permits unaccompanied driving; and who has maintained a clear driving record for the previous two years. For purposes of this paragraph, "clear driving record" means the individual has not been identified as a candidate for suspension of a driver's license under the habitual offender provisions of the

department's regulations; is not subject to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

3. COURSE OF INSTRUCTION.

Page 2

a. An approved course administered by a teaching parent shall consist of, but not be limited to, the following:

(1) Thirty clock hours of classroom instruction.

(2) Forty hours of street or highway driving including four hours of driving after sunset and before sunrise while accompanied by the teaching parent.

(3) Four hours of classroom instruction concerning substance abuse.

(4) A minimum of twenty minutes of instruction concerning railroad crossing safety.

(5) Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in chapter 142C.

(6) Instruction providing an awareness about sharing the road with bicycles and motorcycles.

b. The content of the course of instruction required under this subsection shall be equivalent to that required under section 321.178. However, reference and study materials, physical classroom requirements, and extra vehicle safety equipment required for instruction under section 321.178 shall not be required for the course of instruction provided under this section.

4. COURSE COMPLETION AND CERTIFICATION. Upon application by a student for an intermediate license, the teaching parent shall provide evidence showing the student's completion of an approved course and substantial compliance with the requirements of subsection 3 by affidavit signed by the teaching parent on a form to be provided by the department. The evidence shall include all of the following:

a. Documentation that the instructor is a teaching parent as defined in subsection 2.

b. Documentation that the student is receiving competent private instruction under section 299A.2 or the name of the school district within which the student is receiving instruction under section 299A.3.

c. The name of the approved course completed by the student.

d. An affidavit attesting to satisfactory completion of course work and street or highway

driving instruction.
e. Copies of written tests completed by the student.
f. A statement of the number of classroom hours of instruction.
g. A log of completed street or highway driving instruction including the dates when the lessons were

Page 3

conducted, the student's and the teaching parent's name and initials noted next to each entry, notes on driving activities including a list of driving deficiencies and improvements, and the duration of the driving time for each session.
5. INTERMEDIATE LICENSE. Any student who successfully completes an approved course as provided in this section, passes a driving test to be administered by the department, and is otherwise qualified under section 321.180B, subsection 2, shall be eligible for an intermediate license pursuant to section 321.180B. Twenty of the forty hours of street or highway driving instruction required under subsection 3, paragraph "a", subparagraph (2), may be utilized to satisfy the requirement of section 321.180B, subsection 2.
6. FULL LICENSE. A student must comply with section 321.180B, subsection 4, to be eligible for a full driver's license pursuant to section 321.180B.
Sec. ___. Section 321.180B, subsection 2, Code 2009, is amended to read as follows:
2. INTERMEDIATE LICENSE.
a. The department may issue an intermediate driver's license to a person sixteen or seventeen years of age who possesses an instruction permit issued under subsection 1 or a comparable instruction permit issued by another state for a minimum of six months immediately preceding application, and who presents an affidavit signed by a parent or guardian on a form to be provided by the department that the permittee has accumulated a total of twenty hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the permittee's parent, guardian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent or guardian to accompany the permittee, and whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and violation free continuously for, the six-month period immediately preceding the application

for an intermediate license. An applicant for an intermediate license must meet the requirements of section 321.186, including satisfactory completion of driver education as required in section 321.178 or 321.179, and payment of the required license fee before an intermediate license will be issued.

b. A person issued an intermediate license must limit the number of passengers in the motor vehicle

Page 4

when the intermediate licensee is operating the motor vehicle to the number of passenger safety belts.

c. Except as otherwise provided, a person issued an intermediate license under this subsection who is operating a motor vehicle between the hours of twelve-thirty a.m. and five a.m. must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent or guardian of the permittee, a member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent or guardian, and who is actually occupying a seat beside the driver. However, a licensee may operate a vehicle to and from school-related extracurricular activities and work without an accompanying driver between the hours of twelve-thirty a.m. and five a.m. if such licensee possesses a waiver on a form to be provided by the department. An accompanying driver is not required between the hours of five a.m. and twelve-thirty a.m."

2. Title page, line 4, by inserting after the words "road fund" the following: ", and providing for driver education instruction by a teaching parent".

3. By renumbering as necessary.

RANDY FEENSTRA

S–3235

HOUSE AMENDMENT TO
SENATE FILE 435

Amend Senate File 435, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 1, by inserting after the word

"government" the following: "or an official plat as defined in section 354.2, subsection 12".

S–3236

HOUSE AMENDMENT TO
SENATE FILE 469

Amend Senate File 469, as passed by the Senate, as follows:

1. Page 4, by striking lines 13 through 26 and inserting the following:

"c. A business creating jobs with economic development assistance through moneys appropriated in this subsection shall be subject to contract provisions stating that new and retained jobs shall be filled by individuals who are citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States. Any vendor who receives such public moneys shall adhere to such contract provisions and provide periodic assurances as the state shall require that the jobs are filled solely by citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States. A business that receives financial assistance from the department from moneys appropriated in this bill shall only employ individuals legally authorized to work in this state. In addition to any and all other applicable penalties provided by current law, all or a portion of the assistance received by a business which has received financial assistance and is found to knowingly employ individuals not legally authorized to work in this state is subject to recapture by the department."

2. Page 15, by inserting after line 17 the following:

"Sec. ___. EXPENSE REIMBURSEMENT — REQUIREMENTS. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the director of a department or state agency to which appropriations are made pursuant to the provisions of this Act shall require employees, in order to receive reimbursement for expense, to submit actual receipts for meals and other costs and reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted."

3. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S–3237

HOUSE AMENDMENT TO
SENATE FILE 467

Amend Senate File 467, as amended, passed, and reprinted by the Senate, as follows:

1. Page 6, line 22, by striking the word "Iowa" and inserting the following: "a. Iowa".

2. Page 6, by inserting after line 25 the following:

"b. Paragraph "a" does not apply to a reduction made to support the college of veterinary medicine, if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university's budget units."

3. Page 13, by inserting after line 16 the following:

"DIVISION ___
MEAL RECEIPTS

Sec. ___. EXPENSE REIMBURSEMENT — REQUIREMENTS. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the secretary of agriculture and the director of the department of natural resources shall require their employees, in order to receive reimbursement for expenses, to submit actual receipts for meals and other costs. The reimbursement amount shall not exceed the sum of the actual receipts submitted."

4. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S–3238

Amend Senate File 471 as follows:

1. Page 5, by striking lines 10 through 27.

2. Page 7, by inserting after line 15 the following:

"Sec. ___. Section 469.1, subsection 4, Code 2009, is amended to read as follows:

4. "Foreign" means a locality outside of or nation other than the United States~~, Canada, or Mexico~~."

3. Page 8, by inserting after line 9 the following:

"ii. Assist Iowa businesses in creating jobs involving energy efficiency and renewable energy, especially through the use of funds from the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111–5, and other state and federal funds available to the office and the board."

4. Page 8, by striking lines 24 and 25.

5. Page 9, line 16, by inserting after the word "respectively" the following: ", and ensure compliance with energy audit and engineering analysis requirements specified in section 473.13A".

6. Page 9, by striking lines 19 through 21.

7. Page 10, by inserting after line 12 the following:

"Sec. ___. Section 469.9, subsection 4, paragraph b, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) The number and quality of jobs likely to be created."

8. Page 10, line 25, by inserting after the word "Act." the following: "The director shall minimize the costs of administering the funds received pursuant to the federal Act, and shall not expend annually more than five percent of the federal funds received for purposes of administering the federal funds."

9. Page 10, by inserting after line 32 the following:

"Sec. ___. Section 469.10, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. Of the moneys appropriated to the office and deposited in the fund, notwithstanding section 469.9, subsection 4, the director may allocate up to one million dollars annually to the department of economic development for the purpose of funding the research activities credit relating to innovative renewable energy generation components pursuant to section 15.335."

10. Page 19, by inserting after line 10 the following:

"Sec. ___. Section 473.13A, Code 2009, is amended

Page 2

to read as follows:

473.13A ENERGY ~~CONSERVATION MEASURES~~ MANAGEMENT IMPROVEMENTS IDENTIFIED AND IMPLEMENTED.

The state, state agencies, political subdivisions of the state, school districts, area education agencies, and community colleges shall identify and implement, through energy audits and engineering analyses, all energy ~~conservation measures~~ management improvements identified for which financing is ~~made available~~ facilitated by the ~~department to~~ office for the entity. The energy ~~conservation measure~~ management improvement financings shall be supported through payments from energy savings.

~~The department shall not require a school district, community college, area education agency, city, or county to perform an engineering analysis if the~~

~~school district, community college, area education agency, city, or county demonstrates to the department that the facility which is the subject of the proposed engineering analysis at issue is unlikely to be in use or operation in six years by the governmental entity currently using or occupying the facility.~~"

11. Page 27, by striking lines 15 through 27.

12. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to energy efficiency and renewable energy, including allocating appropriated amounts from the Iowa power fund to fund tax credits for innovative renewable energy generation components, transferring authority over specified".

13. By renumbering, redesignating, and correcting internal references as necessary.

ROBERT M. HOGG

S–3239

Amend Senate File 482 as follows:

1. Page 4, line 5, by striking the word "adults" and inserting the following: "persons".

2. Page 4, line 6, by striking the words "eighteen through twenty-five" and inserting the following: "sixteen through twenty-four".

3. Page 5, by striking lines 8 and 9 and inserting the following:

"1. Except as provided in subsection 2, this Act, being deemed of immediate importance, takes effect upon enactment."

WILLIAM A. DOTZLER, JR.

S–3240

Amend Senate File 476 as follows:

1. Page 4, line 26, by inserting after the word "chapter" the following: ", nursing facility penalties in excess of two hundred thousand dollars collected through penalties assessed for violations classified pursuant to section 135C.36,".

DAVID HARTSUCH
JAMES A. SEYMOUR
BRAD ZAUN
STEVE KETTERING
PAUL McKINLEY
JERRY BEHN
RON WIECK
PAT WARD

KIM REYNOLDS
MERLIN BARTZ
TIM L. KAPUCIAN
DAVID JOHNSON

S–3241

Amend Senate File 483 as follows:

1. Page 1, line 10, by striking the words "one hundred seventy-five" and inserting the following: "two hundred".

2. By renumbering as necessary.

RICH OLIVE
ROGER STEWART

S–3242

Amend the House amendment, S–3207, to Senate File 437, as passed by the Senate, as follows:

1. Page 1, by inserting after line 5 the following:

"___. Page 1, line 4, by striking the word "levy" and inserting the following: "levee"."

2. Page 1, by inserting after line 27 the following:

"___. Page 1, line 16, by striking the word "levy" and inserting the following: "levee"."

3. By renumbering as necessary.

RICH OLIVE

S–3243

Amend House File 759, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by inserting after line 29 the following:

"Sec. ___. FLOOD INSURANCE REPORT. The commissioner of insurance, in collaboration with the rebuild Iowa office and the homeland security and emergency management division of the Iowa department of public defense, shall develop recommendations on policies and incentives to expand the availability and procurement of flood insurance in the state, which shall be contained in a report transmitted to the chairperson and ranking member of the Iowa senate rebuild Iowa committee and the Iowa house of representatives rebuild Iowa and disaster recovery committee by November 15, 2009."

2. Title page, line 3, by inserting after the

word "program" the following: "and requiring preparation of a flood insurance report by the commissioner of insurance".

3. By renumbering as necessary.

ROBERT M. HOGG

S–3244

HOUSE AMENDMENT TO
SENATE FILE 403

Amend Senate File 403, as passed by the Senate, as follows:

1. Page 1, line 4, by inserting after the words "native wine permit" the following: "whose primary purpose is manufacturing native wine".

S–3245

HOUSE AMENDMENT TO
SENATE FILE 452

Amend Senate File 452, as passed by the Senate, as follows:

1. Page 1, by striking lines 12 through 14 and inserting the following: "remain unawarded or unencumbered at the close of the fiscal year shall revert to the fund."

S–3246

HOUSE AMENDMENT TO
SENATE FILE 457

Amend Senate File 457, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 19 through 23 and inserting the following: "proceedings were conducted or actions were taken."

2. Page 4, by striking lines 29 and 30 and inserting the following: "emergency or the president of the United States has declared a major disaster. Bonds issued pursuant to section 331.443 for the purposes specified in this subparagraph shall be issued not later than ten years after the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster, whichever is later."

3. Page 5, by striking lines 1 and 2 and inserting the following: "proclaimed a disaster emergency or the president of the United States has

declared a major disaster. Bonds issued pursuant to section 331.443 for the purposes specified in this subparagraph shall be issued not later than ten years after the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster, whichever is later."

4. Page 5, by inserting before line 3 the following:

"Sec. ___. Section 331.443, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. Notwithstanding subsection 2, a board may institute proceedings for the issuance of bonds for an essential county purpose specified in section 331.441, subsection 2, paragraph "b", subparagraph (18) or (19), in an amount equal to or greater than three million dollars by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, together with the maximum rate of interest which the bonds are to bear, and the right to petition for an election, to be published at least once in a newspaper of general circulation within the county at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds.

b. If at any time before the date fixed for taking action for the issuance of the bonds, a petition is filed with the county auditor signed by eligible electors of the county equal in number to twenty percent of the persons in the county who voted for the office of president of the United States at the last preceding general election that had such office on the ballot, asking that the question of issuing the bonds be submitted to the registered voters of the county,

Page 2

the board shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds. Notice of the election and its conduct shall be in the manner provided in section 331.442.

c. If a petition is not filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the board may proceed with the authorization and issuance of the bonds."

5. Page 5, by striking line 24 and inserting the following: "or the president of the United States has declared a major disaster. Bonds issued pursuant to section 384.25 for the purposes specified in this paragraph shall be issued not later than ten years after the governor has proclaimed a disaster emergency

or the president of the United States has declared a major disaster, whichever is later."

6. Page 5, by striking lines 30 and 31 and inserting the following: "a disaster emergency or the president of the United States has declared a major disaster. Bonds issued pursuant to section 384.25 for the purposes specified in this paragraph shall be issued not later than ten years after the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster, whichever is later."

7. Page 6, by inserting after line 7 the following:

"Sec. ___. Section 384.25, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. Notwithstanding subsection 2, a council may institute proceedings for the issuance of bonds for an essential corporate purpose specified in section 384.24, subsection 3, paragraph "w" or "x", in an amount equal to or greater than three million dollars by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, together with the maximum rate of interest which the bonds are to bear, and the right to petition for an election, to be published at least once in a newspaper of general circulation within the city at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds.

b. If at any time before the date fixed for taking action for the issuance of the bonds, a petition is filed with the clerk of the city signed by eligible electors of the city equal in number to twenty percent of the persons in the city who voted for the office of

Page 3

president of the United States at the last preceding general election that had such office on the ballot, asking that the question of issuing the bonds be submitted to the registered voters of the city, the council shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds. Notice of the election and its conduct shall be in the manner provided in section 384.26.

c. If a petition is not filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the council may proceed with

the authorization and issuance of the bonds."
8. Page 12, by striking lines 9 through 20.
9. By renumbering as necessary.

S–3247

HOUSE AMENDMENT TO
SENATE FILE 472

Amend Senate File 472, as amended, passed, and reprinted by the Senate, as follows:
1. Page 3, by striking lines 21 and 22 and inserting the following:
"Sec. ___. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, a judicial officer may waive travel".
2. Page 4, line 15, by striking the word "section" and inserting the following: "sections".
3. Page 4, line 16, by inserting after the word "permitting" the following: "waiver of travel reimbursement and".
4. Page 4, line 17, by striking the word "takes" and inserting the following: "take".
5. By renumbering as necessary.

S–3248

Amend Senate File 484 as follows:
1. Page 1, line 22, by striking the word "under".
2. Page 1, by striking lines 23 through 26 and inserting the following: "by the department of human services, department of inspections and appeals, or department of public health."
3. Page 3, by striking line 7 and inserting the following: "of this chapter or licensing or other regulatory requirements of the department of human services, department of inspections and appeals, or department of public health, or that".
4. Page 3, by inserting after line 18 the following:
"Sec. ___. NEW SECTION. 135O.4 PUBLIC DISCLOSURE OF FINDINGS.
Following an inspection or investigation of a boarding home under this chapter by the department or a multidisciplinary team, the final findings with respect to compliance by the boarding home shall be made available to the public. Other information relating to a boarding home obtained by the department or a multidisciplinary team which does not constitute the findings from an inspection or investigation of the boarding home shall not be made available to the public except in proceedings involving the denial,

suspension, or revocation of a boarding home registration under this chapter."

5. Page 6, line 24, by striking the word "Moneys" and inserting the following: "The first five percent of moneys credited to the account are appropriated to the department of inspections and appeals to be used for the purposes of meeting federal mandates of that department's investigations and audits pertaining to the medical assistance program. All remaining moneys".

6. By renumbering as necessary.

RICH OLIVE

S–3249

HOUSE AMENDMENT TO
SENATE FILE 415

Amend Senate File 415, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting before line 1 the following:

"Sec. ___. NEW SECTION. 384.3A PROPERTY RIGHTS DEFENSE ACCOUNT.

1. A city may establish a property rights defense account within the city's general fund. If a property rights defense account is established under this section, moneys which remain unclaimed under section 100, subsection 10, paragraph "d", of this Act, may be deposited in the account. Interest or earnings on moneys in the property rights defense account shall be credited to the account. Moneys in the property rights defense account are not subject to transfer, appropriation, or reversion to any other account or fund, or any other use except as provided in this section.

2. Moneys in the account shall be used for the reimbursement of reasonable attorney fees and reasonable costs incurred by a property owner as the result of proceedings initiated under this Act, chapters 6A and 6B, and section 657A.10A.

3. Property owners shall apply to the city council on a form prescribed by the city council. If sufficient funds exist in the account, the city council shall reimburse each property owner who applies for all reasonable attorney fees and reasonable costs incurred. If insufficient funds exist in the account to reimburse a property owner for all reasonable attorney fees and reasonable costs incurred, the city council shall reimburse the property owner for the fees and costs in an amount

equal to the remaining balance in account."

2. Page 1, line 1, by striking the word and figure "Section 1" and inserting the following: "Sec. 100".

3. Page 2, by inserting after line 33 the following:

"6A. Notwithstanding any provision of this section to the contrary, the district court shall dismiss the petition upon receipt of a written request from the property owner to do so. The property owner shall also provide notice of the request to the petitioning city."

4. Page 4, by striking lines 3 through 5 and inserting the following: "city, the court shall order the city to pay an award to the respondents in an amount equal to the fair market value of the property in its current condition. The city shall deposit the

Page 2

award with the clerk of the district court. Upon deposit of the amount awarded with the clerk of the district court, title to the property shall pass to the city, and the city may take possession of the property."

5. Page 4, by striking lines 6 through 8 and inserting the following:

"b. Notice of the deposit with the clerk of the district".

6. Page 4, by striking line 10 and inserting the following: "provided in subsection 4.

c. The court shall retain jurisdiction of the action to determine the priority of liens and other interests of each respondent in the amount deposited with the clerk of the district court. Upon the request of any respondent, the court shall apportion the amount deposited with the clerk of the district court among the respondents.

d. If the amount deposited with the".

7. Page 4, line 13, by inserting after the words "in the" the following: "city's property rights defense account or in the".

8. Title page, line 2, by inserting after the word "years" the following: "and authorizing cities to establish a property rights defense account".

9. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S–3250

Amend the amendment, S–3208, to Senate File 464 as follows:

1. Page 2, by inserting after line 44 the following:

"___. Subsection 1 does not apply during the cold weather months beginning November 1 and ending March 31. However, any biodiesel fuel that is sold or dispensed by a retail dealer during a cold weather month must be designated at least B-1."

2. By renumbering as necessary.

JERRY BEHN

S–3251

Amend the amendment, S–3208, to Senate File 464 as follows:

1. Page 3, by inserting after line 20 the following:

"Sec.___. NEW SECTION. 214A.2D STANDARD FOR DIESEL FUEL — LIABILITY.

A retail dealer shall not be liable in an action in which a party asserts that the use of biodiesel blended fuel designated B-5 as provided in section 214A.2 has caused damage to a motor. The action may be in law or equity, and may be made as part of a claim, counterclaim, cross-claim, petition, or any other pleading filed in district court or appellate court."

2. By renumbering as necessary.

JERRY BEHN

S–3252

Amend the amendment, S–3208, to Senate File 464, as follows:

1. Page 3, by striking lines 21 through 37, and inserting the following:

"Sec.___. EFFECTIVE DATE. This division of this Act takes effect October 1, 2012."

2. By striking page 5, line 32, through page 7, line 2.

3. Page 8, by striking lines 5 through 17.

4. Page 8, by striking lines 18 through 38.

5. Page 8, line 40, by striking the word and figure "September 1, 2009" and inserting the following: "October 1, 2012".

6. By renumbering as necessary.

JERRY BEHN

S–3253

Amend House File 758, as passed by the House, as follows:

1. Page 1, line 35, by inserting after the figure "613.15A." the following: "If the decedent was primarily employed as a homemaker, the calculation of damages shall include the fair market value of replacement services for child care, housekeeping, transportation, and any other homemaking services lost."

2. By renumbering as necessary.

HERMAN C. QUIRMBACH

S–3254

Amend the amendment, S–3208, to Senate File 464 as follows:

1. Page 2, by inserting after line 38 the following:

"___. Construction equipment as defined in section 322F.1."

2. By renumbering, redesignating, and correcting internal references as necessary.

TIM L. KAPUCIAN

S–3255

Amend the amendment, S–3208, to Senate File 464, as follows:

1. Page 3, by inserting after line 20 the following:

"Sec. ___. EXISTING SUPPLIES OF DIESEL FUEL. Notwithstanding section 214A.2C, a retail dealer who stores diesel fuel other than biodiesel fuel on the effective date of this division of this Act may continue to sell and dispense such diesel fuel."

2. By renumbering as necessary.

TIM L. KAPUCIAN

S–3256

Amend Senate File 480 as follows:

1. Page 1, by inserting before line 15 the following:

"Sec. ___. Section 15.393, subsection 2, paragraph a, subparagraph (1), Code 2009, is amended to read as

follows:

(1) For tax years beginning on or after January 1, 2007, a qualified expenditure tax credit shall be allowed against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for a portion of a taxpayer's qualified expenditures in a project registered under the program. The tax credit shall equal an amount not to exceed twenty-five percent of the qualified expenditures on a project. The department may negotiate the amount of the tax credit. An individual may claim a tax credit under this paragraph "a" of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust. Any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit."

2. Page 2, line 35, by inserting after the word "eligible" the following: "and negotiable".

3. Page 3, by inserting before line 1 the following:

"Sec. ___. Section 15.393, subsection 2, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) For tax years beginning on or after January 1, 2007, an investment tax credit shall be allowed against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for a portion of a taxpayer's investment in a project registered under the program. The tax credit shall equal ~~twenty-five percent of the investment in the project, except that the tax credit shall~~ an amount not to exceed twenty-five percent of the qualified expenditures on the project. The department may negotiate the amount of the tax credit. An individual may claim a tax credit under this paragraph of a

Page 2

partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of

the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust. Any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit. A taxpayer shall not claim a tax credit under this paragraph "b" for qualified expenditures for which a tax credit is claimed under paragraph "a"."

4. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S–3257

Amend Senate File 465 as follows:

1. Page 1, by inserting after line 16, the following:

"Sec. ___. Section 331.602, subsection 40, Code 2009, is amended to read as follows:

40. Carry out other duties as provided by law and duties assigned pursuant to section 331.323, except with regard to duties specified pursuant to chapter 595, in which case the recorder may, as a matter of conscience, refuse to issue a marriage license. If the recorder refuses to issue a marriage license under this subsection, the recorder is immune from any civil or criminal liability relating to such refusal, an action or proceeding shall not be prosecuted or maintained against the recorder for such refusal, and such refusal shall not be grounds for removal of the recorder from office."

2. By renumbering as necessary.

MERLIN BARTZ

S–3258

Amend the amendment, S–3208, to Senate File 464, as follows:

1. By striking page 1, line 4, through page 8, line 40, and inserting the following:

""Section 1. Section 452A.3, subsection 3, Code 2009, is amended to read as follows:

3. For the privilege of operating motor vehicles or aircraft in this state, there is imposed an excise tax on the use of special fuel in a motor vehicle or aircraft. The tax rate on special fuel for diesel engines of motor vehicles is twenty-two and one-half cents per gallon. However, the tax rate on biodiesel

fuel is eleven and one-quarter cents per gallon. The rate of tax on special fuel for aircraft is three cents per gallon. On all other special fuel, unless otherwise specified in this section, the per gallon rate is the same as the motor fuel tax. Indelible dye meeting United States environmental protection agency and internal revenue service regulations must be added to fuel before or upon withdrawal at a terminal or refinery rack for that fuel to be exempt from tax and the dyed fuel may be used only for an exempt purpose.""

2. Page 8, by striking lines 41 through 47 and inserting the following:

"___. Title page, by striking lines 1 through 3 and inserting the following: "An Act relating to motor fuel excise taxes.""

3. By renumbering as necessary.

SHAWN HAMERLINCK
BRAD ZAUN
PAT WARD
RON WIECK
JAMES A. SEYMOUR
KIM REYNOLDS
RANDY FEENSTRA
JAMES F. HAHN
PAUL McKINLEY
DAVID JOHNSON
NANCY J. BOETTGER
JERRY BEHN
DAVID HARTSUCH
LARRY NOBLE
STEVE KETTERING

S–3259

Amend House File 758, as passed by the House, as follows:

1. Page 1, line 26, by inserting after the word "paid" the following: "for hospital and medical expenses or".

BRIAN SCHOENJAHN

S–3260

Amend the amendment, S–3208, to Senate File 464, as follows:

1. Page 8, line 41, by striking the word and figure "and 2" and inserting the following: "through

3".
2. By renumbering as necessary.

JOHN P. KIBBIE

S–3261

Amend the amendment, S–3208, to Senate File 464, as follows:
1. Page 1, by inserting after line 34 the following:
"Sec. ___. Section 15G.202, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:
The infrastructure board shall be composed of ~~eleven~~ members ~~who shall be~~ appointed by the governor as follows:"
2. Page 1, by inserting after line 34 the following:
"Sec. ___. Section 15G.202, subsection 2, paragraph c, unnumbered paragraph 1, Code 2009, is amended to read as follows:
~~Nine~~ Multiple persons based on nominations made by the titular heads of all of the following:"
3. Page 1, by inserting after line 34 the following:
"Sec. ___. Section 15G.202, subsection 2, paragraph c, subparagraph (1), Code 2009, is amended by striking the subparagraph."
4. Page 1, by inserting after line 34 the following:
"Sec. ___. Section 15G.202, subsection 8, Code 2009, is amended to read as follows:
8. ~~Six~~ A majority of members of the infrastructure board constitute a quorum and the affirmative vote of a majority of the members present is necessary for any substantive action to be taken by the infrastructure board. The majority shall not include any member who has a conflict of interest and a statement by a member that the member has a conflict of interest is conclusive for this purpose. A vacancy in the membership does not impair the duties of the infrastructure board."

DAVID JOHNSON

S–3262

Amend the amendment, S–3208, to Senate File 464 as follows:
1. Page 1, by inserting after line 34 the following:

"Sec. ___. Section 15G.202, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The infrastructure board shall be composed of ~~eleven~~ members ~~who shall be~~ appointed by the governor as follows:"

2. Page 1, by inserting after line 34 the following:

"Sec. ___. Section 15G.202, subsection 2, paragraph c, unnumbered paragraph 1, Code 2009, is amended to read as follows:

~~Nine~~ Multiple persons based on nominations made by the titular heads of all of the following:"

3. Page 1, by inserting after line 34 the following:

"Sec. ___. Section 15G.202, subsection 2, paragraph c, subparagraph (4), Code 2009, is amended by striking the subparagraph."

4. Page 1, by inserting after line 34 the following:

"Sec. ___. Section 15G.202, subsection 8, Code 2009, is amended to read as follows:

8. ~~Six~~ A majority of members of the infrastructure board constitute a quorum and the affirmative vote of a majority of the members present is necessary for any substantive action to be taken by the infrastructure board. The majority shall not include any member who has a conflict of interest and a statement by a member that the member has a conflict of interest is conclusive for this purpose. A vacancy in the membership does not impair the duties of the infrastructure board."

5. By renumbering as necessary.

DAVID JOHNSON

S–3263

Amend the amendment, S–3208, to Senate File 464 as follows:

1. Page 1, by inserting after line 34 the following:

"Sec. ___. Section 15G.202, subsection 2, paragraph c, subparagraph (4), Code 2009, is amended by striking the subparagraph."

2. By renumbering as necessary.

DAVID JOHNSON

S–3264

Amend the amendment, S–3208, to Senate File 464, as amended, passed, and reprinted by the Senate, as

follows:

1. Page 3, by inserting after line 20, the following:

"Sec. ___. EXISTING INVENTORIES OF DIESEL FUEL.

1. a. Notwithstanding section 214A.2C, diesel fuel inventories, stored at a retail motor fuel site as defined in section 214A.1, existing on the effective date of this division of this Act, may continue to be sold and dispensed.

b. Paragraph "a" shall not apply once all diesel fuel inventories existing at a retail motor fuel site as defined in section 214A.1, on the effective date of this division of this Act, have been sold or dispensed.

2. Nothing in this section authorizes a retail dealer to acquire diesel fuel other than biodiesel fuel designated B-5 or higher as provided in section 214A.2 on or after the effective date of this division of this Act."

2. By renumbering as necessary.

TIM L. KAPUCIAN

S–3265

HOUSE AMENDMENT TO
SENATE FILE 236

Amend Senate File 236, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 32, by inserting after the word "reduced" the following: ", while maintaining access to treatment options that are in the best interests of the child and the child's family".

S–3266

HOUSE AMENDMENT TO
SENATE FILE 433

Amend Senate File 433, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, by inserting after line 1 the following:

"Sec. ___. Section 135C.36, subsection 2, Code 2009, is amended to read as follows:

2. A Class II violation is one which has a direct or immediate relationship to the health, safety or security of residents of a health care facility, but which presents no imminent danger nor substantial probability of death or physical harm to them. A physical condition or one or more practices within a

facility, including either physical abuse of any resident or failure to treat any resident with consideration, respect and full recognition of the resident's dignity and individuality, in violation of a specific rule adopted by the department, may constitute a Class II violation. A violation of section 135C.14, subsection 8, or section 135C.31 and rules adopted under those sections shall be at least a Class II violation and may be a Class I violation. A Class II violation shall be corrected within a stated period of time determined by the department and specified in the citation issued under section 135C.40. The stated period of time specified in the citation may subsequently be modified by the department for good cause shown. A licensee is subject to a penalty of not less than one hundred nor more than five hundred dollars for each Class II violation for which the licensee's facility is cited, however the director may, upon written request of the facility, waive the penalty if the violation is corrected within the time specified in the citation. The department shall adopt rules in accordance with chapter 17A establishing criteria for the granting or denial of a waiver request."

2. Page 2, by striking lines 4 through 10.

3. By striking page 2, line 27, through page 3, line 15, and inserting the following:

"1. If the director determines, based on the findings of an inspection or investigation of a health care facility, that the facility is in violation of this chapter or rules adopted under this chapter, the director within five working days after making the determination, may issue a written citation to the facility. The citation shall be served upon the facility personally, by electronic mail, or by certified mail, except that a citation for a Class III violation may be sent by ordinary mail. Each citation shall specifically describe the nature of the

Page 2

violation, identifying the Code section or subsection or the rule or standard violated, and the classification of the violation under section 135C.36. Where appropriate, the citation shall also state the period of time allowed for correction of the violation, which shall in each case be the shortest period of time the department deems feasible. Failure to correct a violation within the time specified, unless the licensee shows that the failure was due to circumstances beyond the licensee's control, shall subject the facility to a further penalty of fifty

dollars for each day that the violation continues after the time specified for correction."

4. Page 4, by inserting after line 10 the following:

"Sec. ___. NEW SECTION. 135.40A ISSUANCE OF FINAL FINDINGS.

The department shall issue the final findings of an inspection or investigation of a health care facility within ten working days after completion of the on-site inspection or investigation. The final findings shall be served upon the facility personally, by electronic mail, or by certified mail."

5. Page 5, by striking line 4 and inserting the following: "interventions that have an impact on the".

6. By renumbering as necessary.

S–3267

Amend the amendment, S–3208, to Senate File 464, as follows:

1. Page 3, by inserting after line 20, the following:

"Sec. ___. EXISTING INVENTORIES OF DIESEL FUEL.

1. a. Notwithstanding section 214A.2C, diesel fuel inventories, stored at a retail motor fuel site as defined in section 214A.1, existing on the effective date of this division of this Act, may continue to be sold and dispensed.

b. Paragraph "a" shall not apply once all diesel fuel inventories existing at a retail motor fuel site as defined in section 214A.1, on the effective date of this division of this Act, have been sold or dispensed.

2. Nothing in this section authorizes a retail dealer to acquire diesel fuel other than biodiesel fuel designated B-5 or higher as provided in section 214A.2 on or after the effective date of this division of this Act."

2. By renumbering as necessary.

TIM L. KAPUCIAN

S–3268

HOUSE AMENDMENT TO
SENATE FILE 470

Amend Senate File 470, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting before line 1 the following:

"DIVISION I
EDUCATION APPROPRIATIONS"

2. Page 6, by striking line 22 and inserting the following:

"..... $ 8,778,427"

3. Page 8, by inserting after line 8 the following:

"d. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the Iowa empowerment fund, $916,700 shall be used for support of professional development and training activities for persons working in early care, health, and education by the Iowa empowerment board in collaboration with representation from the Iowa state university of science and technology cooperative extension service in agriculture and home economics, the university of northern Iowa, the department of education, area education agencies, community colleges, child care resource and referral services, and community empowerment area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration."

4. Page 8, by striking lines 25 through 30 and inserting the following: "other copayment provisions."

5. Page 10, by striking line 29 and inserting the following:

"..... $ 157,397,951"

6. By striking page 10, line 33, through page 11, line 12, and inserting the following:

"a. Merged Area I ..... $ 7,834,173
b. Merged Area II ..... $ 8,448,233
c. Merged Area III ..... $ 7,777,907
d. Merged Area IV ..... $ 3,820,476
e. Merged Area V ..... $ 8,571,647
f. Merged Area VI ..... $ 7,437,574
g. Merged Area VII ..... $ 11,063,570
h. Merged Area IX ..... $ 13,732,138
i. Merged Area X ..... $ 23,773,305
j. Merged Area XI ..... $ 23,762,557
k. Merged Area XII ..... $ 9,030,417
l. Merged Area XIII ..... $ 9,193,528
m. Merged Area XIV ..... $ 3,873,630
n. Merged Area XV ..... $ 12,152,732
o. Merged Area XVI ..... $ 6,953,064"

7. Page 13, by striking line 3 and inserting the following:

"..... $ 235,045,570"

8. Page 15, by striking line 15 and inserting the following:

"..... $ 184,643,881"

9. Page 16, by inserting after line 9 the following:

"(1) (a) Iowa state university shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this lettered paragraph.

(b) Subparagraph subdivision (a) does not apply to a reduction made to support the college of veterinary medicine if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university's budget units.

(2)".

10. Page 16, by striking line 21 and inserting the following:

"..... $ 83,634,208"

11. Page 17, by striking lines 6 through 12.

12. Page 18, by inserting after line 11 the following:

"Sec. ___. STATE DEPARTMENT OR AGENCY COST-SAVING MEASURES. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, a state department or state agency to which an appropriation is made pursuant to this Act shall do the following:

1. Submit electronically any report the department or agency is required to submit to the general assembly. Notwithstanding any provision to the contrary, the department or agency shall not submit a printed copy of any report to the general assembly.

2. Develop and implement procedures that result in cost savings for office supplies, service contracts, professional services, video conferencing, use of the Iowa telecommunications network, equipment purchases, and interstate and intrastate travel by state employees and members of state boards, committees, commissions, and councils for which the department or agency provides administrative services.

3. Require employees, in order to receive expense reimbursement, to submit actual receipts for meals and other costs. To the extent possible, receipts shall be submitted electronically. Reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the receipts submitted by an employee."

13. Page 18, by inserting after line 11 the

Page 3

following:

"Sec. ___. OUT-OF-STATE TRAVEL — RESTRICTIONS.

Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, out-of-state travel by an employee of a department or state agency to which appropriations are made pursuant to the provisions of this Act shall not be authorized unless the executive council authorizes the travel as necessary for the performance of official state business."

14. Page 18, by inserting after line 26 the following:

"Sec. ___. Section 256.7, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 30. Adopt rules requiring the board of directors of each public school and the authorities in charge of each nonpublic school to cause the pledge of allegiance to be recited at the beginning of each school day. Persons reciting the pledge of allegiance shall stand holding their right hand over their heart. A student shall not be compelled, against the student's objections or those of the student's parent or guardian, to recite the pledge of allegiance, but shall be required to maintain a respectful silence. A nonpublic school is exempt from this requirement if the authorities in charge of a nonpublic school determine that this requirement conflicts with the school's religious doctrines."

15. Page 19, line 5, by inserting before the word "If" the following: "Revenues received by a school district attributed to a school district's weighted enrollment pursuant to this paragraph shall be expended for the purpose for which the weighting was assigned under this paragraph."

16. Page 24, lines 24 and 25, by striking the words "scholarship or grant moneys" and inserting the following: "assistance under programs".

17. Page 24, line 30, by inserting after the word "system." the following: "The institutions shall annually submit to the commission enrollment, course completion, grades, and other information useful in determining successful educational programs and services for students who have been assigned a unique student identifier in this state and who are receiving moneys administered by the commission. The commission shall share information submitted pursuant to this subsection with the department of education as appropriate."

18. Page 27, line 19, by striking the word

Page 4

"subsection" and inserting the following:
"subsections".
19. Page 27, by inserting after line 21 the following:
"NEW SUBSECTION. 33. Annually, by October 1, submit in a report to the general assembly the following information for the previous fiscal year:
a. Total revenue received from each local school district as a result of high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control.
b. Unduplicated headcount of high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control.
c. Total credits earned by high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control, broken down by degree program.
d. The compensation and benefits paid to the members of the board pursuant to section 7E.6.
e. The contracted salary and benefits and any other expenses related to support for governmental affairs efforts, including expenditures for liaisons and lobbying activities for the board and its institutions.
f. The contracted salaries, including but not limited to bonus wages and benefits, including but not limited to annuity payments or any other benefit covered using state funds of any kind for administrators of the institutions governed by the board."
20. Page 27, by inserting after line 31 the following:
"Sec. ___. NEW SECTION. 279.54 DISPLAY OF UNITED STATES FLAG IN CLASSROOMS.
In addition to the requirements of section 280.5, the board of directors of each school district shall cause a United States flag, manufactured in the United States and in good condition to be displayed during school hours in each public school gymnasium or assembly hall in the district. The size of the flag shall be not less than two feet by three feet."
21. Page 27, by inserting after line 31 the following:
"Sec. ___. NEW SECTION. 280.29 INTERNET RESTRICTIONS.
The board of directors of each public school

Page 5

district and the authorities in charge of each nonpublic school shall adopt a policy restricting school officials and school employees from posting student photographs and other identifying information about a student on an internet social networking website without obtaining permission of the student or the student's parent or guardian if the student is under eighteen years old. This section does not apply to photographs or other information posted on the school's internet website related to a student's involvement with school-related activities or accomplishments."

22. Page 33, by striking line 6 and inserting the following:

"Sec. ___. Chapter 7K, Code 2009, is repealed."

23. Page 33, line 9, by inserting after the word "this" the following: "division of this".

24. Page 33, line 12, by inserting after the word "this" the following: "division of this".

25. Page 33, line 15, by inserting after the word "this" the following: "division of this".

26. Page 33, by inserting before line 18 the following:

"DIVISION II

RESEARCH AND DEVELOPMENT SCHOOL

Sec. ___. NEW SECTION. 256G.1 LEGISLATIVE INTENT.

It is the intent of the general assembly to develop a state research and development prekindergarten through grade twelve school in order to do the following:

1. To raise and sustain the level of all prekindergarten through grade twelve students' educational attainment and personal development through innovative and promising teaching practice.

2. To enhance the preparation and professional competence of the educators in this state through collaborative inquiry and exchange of professional knowledge in teaching and learning.

3. To focus on research that transforms teaching practice to meet the changing needs of this state's educational system.

Sec. ___. NEW SECTION. 256G.2 DEFINITIONS.

For purposes of this chapter:

1. "Department" means the department of education.

2. "Director" means the director of the department of education.

3. "President" means the president of the university of northern Iowa.

4. "Research and development school" means a

Page 6

prekindergarten through grade twelve research, development, demonstration, and dissemination school using expanded facilities at the center for early development education, also known as the Price laboratory school, in Cedar Falls.

5. "University" means the university of northern Iowa.

Sec. ___. NEW SECTION. 256G.3 RESEARCH AND DEVELOPMENT SCHOOL FUNDING.

1. a. (1) The university and the board of directors of the Cedar Falls community school district shall develop a student transfer policy for the research and development school that will protect and promote the quality and integrity of the teacher education program and the viability of the education program of the Cedar Falls community school district.

(2) The policy shall include, in order of consideration, the reasons for which a request to transfer to the research and development school will be allowed by the school district. The research and development school may deny any request for transfer under the policy and such denial for transfer is not subject to appeal under section 290.1. The research and development school shall report the transfer and enrollment of a new student directly to the department.

b. The research and development school shall create and maintain a basic geographic boundary line agreement with the Cedar Falls community school district. The boundary line agreement shall ensure that students currently receiving priority access to the center for early development education through open enrollment shall continue to have priority access to the research and development school. If such an agreement cannot be reached, the boundary line for the research and development school shall be the official boundary line of the Cedar Falls community school district.

c. Open enrollment under section 282.18 applies to the research and development school.

2. If funding is appropriated for the purposes of this subsection, the school budget review committee may grant supplemental funding to the research and development school for its research component if additional funding beyond the funding provided by the university is available under section 257.31, subsection 5, paragraph "o".

3. Funds provided by the university for the center for early development education under section 262.71 shall be redirected as applicable to support the

Page 7

research component at the research and development school.

Sec. ___. NEW SECTION. 256G.4 RESEARCH AND DEVELOPMENT SCHOOL — GOVERNANCE.

1. The board of regents shall be the governing entity of the research and development school and as such shall be responsible for the faculty, facility, grounds, and staffing.

2. The department shall be the accreditation agency and as such shall serve as the authority on teacher qualification requirements and waiver provisions.

3. a. A fifteen-member advisory council is created, composed of the following members:

(1) Three standing committee members as follows:

(a) The director.

(b) The president.

(c) The director of the research and development school, serving as an ex officio, nonvoting member.

(2) Eight members shall be jointly recommended for membership by the president and the director and shall be jointly approved by the state board of regents and the state board of education, shall serve three-year staggered terms, and shall be eligible to serve for two consecutive three-year terms on the council in addition to any partial, initial term:

(a) One member representing prekindergarten through grade twelve teachers.

(b) One member representing prekindergarten through grade twelve administrators.

(c) One member representing area education agencies.

(d) One member representing Iowa state university of science and technology.

(e) One member representing the university of Iowa.

(f) One member representing parents of students at the research and development school.

(g) One member representing business and industry.

(h) One member representing private colleges in the state.

(3) Four members of the general assembly serving as ex officio, nonvoting members, one representative to be appointed by the speaker of the house of representatives, one representative to be appointed by the minority leader of the house of representatives, one senator to be appointed by the majority leader of the senate after consultation with the president of the senate, and one senator to be appointed by the minority leader of the senate.

Page 8

b. (1) The advisory council shall review and evaluate the educational processes and results of the research and development school.

(2) The advisory council shall provide an annual report to the president, the director, the state board of regents, and the state board of education.

4. a. A nine-member standing institutional research committee, appointed by the president and the director, is created, composed of the following members:

(1) The director of research at the research and development school or the person designated with this responsibility.

(2) One member representing the university of northern Iowa.

(3) One member representing Iowa state university of science and technology.

(4) One member representing the university of Iowa.

(5) One member representing business and industry.

(6) One member representing prekindergarten through grade twelve students.

(7) One member representing the political community.

(8) One member representing the department.

(9) One member representing private colleges in the state.

b. The appointed members should collectively possess the following characteristics:

(1) Be well informed about the educational needs of students in the state.

(2) Be aware of and understand the standards and protocol for educational research.

(3) Understand the dissemination of prekindergarten through grade twelve research results.

(4) Understand the impact of educational research.

(5) Be knowledgeable about compliance with human subject protection protocol.

c. The committee shall serve as the clearinghouse for the investigative and applied research at the research and development school.

d. The committee shall create research protocols, approve research proposals, review the quality and results of performed research, and provide support for dissemination efforts.

Sec. ___. Section 257.6, subsection 1, paragraph b, Code 2009, is amended by striking the paragraph.

Sec. ___. Section 257.31, subsection 5, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. o. Lack of funding for research at

Page 9

the research and development school established under chapter 256G.

Sec. ___. Section 282.18, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 15A. If a request under this section is for transfer to a laboratory school, as described in chapter 256G, the student, who is the subject of the request, shall be included in the basic enrollment of the student's district of residence and the board of directors of the district of residence shall pay to a laboratory school the state cost per pupil for the previous school year, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year.

Sec. ___. RESEARCH AND DEVELOPMENT SCHOOL — INFRASTRUCTURE FUNDING STUDY. The department of education, in collaboration with representatives of the university of northern Iowa, as designated by the president, shall create a report about potential access to various infrastructure funding for the research and development school including but not limited to funds from the secure an advanced vision for education fund under section 423F.2 for infrastructure purposes as allowed under section 423F.3. The department shall submit the report, including recommended adjustments to the Code of Iowa, to the general assembly and the governor by January 15, 2010.

Sec. ___. RESEARCH AND DEVELOPMENT SCHOOL INFRASTRUCTURE.

1. a. There is appropriated from the general fund of the state to the university of northern Iowa for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a contract with a design firm to evaluate the condition of the center for early development education in Cedar Falls and determine an approximate cost of both renovation of the current facility and new construction with a recommendation as to which is more feasible:

..... $ 35,000

b. The design firm's recommendation shall consider the following property elements:

(1) Grounds, utility, and paving systems.

(2) Exterior systems, including the roof, walls, windows, exterior doors, and structural components.

Page 10

(3) Interior systems, including walls, doors, floors, and ceilings.
(4) Fire and life safety issues.
(5) Readily achievable design features meeting the requirements of the federal Americans With Disabilities Act.
(6) Heating, ventilation, and air conditioning including control mechanisms.
(7) Electrical and electrical distribution system.
(8) Plumbing.
(9) Fire protection.
(10) Elevators.
(11) Special construction.
c. The design firm shall report in fiscal year 2010–2011 to the president, the director, and the transition team the results of its evaluation and recommendation.
2. The renovation or rebuilding of the center for early development education shall be funded from a direct appropriation from the rebuild Iowa infrastructure fund created in section 8.57. Leadership in energy and environmental design certification shall be sought in order that the research and development school serve as a model of energy efficiency and design.
3. A three-year timeline to establish the research and development school is proposed for the university and the department. A transition team, appointed by the president and the director, shall develop and implement specific transition plans for the first year of the transition and for the entire three-year transition period in order to establish a functioning research and development school at the end of the transition period. The transition team shall use the recommendations for each year of the transition as submitted in the report of the committees required by 2008 Iowa Acts, chapter 1101, to oversee the transition."
27. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S–3269

Amend the amendment, S–3208, to Senate File 464, as follows:
1. Page 2, by striking lines 11 through 18.
2. Page 2, line 26, by striking the figure "B-5" and inserting the following: "B-2".
3. Page 2, line 35, by striking the figure "B-5" and inserting the following: "B-2".

4. Page 3, line 2, by striking the figure "B-5" and inserting the following: "B-2".
5. Page 3, line 4, by striking the figure "B-5" and inserting the following: "B-2".
6. Page 3, line 7, by striking the figure "B-5" and inserting the following: "B-2".
7. By renumbering as necessary.

KIM REYNOLDS

S–3270

Amend the amendment, S–3208, to Senate File 464, as follows:
1. Page 6, line 26, by striking the words "designated as B-10 or higher" and inserting the following: "with the lowest B-xx designation allowed under chapter 214A and".
2. By renumbering as necessary.

KIM REYNOLDS

S–3271

Amend House File 811 as amended, passed, and reprinted by the House, as follows:
1. Page 16, line 29, by striking the figure "5,266,946" and inserting the following: "5,496,946".
2. Page 18, by inserting after line 4 the following:
"5A. It is the intent of the general assembly that the department of human services review the feasibility of expanding categorical food assistance program eligibility in Iowa to at least 160 percent of the applicable federal poverty level and simplifying administrative requirements by eliminating current asset tests for food assistance program eligibility. The department shall estimate the potential economic benefits and fiscal impact of making these changes on individual Iowa families and the state. The department shall report on or before December 15, 2009, concerning the review, providing findings and recommendations, to the persons designated by this division of this Act for submission of reports."
3. Page 18, line 17, by striking the figure "34,342,700" and inserting the following: "34,592,700".
4. Page 18, line 20, by striking the figure "2,268,271" and inserting the following: "2,518,271".
5. Page 21, line 24, by striking the figure "678,038,847" and inserting the following: "677,613,847".

6. Page 29, line 29, by striking the figure "37,799,472" and inserting the following: "37,974,472".

7. Page 31, line 20, by striking the figure "175,000" and inserting the following: "350,000".

8. Page 32, by striking lines 1 through 8.

9. Page 33, line 30, by striking the figure "34,280,400" and inserting the following: "34,200,400".

10. Page 39, by striking lines 14 through 22.

11. Page 39, by inserting before line 23 the following:

"___. Of the funds appropriated in this section, $80,000 shall be transferred to the appropriation made in this division of this Act for the family support subsidy program to supplement that appropriation."

12. Page 40, by striking lines 13 through 21.

13. Page 41, by inserting after line 20 the following:

"3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially

Page 2

used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available."

14. By striking page 42, line 34, through page 43, line 9.

15. Page 44, by striking lines 21 through 27.

16. Page 46, lines 33 and 34, by striking the words "approved county management plan" and inserting the following: "county management plan approved by the board of supervisors".

17. Page 61, by striking lines 21 through 30.

18. Page 61, by inserting before line 31 the following:

"Sec. ___. PHARMACY-RELATED ISSUES — INTERIM.

1. The legislative council is requested to establish a legislative study committee for the 2009 interim to identify strategies and solutions to address problems arising from inappropriate medication use in the health care system.

2. The study committee shall consist of members of the general assembly, and representatives of the department of public health, the Iowa pharmacy association, the Iowa medical society, wellmark blue cross blue shield, the principal financial group, the

university of Iowa college of public health, the health policy corporation of Iowa, and the Iowa foundation for medical care.

3. The study committee shall document the extent and causes of medication use problems and examine potential solutions including medication therapy management programs, evidence-based prescriber education programs, clinical pharmacy services in the primary medical home, collaborative practice models of care, and quality and performance-based payment systems.

4. The study committee shall submit a report of its findings and recommendations to the general assembly for consideration during the 2010 legislative session."

19. Page 71, by inserting after line 9 the following:

"Sec. ___. Section 426B.5, subsection 2, paragraph i, subparagraph (3), Code 2009, is amended to read as follows:

(3) Avoiding the need for reduction or elimination of a mobile crisis team or other critical emergency services when the reduction or elimination places the

Page 3

public's health or safety at risk."

20. Page 76, by striking lines 10 through 13, and inserting the following: "efforts of the bodies."

21. Page 78, line 10, by striking the figure "891,219" and inserting the following: "999,219".

22. Page 78, line 13, by striking the figure "346,224" and inserting the following: "454,224".

23. Page 78, line 24, by striking the figure "2,253,507" and inserting the following: "2,720,507".

24. Page 80, line 22, by striking the figure "61,350" and inserting the following: "225,350".

25. Page 80, line 27, by inserting after the figure "2006." the following: "The department of public health shall report to the persons designated in division I of this Act for submission of reports regarding use of the funds allocated in this lettered paragraph, on or before January 10, 2010."

26. Page 80, by striking line 28, and inserting the following:

"g. (1) Of the funds appropriated in this subsection, $347,520".

27. Page 80, by inserting after line 33 the following:

"(2) Of the funds appropriated in this subsection, $70,000 shall be used to provide conference scholarships to direct care workers.

(3) The association specified in this lettered paragraph shall report to the persons designated in division I of this Act for submission of reports on or before January 1, 2010, the use of the funds allocated in this lettered paragraph, any progress made regarding the initiatives specified and in expanding the association statewide, and the number of scholarships provided, and shall include in the report a copy of the association's internal revenue service form 990."

28. Page 81, line 15, by striking the figure "111,409,156" and inserting the following: "111,834,156".

29. Page 81, line 29, by striking the word "sixteen" and inserting the following: "seventeen".

30. Page 84, by striking lines 5 through 12.

31. Page 85, by inserting after line 16 the following:

"TRAINING FOR CHILD WELFARE SERVICES PROVIDERS

Sec. ___. 2008 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph c, subparagraph (6), is amended to read as follows:

(6) For training for child welfare services providers, $250,000. The training shall be developed

Page 4

by the department in collaboration with the coalition for children and family services in Iowa. Notwithstanding section 8.33, moneys allocated in this subparagraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year."

32. Page 86, by inserting after line 6 the following:

"FAMILY SUPPORT SUBSIDY SLOTS

Sec. ___. 2008 Iowa Acts, chapter 1187, section 19, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

PREGNANCY COUNSELING

Sec. ___. 2008 Iowa Acts, chapter 1187, section 30, is amended by adding the following new unnumbered

paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall remain available for expenditure for the purpose designated until the close of the fiscal year beginning July 1, 2010."

33. Page 97, by striking line 10 and inserting the following: "~~chairperson, upon the request of a state agency,~~ state medical examiner or as".

34. Page 111, by inserting after line 17 the following:

"DIVISION ___
IOWACARE — NONPARTICIPATING PROVIDER — REIMBURSEMENT

Sec. ___. NEW SECTION. 249J.24A NONPARTICIPATING PROVIDER REIMBURSEMENT FOR COVERED SERVICES — REIMBURSEMENT FUND.

1. A nonparticipating provider may be reimbursed for covered expansion population services provided to an expansion population member by a nonparticipating provider, if the nonparticipating provider contacts the appropriate participating provider prior to providing covered services to verify consensus regarding one of the following courses of action:

Page 5

a. If the nonparticipating provider and the participating provider agree that the medical status of the expansion population member indicates it is medically possible to postpone provision of services, the nonparticipating provider shall direct the expansion population member to the appropriate participating provider for services.

b. If the nonparticipating provider and the participating provider agree that the medical status of the expansion population member indicates it is not medically possible to postpone provision of services, the nonparticipating provider shall provide medically necessary services.

c. If the nonparticipating provider and the participating provider agree that transfer of the expansion population member is not possible due to lack of available inpatient capacity, the nonparticipating provider shall provide medically necessary services.

d. If the medical status of the expansion population member indicates a medical emergency and the nonparticipating provider is not able to contact the appropriate participating provider prior to providing medically necessary services, the

nonparticipating provider shall document the medical emergency and inform the appropriate participating provider immediately after the member has been stabilized of any covered services provided.

2. a. If the nonparticipating provider meets the requirements specified in subsection 1, the nonparticipating provider shall be reimbursed for covered expansion population services provided to the expansion population member through the nonparticipating provider reimbursement fund in accordance with rules adopted by the department of human services. However, any funds received from participating providers, appropriated to participating providers, or deposited in the IowaCare account pursuant to section 249J.24, shall not be transferred or appropriated to the nonparticipating provider reimbursement fund or otherwise used to reimburse nonparticipating providers.

b. Reimbursement of nonparticipating providers under this section shall be based on the reimbursement rates and policies applicable to the nonparticipating provider under the full benefit medical assistance program, subject to the availability of funds in the nonparticipating provider reimbursement fund and subject to the appropriation of moneys in the fund to the department.

Page 6

c. The department shall reimburse the nonparticipating provider only if the recipient of the services is an expansion population member with active eligibility status at the time the services are provided.

3. a. A nonparticipating provider reimbursement fund is created in the state treasury under the authority of the department. Moneys designated for deposit in the fund that are received from sources including but not limited to appropriations from the general fund of the state, grants, and contributions, shall be deposited in the fund. However, any funds received from participating providers, appropriated to participating providers, or deposited in the IowaCare account pursuant to section 249J.24 shall not be transferred or appropriated to the nonparticipating provider reimbursement fund or otherwise used to reimburse nonparticipating providers.

b. Moneys in the fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys deposited in the fund are not subject to section 8.33 and shall not be transferred, used, obligated,

appropriated, or otherwise encumbered, except to provide for the purposes specified in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

c. Moneys deposited in the fund shall be used only to reimburse nonparticipating providers who provide covered services to expansion population members if no other third party is liable for reimbursement and as specified in subsection 1.

d. The department shall attempt to maximize receipt of federal matching funds under the medical assistance program for covered services provided under this section if such attempt does not directly or indirectly limit the federal funds available to participating providers.

4. For the purposes of this section, "nonparticipating provider" means a hospital licensed pursuant to chapter 135B that is not a member of the expansion population provider network as specified in section 249J.7.

Sec. ___. NONPARTICIPATING PROVIDER REIMBURSEMENT FOR COVERED SERVICES — IOWACARE PROGRAM WAIVER RENEWAL.

1. Beginning July 1, 2010, the department of human services shall include in any medical assistance program waiver relating to the continuation of the

Page 7

IowaCare program pursuant to chapter 249J, provisions for reimbursement of covered expansion population services provided to an expansion population member by a nonparticipating provider subject to all of the following:

a. A nonparticipating provider may be reimbursed if the nonparticipating provider contacts the appropriate participating provider prior to providing covered services to verify consensus regarding one of the following courses of action:

(1) If the nonparticipating provider and the participating provider agree that the medical status of the expansion population member indicates it is medically possible to postpone provision of services, the nonparticipating provider shall direct the expansion population member to the appropriate participating provider for services.

(2) If the nonparticipating provider and the participating provider agree that the medical status of the expansion population member indicates it is not medically possible to postpone provision of services, the nonparticipating provider shall provide medically

necessary services.

(3) If the nonparticipating provider and the participating provider agree that transfer of the expansion population member is not possible due to lack of available inpatient capacity, the nonparticipating provider shall provide medically necessary services.

(4) If the medical status of the expansion population member indicates a medical emergency and the nonparticipating provider is not able to contact the appropriate participating provider prior to providing medically necessary services, the nonparticipating provider shall document the medical emergency and inform the appropriate participating provider immediately after the member has been stabilized of any covered services provided.

b. Reimbursement of a nonparticipating provider shall be based on the reimbursement rates and policies applicable to the nonparticipating provider under the full benefit medical assistance program, subject to the availability and appropriation of funds to the department for such purpose.

c. Reimbursement shall be made to a nonparticipating provider only if the recipient of the services is an expansion population member with active eligibility status at the time the services are provided.

d. For the purposes of this section,

Page 8

"nonparticipating provider" means a hospital licensed pursuant to chapter 135B that is not a member of the expansion population provider network as specified in section 249J.7.

2. Notwithstanding the requirement of this section directing the department of human services to include provisions for reimbursement of covered services provided to an expansion population member by a nonparticipating provider under any medical assistance program waiver relating to the continuation of the IowaCare program beginning July 1, 2010, if the department of human services in consultation with the governor determines that such requirement would adversely affect continuation of or would reduce the amount of funding available for the IowaCare waiver, the department shall not include such provisions in the IowaCare waiver."

35. Page 111, by inserting after line 19 the following:

"Sec ___. NEW SECTION. 157.3B EXAMINATION INFORMATION.

Notwithstanding section 147.21, individual pass or fail examination results made available from the authorized national testing agency to the board may be disclosed to the board-approved education program from which the applicant for licensure graduated for purposes of verifying accuracy of national data and reporting aggregate licensure examination results as required for a program's continued accreditation."

JACK HATCH

S–3272

Amend Senate File 481 as follows:

1. Page 3, line 3, by inserting after the word "property." the following: "Notwithstanding any provision of law to the contrary, eligible property originally constructed prior to 1910 that is part of a rehabilitation project receiving a tax credit under this chapter shall not be required to install a fire sprinkler or a related fire suspension system in the restoration and remodeling of the building."

2. By renumbering as necessary.

NANCY J. BOETTGER

S–3273

Amend Senate File 481 as follows:

1. Page 6, line 21, by striking the word "Twenty" and inserting the following: "Ten".

2. Page 7, by inserting before line 5 the following:

"(6) At least ten percent of the dollar amount of the tax credits shall be allocated to projects eligible for the Iowa main street program as described in 261 IAC 39."

3. Page 7, line 6, by striking the word and figure "or (4)" and inserting the following: ", (4), or (6)".

4. By renumbering as necessary.

JAMES A. SEYMOUR

S–3274

Amend Senate File 481 as follows:

1. By striking page 4, line 25, through page 5, line 10, and inserting the following: "tax credit being transferred. Of the tax credits approved for the fiscal year beginning July 1, 2009, the department shall reserve not more than twenty million dollars

worth of tax credits for a taxable year beginning on or after January 1, 2009. Tax credits approved for all subsequent fiscal years shall be reserved for taxable years beginning on or after January 1, 2010."

2. By striking page 5, line 20, through page 7, line 22, and inserting the following:

"4. The total amount of tax credits that may be approved for a fiscal year under this chapter shall not exceed ten million dollars in the fiscal year beginning July 1, 2007, fifteen million dollars in the fiscal year beginning July 1, 2008, and twenty million dollars in the fiscal year beginning July 1, 2009~~, and each fiscal year thereafter~~. ~~Of the tax credits approved for a fiscal year under this chapter, ten percent of the dollar amount of tax credits shall be allocated for purposes of new projects with qualified costs of five hundred thousand dollars or less, and forty percent of the dollar amount of tax credits shall be allocated for purposes of new projects located in cultural and entertainment districts certified pursuant to section 303.3B or identified in Iowa great places agreements developed pursuant to section 303.3C. Any of the tax credits allocated for projects located in certified cultural and entertainment districts or identified in Iowa great places agreements and for projects with a cost of five hundred thousand dollars or less that are not reserved during a fiscal year shall be applied to reserved tax credits issued in accordance with section 404A.3 in order of original reservation.~~ For the fiscal year beginning July 1, 2010 and for each fiscal year thereafter, the amount of tax credits that may be approved is not limited. The department of cultural affairs shall establish by rule the procedures for the application, review, selection, and awarding of certifications of completion. The departments of cultural affairs and revenue shall each adopt rules to jointly administer this subsection ~~and shall provide by rule for the method to be used to determine for which fiscal year the tax credits are available~~. ~~With the exception of tax credits issued pursuant to contracts entered into prior to July 1, 2007, tax credits shall not be reserved for more than three years.~~"

Page 2

3. By renumbering as necessary.

SHAWN HAMERLINCK
KIM REYNOLDS
JAMES F. HAHN

RANDY FEENSTRA
TIM L. KAPUCIAN
MERLIN BARTZ
DAVID JOHNSON
LARRY NOBLE
PAT WARD
RON WIECK
STEVE KETTERING
BRAD ZAUN
NANCY J. BOETTGER
JAMES A. SEYMOUR
JERRY BEHN

S–3275

Amend House File 811, as amended, passed, and reprinted by the House, as follows:

1. Page 45, by striking lines 24 through 28.

2. Page 50, line 12, by striking the word "continue" and inserting the following: "reissue the request for proposals for".

3. Page 54, by striking lines 3 through 7.

4. Page 60, by inserting after line 21 the following:

"Sec. ___. OFFICE EXPENSES — MANDATORY REDUCTION. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the appropriations from the general fund of the state to a state department or state agency to which appropriations are made pursuant to this Act are reduced by such amount, as necessary to effect a 50 percent reduction in the amount appropriated for expenditures for office supplies, service contracts, and equipment purchases. The reduction of the individual appropriations shall be determined by the department of management in consultation with the affected departments and agencies on the basis of the expected expenditures for such items by the affected state department or agency for the fiscal year without the reduction required by this section. The specific amount that each individual appropriation is reduced shall be outlined in a memorandum prepared by the department of management which shall be submitted to the general assembly and legislative services agency within 30 days of the effective date of this section of this Act. The reduction of an individual appropriation pursuant to this section shall be applied prior to any reductions in full-time equivalent positions. The reduction of an individual appropriation pursuant to this section shall be in addition to any other reduction required by law and general fund appropriations reduced pursuant to this section shall

not be expended for any other purposes but shall be retained in the general fund of the state."

5. Page 60, by inserting after line 31 the following:

"Sec. ___. VACANT, FUNDED FULL-TIME EQUIVALENT POSITIONS. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the director of a department or state agency to which appropriations are made pursuant to the provisions of this Act shall revert to the general fund of the state at the close of the fiscal year an amount equal to the salary and benefits cost of each full-time equivalent position funded with

Page 2

an appropriation made in this Act that remains vacant for a period of six months or more."

6. Page 60, by inserting before line 32 the following:

"Sec. ___. EXPENDITURES FOR CELLULAR TELEPHONES AND PERSONAL DIGITAL ASSISTANTS PROHIBITED. Notwithstanding any provision to the contrary, other than for employees performing inspections or who are otherwise normally performing their primary duties away from a fixed location more than 70 percent of the time, for the fiscal year beginning July 1, 2009, a department receiving appropriations in this Act shall not expend moneys appropriated from the general fund of the state to pay for or reimburse the initial or associated service costs for cellular telephones, personal digital assistant devices, or handheld computers. However, the executive council may authorize an exception on a case-by-case basis, to address an emergency situation for a period of time not more than three consecutive calendar months in length or to complete the minimum period specified under the terms of a lease or contract."

7. By striking page 70, line 29, through page 71, line 5.

8. By striking page 83, line 20, through page 84, line 12.

9. By striking page 85, line 33, through page 86, line 6.

10. By striking page 86, line 33, through page 87, line 24.

11. By striking page 88, line 28, through page 89, line 6.

12. Page 113, by inserting after line 28 the following:

"DIVISION ___
VEHICLE PURCHASES

Sec. ___. VEHICLE PURCHASES DEFERRED. Notwithstanding any provision to the contrary, except as otherwise provided by this section, the department of administrative services shall defer the purchase of replacement motor vehicles paid for from the general fund of the state or from such moneys credited to the depreciation fund maintained pursuant to section 8A.365. The purchase deferral is applicable to the remainder of the fiscal year beginning July 1, 2008, commencing on the effective date of this section and to the succeeding fiscal year. However, the executive council may authorize an exception to allow purchase of a replacement vehicle when the purchase is less costly than all other alternatives.

Page 3

Sec. ___. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment."

13. By renumbering as necessary.

DAVID JOHNSON

S–3276

Amend the amendment, S–3271, to House File 811, as amended, passed, and reprinted by the House, as follows:

1. Page 2, line 28, by inserting after the word "health," the following: "the Iowa retail federation, the prevention and chronic care management advisory council established in section 135.161, the medical home system advisory council established in section 135.159, the Iowa healthcare collaborative, as defined in section 135.40,".

JACK HATCH

S–3277

Amend the amendment, S–3208, to Senate File 464, as follows:

1. By striking page 1, line 4, through page 8, line 47, and inserting the following:

""Section 1. Section 99F.11, subsection 3, paragraph f, Code 2009, is amended to read as follows:

f. Before distributions are made pursuant to paragraphs "a" through "e", the treasurer of state shall credit a portion of the adjusted gross receipts to the road use tax fund created in section 312.1. The portion of the adjusted gross receipts credited to

the road use tax fund shall equal the estimated amount that an eleven-and-one-quarter-cent excise tax imposed on biodiesel fuel sold for use in motor vehicles as provided in section 452A.3, subsection 3, for the fiscal year would raise.

g. The remaining amount of the adjusted gross receipts tax shall be credited to the general fund of the state.

Sec. 2. Section 452A.3, subsection 3, Code 2009, is amended to read as follows:

3. For the privilege of operating motor vehicles or aircraft in this state, there is imposed an excise tax on the use of special fuel in a motor vehicle or aircraft. The tax rate on special fuel for diesel engines of motor vehicles is twenty-two and one-half cents per gallon. However, the tax rate on biodiesel fuel as defined in section 214A.1 is eleven and one-quarter cents per gallon. The rate of tax on special fuel for aircraft is three cents per gallon. On all other special fuel, unless otherwise specified in this section, the per gallon rate is the same as the motor fuel tax. Indelible dye meeting United States environmental protection agency and internal revenue service regulations must be added to fuel before or upon withdrawal at a terminal or refinery rack for that fuel to be exempt from tax and the dyed fuel may be used only for an exempt purpose.""

2. By renumbering as necessary.

SHAWN HAMERLINCK

S–3278

Amend the amendment, S–3208, to Senate File 464, as follows:

1. Page 3, by inserting after line 20 the following:

"___. Subsection 1 does not apply to a retail motor fuel site that is located more than seventy-five miles from a biodiesel terminal facility that stores and dispenses biodiesel fuel using one or more heated tanks."

2. By renumbering as necessary.

RON WIECK

S–3279

Amend the amendment, S–3208, to Senate File 464 as follows:

1. Page 4, by striking lines 42 and 43 and inserting the following: "identifying that the biodiesel fuel contains at least five percent biodiesel."

2. By renumbering as necessary.

SHAWN HAMERLINCK

S–3280

HOUSE AMENDMENT TO
SENATE FILE 475

Amend Senate File 475, as passed by the Senate, as follows:

1. Page 21, by inserting after line 1 the following:

"Sec.___. CORRECTIONAL OFFICER AND PEACE OFFICER — PRIORITY. As a condition of receiving an appropriation in this Act, the department of corrections and the department of public safety shall make every effort to preserve correctional officer and peace officer positions through the reduction of administrative and related overhead costs."

2. Page 21, by inserting after line 1 the following:

"Sec. ___. DEPARTMENT OF ADMINISTRATIVE SERVICES — MULTIPLE SOURCE OFFICE FURNITURE CONTRACT.

1. The department of administrative services shall, as soon as practicable, utilize a request for proposals process to establish a multiple source purchasing contract or contracts pursuant to section 8A.311, subsection 23, to allow governmental entities, as defined in section 8A.101, to purchase office furniture. The request for proposals shall indicate to prospective vendors that purchases from a contract shall be subject to the requirements of section 904.808.

2. The request for proposals shall express a preference for awarding a contract or contracts to an Iowa-based furniture manufacturer consistent with the preference requirements of section 8A.311, subsection 1. In addition, the multiple source contract or contracts shall provide that furniture manufacturers make available to Iowa state industries, for purchase or for acquisition under applicable warranty provisions, suitable materials to refurbish and recycle office furniture obtained from the

manufacturer pursuant to the contract or contracts so as to extend the useful life of the furniture. The multiple source contract or contracts shall provide that governmental entities, as defined in section 8A.101, shall be allowed to purchase, subject to the requirements of section 904.808, office furniture included in the contract."

3. Page 21, by inserting before line 2 the following:

"Sec. ___. Section 8A.311, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 23. The director may establish through a competitive selection process a multiple source office furniture purchasing contract for governmental entities, excluding institutions under

Page 2

the control of the state board of regents, and shall adopt rules governing the process for the governmental entities to purchase through the contract, subject to the requirements of section 904.808. The director may also enter into an agreement with the state board of regents to allow governmental entities to purchase, subject to the requirements of this subsection and section 904.808, office furniture under contracts established by an institution under the control of the state board of regents if the institution authorizes the purchase. The rules shall provide that governmental entities notify the department, at least ninety days prior to purchase, if the governmental entity is purchasing office furniture or is entering into a construction contract in which acquisition of office furniture is included. The rules shall provide that the department, upon receipt of notification from a governmental entity, shall, within two business days, notify Iowa state industries which shall determine whether, pursuant to section 904.808, the governmental entity can purchase from the multiple source office furniture purchasing contract or an office furniture contract established by an institution under the control of the state board of regents. Governmental entities who purchase office furniture pursuant to a contract established by the department or an institution under the control of the state board of regents shall be deemed to satisfy any otherwise applicable competitive bidding requirements."

4. Page 21, line 28, by striking the word and figure "subsection 6" and inserting the following:

"subsection 7".

5. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S–3281

Amend the amendment, S–3208, to Senate File 464, as follows:

1. Page 3, by striking lines 21 through 37 and inserting the following:

"Sec.___. EFFECTIVE DATE. This division of this Act shall not take effect unless the general assembly enacts an Act, in a future general assembly, determining that a biodiesel fuel mandate is feasible and expressly repeals this section."

2. Page 5, by inserting after line 10 the following:

"DIVISION ___

BIODIESEL FUEL TAXES

Sec. ___. Section 99F.11, subsection 3, paragraph f, Code 2009, is amended to read as follows:

f. Before distributions are made pursuant to paragraphs "a" through "e", the treasurer of state shall credit a portion of the adjusted gross receipts to the road use tax fund created in section 312.1. The portion of the adjusted gross receipts credited to the road use tax fund shall equal the estimated amount that an eleven-and-one-quarter-cent excise tax imposed on biodiesel fuel sold for use in motor vehicles as provided in section 452A.3, subsection 3, for the fiscal year would raise.

g. The remaining amount of the adjusted gross receipts tax shall be credited to the general fund of the state.

Sec. ___. Section 452A.3, subsection 3, Code 2009, is amended to read as follows:

3. For the privilege of operating motor vehicles or aircraft in this state, there is imposed an excise tax on the use of special fuel in a motor vehicle or aircraft. The tax rate on special fuel for diesel engines of motor vehicles is twenty-two and one-half cents per gallon. However, the tax rate on biodiesel fuel as defined in section 214A.1 is eleven and one-quarter cents per gallon. The rate of tax on special fuel for aircraft is three cents per gallon. On all other special fuel, unless otherwise specified in this section, the per gallon rate is the same as the motor fuel tax. Indelible dye meeting United States environmental protection agency and internal revenue service regulations must be added to fuel before or upon withdrawal at a terminal or refinery rack for that fuel to be exempt from tax and the dyed

fuel may be used only for an exempt purpose."

3. Page 8, by striking lines 39 and 40 and inserting the following:

"Sec. ___. EFFECTIVE DATE. This division of this

Page 2

Act shall not take effect unless the general assembly enacts an Act, in a future general assembly, determining that a biodiesel fuel mandate is feasible and expressly repeals this section."

SHAWN HAMERLINCK

S–3282

Amend the amendment, S–3208, to Senate File 464, as follows:

1. Page 2, line 27, by inserting after the figure "214A.2." the following: "This section only applies to the following counties: Benton, Black Hawk, Buchanan, Delaware, Dubuque, Johnson, Jones, and Linn."

2. Page 3, by inserting after line 29, the following:

"Sec. ___. BIODIESEL STUDY. The department of agriculture and land stewardship, in cooperation with the petroleum marketers and convenience stores of Iowa, shall compile information regarding the implementation of this division of this Act and division III of this Act, including issues involving supplies of biodiesel fuel designated B-5 or higher, the use and demand of biodiesel fuel designated B-5 or higher, the degree to which infrastructure exists to support the distribution and dispensing of biodiesel fuel designated B-5 or higher, and problems associated with the use of biodiesel fuel designated B-5 or higher. The department, in cooperation with the petroleum marketers and convenience stores of Iowa, shall report the information, findings, and recommendations to the general assembly not later than January 16, 2012."

3. Page 8, by inserting after line 38, the following:

"Sec. ___. APPLICABILITY OF DIVISION. This division of this Act only applies to the following counties: Benton, Black Hawk, Buchanan, Delaware, Dubuque, Johnson, Jones, and Linn. Sections 422.11N, 422.11P, 422.33, and 452A.31, Code 2009, section 22 of this division of this Act, and 2006 Iowa Acts, chapter 1142, section 49, subsection 5, as amended in this division of this Act, shall continue to apply to all

other counties. The department of agriculture and land stewardship and the department of revenue shall adopt all rules necessary to implement this division."

4. By renumbering as necessary.

SWATI A. DANDEKAR

S–3283

Amend the amendment, S–3208, to Senate File 464, as follows:

1. Page 3, by striking lines 21 through 37 and inserting the following:

"Sec.___. EFFECTIVE DATE PROVISIONS.

1. This division of this Act, other than this section, shall not take effect unless the general assembly in its 2011 regular session or in a later session, enacts an Act repealing this section with or without amendments to this division of this Act. The general assembly may consider a report conducted by a biodiesel fuel task force established by the governor. The report shall be submitted to the general assembly not later than February 15, 2011.

2. a. The task force shall include representatives from all of the following:

(1) The Iowa motor truck association.

(2) The petroleum marketers and convenience stores of Iowa.

(3) The renewable fuel infrastructure board.

(4) The renewable energy group.

(5) The Iowa farm bureau federation.

(6) The Iowa soybean association.

(7) Cities.

(8) Counties.

(9) The department of transportation.

b. The task force shall also include two members of the senate and two members of the house of representatives, serving as nonvoting, ex officio members. The members may be appointed, one each by the majority leader of the senate after consultation with the president of the senate, by the minority leader of the senate, by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives. Members shall receive compensation pursuant to section 2.12.

3. The task force shall consider all of the following:

a. The effect of cold weather upon the distribution and dispensing of biodiesel fuel designated B-5 or higher.

b. The degree to which infrastructure exists on a statewide basis to support the distribution and dispensing of biodiesel fuel designated B-5 or higher.

c. The available and dependable supply of biodiesel fuel designated B-5 or higher on a statewide basis.

4. This section of this division of this Act,

Page 2

being deemed of immediate importance, takes effect upon enactment."

2. Page 8, by striking lines 39 and 40, and inserting the following:

"Sec. __. EFFECTIVE DATE PROVISIONS.

1. This division of this Act, other than this section, shall not take effect unless the general assembly in its 2011 regular session or in a later session, enacts an Act repealing this section with or without amendments to this division of this Act in the same manner as provided in division I of this Act.

2. This section of this division of this Act, being deemed of immediate importance, takes effect upon enactment."

3. By renumbering as necessary.

SWATI A. DANDEKAR

S–3284

Amend House File 809, as amended, passed, and reprinted by the House, as follows:

1. Page 33, by striking lines 16 through 22.

2. By renumbering as necessary.

PAT WARD
KIM REYNOLDS
DAVID JOHNSON
DAVID HARTSUCH
JAMES A. SEYMOUR
BRAD ZAUN
STEVE KETTERING
PAUL McKINLEY
JERRY BEHN
RON WIECK
NANCY J. BOETTGER
LARRY NOBLE
SHAWN HAMERLINCK

S–3285

Amend House File 809, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by inserting after line 17 the following:

"d. The department shall implement a request for proposal process for the purposes of entering into a contract, by August 1, 2009, with a private company to provide grass cutting and hedge trimming at the state capitol complex."

2. By renumbering as necessary.

BRAD ZAUN

S–3286

Amend House File 809, as amended, passed, and reprinted by the House, as follows:

1. Page 33, by inserting after line 22 the following:

"DIVISION ___

INFORMATION TECHNOLOGY CONSOLIDATION

Sec. ___. Section 8A.201, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. "Infrastructure services" means server systems, including mainframe and other server operations, desktop support, electronic mail, printing, and printing procurement services.

Sec. ___. Section 8A.201, subsection 4, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Participating agency" means any state agency.

Sec. ___. Section 8A.204, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. Oversee the providing of infrastructure services to participating agencies by the department pursuant to section 8A.208. In addition, the board shall establish a waiver process as provided in section 8A.208.

Sec. ___. NEW SECTION. 8A.208 INFRASTRUCTURE SERVICES.

1. The department shall be the sole provider of infrastructure services for participating agencies. The department may procure infrastructure services in the manner provided in section 8A.207.

2. The technology governance board shall oversee the services provided pursuant to this section. In addition, the technology governance board shall adopt rules allowing for a participating agency to seek a waiver from the requirements of this section. The rules shall provide that a waiver shall be granted

only if the participating agency can show that it can obtain the particular infrastructure service more economically or that a waiver would be in the best interest of the state."

2. By renumbering as necessary.

BRAD ZAUN

S–3287

Amend House File 809, as amended, passed, and reprinted by the House, as follows:

1. Page 5, by inserting after line 1 the following:

"d. Notwithstanding any provision of this subsection to the contrary, the auditor may seek reimbursement from departments and agencies specified in section 11.5B, and governmental subdivisions, in an amount that exceeds the total amount reimbursed to the auditor by those departments, agencies, or governmental subdivisions for the fiscal year beginning July 1, 2008, for audits required by the federal government and reimbursable from federal funds.

e. For purposes of this subsection, "total amount reimbursed" does not include amounts reimbursed for audits required and reimbursed from federal funds.

Sec. __. AUDITOR OF STATE — DISCRETIONARY AUDITS. For the fiscal period beginning April 1, 2009, and ending June 30, 2010, the auditor of state, in addition to any other requirements provided in this Act, shall not seek reimbursement from departments and agencies specified in section 11.5B for any discretionary audit that the auditor initiates or has initiated on the auditor's own authority and which is not specifically required by statute. Notwithstanding the prohibition contained in this section, the auditor shall perform all necessary audit duties related to any financial report required to be compiled by a department or agency that the auditor has previously audited in the normal course of the auditor's duties, whether or not such financial report is required by law. Any amounts reimbursed in association with such audit shall be limited to the amounts reimbursed for the audit of such report during the previous reporting period."

2. By striking page 5, line 13, through page 7, line 27, and inserting the following:

"SEC. __. DEPARTMENT OF COMMERCE.

1. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 2009, and ending June 30, 2010,

the following amounts, or so much thereof as is necessary, for the purposes designated:

a. ALCOHOLIC BEVERAGES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,007,160

..... FTEs 37.00

Page 2

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 900,553

..... FTEs 16.00

c. INSURANCE DIVISION — SENIOR HEALTH INSURANCE INFORMATION PROGRAM

For the use of the senior health insurance information program:

..... $ 52,253

2. There is appropriated from the department of commerce revolving fund created in section 546.12, if enacted by this Act, to the department of commerce for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. BANKING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 8,662,670

..... FTEs 73.00

b. CREDIT UNION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,727,995

..... FTEs 19.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 4,881,216

..... FTEs 102.00

(2) The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements. The insurance division expenditures for examination purposes may exceed the projected receipts, refunds, and reimbursements, estimated

pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

(a) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) Files with each of the entities named in subparagraph division (a) the legislative and

Page 3

regulatory justification for the expenditures, along with an estimate of the expenditures.

(3) The insurance division shall allocate $10,000 from the examination receipts for the payment of its fees to the national conference of insurance legislators.

d. UTILITIES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 7,795,527

..... FTEs 79.00

(2) The utilities division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for utility regulation and the expenditures are fully reimbursable. Before the division expends or encumbers an amount in excess of the funds budgeted for regulation, the division shall first do both of the following:

(a) Notify the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) File with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

(3) Notwithstanding sections 8.33 and 476.10 or any other provision to the contrary, any balance of the appropriation made in this paragraph for the utilities division or any other operational appropriation made for the fiscal year beginning July 1, 2009, and ending June 30, 2010, that remains unused, unencumbered, or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for purposes of the energy-efficient building project authorized under section 476.10B, or for relocation costs in succeeding fiscal years.

3. CHARGES — TRAVEL".

3. Page 12, line 26, by inserting before the words "For salaries" the following: "a."

4. Page 12, by inserting after line 30 the following:

"b. The department shall, in coordination with the health facilities division, make the following information available to the public in a timely manner, to include providing the information on the department's internet website, during the fiscal year beginning July 1, 2009, and ending June 30, 2010:

Page 4

(1) The number of inspections conducted by the division annually by type of service provider and type of inspection.

(2) The total annual operations budget for the division, including general fund appropriations and federal contract dollars received by type of service provider inspected.

(3) The total number of full-time equivalent positions in the division, to include the number of full-time equivalent positions serving in a supervisory capacity, and serving as surveyors, inspectors, or monitors in the field by type of service provider inspected.

(4) Identification of state and federal survey trends, cited regulations, the scope and severity of deficiencies identified, and federal and state fines assessed and collected concerning nursing and assisted living facilities and programs.

c. It is the intent of the general assembly that the department and division continuously solicit input from facilities regulated by the division to assess and improve the division's level of collaboration and to identify new opportunities for cooperation."

5. Page 15, by striking line 21 and inserting the following:

"..... FTEs 37.50"

6. Page 15, by striking lines 27 through 34.

7. Page 19, by striking lines 11 through 18.

8. Page 20, by striking lines 2 through 21 and inserting the following:

"Sec. ___. VEHICLE PURCHASES. The department of administrative services shall seek to procure motor vehicles for state use at the lowest possible cost to the state. Motor vehicles purchased by the department shall not include optional equipment that results in an increase in the cost of the motor vehicle unless such optional equipment is specifically required by the requesting state agency or unless such equipment is part of the lowest cost package available meeting

minimum specifications. A state agency seeking to replace a motor vehicle shall not request any equipment to be added to its motor vehicles except as the state agency determines is necessary for the department's employees in the safe and efficient operation of the motor vehicle. The department shall not seek to have any optional equipment removed or deleted from an order if such action would increase the cost of the vehicle to the state.

Sec. ___. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The section of this division of this

Page 5

Act concerning discretionary audits by the auditor of state, being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to April 1, 2009, and is applicable on and after that date."

9. By striking page 21, line 12, through page 22, line 2, and inserting the following:

"Sec. ___. Section 8.9, subsection 1, Code 2009, is amended to read as follows:

1. The office of grants enterprise management is established in the department of management. The function of the office is to develop and administer a system to track, identify, advocate for, and coordinate nonstate grants as defined in section 8.2, subsections 1 and 3. Staffing for the office of grants enterprise management shall be provided by a facilitator appointed by the director of the department of management. Additional staff may be hired, subject to the availability of funding. ~~Funding for the office is from the appropriation to the department pursuant to section 8A.505, subsection 2.~~"

10. Page 22, by striking lines 5 through 35.

11. By striking page 24, line 10, through page 31, line 23, and inserting the following:

"ETHICS AND CAMPAIGN DISCLOSURE BOARD ENFORCEMENT

Sec. ___. Section 68B.32A, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 18. At the board's discretion, enter into an agreement with a political subdivision authorizing the board to enforce the provisions of a code of ethics adopted by that political subdivision.

DIVISION VI

ALCOHOLIC BEVERAGE CONTROL PROVISION

Sec. ___. Section 123.30, subsection 3, paragraph e, unnumbered paragraph 1, Code 2009, is amended to read as follows:

CLASS "E". A class "E" liquor control license may

be issued and shall authorize the holder to purchase alcoholic liquor from the division only and to sell the alcoholic liquor to patrons for consumption off the licensed premises and to other liquor control licensees. ~~A class "E" license shall not be issued to premises at which gasoline is sold.~~ A holder of a class "E" liquor control license may hold other retail liquor control licenses or retail wine or beer permits, but the premises licensed under a class "E" liquor control license shall be separate from other licensed premises, though the separate premises may have a common entrance. However, the holder of a

Page 6

class "E" liquor control license may also hold a class "B" wine or class "C" beer permit or both for the premises licensed under a class "E" liquor control license.

DIVISION VII

BINGO CONDUCTED AT A FAIR OR COMMUNITY FESTIVAL

Sec. __. NEW SECTION. 99B.5A BINGO CONDUCTED AT A FAIR OR COMMUNITY FESTIVAL.

1. For purposes of this section:

a. "Community festival" means a festival of no more than four consecutive days in length held by a community group.

b. "Community group" means an Iowa nonprofit, tax-exempt organization which is open to the general public and established for the promotion and development of the arts, history, culture, ethnicity, historic preservation, tourism, economic development, festivals, or municipal libraries. "Community group" does not include a school, college, university, political party, labor union, state or federal government agency, fraternal organization, church, convention or association of churches, or organizations operated primarily for religions purposes, or which are operated, supervised, controlled, or principally supported by a church, convention, or association of churches.

2. Bingo may lawfully be conducted at a fair, as defined in section 174.1, or a community festival if all the following conditions are met:

a. Bingo is conducted by the sponsor of the fair or community festival or a qualified organization licensed under section 99B.7 that has received permission from the sponsor of the fair or community festival to conduct bingo.

b. The sponsor of the fair or community festival or the qualified organization has submitted a license application and a fee of fifty dollars to the

department, has been issued a license, and prominently displays the license at the area where the bingo occasion is being held. A license shall only be valid for the duration of the fair or community festival indicated on the application.

c. The number of bingo occasions shall be limited to one for each day of the duration of the fair of community festival.

d. The rules for the bingo occasion are posted.

e. Except as provided in this section, the provisions of sections 99B.2 and 99B.7 related to bingo shall apply.

3. An individual other than a person conducting

Page 7

the bingo occasion may participate in the bingo occasion conducted at a fair or community festival, whether or not conducted in compliance with this section.

4. Bingo occasions held under a license under this section shall not be counted in determining whether a qualified organization has conducted more than fourteen bingo occasions per month. In addition, bingo occasions held under this license shall not be limited to four consecutive hours.

DIVISION VIII

DEPARTMENT OF COMMERCE REVOLVING FUND — APPROPRIATIONS

Sec. ___. Section 87.11E, subsection 5, Code 2009, is amended to read as follows:

5. A civil penalty levied under subsection 4 shall not exceed one thousand dollars per violation per person, and shall not exceed ten thousand dollars in a single proceeding against any one person. All civil penalties shall be deposited ~~in the general fund of the state~~ pursuant to section 505.7.

Sec. ___. Section 475A.3, subsection 3, Code 2009, is amended to read as follows:

3. SALARIES, EXPENSES, AND APPROPRIATION. The salary of the consumer advocate shall be fixed by the attorney general within the salary range set by the general assembly. The salaries of employees of the consumer advocate shall be at rates of compensation consistent with current standards in industry. The reimbursement of expenses for the employees and the consumer advocate is as provided by law. The appropriation for the office of consumer advocate shall be a separate line item contained in the appropriation from the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

Sec. __. Section 476.10, unnumbered paragraph 4, Code 2009, is amended to read as follows:

The order shall be subject to review in the manner provided in this chapter. All amounts collected by the division pursuant to the provisions of this section shall be deposited with the treasurer of state and credited to the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12. Such amounts shall be spent in accordance with the provisions of chapter 8.

Sec. __. Section 476.10, unnumbered paragraph 6, Code 2009, is amended to read as follows:

Fees paid to the utilities division shall be deposited in the ~~general fund of the state~~ department

Page 8

of commerce revolving fund created in section 546.12. These funds shall be used for the payment, upon appropriation by the general assembly, of the expenses of the utilities division and the consumer advocate division of the department of justice. ~~Subject to this section, the utilities division or the consumer advocate division may keep on hand with the treasurer of state funds in excess of the current needs of the utilities division or the consumer advocate division.~~

Sec. __. Section 476.10, unnumbered paragraph 8, Code 2009, is amended to read as follows:

All fees and other moneys collected under this section and sections 478.4, 479.16, and 479A.9 shall be deposited into the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 and expenses required to be paid under this section shall be paid from funds appropriated for those purposes. ~~Moneys deposited into the general fund of the state pursuant to this section and sections 478.4, 479.16, and 479A.9 shall be subject to the requirements of section 8.60.~~

Sec. __. Section 476.51, subsection 5, Code 2009, is amended to read as follows:

5. Civil penalties collected pursuant to this section from utilities providing water, electric, or gas service shall be forwarded by the executive secretary of the board to the treasurer of state to be credited to the general fund of the state and to be used only for the low income home energy assistance program and the weatherization assistance program administered by the division of community action agencies of the department of human rights. Civil penalties collected pursuant to this section from utilities providing telecommunications service shall be forwarded to the treasurer of state to be credited

to the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 to be used only for consumer education programs administered by the board. Penalties paid by a rate-regulated public utility pursuant to this section shall be excluded from the utility's costs when determining the utility's revenue requirement, and shall not be included either directly or indirectly in the utility's rates or charges to customers.

Sec. __. Section 476.87, subsection 3, Code 2009, is amended to read as follows:

3. The board shall allocate the costs and expenses reasonably attributable to certification and dispute resolution in this section to persons identified as parties to such proceeding who are engaged in or who

Page 9

seek to engage in providing natural gas services or other persons identified as participants in such proceeding. The funds received for the costs and the expenses of certification and dispute resolution shall be remitted to the treasurer of state for deposit in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. __. Section 476.101, subsection 10, Code 2009, is amended to read as follows:

10. In a proceeding associated with the granting of a certificate under section 476.29, approving maps and tariffs for competitive local exchange providers provided for in this section, or in resolving a complaint filed pursuant to subsection 8 and proceedings under 47 U.S.C. § 251–254, the board shall allocate the costs and expenses of the proceedings to persons identified as parties in the proceeding who are engaged in or who seek to engage in providing telecommunications services or other persons identified as participants in the proceeding. The funds received for the costs and the expenses shall be remitted to the treasurer of state for deposit in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. __. Section 476.103, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. A civil penalty collected pursuant to this subsection shall be forwarded by the executive secretary of the board to the treasurer of state to be credited to the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 and to be used only for consumer education programs

administered by the board.

Sec. __. Section 476A.14, subsection 1, Code 2009, is amended to read as follows:

1. Any person who commences to construct a facility as provided in this subchapter without having first obtained a certificate, or who constructs, operates or maintains any facility other than in compliance with a certificate issued by the board or a certificate amended pursuant to this subchapter, or who causes any of these acts to occur, shall be liable for a civil penalty of not more than ten thousand dollars for each violation or for each day of continuing violation. Civil penalties collected pursuant to this subsection shall be forwarded by the clerk of court to the treasurer of state for deposit in the ~~general fund of the state~~ department of

Page 10

commerce revolving fund created in section 546.12.

Sec. __. Section 478.4, Code 2009, is amended to read as follows:

478.4 FRANCHISE — HEARING.

The utilities board shall consider the petition and any objections filed to it in the manner provided. It shall examine the proposed route or cause any engineer selected by it to do so. If a hearing is held on the petition it may hear testimony as may aid it in determining the propriety of granting the franchise. It may grant the franchise in whole or in part upon the terms, conditions, and restrictions, and with the modifications as to location and route as may seem to it just and proper. Before granting the franchise, the utilities board shall make a finding that the proposed line or lines are necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest. A franchise shall not become effective until the petitioners shall pay, or file an agreement to pay, all costs and expenses of the franchise proceeding, whether or not objections are filed, including costs of inspections or examinations of the route, hearing, salaries, publishing of notice, and any other expenses reasonably attributable to it. The funds received for the costs and the expenses of the franchise proceeding shall be remitted to the treasurer of state for deposit in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. __. Section 479.16, Code 2009, is amended to read as follows:

479.16 RECEIPT OF FUNDS.

All moneys received under this chapter shall be remitted monthly to the treasurer of state and credited to the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. __. Section 479A.9, Code 2009, is amended to read as follows:

479A.9 DEPOSIT OF FUNDS.

Moneys received under this chapter shall be credited to the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. __. Section 479B.12, Code 2009, is amended to read as follows:

479B.12 USE OF FUNDS.

All moneys received under this chapter, other than

Page 11

civil penalties collected pursuant to section 479B.21, shall be remitted monthly to the treasurer of state and credited to the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

Sec. __. Section 502.302, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. DEPOSIT OF FEES. Fees collected under this section shall be deposited as provided in section 505.7.

Sec. __. Section 502.304A, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. The fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. __. Section 502.305, subsection 2, Code 2009, is amended to read as follows:

2. FILING. Except as provided in subsection 10 and section 502.304A, subsection 3, paragraph "g", a person who files a registration statement or a notice filing shall pay a filing fee of one-tenth of one percent of the proposed aggregate sales price of the securities to be offered to persons in this state pursuant to the registration statement or notice filing. However, except as provided in subsection 10, section 502.302, subsection 1, paragraph "a", and section 502.304A, subsection 3, paragraph "g", the annual filing fee shall not be less than fifty dollars or more than one thousand dollars. The administrator shall retain the filing fee even if the notice filing is withdrawn or the registration is withdrawn, denied,

suspended, revoked, or abandoned. The fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. __. Section 502.321G, Code 2009, is amended to read as follows:

502.321G FEES.

The administrator shall charge a nonrefundable filing fee of two hundred fifty dollars for a registration statement filed by an offeror. The fee shall be deposited as provided in section 505.7.

Sec. __. Section 502.410, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7. DEPOSIT OF FEES. Except as otherwise provided in subsection 2, fees collected under this section shall be deposited as provided in section 505.7.

Sec. __. Section 505.7, subsection 1, Code 2009, is amended to read as follows:

Page 12

1. All fees and charges which are required by law to be paid by insurance companies, associations, and other regulated entities shall be payable to the commissioner of the insurance division of the department of commerce or department of revenue, as provided by law, whose duty it shall be to account for and pay over the same to the treasurer of state at the time and in the manner provided by law for deposit in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

Sec. __. Section 505.7, subsection 3, Code 2009, is amended to read as follows:

3. Forty percent of the nonexamination revenues payable to the division of insurance or the department of revenue in connection with the regulation of insurance companies or other entities subject to the regulatory jurisdiction of the division shall be deposited in the department of commerce revolving fund created in section 546.12 and shall be subject to annual appropriation to the division for its operations and is also subject to expenditure under subsection 6. The remaining nonexamination revenues payable to the division of insurance or the department of revenue shall be deposited in the general fund of the state.

Sec. __. Section 507.9, Code 2009, is amended to read as follows:

507.9 FEES — ACCOUNTING.

All fees collected under the provisions of this chapter shall be paid to the commissioner of insurance and shall be turned into the state treasury for

deposit as provided in section 505.7.

Sec. __. Section 507B.7, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. A monetary penalty of not more than ten thousand dollars for each and every act or violation. A penalty collected under this lettered paragraph shall be deposited as provided in section 505.7.

Sec. __. Section 508.13, subsection 3, Code 2009, is amended to read as follows:

3. A company that fails to timely file an application for renewal of its certificate of authority shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. __. Section 508.14, subsection 4, Code 2009, is amended to read as follows:

4. Amounts received by the commissioner pursuant to subsections 2 and 3 shall be paid to the treasurer

Page 13

of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. __. Section 508.15, Code 2009, is amended to read as follows:

508.15 VIOLATION BY FOREIGN COMPANY.

Companies organized and chartered by the laws of a foreign state or country, failing to file the evidence of investment and statement within the time fixed, or failing to timely file any financial statement required by rule of the commissioner of insurance, shall forfeit and pay five hundred dollars, to be collected in an action in the name of the state and paid to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7, and their right to transact further new business in this state shall immediately cease until the requirements of this chapter have been fully complied with. The commissioner may give notice to a company which has failed to file within the time fixed that the company is in violation of this section and if the company fails to file the evidence of investment and statement within ten days of the date of the notice the company shall forfeit and pay the additional sum of one hundred dollars for each day the failure continues, to be paid to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. __. Section 508E.3, subsection 10, Code 2009, is amended to read as follows:

10. Fees collected pursuant to this section shall

be deposited ~~into the general fund of the state~~ as provided in section 505.7.

Sec. __. Section 508E.16, subsection 5, Code 2009, is amended to read as follows:

5. In addition to the penalties and other enforcement provisions of this chapter, any person who violates this chapter is subject to a civil penalty of up to five thousand dollars for each violation of this chapter. The civil penalty shall be deposited ~~into the general fund of the state~~ as provided in section 505.7. If a person has not been ordered to pay restitution by a court, the commissioner's order may require a person found to be in violation of this chapter to make restitution to a person aggrieved by a violation of this chapter.

Sec. __. Section 512B.25, Code 2009, is amended to read as follows:

512B.25 ANNUAL LICENSE — RENEWAL.

The authority of a society to transact business in this state may be renewed annually. A license

Page 14

terminates on the first day of June following issuance or renewal. A society shall submit annually on or before March 1 a completed application for renewal of its license. For each license or renewal the society shall pay the commissioner a fee of fifty dollars. A society that fails to timely file an application for renewal shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7. A duly certified copy or duplicate of the license is prima facie evidence that the licensee is a fraternal benefit society within the meaning of this chapter.

Sec. __. Section 514.9A, Code 2009, is amended to read as follows:

514.9A CERTIFICATE OF AUTHORITY — RENEWAL.

A certificate of authority of a corporation formed under this chapter expires on June 1 succeeding its issue and shall be renewed annually so long as the corporation transacts its business in accordance with all legal requirements. A corporation shall submit annually, on or before March 1, a completed application for renewal of its certificate of authority. A corporation that fails to timely file an application for renewal shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7. A duly certified copy or duplicate of the certificate is admissible in evidence

for or against the corporation with the same effect as the original.

Sec. __. Section 514B.3B, Code 2009, is amended to read as follows:

514B.3B CERTIFICATE OF AUTHORITY — RENEWAL.

A certificate of authority of a health maintenance organization formed under this chapter expires on June 1 succeeding its issue and shall be renewed annually so long as the organization transacts its business in accordance with all legal requirements. A health maintenance organization shall submit annually, on or before March 1, a completed application for renewal of its certificate of authority. A health maintenance organization that fails to timely file an application for renewal shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7. A duly certified copy or duplicate of the certificate is admissible in evidence for or against the organization with the same effect as the original.

Page 15

Sec. __. Section 514B.12, subsections 3 and 4, Code 2009, are amended to read as follows:

3. A health maintenance organization that fails to timely file the report required under subsection 1 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

4. The commissioner may give notice to a health maintenance organization that the organization has not timely filed the report required under subsection 1 and is in violation of this section. If the organization fails to file the required report and comply with this section within ten days of the date of the notice, the organization shall pay an additional administrative penalty of one hundred dollars for each day that the failure continues to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. __. Section 514G.113, Code 2009, is amended to read as follows:

514G.113 PENALTIES.

In addition to any other penalties provided by the laws of this state, any insurer or any producer found to have violated a provision of this chapter or any other requirement of this state relating to the regulation of long-term care insurance or the marketing of such insurance shall be subject to a fine

of up to three times the amount of any commission paid for each policy involved in the violation, or up to ten thousand dollars, whichever is greater. A fine collected under this section shall be deposited as provided in section 505.7.

Sec. __. Section 515.42, Code 2009, is amended to read as follows:

515.42 TENURE OF CERTIFICATE — RENEWAL — EVIDENCE.

A certificate of authority shall expire on the first day of June next succeeding its issue, and shall be renewed annually so long as such company shall transact business in accordance with the requirements of law; a copy of which certificate, when certified to by the commissioner of insurance, shall be admissible in evidence for or against a company with the same effect as the original. A company shall submit annually, on or before March 1, a completed application for renewal of its certificate of authority. A company that fails to timely file an application for renewal shall pay an administrative penalty of five hundred dollars to the treasurer of

Page 16

state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. __. Section 515.121, subsections 1 and 3, Code 2009, are amended to read as follows:

1. An excess and surplus lines insurance producer who fails to timely file the report required in section 515.120 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

3. The commissioner may give notice to a producer that the producer has not timely filed the report required under section 515.120 and is in violation of this section. If the producer fails to file the required report within ten days of the date of the notice, the producer shall pay an additional administrative penalty of one hundred dollars for each day that the failure continues to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. __. Section 515.146, Code 2009, is amended to read as follows:

515.146 CERTIFICATE REFUSED — ADMINISTRATIVE PENALTY.

The commissioner of insurance shall withhold the commissioner's certificate or permission of authority

to do business from a company neglecting or failing to comply with this chapter. In addition, a company organized or authorized under this chapter which fails to file the annual statement referred to in section 515.63 in the time required shall pay and forfeit an administrative penalty in an amount of five hundred dollars to be collected in the name of the state for deposit ~~in the general fund of the state~~ as provided in section 505.7. The company's right to transact further new business in this state shall immediately cease until the company has fully complied with this chapter. The commissioner may give notice to a company which has failed to file within the time required that the company is in violation of this section and, if the company fails to file the evidence of investment and statement within ten days of the date of the notice, the company shall forfeit and pay the additional sum of one hundred dollars for each day the failure continues, to be paid to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. __. Section 515.147, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Page 17

Fees shall be paid to the commissioner of insurance for deposit as provided in section 505.7 as follows:

Sec. __. Section 515A.17, subsection 1, Code 2009, is amended to read as follows:

1. The commissioner may, if the commissioner finds that any person or organization has violated any provision of this chapter, impose a penalty of not more than one thousand dollars for each such violation, but if the commissioner finds such violation to be willful the commissioner may impose a penalty of not more than five thousand dollars for each such violation. Such penalties may be in addition to any other penalty provided by law. A penalty collected under this subsection shall be deposited as provided in section 505.7.

Sec. __. Section 515F.19, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A penalty collected under this section shall be deposited as provided in section 505.7.

Sec. __. Section 516E.2, subsection 2, Code 2009, is amended to read as follows:

2. A service company shall not issue a service contract or arrange to perform services pursuant to a service contract unless the service company is registered with the commissioner. A service company

shall file a registration with the commissioner annually, on a form prescribed by the commissioner, accompanied by a registration fee in the amount of five hundred dollars. Fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. __. Section 518.15, subsections 5 and 6, Code 2009, are amended to read as follows:

5. An association formed under this chapter that fails to timely file the statement required under subsection 1 or the application for renewal required under subsection 3 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7. The association's right to transact new business in this state shall immediately cease until the association has fully complied with this chapter.

6. The commissioner may give notice to an association that the association has not timely filed the statement required under subsection 1 or an application for renewal under subsection 3 and is in violation of this section. If the association fails to file the required statement or application and

Page 18

comply with this section within ten days of the date of the notice, the association shall pay an additional administrative penalty of one hundred dollars for each day that the failure continues to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. __. Section 518A.18, subsections 2 and 3, Code 2009, are amended to read as follows:

2. An association that fails to timely file the statement required under subsection 1 is in violation of this section and shall pay an administrative penalty of five hundred dollars for each violation to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

3. The commissioner may give notice to an association that the association has not timely filed the statement required under subsection 1 and is in violation of this section. If the association fails to file the required statement and comply with this section within ten days of the date of the notice, the association shall pay an additional administrative penalty of one hundred dollars for each day that each failure continues to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. ___. Section 518A.40, subsection 4, Code 2009, is amended to read as follows:

4. An association that fails to timely file the application for renewal required under subsection 2 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. ___. Section 520.10, subsections 4 and 5, Code 2009, are amended to read as follows:

4. A reciprocal or interinsurance insurer that fails to timely file the report required under subsection 1 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

5. The commissioner may give notice to a reciprocal or interinsurance insurer that the insurer has not timely filed the report required under subsection 1 and is in violation of this section. If the insurer fails to file the required report and comply with this section within ten days of the date of the notice, the insurer shall pay an additional administrative penalty of one hundred dollars for each day that the failure continues to the treasurer of

state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. ___. Section 520.12, subsection 2, Code 2009, is amended to read as follows:

2. A reciprocal or interinsurance insurer shall submit annually, on or before March 1, a completed application for renewal of the insurer's certificate of authority. An insurer that fails to timely file an application for renewal shall pay an administrative fee of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. ___. Section 521A.10, subsection 1, Code 2009, is amended to read as follows:

1. If the commissioner finds after notice and hearing that a person subject to registration under section 521A.4 failed without just cause to file a registration statement as required in this chapter, the person shall be required to pay a penalty of one thousand dollars for each day's delay. The penalty shall be recovered by the commissioner and ~~paid into the state general fund~~ deposited as provided in section 505.7. The maximum penalty under this section is ten thousand dollars. The commissioner may reduce

the penalty if the person demonstrates that the imposition of the penalty would constitute a financial hardship to the person.

Sec. __. Section 522A.5, Code 2009, is amended to read as follows:

522A.5 FEES.

The fee for a counter employee license shall be fifty dollars per counter employee. In no case shall any combined fees exceed one thousand dollars in any calendar year for any one rental company or limited license or licensee or renewal license. The fees collected under this section shall be deposited as provided in section 505.7.

Sec. __. Section 522B.5, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Fees collected under this section shall be deposited as provided in section 505.7.

Sec. __. Section 523A.204, subsection 4, Code 2009, is amended to read as follows:

4. The commissioner shall levy an administrative penalty in the amount of five hundred dollars against a preneed seller that fails to file the annual report when due, payable to the state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Page 20

Sec. __. Section 523A.501, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Fees collected under this section shall be deposited as provided in section 505.7.

Sec. __. Section 523A.502, subsection 3, Code 2009, is amended to read as follows:

3. An application for a sales license shall be filed on a form prescribed by the commissioner and be accompanied by a filing fee in an amount set by the commissioner by rule. The fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. __. Section 523A.502A, subsection 3, Code 2009, is amended to read as follows:

3. The commissioner shall levy an administrative penalty in the amount of five hundred dollars against a sales agent who fails to file an annual report when due, payable to the state for deposit ~~in the general fund~~ as provided in section 505.7.

Sec. __. Section 523A.504, subsection 2, Code 2009, is amended to read as follows:

2. A preneed seller shall pay an annual fee of

five dollars for each sales agent appointed by the preneed seller, which fee shall be submitted with the annual report. Fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. __. Section 523A.807, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Payment of a civil penalty of not more than one thousand dollars for each violation, but not exceeding an aggregate of ten thousand dollars during any six-month period, except that if the commissioner finds that the person knew or reasonably should have known that the person was in violation of such provisions or rules adopted pursuant thereto, the penalty shall be not more than five thousand dollars for each violation, but not exceeding an aggregate of fifty thousand dollars during any six-month period. The commissioner shall assess the penalty on the employer of an individual and not on the individual, if the commissioner finds that the violations committed by the individual were directed, encouraged, condoned, ignored, or ratified by the individual's employer. Any civil penalties collected under this subsection shall be deposited as provided in section 505.7.

Sec. __. Section 523A.812, Code 2009, is amended to read as follows:

523A.812 INSURANCE DIVISION REGULATORY FUND.

Page 21

The insurance division may authorize the creation of a special revenue fund in the state treasury, to be known as the insurance division regulatory fund. The commissioner shall allocate annually from the fees paid pursuant to section 523A.204, two dollars for each purchase agreement reported on a preneed seller's annual report filed pursuant to section 523A.204 for deposit to the regulatory fund. The remainder of the fees collected pursuant to section 523A.204 shall be deposited ~~into the general fund of the state~~ as provided in section 505.7. The commissioner shall also allocate annually the examination fees paid pursuant to section 523A.814 and any examination expense reimbursement for deposit to the regulatory fund. The moneys in the regulatory fund shall be retained in the fund. The moneys are appropriated and, subject to authorization by the commissioner, may be used to pay examiners, examination expenses, investigative expenses, the expenses of mediation ordered by the commissioner, consumer education expenses, the expenses of a toll-free telephone line to receive consumer complaints, and the expenses of

receiverships established under section 523A.811. If the commissioner determines that funding is not otherwise available to reimburse the expenses of a person who receives title to a cemetery subject to chapter 523I, pursuant to such a receivership, the commissioner shall use moneys in the regulatory fund as necessary to preserve, protect, restore, and maintain the physical integrity of that cemetery and to satisfy claims or demands for cemetery merchandise, funeral merchandise, and funeral services based on purchase agreements which the commissioner determines are just and outstanding. An annual allocation to the regulatory fund shall not be imposed if the current balance of the fund exceeds five hundred thousand dollars.

Sec. ___. Section 523C.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Fees collected under this section shall be deposited as provided in section 505.7.

Sec. ___. Section 523C.13, subsection 1, Code 2009, is amended to read as follows:

1. Payment of a civil penalty of not more than one thousand dollars for each and every act or violation, but not to exceed an aggregate of ten thousand dollars, unless the person knew or reasonably should have known the person was in violation of this section, in which case the penalty shall be not more

Page 22

than five thousand dollars for each and every act or violation, but not to exceed an aggregate penalty of fifty thousand dollars in any one six-month period. The commissioner shall, if it finds the violations of this section were directed, encouraged, condoned, ignored, or ratified by the employer of such person, assess such fine to the employer and not such person. Any civil penalties collected under this subsection shall be deposited as provided in section 505.7.

Sec. ___. Section 523D.2A, unnumbered paragraph 1, Code 2009, is amended to read as follows:

On or before March 1 of each year, a provider shall file a certification with the commissioner in a manner and according to requirements established by the commissioner. The certification shall be accompanied by a one hundred dollar administrative fee which fee shall be deposited as provided in section 505.7. The certification shall attest that according to the best knowledge and belief of the attesting party, the facility administered by the provider is in compliance with the provisions of this chapter, including rules

adopted by the commissioner or orders issued by the commissioner as authorized under this chapter. The attesting person may be any of the following:

Sec. __. Section 523I.205, subsection 3, Code 2009, is amended to read as follows:

3. A person who violates a provision of this chapter or rules adopted or orders issued under this chapter may be subject to civil penalties in addition to criminal penalties. The commissioner may impose, assess, and collect a civil penalty not exceeding ten thousand dollars for each violation. For the purposes of computing the amount of each civil penalty, each day of a continuing violation constitutes a separate violation. All civil penalties collected pursuant to this section shall be deposited ~~in the general fund of the state~~ as provided in section 505.7.

Sec. __. Section 523I.813, subsection 3, Code 2009, is amended to read as follows:

3. The commissioner shall levy an administrative penalty in the amount of five hundred dollars against a cemetery that fails to file the annual report when due, payable to the state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. __. Section 524.207, subsections 1, 3, and 4, Code 2009, are amended to read as follows:

1. ~~All~~ Except as otherwise provided by statute, all expenses required in the discharge of the duties and responsibilities imposed upon the banking division of the department of commerce, the superintendent, and

the state banking council by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12. All of these fees are payable to the superintendent. The superintendent shall pay all the fees and other moneys received by the superintendent to the treasurer of state within the time required by section 12.10 and the fees and other moneys shall be deposited into the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12. ~~The superintendent may keep on hand with the treasurer of state funds in excess of the current needs of the division to the extent recommended by the state banking council.~~

3. The banking division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for bank or licensee

examinations or investigations and directly result from examinations or investigations of banks or licensees. The amounts necessary to fund the excess examination or investigation expenses shall be collected from banks and licensees being regulated, and the collections shall be treated as repayment receipts as defined in section 8.2. The division shall notify in writing the legislative services agency and the department of management when hiring additional personnel. The written notification shall include documentation that any additional expenditure related to such hiring will be totally reimbursed ~~to the general fund~~ as provided in section 546.12, subsection 2, and shall also include the division's justification for hiring such personnel. The division must obtain the approval of the department of management only if the number of additional personnel to be hired exceeds the number of full-time equivalent positions authorized by the general assembly.

4. All fees and moneys collected shall be deposited into the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 and expenses required to be paid under this section shall be paid from ~~funds~~ moneys in the department of commerce revolving fund and appropriated for those purposes. ~~Moneys deposited into the general fund of the state pursuant to this section shall be subject to the requirements of section 8.60.~~

Sec. __. Section 533.111, subsections 1, 3, 4, and 5, Code 2009, are amended to read as follows:

Page 24

1. a. All expenses required in the discharge of the duties and responsibilities imposed upon the credit union division, the superintendent, and the review board by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

b. All fees imposed under this chapter are payable to the superintendent, who shall pay all fees and other moneys received to the treasurer of state within the time required by section 12.10. The treasurer of state shall deposit such funds in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

3. The credit union division may expend additional funds, including funds for additional personnel, if the additional expenditures are actual expenses that exceed the funds budgeted for credit union

examinations and directly result from examinations of state credit unions.

a. The amounts necessary to fund the excess examination expenses shall be collected from state credit unions being regulated, and the collections shall be treated as repayment receipts as defined in section 8.2.

b. The division shall notify in writing the legislative services agency and the department of management when hiring additional personnel. The written notification shall include documentation that any additional expenditure related to such hiring will be totally reimbursed ~~to the general fund of the state~~ as provided in section 546.12, subsection 2, and shall also include the division's justification for hiring such personnel. The division must obtain the approval of the department of management only if the number of additional personnel to be hired exceeds the number of full-time equivalent positions authorized by the general assembly.

4. a. All fees and other moneys collected shall be deposited into the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 and expenses required to be paid under this section shall be paid from ~~funds~~ moneys in the department of commerce revolving fund and appropriated for those purposes. ~~Moneys deposited into the general fund of the state pursuant to this section shall be subject to the requirements of section 8.60.~~

b. Funds appropriated to the credit union division shall be subject at all times to the warrant of the

Page 25

director of revenue, drawn upon written requisition of the superintendent or a designated representative, for the payment of all salaries and other expenses necessary to carry out the duties of the credit union division.

5. The credit union division may accept reimbursement of expenses related to the examination of a state credit union from the national credit union administration or any other guarantor or insurance plan authorized by this chapter. These reimbursements shall be deposited into the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

Sec. __. Section 533A.14, Code 2009, is amended to read as follows:

533A.14 FEES TO STATE TREASURER.

All moneys received by the superintendent from fees, licenses and examinations pursuant to this

chapter shall be deposited by the superintendent with the treasurer of state for deposit in the department of commerce revolving fund created in section 546.12.

Sec. __. Section 534.305, Code 2009, is amended to read as follows:

534.305 REDEMPTION.

When funds are on hand for the purpose, the association may redeem by lot or otherwise, as the board of directors determines, all or any part of any of its savings accounts on a dividend date by giving thirty days' notice by registered mail addressed to the account holders at their last addresses recorded on the books of the association. An association shall not redeem its share accounts when the association is in an impaired condition or when it has applications for withdrawal which have been on file more than thirty days and have not been reached for payment. The redemption price of a savings account shall be the full value of the account redeemed, as determined by the board of directors, but the redemption value shall not be less than the withdrawal value. If the notice of redemption has been given, and if on or before the redemption date the funds necessary for the redemption have been set aside for redemptions, dividends upon the accounts called for redemption shall cease to accrue from and after the dividend date specified as the redemption date, and rights with respect to those accounts terminate as of the redemption date, subject only to the right of the account holder of record to receive the redemption value without interest. Savings accounts which have been validly called for redemption must be tendered for payment within ten

Page 26

years from the date of redemption designated in the redemption notice, or they shall be canceled and paid to the treasurer of state for deposit in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 and all claims of the account holders against the association are barred forever. Redemption shall not be made of any savings accounts which are held by a person who is a director and which are necessary to qualify the person to act as director.

Sec. __. Section 534.408, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. All fees collected under this chapter shall be deposited with the treasurer of state in the department of commerce revolving fund created in section 546.12.

Sec. __. NEW SECTION. 546.12 DEPARTMENT OF

COMMERCE REVOLVING FUND.

1. A department of commerce revolving fund is created in the state treasury. The fund shall consist of moneys collected by the banking division; credit union division; utilities division, including moneys collected on behalf of the office of consumer advocate established in section 475A.3; and the insurance division of the department; and deposited into an account for that division or office within the fund on a monthly basis. Except as otherwise provided by statute, all costs for operating the office of consumer advocate and the banking division, the credit union division, the utilities division, and the insurance division of the department shall be paid from the division's accounts within the fund, subject to appropriation by the general assembly.

2. To meet cash flow needs for the office of consumer advocate and the banking division, credit union division, utilities division, or the insurance division of the department, the administrative head of that division or office may temporarily use funds from the general fund of the state to pay expenses in excess of moneys available in the revolving fund for that division or office if those additional expenditures are fully reimbursable and the division or office reimburses the general fund of the state and ensures all moneys are repaid in full by the close of the fiscal year. Because any general fund moneys used shall be fully reimbursed, such temporary use of funds from the general fund of the state shall not constitute an appropriation for purposes of calculating the state general fund expenditure limitation pursuant to section 8.54.

Page 27

Sec. __. 2009 Iowa Acts, Senate File 475, section 2, unnumbered paragraph 1, if enacted, is amended to read as follows:

There is appropriated from the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12, if enacted by this Act, to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

DIVISION IX"

12. Page 33, by striking lines 16 through 22 and inserting the following:

"Sec. __. Section 237.18, subsections 3 and 4, Code 2009, are amended to read as follows:

3. Assign the ~~case~~ cases of ~~each child~~ children receiving foster care ~~within the judicial district~~ to the appropriate local ~~board~~ boards.

4. Assist local boards in reviewing ~~each case~~ cases of ~~a child~~ children receiving foster care, as provided in section 237.20.

Sec. __. Section 237.20, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Review ~~at least every six months~~ the case of each child receiving foster care assigned to the local board by the state board to determine whether satisfactory progress is being made toward the goals of the case permanency plan pursuant to section 237.22. ~~As much as is possible, review shall be conducted immediately prior to~~ The timing and frequency of a review of each case by a local board shall take into consideration the permanency goals, placement setting, and frequency of any court reviews of the case."

13. By renumbering as necessary.

JEFF DANIELSON

S–3288

Amend House File 809, as amended, passed, and reprinted by the House, as follows:

1. Page 20, by inserting after line 1 the following:

"Sec. __. VACANT STATE EMPLOYEE POSITIONS. Notwithstanding any provision of sections 8.39 and 8.62 to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, if a full-time equivalent position funded with an appropriation from the general fund of the state to a department or state agency to which appropriations are made pursuant to the provisions of this Act remains vacant for a period of at least six months, an amount equal to the salary and benefits cost of that position for the period of the vacancy shall revert to the general fund of the state at the close of the fiscal year."

2. By renumbering as necessary.

BRAD ZAUN

S–3289

Amend House File 809, as amended, passed, and reprinted by the House, as follows:

1. Page 20, by inserting after line 1 the following:

"Sec. __. VEHICLE PURCHASES DEFERRED.

Notwithstanding any provision to the contrary, except as otherwise provided by this section, the department of administrative services shall defer the purchase of replacement motor vehicles paid for from the general fund of the state or from such moneys credited to the depreciation fund maintained pursuant to section 8A.365. The purchase deferral is applicable to the remainder of the fiscal year beginning July 1, 2008, commencing on the effective date of this section and to the succeeding fiscal year. However, the executive council may authorize an exception to allow purchase of a replacement vehicle when the purchase is less costly than all other alternatives."

2. Page 20, line 18, by striking the word "section" and inserting the following: "sections".

3. Page 20, line 20, by inserting after the word "services" the following: "and providing for vehicle purchases to be deferred,".

4. Page 20, line 21, by striking the word "takes" and inserting the following: "take".

5. By renumbering as necessary.

BRAD ZAUN

S–3290

Amend the amendment, S–3287, to House File 809, as amended, passed, and reprinted by the House, as follows:

1. By striking page 5, line 33, through page 6, line 4.

2. By renumbering as necessary.

NANCY J. BOETTGER

S–3291

Amend Senate File 481 as follows:

1. Page 1, by inserting before line 1 the following:

"DIVISION I

HISTORIC TAX CREDITS"

2. Page 9, by inserting before line 9 the following:

"DIVISION II

INTERNAL REVENUE CODE COUPLING

Sec. ___. Section 15.335, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. For purposes of this section, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.

Sec. ___. Section 15A.9, subsection 8, paragraph

e, subparagraph (2), Code 2009, is amended to read as follows:

(2) For purposes of this subsection, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.

Sec. __. Section 422.3, subsection 5, Code 2009, is amended to read as follows:

5. "Internal Revenue Code" means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, ~~2008~~ 2009.

Sec. __. Section 422.5, subsection 1, paragraph k, subparagraph (1), Code 2009, is amended to read as follows:

(1) Add items of tax preference included in federal alternative minimum taxable income under section 57, except subsections (a)(1), (a)(2), and (a)(5), of the Internal Revenue Code, make the adjustments included in federal alternative minimum taxable income under section 56, except subsections (a)(4), (b)(1)(C)(iii), and (d), of the Internal Revenue Code, and add losses as required by section 58 of the Internal Revenue Code. To the extent that any preference or adjustment is determined by an individual's federal adjusted gross income, the individual's federal adjusted gross income is computed in accordance with section 422.7, ~~subsection~~ subsections 39 and 39A. In the case of an estate or trust, the items of tax preference, adjustments, and losses shall be apportioned between the estate or trust and the beneficiaries in accordance with rules prescribed by the director.

Sec. __. Section 422.7, Code 2009, is amended by

Page 2

adding the following new subsection:

NEW SUBSECTION. 39A. The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110–185, section 103, does not apply in computing net income for state tax purposes. If a taxpayer has taken a deduction for additional first-year depreciation in computing federal adjusted gross income, the following adjustments to federal adjusted gross income shall be made:

a. Add the total amount of depreciation taken on all property for which the election under section 168(k) of the Internal Revenue Code was made for the tax year.

b. Subtract an amount equal to depreciation allowed on such property for the tax year using the modified accelerated cost recovery system depreciation method applicable under section 168 of the Internal Revenue Code without regard to section 168(k).

c. Any other adjustments to gains or losses to reflect the adjustments made in paragraphs "a" and "b", according to rules adopted by the director.

Sec. __. Section 422.7, subsection 53, Code 2009, is amended by striking the subsection.

Sec. __. Section 422.9, subsection 2, paragraphs h and i, Code 2009, are amended to read as follows:

h. For purposes of calculating the deductions in this subsection that are authorized under the Internal Revenue Code, and to the extent that any of such deductions is determined by an individual's federal adjusted gross income, the individual's federal adjusted gross income is computed in accordance with section 422.7, ~~subsection~~ subsections 39 and 39A.

i. The deduction for state sales and use taxes is allowable only if the taxpayer elected to deduct the state sales and use taxes in lieu of state income taxes under section 164 of the Internal Revenue Code. A deduction for state sales and use taxes is not allowed if the taxpayer has taken the deduction for state income taxes or claimed the standard deduction under section 63 of the Internal Revenue Code. This paragraph applies to taxable years beginning after December 31, 2003, and before January 1, ~~2006~~ 2010.

Sec. __. Section 422.9, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. The Iowa net operating loss remaining after being carried back as required in paragraph "a", ~~or~~ "d", or "e", or if not required to be carried back shall be carried forward twenty taxable years.

Sec. __. Section 422.9, subsection 3, Code 2009,

Page 3

is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Notwithstanding paragraph "a", for a taxpayer who has a qualified disaster loss as defined in section 172(b)(1)(J) of the Internal Revenue Code, including modifications prescribed by rule by the director, the Iowa qualified disaster loss is a net operating loss which may be carried back five taxable years prior to the taxable year of the loss.

Sec. __. Section 422.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9. In determining the amount of deduction for federal income tax under subsection 1 or subsection 2, paragraph "b", for tax years beginning

in the 2009 calendar year, if a refund is attributable to the receipt of an advance refund pursuant to the federal Recovery Rebates and Economic Stimulus for the American People Act of 2008, Pub. L. No. 110–185, the amount of the deduction for the tax year shall not be adjusted by the amount of the advance refund, and the amount of the advance refund shall not be taxable under this division.

Sec. __. Section 422.10, subsection 3, unnumbered paragraph 2, Code 2009, is amended to read as follows:

For purposes of this section, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.

Sec. __. Section 422.32, subsection 7, Code 2009, is amended to read as follows:

7. "Internal Revenue Code" means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, ~~2008~~ 2009.

Sec. __. Section 422.33, subsection 5, paragraph d, unnumbered paragraph 2, Code 2009, is amended to read as follows:

For purposes of this subsection, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.

Sec. __. Section 422.35, subsection 11, paragraph b, Code 2009, is amended to read as follows:

b. The Iowa net operating loss remaining after being carried back as required in paragraph "a", ~~or~~ "f", or "g", or if not required to be carried back shall be carried forward twenty taxable years.

Sec. __. Section 422.35, subsection 11, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Notwithstanding paragraph "a",

Page 4

for a taxpayer who has a qualified disaster loss as defined in section 172(b)(1)(J) of the Internal Revenue Code, including modifications prescribed by rule by the director, the Iowa qualified disaster loss is a net operating loss which may be carried back five taxable years prior to the taxable year of the loss.

Sec. __. Section 422.35, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 19A. The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110–185, section 103, does not apply in computing net

income for state tax purposes. If a taxpayer has taken a deduction for additional first-year depreciation in computing federal taxable income, the following adjustments to federal taxable income shall be made:

a. Add the total amount of depreciation taken on all property for which the election under section 168(k) of the Internal Revenue Code was made for the tax year.

b. Subtract an amount equal to depreciation allowed on such property for the tax year using the modified accelerated cost recovery system depreciation method applicable under section 168 of the Internal Revenue Code without regard to section 168(k).

c. Any other adjustments to gains or losses to reflect the adjustments made in paragraphs "a" and "b", according to rules adopted by the director.

Sec. __. Section 422.35, subsection 24, Code 2009, is amended by striking the subsection.

Sec. __. RETROACTIVE APPLICABILITY.

1. The sections of this Act amending Code sections 15.335, 15A.9, 422.3, 422.9, subsection 3, 422.10, 422.32, 422.33, and 422.35, subsection 11, apply retroactively to January 1, 2008, for tax years beginning on or after that date.

2. The sections of this Act amending Code sections 422.5, 422.7, new subsection 39A and subsection 53, 422.9, subsection 2, and 422.35, new subsection 19A and subsection 24, apply retroactively to December 31, 2007, for tax years ending after that date.

3. The section of this Act enacting section 422.9, subsection 9, applies retroactively to January 1, 2009, for tax years beginning in the 2009 calendar year.

Sec. __. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment."

3. Title page, line 1, by inserting after the

Page 5

word "to" the following: "taxation by providing for Internal Revenue Code coupling and by providing for".

4. Title page, line 5, by inserting after the word "affairs" the following: "and including effective and retroactive applicability date provisions".

5. By renumbering as necessary.

DAVID HARTSUCH
BRAD ZAUN
STEVE KETTERING

TIM L. KAPUCIAN
DAVID JOHNSON
SHAWN HAMERLINCK
KIM REYNOLDS
LARRY NOBLE
RANDY FEENSTRA
JAMES F. HAHN
PAT WARD
MERLIN BARTZ
NANCY J. BOETTGER
JERRY BEHN
JAMES A. SEYMOUR
RON WIECK
HUBERT HOUSER
PAUL McKINLEY

S–3292

Amend Senate File 461 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 423B.1, subsection 6, paragraph c, Code 2009, is amended to read as follows:

c. Notwithstanding any other provision in this section, a change in use of the local sales and services tax revenues for purposes of funding an urban renewal project pursuant to section 423B.10 does not require an election, except as provided in section 423B.10, subsection 2.

Sec. 2. Section 423B.10, subsection 2, Code 2009, is amended to read as follows:

2. a. An eligible city may by ordinance of the city council provide for the use of a designated amount of the increased local sales and services tax revenues collected under this chapter which are attributable to retail establishments in an urban renewal area to fund urban renewal projects located in the area. The designated amount may be all or a portion of ~~such~~ the increased revenues allocable to the eligible city under section 423B.7.

b. Prior to consideration of an ordinance under this section, a city council shall adopt a resolution stating its intent to propose the ordinance. If within thirty days of the adoption of the resolution, a petition is filed with the clerk of the city in the manner provided by section 362.4 asking that the question of the use of a designated amount of the increased revenues allocable to the city be submitted to the registered voters of the city, the council shall either by resolution declare the proposal to have been abandoned or shall direct the county commissioner of elections to call a special election

to be held on a date specified in section 39.2, subsection 4, paragraph "b". If the vote in favor of the proposition is equal to at least a majority of the total votes cast for and against the proposition, the city council may proceed with consideration of an ordinance authorizing funding of urban renewal projects as provided in paragraph "a".

c. If no petition is filed, the council may proceed with consideration of an ordinance authorizing funding of urban renewal projects as provided in paragraph "a".

Sec. 3. Section 423B.10, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

To determine the revenue increase allocable to the city for purposes of subsection 2, revenue amounts shall be calculated by the department of revenue as

Page 2

follows:

Sec. 4. TAXES RECEIVED PRIOR TO EFFECTIVE DATE. The amount of the increased local sales and services taxes received by a city under chapter 423B prior to the effective date of this Act that have been designated by a city by ordinance to fund urban renewal projects pursuant to section 423B.10 shall be deposited in the city's special fund created in section 403.19, subsection 2, and shall be used to fund urban renewal projects located in an urban renewal area.

Sec. 5. OBLIGATIONS OF CITIES. This Act shall not relieve, impair, or otherwise alter the obligations of a city relating to bonds issued pursuant to chapter 403 prior to the effective date of this Act or contracts made prior to the effective date of this Act in connection with an urban renewal project."

2. Title page, by striking lines 1 through 3 and inserting the following: "An Act providing for petition and election to approve the use of increased local sales and services tax revenues to fund urban renewal projects."

JOE BOLKCOM

S–3293

Amend the amendment, S–3287, to House File 809, as amended, passed, and reprinted by the House, as follows:

1. Page 5, by striking lines 24 and 25 and inserting the following:

"__. Page 31, by inserting after line 23 the

following:"
2. By renumbering as necessary.

SHAWN HAMERLINCK

S–3294

Amend the amendment, S–3287, to House File 809, as amended, passed, and reprinted by the House, as follows:
1. Page 4, by inserting after line 48 the following:
"Sec. ___. VEHICLE PURCHASES DEFERRED. Notwithstanding any provision to the contrary, except as otherwise provided by this section, the department of administrative services shall defer the purchase of replacement motor vehicles paid for from the general fund of the state or from such moneys credited to the depreciation fund maintained pursuant to section 8A.365. The purchase deferral is applicable to the remainder of the fiscal year beginning July 1, 2008, commencing on the effective date of this section and to the succeeding fiscal year. However, the executive council may authorize an exception to allow purchase of a replacement vehicle when the purchase is less costly than all other alternatives."
2. Page 4, line 50, by striking the word "section" and inserting the following: "sections".
3. Page 5, line 2, by inserting after the word "state" the following: "and providing for vehicle purchases to be deferred".
4. Page 5, line 2, by striking the word "takes" and inserting the following: "take".
5. Page 5, line 3, by striking the word "is" and inserting the following: "are".
6. Page 5, line 4, by striking the word "is" and inserting the following: "are".
7. By renumbering as necessary.

BRAD ZAUN

S–3295

HOUSE AMENDMENT TO
SENATE FILE 451

Amend Senate File 451, as passed by the Senate, as follows:
1. Page 2, line 8, by inserting after the word "of" the following: "undergraduate".
2. Title page, line 2, by inserting before the word "tuition" the following: "undergraduate".

S–3296

HOUSE AMENDMENT TO
SENATE FILE 389

Amend Senate File 389, as amended, passed, and reprinted by the Senate, as follows:

1. By striking everything after the enacting clause and inserting the following:

"DIVISION I

LEGISLATIVE HEALTH CARE COVERAGE COMMISSION

Section 1. LEGISLATIVE HEALTH CARE COVERAGE COMMISSION.

1. A legislative health care coverage commission is created under the authority of the legislative council.

a. The commission shall include the following persons who are ex officio, nonvoting members of the commission:

(1) The commissioner of insurance, or a designee.

(2) The director of human services, or a designee.

(3) The director of public health, or a designee.

(4) Four members of the general assembly, one appointed by the speaker of the house of representatives, one appointed by the minority leader of the house of representatives, one appointed by the majority leader of the senate, and one appointed by the minority leader of the senate.

b. The commission shall include the following persons who are voting members of the commission and who are appointed by the legislative council:

(1) A person who represents the association of business and industry.

(2) A person who represents the federation of Iowa insurers.

(3) A person who represents the Iowa federation of labor.

(4) One health care provider, designated by the executive committee of the medical assistance advisory council.

(5) A person who represents the Iowa association of health underwriters.

(6) Three consumers.

(7) A person who represents an organization of small businesses.

2. The legislative council may employ or contract with a coordinator to assist the commission in carrying out its duties. The coordinator shall gather and coordinate information for the use of the commission in its deliberations concerning health reform initiatives and activities related to the medical home system advisory council, the electronic

health information advisory council and executive committee, the prevention and chronic care management advisory council, the direct care worker task force,

Page 2

the health and long-term care access technical advisory committee, the clinicians advisory panel, the long-term living initiatives of the department of elder affairs, medical assistance and hawk-i program expansions and initiatives, prevention and wellness initiatives including but not limited to those administered through the Iowa healthy communities initiative pursuant to section 135.27 and through the governor's council on physical fitness and nutrition, health care transparency activities, and other health care reform-related advisory bodies and activities that provide direction and promote collaborative efforts among health care providers involved in the initiatives and activities. The legislative services agency shall provide administrative support to the commission.

3. The legislative council shall appoint one voting member as chairperson and one as vice chairperson. Legislative members of the commission are eligible for per diem and reimbursement of actual expenses as provided in section 2.10. The consumers appointed to the commission are entitled to receive a per diem as specified in section 7E.6 for each day spent in performance of duties as a member, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as a member of the commission.

4. The commission shall develop an Iowa health care reform strategic plan which includes but is not limited to a review and analysis of, and recommendations and prioritization of recommendations for, the following:

a. Options for the coordination of a children's health care network in the state that provides health care coverage to all children without such coverage; utilizes, modifies, and enhances existing public programs; maximizes the ability of the state to obtain federal funding and reimbursement for such programs; and provides access to private, affordable health care coverage for children who are not otherwise eligible for health care coverage through public programs.

b. Options for children, adults, and families to transition seamlessly among public and private health care coverage options.

c. Options for subsidized and unsubsidized health care coverage programs which offer public and private,

adequate and affordable health care coverage including but not limited to options to purchase coverage with varying levels of benefits including basic or catastrophic benefits, an intermediate level of

Page 3

benefits, and comprehensive benefits coverage. The commission shall also consider options and make recommendations for providing an array of benefits that may include physical, mental, and dental health care coverage. Affordable health care coverage options for purchase by adults and families shall be developed with the goal of including options for which the contribution requirement for all cost-sharing expenses is no more than six and one-half percent of family income.

d. Options to offer a program to provide coverage under a state health or medical group insurance plan to nonstate public employees, including employees of counties, cities, schools, area education agencies, and community colleges, and employees of nonprofit employers and small employers and to pool such employees with the state plan.

e. The ramifications of requiring each employer in the state with more than ten employees to adopt and maintain a cafeteria plan that satisfies section 125 of the Internal Revenue Code of 1986.

f. Options for development of a long-term strategy to provide access to affordable health care coverage to the uninsured in Iowa, particularly adults, and development of a structure to implement that strategy including consideration of whether to utilize an existing government agency or a newly created entity.

5. As part of developing the strategic plan, the commission shall collaborate with health insurance experts to do including but not limited to the following:

a. Design solutions to issues relating to guaranteed issuance of insurance, preexisting condition exclusions, portability, and allowable pooling and rating classifications.

b. Formulate principles that ensure fair and appropriate practices relating to issues involving individual health care policies such as recision and preexisting condition clauses, and that provide for a binding third-party review process to resolve disputes related to such issues.

c. Design affordable, portable health care coverage options for low-income children, adults, and families.

d. Design a proposed premium schedule for health

care coverage options which includes the development of rating factors that are consistent with market conditions.

e. Design protocols to limit the transfer from employer-sponsored or other private health care

Page 4

coverage to state-developed health care coverage plans.

6. The commission may request from any state agency or official information and assistance as needed to perform its duties pursuant to this section. A state agency or official shall furnish the information or assistance requested within the authority and resources of the state agency or official. This subsection does not allow the examination or copying of any public record required by law to be kept confidential.

7. The commission shall provide progress reports to the legislative council every quarter summarizing the commission's activities.

8. The commission shall provide a progress report to the general assembly by January 1, 2010, summarizing the commission's activities thus far, that includes but is not limited to recommendations and prioritization of recommendations for subsidized and unsubsidized health care coverage programs which offer public and private and adequate and affordable health care coverage for adults. The commission shall collaborate with health insurance experts to ensure that health care coverage for adults that is consistent with the commission's recommendations and priorities is available for purchase by the public by July 1, 2010.

9. The commission shall provide a report to the general assembly by January 1, 2011, summarizing the commission's activities since the last report.

10. The commission shall conclude its deliberations by July 1, 2011, and shall submit a final report to the general assembly by October 1, 2011, summarizing the commission's activities particularly pertaining to the availability of health care coverage programs for adults, analyzing issues studied, and setting forth options, recommendations, and priorities for an Iowa health care reform strategic plan that will ensure that all Iowans have access to health care coverage which meets minimum standards of quality and affordability. The commission may include any other information the commission deems relevant and necessary.

11. This section is repealed on December 31, 2011.

COORDINATING AMENDMENTS

Sec. 2. Section 514E.1, subsections 15 and 22, Code 2009, are amended by striking the subsections.

Sec. 3. Section 514E.2, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The association shall submit to the commissioner a

Page 5

plan of operation for the association and any amendments necessary or suitable to assure the fair, reasonable, and equitable administration of the association. ~~The plan of operation shall include provisions for the development of a comprehensive health care coverage plan as provided in section 514E.5. In developing the comprehensive plan the association shall give deference to the recommendations made by the advisory council as provided in section 514E.6, subsection 1. The association shall approve or disapprove but shall not modify recommendations made by the advisory council. Recommendations that are approved shall be included in the plan of operation submitted to the commissioner. Recommendations that are disapproved shall be submitted to the commissioner with reasons for the disapproval.~~ The plan of operation becomes effective upon approval in writing by the commissioner prior to the date on which the coverage under this chapter must be made available. After notice and hearing, the commissioner shall approve the plan of operation if the plan is determined to be suitable to assure the fair, reasonable, and equitable administration of the association, and provides for the sharing of association losses, if any, on an equitable and proportionate basis among the member carriers. If the association fails to submit a suitable plan of operation within one hundred eighty days after the appointment of the board of directors, or if at any later time the association fails to submit suitable amendments to the plan, the commissioner shall adopt, pursuant to chapter 17A, rules necessary to implement this section. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner. In addition to other requirements, the plan of operation shall provide for all of the following:

Sec. 4. Sections 514E.5 and 514E.6, Code 2009, are repealed.

Sec. 5. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II
HEALTH CARE COVERAGE OF ADULT CHILDREN

Sec. 6. Section 422.7, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 29A. If the health benefits coverage or insurance of the taxpayer includes coverage of a nonqualified tax dependent as determined

Page 6

by the federal internal revenue service, subtract, to the extent included, the amount of the value of such coverage attributable to the nonqualified tax dependent.

Sec. 7. Section 509.3, subsection 8, Code 2009, is amended to read as follows:

8. A provision that the insurer will permit continuation of existing coverage or reenrollment in previously existing coverage for an individual who meets the requirements of section 513B.2, subsection 14, paragraph "a", "b", "c", "d", or "e", and who is an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

In addition to the provisions required in subsections 1 through ~~7~~ 8, the commissioner shall require provisions through the adoption of rules implementing the federal Health Insurance Portability and Accountability Act, Pub. L. No. 104–191.

Sec. 8. Section 509A.13B, Code 2009, is amended to read as follows:

509A.13B ~~CONTINUATION OF DEPENDENT~~ COVERAGE OF CHILDREN — CONTINUATION OR REENROLLMENT.

If a governing body, a county board of supervisors, or a city council has procured accident or health care coverage for its employees under this chapter such coverage shall permit continuation of existing coverage or reenrollment in previously existing coverage for an individual who meets the requirements of section 513B.2, subsection 14, paragraph "a", "b", "c", "d", or "e", and who is an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an

accredited institution of postsecondary education.

Sec. 9. Section 514A.3B, subsection 2, Code 2009, is amended to read as follows:

2. An insurer issuing an individual policy or contract of accident and health insurance which provides coverage for children of the insured shall permit continuation of existing coverage or reenrollment in previously existing coverage for an

Page 7

individual who meets the requirements of section 513B.2, subsection 14, paragraph "a", "b", "c", "d", or "e", and who is an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

Sec. 10. NEW SECTION. 514B.9A COVERAGE OF CHILDREN — CONTINUATION OR REENROLLMENT.

A health maintenance organization which provides health care coverage pursuant to an individual or group health maintenance organization contract regulated under this chapter for children of an enrollee shall permit continuation of existing coverage or reenrollment in previously existing coverage for an individual who meets the requirements of section 513B.2, subsection 14, paragraph "a", "b", "c", "d", or "e", and who is an unmarried child of an enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

Sec. 11. APPLICABILITY. The sections of this Act amending section 509.3, subsection 8, 509A.13B, and 514A.3B, subsection 2, and enacting section 514B.9A, apply to policies, contracts, or plans of accident and health insurance delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2009.

Sec. 12. RETROACTIVE APPLICABILITY DATE. The section of this Act enacting section 422.7, subsection 29A, applies retroactively to January 1, 2009, for tax years beginning on or after that date.

DIVISION III

MEDICAL ASSISTANCE AND HAWK-I PROVISIONS

COVERAGE FOR ALL INCOME-ELIGIBLE CHILDREN

Sec. 13. NEW SECTION. 249A.3A MEDICAL ASSISTANCE — ALL INCOME-ELIGIBLE CHILDREN.

The department shall provide medical assistance to individuals under nineteen years of age who meet the income eligibility requirements for the state medical assistance program and for whom federal financial participation is or becomes available for the cost of such assistance.

Page 8

Sec. 14. NEW SECTION. 514I.8A HAWK-I — ALL INCOME-ELIGIBLE CHILDREN.

The department shall provide coverage to individuals under nineteen years of age who meet the income eligibility requirements for the hawk-i program and for whom federal financial participation is or becomes available for the cost of such coverage.

REQUIRED APPLICATION FOR DEPENDENT CHILD HEALTH CARE COVERAGE

Sec. 15. Section 422.12M, Code 2009, is amended to read as follows:

422.12M INCOME TAX FORM — INDICATION OF DEPENDENT CHILD HEALTH CARE COVERAGE.

1. The director shall draft the income tax form to ~~allow~~ require beginning with the tax returns for tax year ~~2008~~ 2010, a person who files an individual or joint income tax return with the department under section 422.13 to indicate the presence or absence of health care coverage for each dependent child for whom an exemption is claimed.

2. Beginning with the income tax return for tax year ~~2008~~ 2010, a person who files an individual or joint income tax return with the department under section 422.13, ~~may~~ shall report on the income tax return, in the form required, the presence or absence of health care coverage for each dependent child for whom an exemption is claimed.

a. If the taxpayer indicates on the income tax return that a dependent child does not have health care coverage, and the income of the taxpayer's tax return does not exceed the highest level of income eligibility standard for the medical assistance program pursuant to chapter 249A or the hawk-i program pursuant to chapter 514I, the department shall send a notice to the taxpayer indicating that the dependent child may be eligible for the medical assistance program or the hawk-i program and providing information to the taxpayer about how to enroll the dependent child in the ~~programs~~ appropriate program. The taxpayer shall submit an application for the

appropriate program within ninety days of receipt of the enrollment information.

~~b. Notwithstanding any other provision of law to the contrary, a taxpayer shall not be subject to a penalty for not providing the information required under this section.~~

~~c.~~ b. The department shall consult with the department of human services in developing the tax return form and the information to be provided to tax filers under this section.

Page 9

3. The department, in cooperation with the department of human services, shall adopt rules pursuant to chapter 17A to administer this section, including rules defining "health care coverage" for the purpose of indicating its presence or absence on the tax form.

4. The department, in cooperation with the department of human services, shall report, annually, to the governor and the general assembly all of the following:

a. The number of Iowa families, by income level, claiming the state income tax exemption for dependent children.

b. The number of Iowa families, by income level, claiming the state income tax exemption for dependent children ~~who also~~ and whether they indicate the presence or absence of health care coverage for the dependent children.

c. ~~The effect of the reporting requirements and provision of information requirements under this section on the number and percentage of children in the state who are uninsured.~~ The number of Iowa families, by income level, claiming the state income tax exemption for dependent children who receive information from the department pursuant to subsection 2 and who subsequently apply for and are enrolled in the appropriate program.

PREGNANT WOMEN INCOME ELIGIBILITY FOR MEDICAID

Sec. 16. Section 249A.3, subsection 1, paragraph l, Code 2009, is amended to read as follows:

l. (1) Is an infant whose income is not more than two hundred percent of the federal poverty level, as defined by the most recently revised income guidelines published by the United States department of health and human services.

(2) Additionally, effective July 1, 2009, medical assistance shall be provided to ~~an~~ a pregnant woman or infant whose family income is at or below three hundred percent of the federal poverty level, as

defined by the most recently revised poverty income guidelines published by the United States department of health and human services, if otherwise eligible.

Sec. 17. Section 514I.8, subsection 1, Code 2009, is amended to read as follows:

1. Effective July 1, 1998, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, an eligible child under the age of nineteen whose family income does not exceed one hundred thirty-three percent of the federal poverty

Page 10

level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. Additionally, effective July 1, 2000, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, an eligible infant whose family income does not exceed two hundred percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. Effective July 1, 2009, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, a pregnant woman or an eligible child who is an infant and whose family income is at or below three hundred percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

IMPROVING ACCESS AND RETENTION

Sec. 18. Section 249A.4, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 16. Implement the premium assistance program options described under the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111–3, for the medical assistance program. The department may adopt rules as necessary to administer these options.

Sec. 19. NEW SECTION. 509.3A CREDITABLE COVERAGE.

For the purposes of any policies of group accident or health insurance or combination of such policies issued in this state, "creditable coverage" means health benefits or coverage provided to an individual under any of the following:

1. A group health plan.

2. Health insurance coverage.
3. Part A or Part B Medicare pursuant to Title XVIII of the federal Social Security Act.
4. Medicaid pursuant to Title XIX of the federal Social Security Act, other than coverage consisting solely of benefits under section 1928 of that Act.
5. 10 U.S.C. ch. 55.
6. A health or medical care program provided through the Indian health service or a tribal organization.
7. A state health benefits risk pool.
8. A health plan offered under 5 U.S.C. ch. 89.

Page 11

9. A public health plan as defined under federal regulations.
10. A health benefit plan under section 5(e) of the federal Peace Corps Act, 22 U.S.C. § 2504(e).
11. An organized delivery system licensed by the director of public health.
12. A short-term limited duration policy.
13. The hawk-i program authorized by chapter 514I.

Sec. 20. Section 513B.2, subsection 8, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. The hawk-i program authorized by chapter 514I.

Sec. 21. Section 514A.3B, subsection 1, Code 2009, is amended to read as follows:

1. An insurer which accepts an individual for coverage under an individual policy or contract of accident and health insurance shall waive any time period applicable to a preexisting condition exclusion or limitation period requirement of the policy or contract with respect to particular services in an individual health benefit plan for the period of time the individual was previously covered by qualifying previous coverage as defined in section 513C.3, by chapter 249A or 514I, or by Medicare coverage provided pursuant to Title XVIII of the federal Social Security Act that provided benefits with respect to such services, provided that the ~~qualifying previous~~ coverage was continuous to a date not more than sixty-three days prior to the effective date of the new policy or contract. ~~Any days of coverage provided to an individual pursuant to chapter 249A or 514I, or Medicare coverage provided pursuant to Title XVIII of the federal Social Security Act, do not constitute qualifying previous coverage. Such days of chapter 249A or 514I or Medicare coverage shall be counted as part of the maximum sixty-three-day grace period and shall not constitute a basis for the waiver of any~~

~~preexisting condition exclusion or limitation period.~~

Sec. 22. Section 514A.3B, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. For the purposes of any policies of accident and sickness insurance issued in this state, "creditable coverage" means health benefits or coverage provided to an individual under any of the following:

a. A group health plan.

b. Health insurance coverage.

c. Part A or Part B Medicare pursuant to Title XVIII of the federal Social Security Act.

d. Medicaid pursuant to Title XIX of the federal

Page 12

Social Security Act, other than coverage consisting solely of benefits under section 1928 of that Act.

e. 10 U.S.C. ch. 55.

f. A health or medical care program provided through the Indian health service or a tribal organization.

g. A state health benefits risk pool.

h. A health plan offered under 5 U.S.C. ch. 89.

i. A public health plan as defined under federal regulations.

j. A health benefit plan under section 5(e) of the federal Peace Corps Act, 22 U.S.C. § 2504(e).

k. An organized delivery system licensed by the director of public health.

l. A short-term limited duration policy.

m. The hawk-i program authorized by chapter 514I.

Sec. 23. Section 514I.1, subsection 4, Code 2009, is amended to read as follows:

4. It is the intent of the general assembly that the hawk-i program be an integral part of the continuum of health insurance coverage and that the program be developed and implemented in such a manner as to facilitate movement of families between health insurance providers and to facilitate the transition of families to private sector health insurance coverage. ~~It is the intent of the general assembly in developing such continuum of health insurance coverage and in facilitating such transition, that beginning July 1, 2009, the department implement the hawk-i expansion program.~~

Sec. 24. Section 514I.2, subsection 8, Code 2009, is amended by striking the subsection.

Sec. 25. Section 514I.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Health care coverage provided under this chapter in accordance with Title XXI of the

federal Social Security Act shall be recognized as prior creditable coverage for the purposes of private individual and group health insurance coverage.

Sec. 26. Section 514I.4, subsection 2, Code 2009, is amended to read as follows:

2. a. The director, with the approval of the board, may contract with participating insurers to provide dental-only services.

b. The director, with the approval of the board, may contract with participating insurers to provide the supplemental dental-only coverage to otherwise eligible children who have private health care coverage as specified in the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111–3.

Page 13

Sec. 27. Section 514I.4, subsection 5, paragraphs a and b, Code 2009, are amended to read as follows:

a. Develop a joint program application form ~~not to exceed two pages in length, which is consistent with the rules of the board,~~ which is easy to understand, complete, and concise, ~~and which, to the greatest extent possible, coordinates with the~~ supplemental forms, and the same application and renewal verification process for both the hawk-i and medical assistance ~~program~~ programs.

b. (1) Establish the family cost sharing amounts for children of families with incomes of one hundred fifty percent or more but not exceeding two hundred percent of the federal poverty level, of not less than ten dollars per individual and twenty dollars per family, if not otherwise prohibited by federal law, with the approval of the board.

(2) Establish for children of families with incomes exceeding two hundred percent but not exceeding three hundred percent of the federal poverty level, family cost-sharing amounts, and graduated premiums based on a rationally developed sliding fee schedule, in accordance with federal law, with the approval of the board.

Sec. 28. Section 514I.5, subsection 7, paragraph l, Code 2009, is amended to read as follows:

l. Develop options and recommendations to allow children eligible for the hawk-i ~~or hawk-i expansion~~ program to participate in qualified employer-sponsored health plans through a premium assistance program. The options and recommendations shall ensure reasonable alignment between the benefits and costs of the hawk-i ~~and hawk-i expansion programs~~ program and the employer-sponsored health plans consistent with

federal law. ~~The options and recommendations shall be completed by January 1, 2009, and submitted to the governor and the general assembly for consideration as part of the hawk-i and hawk-i expansion programs.~~ In addition, the board shall implement the premium assistance program options described under the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111–3, for the hawk-i program.

Sec. 29. Section 514I.5, subsection 8, paragraph e, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (15) Translation and interpreter services as specified pursuant to the federal Children's Health Insurance Program

Page 14

Reauthorization Act of 2009, Pub. L. No. 111–3.

Sec. 30. Section 514I.5, subsection 8, paragraph g, Code 2009, is amended to read as follows:

g. Presumptive eligibility criteria for the program. Beginning January 1, 2010, presumptive eligibility shall be provided for eligible children.

Sec. 31. Section 514I.5, subsection 9, Code 2009, is amended to read as follows:

9. a. The hawk-i board may provide approval to the director to contract with participating insurers to provide dental-only services. In determining whether to provide such approval to the director, the board shall take into consideration the impact on the overall program of single source contracting for dental services.

b. The hawk-i board may provide approval to the director to contract with participating insurers to provide the supplemental dental-only coverage to otherwise eligible children who have private health care coverage as specified in the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111–3.

Sec. 32. Section 514I.6, subsections 2 and 3, Code 2009, are amended to read as follows:

2. Provide or reimburse accessible, quality medical or dental services.

3. Require that any plan provided by the participating insurer establishes and maintains a conflict management system that includes methods for both preventing and resolving disputes involving the health or dental care needs of eligible children, and a process for resolution of such disputes.

Sec. 33. Section 514I.6, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. A list of providers of medical or dental services under the plan.

Sec. 34. Section 514I.7, subsection 2, paragraph d, Code 2009, is amended to read as follows:

d. Monitor and assess the medical and dental care provided through or by participating insurers as well as complaints and grievances.

Sec. 35. Section 514I.8, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. Is a member of a family whose income does not exceed ~~two~~ three hundred percent of the federal poverty level, as defined in 42 U.S.C. § 9902(2), including any revision required by such section, and in accordance with the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111–3.

Page 15

Sec. 36. Section 514I.10, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Cost sharing for an eligible child whose family income exceeds two hundred percent but does not exceed three hundred percent of the federal poverty level may include copayments and graduated premium amounts which do not exceed the limitations of federal law.

Sec. 37. Section 514I.11, subsections 1 and 3, Code 2009, are amended to read as follows:

1. A hawk-i trust fund is created in the state treasury under the authority of the department of human services, in which all appropriations and other revenues of the program ~~and the hawk-i expansion program~~ such as grants, contributions, and participant payments shall be deposited and used for the purposes of the program ~~and the hawk-i expansion program~~. The moneys in the fund shall not be considered revenue of the state, but rather shall be funds of the program.

3. Moneys in the fund are appropriated to the department and shall be used to offset any program ~~and hawk-i expansion program~~ costs.

Sec. 38. MEDICAL ASSISTANCE PROGRAM — PROGRAMMATIC AND PROCEDURAL PROVISIONS. The department of human services shall adopt rules pursuant to chapter 17A to provide for all of the following:

1. To allow for the submission of one pay stub per employer by an individual as verification of earned income for the medical assistance program when it is indicative of future income.

2. To allow for an averaging of three years of income for self-employed families to establish

eligibility for the medical assistance program.

3. To extend the period for annual renewal by medical assistance members by mailing the renewal form to the member on the first day of the month prior to the month of renewal.

4. To provide for all of the following in accordance with the requirements for qualification for the performance bonus payments described under the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111–3:

a. Utilization of joint applications and supplemental forms, and the same application and renewal verification processes for the medical assistance and hawk-i programs.

b. Implementation of administrative or paperless verification at renewal for the medical assistance program.

Page 16

c. Utilization of presumptive eligibility when determining a child's eligibility for the medical assistance program.

d. Utilization of the express lane option, including utilization of other public program databases to reach and enroll children in the medical assistance program.

5. To provide translation and interpretation services under the medical assistance program as specified pursuant to the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111–3.

Sec. 39. HAWK-I PROGRAM — PROGRAMMATIC AND PROCEDURAL PROVISIONS. The hawk-i board, in consultation with the department of human services, shall adopt rules pursuant to chapter 17A to provide for all of the following:

1. To allow for the submission of one pay stub per employer by an individual as verification of earned income for the hawk-i program when it is indicative of future income.

2. To allow for an averaging of three years of income for self-employed families to establish eligibility for the hawk-i program.

3. To provide for all of the following in accordance with the requirements for qualification for the performance bonus payments described under the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111–3:

a. Utilization of joint applications and supplemental forms, and the same application and renewal verification processes for the hawk-i and

medical assistance programs.

b. Implementation of administrative or paperless verification at renewal for the hawk-i program.

c. Utilization of presumptive eligibility when determining a child's eligibility for the hawk-i program.

d. Utilization of the express lane option, including utilization of other public program databases to reach and enroll children in the hawk-i program.

Sec. 40. DEMONSTRATION GRANTS — CHIPRA. The department of human services in cooperation with the department of public health and other appropriate agencies, shall apply for grants available under the Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111–3, to promote outreach activities and quality child health outcomes under the medical assistance and hawk-i programs.

Page 17

Sec. 41. Section 514I.12, Code 2009, is repealed.

Sec. 42. EFFECTIVE DATE. The section of this division of this Act amending section 422.12M, takes effect July 1, 2010.

DIVISION IV

VOLUNTEER HEALTH CARE PROVIDERS

Sec. 43. Section 135.24, Code 2009, is amended to read as follows:

135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM ESTABLISHED — IMMUNITY FROM CIVIL LIABILITY.

1. The director shall establish within the department a program to provide to eligible hospitals, clinics, free clinics, field dental clinics, specialty health care provider offices, or other health care facilities, health care referral programs, or charitable organizations, free medical, dental, chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, and emergency medical care services given on a voluntary basis by health care providers. A participating health care provider shall register with the department and obtain from the department a list of eligible, participating hospitals, clinics, free clinics, field dental clinics, specialty health care provider offices, or other health care facilities, health care referral programs, or charitable organizations.

2. The department, in consultation with the department of human services, shall adopt rules to implement the volunteer health care provider program

which shall include the following:

a. Procedures for registration of health care providers deemed qualified by the board of medicine, the board of physician assistants, the dental board, the board of nursing, the board of chiropractic, the board of psychology, the board of social work, the board of behavioral science, the board of pharmacy, the board of optometry, the board of podiatry, the board of physical and occupational therapy, the board of respiratory care, and the Iowa department of public health, as applicable.

b. Procedures for registration of free clinics, ~~and~~ field dental clinics, and specialty health care provider offices.

c. Criteria for and identification of hospitals, clinics, free clinics, field dental clinics, specialty health care provider offices, or other health care facilities, health care referral programs, or charitable organizations, eligible to participate in

Page 18

the provision of free medical, dental, chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, or emergency medical care services through the volunteer health care provider program. A free clinic, a field dental clinic, a specialty health care provider office, a health care facility, a health care referral program, a charitable organization, or a health care provider participating in the program shall not bill or charge a patient for any health care provider service provided under the volunteer health care provider program.

d. Identification of the services to be provided under the program. The services provided may include, but shall not be limited to, obstetrical and gynecological medical services, psychiatric services provided by a physician licensed under chapter 148, dental services provided under chapter 153, or other services provided under chapter 147A, 148A, 148B, 148C, 149, 151, 152, 152B, 152E, 154, 154B, 154C, 154D, 154F, or 155A.

3. A health care provider providing free care under this section shall be considered an employee of the state under chapter 669, shall be afforded protection as an employee of the state under section 669.21, and shall not be subject to payment of claims arising out of the free care provided under this section through the health care provider's own professional liability insurance coverage, provided

that the health care provider has done all of the following:

a. Registered with the department pursuant to subsection 1.

b. Provided medical, dental, chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, or emergency medical care services through a hospital, clinic, free clinic, field dental clinic, specialty health care provider office, or other health care facility, health care referral program, or charitable organization listed as eligible and participating by the department pursuant to subsection 1.

4. A free clinic providing free care under this section shall be considered a state agency solely for the purposes of this section and chapter 669 and shall be afforded protection under chapter 669 as a state agency for all claims arising from the provision of free care by a health care provider registered under

Page 19

subsection 3 who is providing services at the free clinic in accordance with this section or from the provision of free care by a health care provider who is covered by adequate medical malpractice insurance as determined by the department, if the free clinic has registered with the department pursuant to subsection 1.

5. A field dental clinic providing free care under this section shall be considered a state agency solely for the purposes of this section and chapter 669 and shall be afforded protection under chapter 669 as a state agency for all claims arising from the provision of free care by a health care provider registered under subsection 3 who is providing services at the field dental clinic in accordance with this section or from the provision of free care by a health care provider who is covered by adequate medical malpractice insurance, as determined by the department, if the field dental clinic has registered with the department pursuant to subsection 1.

5A. A specialty health care provider office providing free care under this section shall be considered a state agency solely for the purposes of this section and chapter 669 and shall be afforded protection under chapter 669 as a state agency for all claims arising from the provision of free care by a health care provider registered under subsection 3 who is providing services at the specialty health care provider office in accordance with this section or

from the provision of free care by a health care provider who is covered by adequate medical malpractice insurance, as determined by the department, if the specialty health care provider office has registered with the department pursuant to subsection 1.

6. For the purposes of this section:

a. "Charitable organization" means a charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code.

b. "Field dental clinic" means a dental clinic temporarily or periodically erected at a location utilizing mobile dental equipment, instruments, or supplies, as necessary, to provide dental services.

c. "Free clinic" means a facility, other than a hospital or health care provider's office which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and which has as its sole purpose the provision of health care services without charge to individuals who are otherwise unable to pay for the services.

Page 20

d. "Health care provider" means a physician licensed under chapter 148, a chiropractor licensed under chapter 151, a physical therapist licensed pursuant to chapter 148A, an occupational therapist licensed pursuant to chapter 148B, a podiatrist licensed pursuant to chapter 149, a physician assistant licensed and practicing under a supervising physician pursuant to chapter 148C, a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E, a respiratory therapist licensed pursuant to chapter 152B, a dentist, dental hygienist, or dental assistant registered or licensed to practice under chapter 153, an optometrist licensed pursuant to chapter 154, a psychologist licensed pursuant to chapter 154B, a social worker licensed pursuant to chapter 154C, a mental health counselor or a marital and family therapist licensed pursuant to chapter 154D, a pharmacist licensed pursuant to chapter 155A, or an emergency medical care provider certified pursuant to chapter 147A.

e. "Specialty health care provider office" means the private office or clinic of an individual specialty health care provider or group of specialty health care providers as referred by the Iowa collaborative safety net provider network established in section 135.153, but does not include a field dental clinic, a free clinic, or a hospital.

DIVISION V
HEALTH CARE WORKFORCE SUPPORT INITIATIVE

Sec. 44. NEW SECTION. 135.153A SAFETY NET PROVIDER RECRUITMENT AND RETENTION INITIATIVES PROGRAM REPEAL.

The department, in accordance with efforts pursuant to sections 135.163 and 135.164 and in cooperation with the Iowa collaborative safety net provider network governing group as described in section 135.153, shall establish and administer a safety net provider recruitment and retention initiatives program to address the health care workforce shortage relative to safety net providers. Funding for the program may be provided through the health care workforce shortage fund or the safety net provider network workforce shortage account created in section 135.175. The department, in cooperation with the governing group, shall adopt rules pursuant to chapter 17A to implement and administer such program. This section is repealed June 30, 2014.

Sec. 45. NEW SECTION. 135.175 HEALTH CARE WORKFORCE SUPPORT INITIATIVE — WORKFORCE SHORTAGE FUND — ACCOUNTS — REPEAL.

1. a. A health care workforce support initiative is established to provide for the coordination and support of various efforts to address the health care workforce shortage in this state. This initiative shall include the medical residency training state matching grants program created in section 135.176, the health care professional and nursing workforce shortage initiative created in sections 261.128 and 261.129, the safety net provider recruitment and retention initiatives program credited in section 135.153A, health care workforce shortage national initiatives, and the physician assistant mental health fellowship program created in section 135.177.

b. A health care workforce shortage fund is created in the state treasury as a separate fund under the control of the department, in cooperation with the entities identified in this section as having control over the accounts within the fund. The fund and the accounts within the fund shall be controlled and managed in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164.

2. The fund and the accounts within the fund shall consist of moneys appropriated from the general fund of the state for the purposes of the fund or the accounts within the fund; moneys received from the

federal government for the purposes of addressing the health care workforce shortage; contributions, grants, and other moneys from communities and health care employers; and moneys from any other public or private source available.

3. The department and any entity identified in this section as having control over any of the accounts within the fund, may receive contributions, grants, and in-kind contributions to support the purposes of the fund and the accounts within the fund.

4. The fund and the accounts within the fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the fund and the accounts within the fund shall not be considered revenue of the state, but rather shall be moneys of the fund or the accounts. The moneys in the fund and the accounts within the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be

Page 22

credited to the fund and the accounts within the fund.

5. The fund shall consist of the following accounts:

a. The medical residency training account. The medical residency training account shall be under the control of the department and the moneys in the account shall be used for the purposes of the medical residency training state matching grants program as specified in section 135.176. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the medical residency training state matching grants program or account for the purposes of such account.

b. The health care professional and nurse workforce shortage initiative account. The health care professional and nurse workforce shortage initiative account shall be under the control of the college student aid commission created in section 261.1 and the moneys in the account shall be used for the purposes of the health care professional incentive payment program and the nurse workforce shortage initiative as specified in sections 261.128 and 261.129. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically

dedicated to the health care professional and nurse workforce shortage initiative or the account for the purposes of the account.

c. The safety net provider network workforce shortage account. The safety net provider network workforce shortage account shall be under the control of the governing group of the Iowa collaborative safety net provider network created in section 135.153 and the moneys in the account shall be used for the purposes of the safety net provider recruitment and retention initiatives program as specified in section 135.153A. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the safety net provider recruitment and retention initiatives program or the account for the purposes of the account.

d. The health care workforce shortage national initiatives account. The health care workforce shortage national initiatives account shall be under the control of the state entity identified for receipt of the federal funds by the federal government entity through which the federal funding is available for a specified health care workforce shortage initiative.

Page 23

Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to health care workforce shortage national initiatives or the account and for a specified health care workforce shortage initiative.

e. The physician assistant mental health fellowship program account. The physician assistant mental health fellowship program account shall be under the control of the department and the moneys in the account shall be used for the purposes of the physician assistant mental health fellowship program as specified in section 135.177. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the physician assistant mental health fellowship program or the account for the purposes of the account.

6. a. Moneys in the fund and the accounts in the fund shall only be appropriated in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164 to support the medical residency training state matching grants program, the health care professional incentive payment program, the nurse educator incentive payment

and nursing faculty fellowship programs, the safety net recruitment and retention initiatives program, for national health care workforce shortage initiatives, for the physician assistant mental health fellowship program, and to provide funding for state health care workforce shortage programs as provided in this section.

b. State programs that may receive funding from the fund and the accounts in the fund, if specifically designated for the purpose of drawing down federal funding, are the primary care recruitment and retention endeavor (PRIMECARRE), the Iowa affiliate of the national rural recruitment and retention network, the primary care office shortage designation program, the state office of rural health, and the Iowa health workforce center, administered through the bureau of health care access of the department of public health; the area health education centers programs at Des Moines university — osteopathic medical center and the university of Iowa; the Iowa collaborative safety net provider network established pursuant to section 135.153; any entity identified by the federal government entity through which federal funding for a specified health care workforce shortage initiative is received; and a program developed in accordance with

Page 24

the strategic plan developed by the department of public health in accordance with sections 135.163 and 135.164.

c. State appropriations to the fund shall be allocated in equal amounts to each of the accounts within the fund, unless otherwise specified in the appropriation or allocation. Any federal funding received for the purposes of addressing state health care workforce shortages shall be deposited in the health care workforce shortage national initiatives account, unless otherwise specified by the source of the funds, and shall be used as required by the source of the funds. If use of the federal funding is not designated, twenty-five percent of such funding shall be deposited in the safety net provider network workforce shortage account to be used for the purposes of the account and the remainder of the funds shall be used in accordance with the strategic plan developed by the department of public health in accordance with sections 135.163 and 135.164, or to address workforce shortages as otherwise designated by the department of public health. Other sources of funding shall be deposited in the fund or account and used as specified by the source of the funding.

7. No more than five percent of the moneys in any of the accounts within the fund, not to exceed one hundred thousand dollars in each account, shall be used for administrative purposes, unless otherwise provided by the appropriation, allocation, or source of the funds.

8. The department, in cooperation with the entities identified in this section as having control over any of the accounts within the fund, shall submit an annual report to the governor and the general assembly regarding the status of the health care workforce support initiative, including the balance remaining in and appropriations from the health care workforce shortage fund and the accounts within the fund.

9. This section is repealed June 30, 2014.

Sec. 46. NEW SECTION. 135.176 MEDICAL RESIDENCY TRAINING STATE MATCHING GRANTS PROGRAM — REPEAL.

1. The department shall establish a medical residency training state matching grants program to provide matching state funding to sponsors of accredited graduate medical education residency programs in this state to establish, expand, or support medical residency training programs. Funding for the program may be provided through the health care workforce shortage fund or the medical residency

Page 25

training account created in section 135.175. For the purposes of this section, unless the context otherwise requires, "accredited" means a graduate medical education program approved by the accreditation council for graduate medical education or the American osteopathic association. The grant funds may be used to support medical residency programs through any of the following:

a. The establishment of new or alternative campus accredited medical residency training programs. For the purposes of this paragraph, "new or alternative campus accredited medical residency training program" means a program that is accredited by a recognized entity approved for such purpose by the accreditation council for graduate medical education or the American osteopathic association with the exception that a new medical residency training program that, by reason of an insufficient period of operation is not eligible for accreditation on or before the date of submission of an application for a grant, may be deemed accredited if the accreditation council for graduate medical education or the American osteopathic association finds, after consultation with the

appropriate accreditation entity, that there is reasonable assurance that the program will meet the accreditation standards of the entity prior to the date of graduation of the initial class in the program.

b. The provision of new residency positions within existing accredited medical residency or fellowship training programs.

c. The funding of residency positions which are in excess of the federal residency cap. For the purposes of this paragraph, "in excess of the federal residency cap" means a residency position for which no federal Medicare funding is available because the residency position is a position beyond the cap for residency positions established by the federal Balanced Budget Act of 1997, Pub. L. No. 105–33.

2. The department shall adopt rules pursuant to chapter 17A to provide for all of the following:

a. Eligibility requirements for and qualifications of a sponsor of an accredited graduate medical education residency program to receive a grant. The requirements and qualifications shall include but are not limited to all of the following:

(1) Only a sponsor that establishes a dedicated fund to support a residency program that meets the specifications of this section shall be eligible to receive a matching grant. A sponsor funding residency

Page 26

positions in excess of the federal residency cap, as defined in subsection 1, paragraph "c", exclusive of funds provided under the medical residency training state matching grants program established in this section, is deemed to have satisfied this requirement and shall be eligible for a matching grant equal to the amount of funds expended for such residency positions, subject to the limitation on the maximum award of grant funds specified in paragraph "e".

(2) A sponsor shall demonstrate through documented financial information as prescribed by rule of the department, that funds have been reserved and will be expended by the sponsor in the amount required to provide matching funds for each residency proposed in the request for state matching funds.

(3) A sponsor shall demonstrate through objective evidence as prescribed by rule of the department, a need for such residency program in the state.

b. The application process for the grant.

c. Criteria for preference in awarding of the grants, including preference in the residency specialty.

d. Determination of the amount of a grant. The total amount of a grant awarded to a sponsor shall be limited to no more than twenty-five percent of the amount that the sponsor has demonstrated through documented financial information has been reserved and will be expended by the sponsor for each residency sponsored for the purpose of the residency program.

e. The maximum award of grant funds to a particular individual sponsor per year. An individual sponsor shall not receive more than twenty-five percent of the state matching funds available each year to support the program. However, if less than ninety-five percent of the available funds has been awarded in a given year, a sponsor may receive more than twenty-five percent of the state matching funds available if total funds awarded do not exceed ninety-five percent of the available funds. If more than one sponsor meets the requirements of this section and has established, expanded, or supported a graduate medical residency training program, as specified in subsection 1, in excess of the sponsor's twenty-five percent maximum share of state matching funds, the state matching funds shall be divided proportionately among such sponsors.

f. Use of the funds awarded. Funds may be used to pay the costs of establishing, expanding, or supporting an accredited graduate medical education program as specified in this section, including but

Page 27

not limited to the costs associated with residency stipends and physician faculty stipends.

3. This section is repealed June 30, 2014.

Sec. 47. NEW SECTION. 135.177 PHYSICIAN ASSISTANT MENTAL HEALTH FELLOWSHIP PROGRAM — REPEAL.

1. The department, in cooperation with the college student aid commission, shall establish a physician assistant mental health fellowship program in accordance with this section. Funding for the program may be provided through the health care workforce shortage fund or the physician assistant mental health fellowship program account created in section 135.175. The purpose of the program is to determine the effect of specialized training and support for physician assistants in providing mental health services on addressing Iowa's shortage of mental health professionals.

2. The program shall provide for all of the following:

a. Collaboration with a hospital serving a thirteen-county area in central Iowa that provides a

clinic at the Iowa veterans home, a private nonprofit agency headquartered in a city with a population of more than one hundred ninety thousand that operates a freestanding psychiatric medical institution for children, a private university with a medical school educating osteopathic physicians located in a city with a population of more than one hundred ninety thousand, the Iowa veterans home, and any other clinical partner designated for the program. Population figures used in this paragraph refer to the most recent certified federal census. The clinical partners shall provide supervision, clinical experience, training, and other support for the program and physician assistant students participating in the program.

b. Elderly, youth, and general population clinical experiences.

c. A fellowship of twelve months for three physician assistant students, annually.

d. Supervision of students participating in the program provided by the university and the other clinical partners participating in the program.

e. A student participating in the program shall be eligible for a stipend of not more than fifty thousand dollars for the twelve months of the fellowship plus related fringe benefits. In addition, a student who completes the program and practices in Iowa in a mental health professional shortage area, as defined in section 135.80, shall be eligible for up to twenty

Page 28

thousand dollars in loan forgiveness. The stipend and loan forgiveness provisions shall be determined by the department and the college student aid commission, in consultation with the clinical partners.

f. The state and private entity clinical partners shall regularly evaluate and document their experiences with the approaches utilized and outcomes achieved by the program to identify an optimal model for operating the program. The evaluation process shall include but is not limited to identifying ways the program's clinical and training components could be modified to facilitate other student and practicing physician assistants specializing as mental health professionals.

3. This section is repealed June 30, 2014.

Sec. 48. Section 261.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Administer the health care professional incentive payment program established in section 261.128 and the nursing workforce shortage

initiative created in section 261.129. This subsection is repealed June 30, 2014.

Sec. 49. Section 261.23, subsection 1, Code 2009, is amended to read as follows:

1. A registered nurse and nurse educator loan forgiveness program is established to be administered by the commission. The program shall consist of loan forgiveness for eligible federally guaranteed loans for registered nurses and nurse educators who practice or teach in this state. For purposes of this section, unless the context otherwise requires, "nurse educator" means a registered nurse who holds a master's degree or doctorate degree and is employed as a faculty member who teaches nursing as provided in 655 IAC 2.6(152) at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

Sec. 50. Section 261.23, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. Complete and return, on a form approved by the commission, an affidavit of practice verifying that the applicant is a registered nurse practicing in this state or a nurse educator teaching at a community college, an accredited private institution, or an institution of higher learning governed by the state board of regents.

Sec. 51. NEW SECTION. 261.128 HEALTH CARE PROFESSIONAL INCENTIVE PAYMENT PROGRAM — REPEAL.

1. The commission shall establish a health care professional incentive payment program to recruit and

Page 29

retain health care professionals in this state. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and nurse workforce shortage account created in section 135.175.

2. The commission shall administer the incentive payment program with the assistance of Des Moines university — osteopathic medical center.

3. The commission, with the assistance of Des Moines university — osteopathic medical center, shall adopt rules pursuant to chapter 17A, relating to the establishment and administration of the health care professional incentive payment program. The rules adopted shall address all of the following:

a. Eligibility and qualification requirements for a health care professional, a community, and a health care employer to participate in the incentive payment program. Any community in the state and all health care specialties shall be considered for

participation. However, health care employers located in and communities that are designated as medically underserved areas or populations or that are designated as health professional shortage areas by the health resources and services administration of the United States department of health and human services shall have first priority in the awarding of incentive payments.

(1) To be eligible, a health care professional at a minimum must not have any unserved obligations to a federal, state, or local government or other entity that would prevent compliance with obligations under the agreement for the incentive payment; must have a current and unrestricted license to practice the professional's respective profession; and must be able to begin full-time clinical practice upon signing an agreement for an incentive payment.

(2) To be eligible, a community must provide a clinical setting for full-time practice of a health care professional and must provide a fifty thousand dollar matching contribution for a physician and a fifteen thousand dollar matching contribution for any other health care professional to receive an equal amount of state matching funds.

(3) To be eligible, a health care employer must provide a clinical setting for a full-time practice of a health care professional and must provide a fifty thousand dollar matching contribution for a physician and a fifteen thousand dollar matching contribution for any other health care professional to receive an equal amount of state matching funds.

Page 30

b. The process for awarding incentive payments. The commission shall receive recommendations from the department of public health regarding selection of incentive payment recipients. The process shall require each recipient to enter into an agreement with the commission that specifies the obligations of the recipient and the commission prior to receiving the incentive payment.

c. Public awareness regarding the program including notification of potential health care professionals, communities, and health care employers about the program and dissemination of applications to appropriate entities.

d. Measures regarding all of the following:

(1) The amount of the incentive payment and the specifics of obligated service for an incentive payment recipient. An incentive payment recipient shall agree to provide service in full-time clinical

practice for a minimum of four consecutive years. If an incentive payment recipient is sponsored by a community or health care employer, the obligated service shall be provided in the sponsoring community or health care employer location. An incentive payment recipient sponsored by a health care employer shall agree to provide health care services as specified in an employment agreement with the sponsoring health care employer.

(2) Determination of the conditions of the incentive payment applicable to an incentive payment recipient. At the time of approval for participation in the program, an incentive payment recipient shall be required to submit proof of indebtedness incurred as the result of obtaining loans to pay for educational costs resulting in a degree in health sciences. For the purposes of this subparagraph, "indebtedness" means debt incurred from obtaining a government or commercial loan for actual costs paid for tuition, reasonable education expenses, and reasonable living expenses related to the graduate, undergraduate, or associate education of a health care professional.

(3) Enforcement of the state's rights under an incentive payment agreement, including the commencement of any court action. A recipient who fails to fulfill the requirements of the incentive payment agreement is subject to repayment of the incentive payment in an amount equal to the amount of the incentive payment. A recipient who fails to meet the requirements of the incentive payment agreement may also be subject to repayment of moneys advanced by

Page 31

a community or health care employer as provided in any agreement with the community or employer.

(4) A process for monitoring compliance with eligibility requirements, obligated service provisions, and use of funds by recipients to verify eligibility of recipients and to ensure that state, federal, and other matching funds are used in accordance with program requirements.

(5) The use of the funds received. Any portion of the incentive payment that is attributable to federal funds shall be used as required by the federal entity providing the funds. Any portion of the incentive payment that is attributable to state funds shall first be used toward payment of any outstanding loan indebtedness of the recipient. The remaining portion of the incentive payment shall be used as specified in the incentive payment agreement.

4. A recipient is responsible for reporting on federal income tax forms any amount received through the program, to the extent required by federal law. Incentive payments received through the program by a recipient in compliance with the requirements of the incentive payment program are exempt from state income taxation.

5. This section is repealed June 30, 2014.

Sec. 52. NEW SECTION. 261.129 NURSING WORKFORCE SHORTAGE INITIATIVE — REPEAL.

1. NURSE EDUCATOR INCENTIVE PAYMENT PROGRAM.

a. The commission shall establish a nurse educator incentive payment program. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and nurse workforce shortage initiative account created in section 135.175. For the purposes of this subsection, "nurse educator" means a registered nurse who holds a master's degree or doctorate degree and is employed as a faculty member who teaches nursing in a nursing education program as provided in 655 IAC 2.6 at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

b. The program shall consist of incentive payments to recruit and retain nurse educators. The program shall provide for incentive payments of up to twenty thousand dollars for a nurse educator who remains teaching in a qualifying teaching position for a period of not less than four consecutive academic years.

c. The nurse educator and the commission shall enter into an agreement specifying the obligations of

Page 32

the nurse educator and the commission. If the nurse educator leaves the qualifying teaching position prior to teaching for four consecutive academic years, the nurse educator shall be liable to repay the incentive payment amount to the state, plus interest as specified by rule. However, if the nurse educator leaves the qualifying teaching position involuntarily, the nurse educator shall be liable to repay only a pro rata amount of the incentive payment based on incompleted years of service.

d. The commission, in consultation with the department of public health, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the nurse educator incentive payment program. The rules shall include provisions specifying what constitutes a qualifying teaching

position.
2. NURSING FACULTY FELLOWSHIP PROGRAM.
a. The commission shall establish a nursing faculty fellowship program to provide funds to nursing schools in the state, including but not limited to nursing schools located at community colleges, for fellowships for individuals employed in qualifying positions on the nursing faculty. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and nurse workforce shortage initiative account created in section 135.175. The program shall be designed to assist nursing schools in filling vacancies in qualifying positions throughout the state.
b. The commission, in consultation with the department of public health and in cooperation with nursing schools throughout the state, shall develop a distribution formula which shall provide that no more than thirty percent of the available moneys are awarded to a single nursing school. Additionally, the program shall limit funding for a qualifying position in a nursing school to no more than ten thousand dollars per year for up to three years.
c. The commission, in consultation with the department of public health, shall adopt rules pursuant to chapter 17A to administer the program. The rules shall include provisions specifying what constitutes a qualifying position at a nursing school.
d. In determining eligibility for a fellowship, the commission shall consider all of the following:
(1) The length of time a qualifying position has gone unfilled at a nursing school.
(2) Documented recruiting efforts by a nursing

Page 33

school.
(3) The geographic location of a nursing school.
(4) The type of nursing program offered at the nursing school, including associate, bachelor's, master's, or doctoral degrees in nursing, and the need for the specific nursing program in the state.
3. REPEAL. This section is repealed June 30, 2014.
Sec. 53. HEALTH CARE WORKFORCE INITIATIVES — FEDERAL FUNDING. The department of public health shall work with the department of workforce development and health care stakeholders to apply for federal moneys allocated in the federal American Recovery and Reinvestment Act of 2009 for health care workforce initiatives that are available through a

competitive grant process administered by the health resources and services administration of the United States department of health and human services or the United States department of health and human services. Any federal moneys received shall be deposited in the health care workforce shortage fund created in section 135.175 as enacted by this division of this Act and shall be used for the purposes specified for the fund and for the purposes specified in the federal American Recovery and Reinvestment Act of 2009.

Sec. 54. IMPLEMENTATION. This division of this Act shall be implemented only to the extent funding is available.

Sec. 55. CODE EDITOR DIRECTIVES. The Code editor shall do all of the following:

1. Create a new division in chapter 135 codifying section 135.175, as enacted in this division of this Act, as the health care workforce support initiative and fund.

2. Create a new division in chapter 135 codifying sections 135.176 and 135.177, as enacted in this division of this Act, as health care workforce support.

3. Create a new division in chapter 261 codifying section 261.128, as enacted in this division of this Act, as the health care professional incentive payment program.

4. Create a new division in chapter 261 codifying section 261.129, as enacted in this division of this Act, as the nursing workforce shortage initiative.

DIVISION VI

GIFTS — REPORTING OF SANCTIONS

Sec. 56. REPORTING OF SANCTIONS FOR GIFTS. The health profession boards established in chapter 147 shall report to the general assembly by January 15,

Page 34

2010, any public information regarding sanctions levied against a health care professional for receipt of gifts in a manner not in compliance with the requirements and limitations of the respective health profession as established by the respective board.

DIVISION VII

HEALTH CARE TRANSPARENCY

Sec. 57. NEW SECTION. 135.166 HEALTH CARE DATA — COLLECTION FROM HOSPITALS.

1. The department of public health shall enter into a memorandum of understanding to utilize the Iowa hospital association to act as the department's intermediary in collecting, maintaining, and disseminating hospital inpatient, outpatient, and

ambulatory information, as initially authorized in 1996 Iowa Acts, chapter 1212, section 5, subsection 1, paragraph "a", subparagraph (4) and 641 IAC 177.3.

2. The memorandum of understanding shall include but is not limited to provisions that address the duties of the department and the Iowa hospital association regarding the collection, reporting, disclosure, storage, and confidentiality of the data."

2. Title page, by striking lines 2 and inserting the following: "care coverage, providing retroactive".

3. Title page, line 3, by inserting after the word "dates" the following: "and providing repeals".

4. By renumbering as necessary.

S–3297

Amend the House amendment, S–3280, to Senate File 475, as passed by the Senate, as follows:

1. Page 2, line 1, by inserting after the word "regents" the following: "and the state department of transportation".

2. Page 2, line 5, by striking the words "an agreement" and inserting the following: "agreements".

3. Page 2, line 6, by inserting after the word "regents" the following: "and the state department of transportation".

4. Page 2, line 10, by inserting after the word "regents" the following: "and the state department of transportation".

5. Page 2, line 10, by inserting after the word "institution" the following: "or state department of transportation, as applicable,".

6. Page 2, line 25, by inserting after the word "regents" the following: "or the state department of transportation".

7. Page 2, line 27, by striking the words "department or" and inserting the following: "department,".

8. Page 2, line 28, by inserting after the word "regents" the following: ", or the state department of transportation,".

JEFF DANIELSON

S–3298

Amend Senate File 178 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. NEW SECTION. 714H.1 TITLE.

This chapter shall be known and may be cited as the

"Private Right of Action for Consumer Frauds Act".

Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.

1. "Actual damages" means all compensatory damages proximately caused by the prohibited practice or act that are reasonably ascertainable in amount. "Actual damages" does not include damages for bodily injury, pain and suffering, mental distress, or loss of consortium, loss of life, or loss of enjoyment of life.

2. "Advertisement" means the same as defined in section 714.16.

3. "Consumer" means a natural person or the person's legal representative.

4. "Consumer merchandise" means merchandise offered for sale or lease, or sold or leased, primarily for personal, family, or household purposes.

5. "Deception" means an act or practice that is likely to mislead a substantial number of consumers as to a material fact or facts.

6. "Merchandise" means the same as defined in section 714.16.

7. "Person" means the same as defined in section 714.16.

8. "Sale" means any sale or offer for sale of consumer merchandise for cash or credit.

9. "Unfair practice" means the same as defined in section 714.16.

Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES AND ACTS.

1. A person shall not engage in a practice or act the person knows or reasonably should know is an unfair practice, deception, fraud, false pretense, or false promise, or the misrepresentation, concealment, suppression, or omission of a material fact, with the intent that others rely upon the unfair practice, deception, fraud, false pretense, false promise, misrepresentation, concealment, suppression, or omission in connection with the advertisement, sale, or lease of consumer merchandise, or the solicitation of contributions for charitable purposes. For the purposes of this chapter, a claimant alleging an unfair practice, deception, fraud, false pretense, false promise, or misrepresentation must prove that the prohibited practice related to a material fact or facts. "Solicitations of contributions for charitable

purposes" does not include solicitations made on behalf of a political organization as defined in section 13C.1, solicitations made on behalf of a religious organization as defined in section 13C.1,

solicitations made on behalf of a state, regionally, or nationally accredited college or university, or solicitations made on behalf of a nonprofit foundation benefiting a state, regionally, or nationally accredited college or university subject to section 509(a)(1) or 509(a)(3) of the Internal Revenue Code of 1986.

2. A person shall not engage in any practice or act that is in violation of any of the following:

a. Section 321.69.

b. Chapter 516D.

c. Section 516E.5, 516E.9, or 516E.10.

d. Chapter 555A.

e. Section 714.16, subsection 2, paragraphs "b" through "n".

f. Chapter 714A.

Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.

1. This chapter shall not apply to any of the following:

a. Merchandise offered or provided by any of the following persons, including business entities organized under Title XII by those persons and the officers, directors, employees, and agents of those persons or business entities, pursuant to a profession or business for which they are licensed or registered:

(1) Insurance companies subject to Title XIII.

(2) Attorneys licensed to practice law in this state.

(3) Financial institutions which includes any bank incorporated under the provisions of any state or federal law, any savings and loan association or savings bank incorporated under the provisions of any state or federal law, and any credit union organized under the provisions of any state or federal law, and any affiliate or subsidiary of a bank, savings and loan association, savings bank, or credit union.

(4) Persons or facilities licensed, certified, or registered under chapters 135B, 135C, 135J, 148, 148A, 148B, 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B, 154C, 154D, 155A, 156, 169, 522B, 542, 542B, 543B, 544A, or 544B.

b. Advertising by a retailer for a product, other than a drug or other product claiming to have a health-related benefit or use, if the advertising is prepared by a supplier, unless the retailer participated in the preparation of the advertisement

or knew or should have known that the advertisement was deceptive, false, or misleading.

c. In connection with an advertisement that

violates this chapter, the newspaper, magazine, publication, or other print media in which the advertisement appears, including the publisher of the newspaper, magazine, publication, or other print media in which the advertisement appears, or the radio station, television station, or other electronic media which disseminates the advertisement, including an employee, agent, or representative of the publisher, newspaper, magazine, publication or other print media, or the radio station, television station, or other electronic media.

d. The provision of local exchange carrier telephone service pursuant to a certificate issued under section 476.29.

e. Public utilities as defined in section 476.1 that furnish gas by a piped distribution system or electricity to the public for compensation.

f. Any advertisement that complies with the statutes, rules, and regulations of the federal trade commission.

g. Conduct that is required or permitted by the orders or rules of, or a statute administered by, a federal, state, or local governmental agency.

h. An affirmative act that violates this chapter but is specifically required by other applicable law, to the extent that the actor could not reasonably avoid a violation of this chapter.

i. In any action relating to a charitable solicitation, an individual who has engaged in the charitable solicitation as an unpaid, uncompensated volunteer and who does not receive monetary gain of any sort from engaging in the solicitation.

j. The provision of cable television service or video service pursuant to a franchise under section 364.2 or 477A.2.

k. A corporation holding one or more industrial loan licenses pursuant to chapter 536A and employing fewer than sixty full-time employees or a corporation holding one or more regulated loan licenses pursuant to chapter 536 and employing fewer than sixty full-time employees. For purposes of this paragraph, "corporation" means the same as defined in section 536A.2.

2. "Material fact" as used in this chapter does not include repairs of damage to, adjustments on, or replacements of parts with new parts of otherwise new merchandise if the repairs, adjustments, or

replacements are made to achieve compliance with factory specifications and are made before sale of the

merchandise at retail and the actual cost of any labor and parts charged to or performed by a retailer for any such repairs, adjustments, and parts does not exceed three hundred dollars or ten percent of the actual cost to a retailer including freight of the merchandise, whichever is less, provided that the seller posts in a conspicuous place notice that repairs, adjustments, or replacements will be disclosed upon request. The exclusion provided in this subsection does not apply to the concealment, suppression, or omission of a material fact if the purchaser requests disclosure of any repair, adjustment, or replacement.

Sec. 5. NEW SECTION. 714H.5 PRIVATE RIGHT OF ACTION.

1. A consumer who suffers an ascertainable loss of money or property as the result of a prohibited practice or act in violation of this chapter may bring an action at law to recover actual damages. The court may order such equitable relief as it deems necessary to protect the public from further violations, including temporary and permanent injunctive relief.

2. If the court finds that a person has violated this chapter and the consumer is awarded actual damages, the court shall award to the consumer the costs of the action and to the consumer's attorney reasonable fees. Reasonable attorney fees shall be determined by the value of the time reasonably expended by the attorney including but not limited to consideration of the following factors:

a. The time and labor required.

b. The novelty and difficulty of the issues in the case.

c. The skills required to perform the legal services properly.

d. The preclusion of other employment by the attorney due to the attorney's acceptance of the case.

e. The customary fee.

f. Whether the fee is fixed or contingent.

g. The time limitations imposed by the client or the circumstances of the case.

h. The amount of money involved in the case and the results obtained.

i. The experience, reputation, and ability of the attorney.

j. The undesirability of the case.

k. The nature and length of the professional relationship between the attorney and the client.

Page 5

l. Attorney fee awards in similar cases.

3. In order to recover damages, a claim under this section shall be proved by a preponderance of the evidence.

4. If the finder of fact finds by a preponderance of clear, convincing, and satisfactory evidence that a prohibited practice or act in violation of this chapter constitutes willful and wanton disregard for the rights or safety of another, in addition to an award of actual damages, statutory damages up to three times the amount of actual damages may be awarded to a prevailing consumer.

5. An action pursuant to this chapter must be brought within two years of the occurrence of the last event giving rise to the cause of action under this chapter or within two years of the discovery of the violation of this chapter by the person bringing the action, whichever is later.

6. This section shall not affect a consumer's right to seek relief under any other theory of law.

7. A person shall not be held liable in any action brought under this section for a violation of this chapter if the person shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error.

Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL NOTIFICATION.

1. A party filing a petition, counterclaim, cross-petition, or pleading, or any count thereof, in intervention alleging a violation under this chapter, within seven days following the date of filing such pleading, shall provide a copy to the attorney general and, within seven days following entry of any final judgment in the action, shall provide a copy of the judgment to the attorney general.

2. A party appealing to district court a small claims order or judgment involving an issue raised under this chapter, within seven days of providing notice of the appeal, shall notify the attorney general in writing and provide a copy of the pleading raising the issue and a copy of the small claims court order or judgment.

3. A party appealing an order or judgment involving an issue raised under this chapter, within seven days following the date such notice of appeal is filed with the court, shall notify the attorney general in writing and provide a copy of the pleading raising the issue and a copy of the court order or

Page 6

judgment being appealed.

4. Upon timely application to the court in which an action involving an issue raised under this chapter is pending, the attorney general may intervene as a party at any time or may be heard at any time. The attorney general's failure to intervene shall not preclude the attorney general from bringing a separate enforcement action.

5. All copies of pleadings, orders, judgments, and notices required by this section to be sent to the attorney general shall be sent by certified mail unless the attorney general has previously been provided such copies of pleadings, orders, judgments, or notices in the same action by certified mail, in which case subsequent mailings may be made by regular mail. Failure to provide the required mailings to the attorney general shall not be grounds for dismissal of an action under this chapter, but shall be grounds for a subsequent action by the attorney general to vacate or modify the judgment.

Sec. 7. NEW SECTION. 714H.7 CLASS ACTIONS.

A class action lawsuit alleging a violation of this chapter shall not be filed with a court unless it has been approved by the attorney general. The attorney general shall approve the filing of a class action lawsuit alleging a violation of this chapter unless the attorney general determines that the lawsuit is frivolous. This section shall not affect the requirements of any other law or of the Iowa rules of civil procedure relating to class action lawsuits.

Sec. 8. NEW SECTION. 714H.8 SEVERABILITY CLAUSE.

If any provision of this chapter or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Sec. 9. APPLICABILITY. This Act applies to causes of actions accruing on or after the effective date of this Act."

2. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to a private right of action for certain consumer fraud violations and including an applicability provision."

KEITH A. KREIMAN

S–3299

Amend the amendment, S–3287, to House File 809, as amended, passed, and reprinted by the House, as follows:

1. Page 4, by inserting after line 28 the following:

"__. By striking page 19, line 29, through page 20, line 1."

2. Page 27, by striking lines 2 through 11 and inserting the following: "2, if enacted, is amended by striking the section and inserting in lieu thereof the following:

SEC. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in section 546.12, if enacted by 2009 Iowa Acts, House File 809, to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 3,138,888

..... FTEs 27.00"

3. By renumbering as necessary.

JEFF DANIELSON

S–3300

HOUSE AMENDMENT TO
SENATE FILE 224

Amend Senate File 224, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 31, by inserting after the word "made." the following: "Fixtures or parts do not include smoke and fire dampers, or water, gas, or steam piping permanent repairs except for traps or strainers. "Routine maintenance" includes emergency repairs to prevent damage to property, as may be defined by the board."

2. Page 4, line 30, by striking the words "routine maintenance" and inserting the following: "~~routine maintenance~~ work".

3. Page 5, by striking lines 2 through 8 and inserting the following:

"NEW SUBSECTION. 11. Prohibit an owner or operator of a health care facility licensed pursuant to chapter 135C, assisted living center licensed

pursuant to chapter 231C, hospital licensed pursuant to chapter 135B, adult day care center licensed pursuant to chapter 231D, or a retirement facility certified pursuant to chapter 523D from performing work on the facility or requiring such owner or operator to be licensed under this chapter."

4. Page 8, by inserting after line 19 the following:

"A person may simultaneously hold an active journeyperson license and an inactive master license."

5. Page 9, by striking lines 28 through 32 and inserting the following: "and mechanical professional licenses shall be issued to employees of a rate-regulated gas or electric public utility who conduct the repair of appliances. "Repair of appliances" means the repair or replacement of mechanical connections between the appliance shutoff valve and the appliance and repair of or replacement of parts to the appliance. Such special, restricted license shall require certification pursuant to industry-accredited certification standards."

6. Page 15, by inserting after line 19 the following:

"Sec. __. STUDY OF STATEWIDE INSPECTION PROGRAM IMPLEMENTATION. The plumbing and mechanical systems board, in conjunction with the electrical examining board and city and county building officials, shall conduct a study to determine the most appropriate and feasible manner to implement a statewide inspection program for work performed by the respective licensees of both boards. By January 1, 2011, the boards shall submit a recommendation to the general assembly for the implementation of a statewide inspection program."

7. By renumbering as necessary.

S–3301

Amend the House amendment, S–3296, to Senate File 389, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 27 through 40, and inserting the following:

"(1) A person who represents the federation of Iowa insurers.

(2) A person who represents the independent insurance agents of Iowa.

(3) A person who represents the Iowa association of health underwriters.

(4) A health care provider who is designated by

the medical home system advisory council.

(5) A person who represents the Iowa federation of labor.

(6) A consumer designated by AARP.

(7) A consumer designated by the Iowa citizen action network.

(8) A consumer designated by the Iowa community action association, who is a member of a racial minority group.

(9) A health care economist who is on the faculty of a state board of regents institution."

2. Page 1, line 41, by striking the word "may" and inserting the following: "shall".

3. Page 1, line 42, by striking the word "coordinator" and inserting the following: "person or persons".

4. Page 1, line 43, by striking the word "coordinator" and inserting the following: "person or persons employed or contracted with to assist the commission".

5. Page 3, lines 29 and 30, by striking the words "health insurance experts" and inserting the following: "experts or groups with expertise in health care coverage".

6. Page 4, line 23, by striking the words "health insurance experts" and inserting the following: "experts or groups with expertise in health care coverage".

7. Page 4, line 30, by striking the words "last report" and inserting the following: "previous annual report provided on January 1, 2010, including but not limited to information about health care coverage for adults, including enrollment information, that was available for purchase by the public by July 1, 2010, consistent with the commission's recommendations and priorities, and including further recommendations and prioritization of those recommendations".

8. Page 6, by striking lines 9 through 11, and

Page 2

inserting the following: "previously existing coverage for".

9. Page 6, by striking lines 34 through 36, and inserting the following: "coverage for an unmarried child of an".

10. By striking page 6, line 50, through page 7, line 3, and inserting the following: "reenrollment in previously existing coverage for an unmarried child of an insured or".

11. Page 7, by striking lines 19 through 21, and inserting the following: "coverage for an individual who is an unmarried child of an".

JACK HATCH

S–3302

Amend the House amendment, S–3268, to Senate File 470, as amended, passed, and reprinted by the Senate, as follows:

1. By striking page 1, line 3, through page 2, line 6.

2. Page 2, by striking lines 19 through 22.

3. By striking page 2, line 50, through page 3, line 29.

4. Page 3, by inserting after line 35 the following:

"__. Page 24, lines 19 and 20, by striking the words "beginning with the October payroll"."

5. Page 3, by striking lines 39 through 49.

6. Page 3, by inserting before line 50 the following:

"__. Page 27, by inserting after line 17 the following:

"Sec. __. NEW SECTION. 261D.4 PROVISIONAL WITHDRAWAL FROM COMPACT.

The state of Iowa hereby withdraws from the midwestern higher education compact effective July 1, 2009, until such time as the state has the resources to resume membership and reenters into the compact. The state of Iowa's obligations and liability under the compact shall cease upon the effective date of its withdrawal from the compact. The section shall prevail over any contrary provisions of this chapter.""

7. By striking page 4, line 35, through page 5, line 12.

8. Page 5, by inserting before line 13 the following:

"__. Page 27, by inserting after line 31 the following:

"Sec. __. Section 272.2, subsection 10, Code 2009, is amended to read as follows:

10. Issue statements of professional recognition to school service personnel who have attained a minimum of a baccalaureate degree and who are licensed by another professional licensing board, including but not limited to athletic trainers licensed under chapter 152D.

Sec. __. Section 272.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 18. May adopt rules for practitioners who are not eligible for a statement of professional recognition under subsection 10, but have received a baccalaureate degree and provide a service to students at any or all levels from prekindergarten through grade twelve for a school district, accredited

Page 2

nonpublic school, area education agency, or preschool program established pursuant to chapter 256C."

___. Page 32, by inserting after line 28 the following:

"Sec. ___. Section 422.33, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 27. The taxes imposed under this division shall be reduced by a school tuition organization tax credit allowed under section 422.11S. The maximum amount of tax credits that may be approved under this subsection for a tax year equals twenty-five percent of the school tuition organization's tax credits that may be approved pursuant to section 422.11S, subsection 7, for a tax year.""

9. By striking page 5, line 16, through page 10, line 38.

10. By renumbering, relettering, redesignating, or correcting internal references as necessary.

BRIAN SCHOENJAHN

S–3303

Amend the House amendment, S–3268, to Senate File 470, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 49, by striking the word "employee."" and inserting the following: "employee.

Sec. ___. MIDWESTERN HIGHER EDUCATION COMPACT — PAYMENT OF IOWA'S MEMBER STATE ANNUAL OBLIGATION.

1. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, from moneys appropriated to the community colleges pursuant to section 6, subsection 19, and distributed pursuant to section 6, subsection 19, paragraphs "a" through "o", $21,440 shall be distributed to the midwestern higher education compact to pay Iowa's member state annual obligation. The amount each community college shall contribute to pay the member state annual obligation pursuant to this subsection shall be as follows:

a. Merged Area I ..... $ 1,067

b. Merged Area II ..... $ 1,151

c. Merged Area III ..... $ 1,059
d. Merged Area IV ..... $ 520
e. Merged Area V ..... $ 1,168
f. Merged Area VI ..... $ 1,013
g. Merged Area VII ..... $ 1,503
h. Merged Area IX ..... $ 1,871
i. Merged Area X ..... $ 3,239
j. Merged Area XI ..... $ 3,237
k. Merged Area XII ..... $ 1,230
l. Merged Area XIII ..... $ 1,252
m. Merged Area XIV ..... $ 528
n. Merged Area XV ..... $ 1,655
o. Merged Area XVI ..... $ 947

2. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, from moneys appropriated to the state university of Iowa pursuant to section 10, subsection 2, paragraph "a", $32,017 shall be distributed to the midwestern higher education compact to pay Iowa's member state annual obligation.

3. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, from moneys appropriated to Iowa state university of science and technology pursuant to section 10, subsection 3, paragraph "a", $25,151 shall be distributed to the midwestern higher education compact to pay Iowa's member state annual obligation.

4. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, from moneys appropriated to the university of northern Iowa pursuant to section 10, subsection 4, paragraph "a", $11,392 shall be distributed to the midwestern higher education compact to pay Iowa's member state annual obligation.""

Page 2

2. By renumbering as necessary.

NANCY J. BOETTGER

S–3304

Amend the House amendment, S–3280, to Senate File 475, as passed by the Senate, as follows:

1. By striking page 1, line 12, through page 2, line 30.

2. By renumbering as necessary.

TOM HANCOCK

S–3305

Amend Senate File 417 as follows:

1. By striking everything after the enacting

clause and inserting the following:

"Section 1. NEW SECTION. 28N.1 MISSISSIPPI RIVER PARTNERSHIP COUNCIL — FINDINGS.

The state of Iowa finds and declares all of the following:

1. The preservation, enhancement, and intelligent use of the Mississippi river is in the ecological and economic interests of the citizens of the state of Iowa.

2. The public interest is advanced by the stimulation of sustainable economic development initiatives and watershed management projects by local, state, and federal agencies, local communities, not-for-profit conservation organizations, and private landowners and other stakeholders along the Mississippi river.

Sec. 2. NEW SECTION. 28N.2 MISSISSIPPI RIVER PARTNERSHIP COUNCIL — ESTABLISHMENT AND PROCEDURES.

1. A Mississippi river partnership council is established. The purpose of the council is to be a forum for city, county, state, agriculture, business, conservation, and environmental representatives and other stakeholders to discuss matters relevant to the health, management, and use of the Mississippi river. In furthering its purpose the council may work with local communities to develop local and regional strategies, and make recommendations to appropriate state and federal agencies.

2. The Mississippi river partnership council may consist of all of the following:

a. One nonvoting person appointed by the governor who shall serve as the chairperson of the council.

b. Six voting members appointed by the governor, each of whom shall reside in one of the ten Iowa counties bordering the Mississippi river, including all of the following:

(1) One member representing soil and water conservation districts.

(2) One person representing business.

(3) One person representing recreational interests.

(4) One person representing conservation interests.

(5) One person representing environmental interests.

(6) One person representing agricultural interests who is actively engaged in farming.

c. Ten voting members appointed by county boards

Page 2

of supervisors, one by each of the ten Iowa counties bordering the Mississippi river.

d. Ten voting members appointed by city councils, one each by the council of the largest Iowa city adjacent to the Mississippi river in each county bordering the river.

e. Four voting members, each appointed by the heads of the following departments:

(1) The department of agriculture and land stewardship.

(2) The department of natural resources.

(3) The department of economic development.

(4) The department of transportation.

f. Two members of the senate and two members of the house of representatives, serving as ex officio, nonvoting members. The members may be appointed, one each by the majority leader of the senate, after consultation with the president of the senate, and by the minority leader of the senate, and by the speaker of the house of representatives, after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives. Members shall receive compensation pursuant to section 2.12.

g. The council may, at its discretion, appoint individuals representing federal agencies or other state agencies or commissions to serve as ex officio, nonvoting members.

3. Members of the Mississippi river partnership council, other than members of the general assembly, shall be appointed to serve for three-year terms. However, among the initial appointments, the persons making the appointments of voting members shall coordinate appointments of members to serve terms for less than three years to ensure staggered terms. The persons making the appointments of voting members shall also coordinate appointments to meet the requirements of sections 69.16 and 69.16A.

4. The Mississippi river partnership council shall meet at least quarterly in one or more Iowa counties bordering the Mississippi river during its first three years of existence and shall meet at least twice a year in one or more Iowa counties bordering the Mississippi river after that time. The council shall meet at any time on the call of the chairperson.

5. A majority of the voting members of the Mississippi river partnership council constitutes a quorum. Any action taken by the council must be adopted by the affirmative vote of a majority of its voting membership.

Page 3

6. Until the Mississippi river partnership council provides for its permanent staffing and support, the east central intergovernmental association, in cooperation with councils of governments and county boards of supervisors in counties adjacent to the Mississippi river, shall be responsible for providing the council with administrative support.

7. The Mississippi river partnership council may adopt bylaws and rules of operation consistent with this section.

8. The Mississippi river partnership council, including any of its committees, is a governmental body for purposes of chapter 21 and a government body for purposes of chapter 22.

Sec. 3. NEW SECTION. 28N.3 MISSISSIPPI RIVER PARTNERSHIP COUNCIL — POWERS AND DUTIES.

1. The Mississippi river partnership council may collaborate with the water resources coordinating council established pursuant to section 466B.3.

2. a. The Mississippi river partnership council's duties shall include all of the following:

(1) Reviewing activities and programs administered by state and federal agencies that directly impact the Mississippi river.

(2) Working with local communities, organizations, and other states to encourage partnerships that promote sustainable economic development opportunities in counties along the Mississippi river; enhance awareness about the river and its uses; encourage the protection, restoration, and expansion of critical habitats; and promote the adoption of soil conservation and water quality best management practices.

(3) Working with federal agencies to optimize the implementation of programs and the expenditure of moneys affecting the Mississippi river and counties in Iowa along the Mississippi river, including the upper Mississippi river basin association and the Mississippi parkway planning commission.

(4) Advising and making recommendations to the water resources coordinating council established in section 466B.3, the governor, the general assembly, and state agencies, regarding strategic plans and priorities impacting the Mississippi river, methods to optimize the implementation of associated programs, and the expenditure of moneys affecting the river and counties bordering the Mississippi river.

(5) Encouraging communities in counties bordering the Mississippi river to develop watershed management plans for their communities to address stormwater,

Page 4

erosion, flooding, sedimentation, and pollution problems and encouraging projects for the natural conveyance and storage of floodwaters; the enhancement of wildlife habitat and outdoor recreation opportunities; the recovery, management, and conservation of the Mississippi river; and the preservation of farmland, prairies, and forests.

(6) Identifying and promoting opportunities to enhance economic development and job creation in communities along the Mississippi river, as well as other measurable development efforts, which are compatible with the ecological health of the Mississippi river and the state.

(7) Helping identify possible sources of funding for watershed management projects and sustainable economic development opportunities.

(8) Functioning as a forum for discussion and providing advice or recommendations on matters of public interest that are reasonably related to the purpose of the council.

b. The Mississippi river partnership council shall only administer its duties as provided in paragraph "a" within the ten Iowa counties bordering the Mississippi river.

3. The department of agriculture and land stewardship, the department of natural resources, the department of economic development, and the department of transportation may apply for grant moneys or may solicit moneys from sources to support the work of the Mississippi river partnership council.

Sec. 4. Section 466A.2, subsection 2, paragraph c, Code 2009, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (8) Structures and conservation systems for the prevention and mitigation of floods within the watershed of the project.

NEW SUBPARAGRAPH. (9) Removal of channels of waterways to allow waterways to meander.

Sec. 5. Section 466A.4, subsection 1, Code 2009, is amended to read as follows:

1. Public water supply utilities, counties, county conservation boards, and cities may also be eligible and apply for and receive local watershed improvement grants for water quality improvement projects. An applicant shall coordinate with a local watershed improvement committee or a soil and water conservation district and shall include in the application a description of existing projects and any potential impact the proposed project may have on existing or planned water quality improvement projects.

Page 5

Sec. 6. Section 466B.1, Code 2009, is amended to read as follows:

466B.1 SHORT TITLE.

This chapter shall be known and may be cited as the "Surface Water Protection and Flood Mitigation Act".

Sec. 7. Section 466B.3, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Whether the potential for flood damage in each watershed in the state has been reduced.

Sec. 8. Section 466B.3, subsection 4, paragraph l, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The governor, who shall be the chairperson, or the governor's designee. As the chairperson, and in order to further the coordination efforts of the council, the governor may invite representatives from any other public agency, private organization, business, citizen group, or nonprofit entity to give public input at council meetings provided the entity has an interest in the coordinated management of land resources, soil conservation, flood mitigation, or water quality. The governor shall also invite and solicit advice from the following:

Sec. 9. Section 466B.3, subsection 4, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. The dean of the college of engineering at the university of Iowa or the dean's designee.

NEW PARAGRAPH. n. The director of the rebuild Iowa office or the director's designee, until June 30, 2011.

Sec. 10. Section 466B.3, subsection 6, paragraph b, subparagraph (9), Code 2009, is amended to read as follows:

(9) Review best available technologies on a regular basis, so that investments of time and program resources can be prioritized and directed to projects that will best and most effectively improve water quality and reduce flood damage within regional and community subwatersheds.

Sec. 11. Section 466B.3, subsection 6, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The council shall develop recommendations for policies and funding promoting a watershed management approach to reduce the adverse impact of future flooding on this state's residents, businesses, communities, and soil and water quality. Policy and funding recommendations shall be submitted to the governor, the general assembly, and the rebuild

Page 6

Iowa office not later than November 15, 2009. The council shall consider policies and funding options for various strategies to reduce the impact of flooding including but not limited to additional flood plain regulation; wetland protection, restoration, and construction; the promulgation and implementation of statewide storm water management standards; conservation easements and other land management; perennial ground cover and other agricultural conservation practices; pervious pavement, bioswales, and other urban conservation practices; and permanent or temporary water retention structures. In developing recommendations, the council shall consult with the rebuild Iowa office, hydrological and land use experts, representatives of cities, counties, drainage and levee districts, and soil and water conservation districts, and other urban and regional planning experts.

Sec. 12. Section 466B.4, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The land in watersheds and flood plains should be managed to reduce flooding, reduce flood damage, ameliorate the effects of drought, improve water quality, improve habitat and the natural environment, increase renewable energy production, and enhance economic and recreational opportunities.

Sec. 13. IMPLEMENTATION. Sections 28N.1, 28N.2, and 28N.3 as enacted in this Act, shall be implemented when persons appointed by the governor to act on behalf of the Mississippi river partnership council have notified the governor that they have procured at least twenty-five thousand dollars in funds or in-kind services providing for expenses associated with the start-up and first-year administration of the council. The department of agriculture and land stewardship, the department of natural resources, the department of economic development, and the state department of transportation may cooperate with such persons to facilitate the implementation of sections 28N.1, 28N.2, and 28N.3, as enacted in this Act."

2. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to regional watershed, land use, and floodplain management policies, and providing for the establishment of a council."

ROBERT M. HOGG

S–3306

Amend the House amendment, S–3246, to Senate File 457, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 15 the following:

"__. Page 12, by inserting after line 22 the following:

"DIVISION IV

DISASTER RECOVERY HOUSING PROJECT TAX CREDIT

Sec. __. NEW SECTION. 16.191 DISASTER RECOVERY HOUSING PROJECT TAX CREDIT.

1. a. A tax credit shall be allowed against the taxes imposed in chapter 422, divisions II and III for a portion of a taxpayer's qualifying investment, as provided in subsection 3, in a qualifying disaster recovery housing project. To qualify as a disaster recovery housing project, a property, and the activities affecting the property, shall meet all of the following conditions:

(1) The property is owned by a taxpayer who is an individual, business, or corporation subject to taxation under chapter 422, divisions II or III.

(2) A qualifying investment, as defined in subsection 3, is made by the taxpayer.

(3) The project involves the construction or rehabilitation of housing on the property.

(4) The property is located in an area that the governor proclaimed a disaster emergency or the president of the United States declared a major disaster during the period of time beginning May 1, 2008, and ending August 31, 2008.

(5) An application for low-income housing tax credits pursuant to section 42 of the Internal Revenue Code has been submitted to the Iowa finance authority on behalf of the project and has been determined by the authority to meet the threshold requirements for an award of credits as set forth in the applicable qualified allocation plan.

b. An individual may claim a tax credit under this subsection of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

2. a. To claim a disaster recovery housing project tax credit under this section, a taxpayer must attach one or more tax credit certificates to the taxpayer's tax return. The tax credit certificate or

Page 2

certificates attached to the taxpayer's tax return shall be issued in the taxpayer's name, expire on or after the last day of the taxable year for which the taxpayer is claiming the tax credit, and show a tax credit amount equal to or greater than the tax credit claimed on the taxpayer's tax return.

b. After verifying the eligibility of a taxpayer for a tax credit pursuant to this section, the authority shall issue a disaster recovery housing project tax credit certificate to be attached to the taxpayer's tax return. The tax credit certificate shall contain the taxpayer's name, address, tax identification number; the amount of the credit; and any other information required by the department of revenue.

c. The tax credit certificate, unless otherwise void, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, divisions II or III subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of this section.

d. Tax credit certificates issued under this section are not transferable to any person or entity.

3. a. The tax credit equals seventy-five percent of the taxpayer's qualifying investment in a disaster recovery housing project. For the purposes of this section, "qualifying investment" means the costs incurred by the taxpayer that are directly related to a disaster recovery housing project, as defined in subsection 1, and which are incurred on or after the effective date of this Act and prior to July 1, 2010.

b. The amount of the tax credit calculated under paragraph "a" shall be divided by five and applied equally to the taxpayer's tax liability for five consecutive tax years commencing with the tax year beginning in the 2011 calendar year. Any tax credit in excess of the taxpayer's liability for the tax year is not refundable.

4. For purposes of the individual income tax, the increase in the basis of the property that would otherwise result from the disaster recovery housing investment shall be reduced by the amount of the tax credit allowed under this section.

5. The maximum amount of tax credits issued by the authority under this section shall not exceed three million dollars in each of the five tax years.

Sec. __. NEW SECTION. 16.192 APPROVAL — REQUIREMENTS — REPAYMENT.

1. A taxpayer seeking to claim a tax credit

Page 3

pursuant to section 16.191 shall apply to the authority which shall have the power to approve the amount of tax credit available for each disaster recovery housing project.

2. A taxpayer applying for a tax credit shall provide the authority with all of the following:

a. Information showing the total qualified investment made in the disaster recovery housing project.

b. Information about the financing sources that are directly related to the disaster recovery housing project for which the taxpayer is seeking approval for the tax credit.

3. If a taxpayer receives a tax credit pursuant to section 16.191, but fails to comply with any of the requirements in this section or section 16.191, or fails to comply with local zoning or construction ordinances, the tax credit is void, and the department of revenue shall seek recovery of the value of the credit received.

Sec. __. NEW SECTION. 422.11X DISASTER RECOVERY HOUSING PROJECT TAX CREDIT.

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a disaster recovery housing project tax credit allowed under section 16.191.

Sec. __. Section 422.33, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 27. The taxes imposed under this division shall be reduced by a disaster recovery housing project tax credit allowed under section 16.191.

Sec. __. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies to disaster recovery housing project costs incurred on or after the effective date of this Act and before July 1, 2010."

__. Title page, line 14, by inserting after the word "areas," the following: "providing income tax credits for certain disaster recovery housing projects,"."

2. By renumbering as necessary.

ROBERT M. HOGG

S–3307

Amend the amendment, S–3287, to House File 809, as amended, passed, and reprinted by the House, as follows:

1. Page 4, by inserting after line 28 the following:

"___. Page 19, by inserting after line 28 the following:

"Sec. ___. EXPENDITURES FOR CELLULAR TELEPHONES AND PERSONAL DIGITAL ASSISTANTS PROHIBITED. Notwithstanding any provision to the contrary, other than for employees performing inspections or who are otherwise normally performing their primary duties away from a fixed location more than 70 percent of the time, for the fiscal year beginning July 1, 2009, a department receiving appropriations in this Act shall not expend moneys appropriated from the general fund of the state to pay for or reimburse the initial or associated service costs for cellular telephones, personal digital assistant devices, or handheld computers. However, the executive council may authorize an exception on a case-by-case basis, to address an emergency situation for a period of time not more than three consecutive calendar months in length or to complete the minimum period specified under the terms of a lease or contract.""

2. By renumbering as necessary.

MERLIN BARTZ

S–3308

Amend the amendment, S–3302, to the House amendment, S–3268, to Senate File 470, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 28 the following:

"___. Page 4, line 34, by striking the word "board."" and inserting the following: "board.

g. The graduation rates for the institutions of higher learning under the board's control and the average number of semesters it takes a student entering each such institution as a freshman to complete a baccalaureate degree.""

BRAD ZAUN

S–3309

Amend the amendment, S–3301, to the House amendment, S–3296, to Senate File 389, as amended,

passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 23 the following:

"(10) A person who represents the Iowa association of business and industry.

(11) A person who represents an organization of small businesses.""

STEVE KETTERING

S–3310

Amend the amendment, S–3287, to House File 809, as amended, passed, and reprinted by the House, as follows:

1. Page 4, by striking lines 29 through 48 and inserting the following:

"__. Page 20, by inserting after line 21 the following: "".

2. By renumbering as necessary.

BRAD ZAUN

S–3311

Amend the amendment, S–3287, to House File 809, as amended, passed, and reprinted by the House, as follows:

1. Page 3, by inserting after line 40 the following:

"__. Page 9, by striking lines 4 through 7."

2. Page 4, by inserting after line 28 the following:

"__. Page 19, by inserting after line 28 the following:

"Sec. __. EXPENDITURES FOR ASSOCIATION DUES PROHIBITED. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, a department or state agency to which appropriations are made pursuant to the provisions of this Act shall be prohibited from paying any association or similar dues from appropriations made pursuant to this Act.""

3. By renumbering as necessary.

MERLIN BARTZ

S–3312

Amend the amendment, S–3302, to the House amendment, S–3268, to Senate File 470, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 5 the following:

"__. Page 2, by inserting before line 7 the following:

"__. Page 11, by inserting after line 20 the following:

"Sec. __. MIDWESTERN HIGHER EDUCATION COMPACT — COMMUNITY COLLEGE PAYMENT OF IOWA'S MEMBER STATE ANNUAL OBLIGATION.

For the fiscal year beginning July 1, 2009, and ending June 30, 2010, from moneys appropriated to the community colleges pursuant to section 6, subsection 19, and distributed pursuant to section 6, subsection 19, paragraphs "a" through "o", $ 21,440 shall be distributed to the midwestern higher education compact to pay Iowa's member state annual obligation. The amount each community college shall contribute to pay the member state annual obligation pursuant to this section shall be as follows:

1. Merged Area I	$	1,067
2. Merged Area II	$	1,151
3. Merged Area III	$	1,059
4. Merged Area IV	$	520
5. Merged Area V	$	1,168
6. Merged Area VI	$	1,013
7. Merged Area VII	$	1,503
8. Merged Area IX	$	1,871
9. Merged Area X	$	3,238
10. Merged Area XI	$	3,237
11. Merged Area XII	$	1,230
12. Merged Area XIII	$	1,252
13. Merged Area XIV	$	358
14. Merged Area XV	$	1,655
15. Merged Area XVI	$	947"

__. Page 13, by inserting after line 4 the following:

"From the moneys appropriated in this lettered paragraph, $32,017 shall be distributed to the midwestern higher education compact to pay Iowa's member state annual obligation."

__. Page 15, by inserting after line 16 the following:

"From the moneys appropriated in this lettered paragraph, $25,151 shall be distributed to the midwestern higher education compact to pay Iowa's member state annual obligation."""

2. Page 1, by inserting after line 6 the

following:

"__. Page 2, by inserting before line 23 the following:

"__. Page 16, by inserting after line 22 the following:

"From the moneys appropriated in this lettered paragraph, $11,392 shall be distributed to the midwestern higher education compact to pay Iowa's member state annual obligation."""

3. By renumbering, relettering, redesignating, or correcting internal references as necessary.

NANCY J. BOETTGER

S–3313

Amend House File 756, as amended, passed, and reprinted by the House, as follows:

1. Page 5, by inserting after line 10 the following:

"Sec. __. NEW SECTION. 455B.290 COUNTY AND CITY CONTROL OF JUNKYARDS.

Nothing in this part shall be construed as limiting the authority of a city or county to adopt an ordinance regulating a junkyard located within a five hundred year flood plain."

2. Page 7, by striking lines 1 and 2 and inserting the following: "recommendations shall be submitted to the governor and the general assembly not later than".

3. Page 7, line 13, by striking the words "the rebuild Iowa office,".

4. Page 7, line 15, by inserting after the word "districts," the following: "agricultural interests,".

5. Page 7, line 20, by striking the words "The land" and inserting the following: "In addition to the use of Iowa land for agriculture and economic development, the land".

6. Page 7, line 24, by striking the words "economic and".

7. By renumbering as necessary.

ROBERT M. HOGG

S–3314

Amend the amendment, S–3301, to the House amendment, S–3296, to Senate File 389, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 21 the following:

"(__) A person designated by the small business development centers, who represents small businesses.

(__) A person designated by the united way

organizations in Iowa, who represents a nonprofit entity."

2. By renumbering as necessary.

JACK HATCH

S–3315

Amend the amendment, S–3301, to the House amendment, S–3296, to Senate File 389, as amended, passed, and reprinted by the Senate, as follows:

1. By striking page 1, line 50, through page 2, line 12.

TOM RIELLY

S–3316

Amend the House amendment, S–3266, to Senate File 433, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 37 the following:

"__. Page 2, by striking line 19 and inserting the following: "such practice prior to an inspection, no"."

2. Page 1, by inserting before line 38 the following:

"__. Page 2, by striking lines 22 through 24 and inserting the following: "to section 135C.33; 481 IAC § 57.12(2)(d), 57.12(3), 57.15(5), 57.25(1), 57.39, 58.11(3), 58.14(5), 58.19(2)(a), 58.19(2)(h), 58.28(1)(a), 58.43, 62.9(5), 62.15(1)(a), 62.19(2)(c), 62.19(7), 62.23(23)-(25), 63.11(2)(d), 63.11(3), 63.23(1)(a), 63.37, 64.4(9), 64.33, 64.34, 65.9(5), 65.15, or 65.25(3)-(5), or the successor to any of such rules; or 42 C.F.R. § 483.420(d), 483.460(c)(4), or 483.470(j), or the successor to any of such federal regulations.""

3. Page 2, by inserting after line 23 the following:

"__. Page 4, by inserting after line 16 the following:

"Sec. __. Section 135C.43, subsection 1, Code 2009, is amended to read as follows:

1. A facility which desires to ~~contest a citation for a Class I violation, or to~~ further contest an affirmed or modified citation for a Class I, Class II, or Class III violation, may do so in the manner provided by chapter 17A for contested cases. Notice of intent to formally contest a citation shall be given the department in writing within five days ~~after~~

~~service of a citation for a Class I violation, or within five days~~ after the informal conference or after receipt of the written explanation of the representative delegated to hold the informal conference, whichever is applicable, in the case of an affirmed or modified citation for a Class I, Class II, or Class III violation. A facility which has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A.""

4. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S–3317

Amend Senate File 340 as follows:

1. By striking everything after the enacting clause and inserting the following:

"DIVISION I

SEX OFFENDER REGISTRY

Section 1. NEW SECTION. 692A.101 DEFINITIONS.

As used in this chapter and unless the context otherwise requires:

1. a. "Aggravated offense" means a conviction for any of the following offenses:

(1) Sexual abuse in the first degree in violation of section 709.2.

(2) Sexual abuse in the second degree in violation of section 709.3.

(3) Sexual abuse in the third degree in violation of section 709.4, subsection 1.

(4) Lascivious acts with a child in violation of section 709.8, subsection 1 or 2.

(5) Assault with intent to commit sexual abuse in violation of section 709.11.

(6) Burglary in the first degree in violation of section 713.3, subsection 1, paragraph "d".

(7) Kidnapping, if sexual abuse as defined in section 709.1 is committed during the commission of the offense.

(8) Murder in violation of section 707.2 or 707.3, if sexual abuse as defined in section 709.1 is committed during the offense.

(9) Criminal transmission of human immunodeficiency virus in violation of section 709C.1, subsection 1, paragraph "a".

b. Any conviction for an offense specified in the laws of another jurisdiction or any conviction for an offense prosecuted in federal, military, or foreign court, that is comparable to an offense listed in

paragraph "a" shall be considered an aggravated offense for purposes of registering under this chapter.

2. "Aggravated offense against a minor" means a conviction for any of the following offenses, if such offense was committed against a minor, or otherwise involves a minor:

a. Sexual abuse in the first degree in violation of section 709.2.

b. Sexual abuse in the second degree in violation of section 709.3.

c. Sexual abuse in the third degree in violation of section 709.4, except for a violation of section 709.4, subsection 2, paragraph "c", subparagraph (4).

3. "Appearance" means to appear in person at a

Page 2

sheriff's office.

4. "Business day" means every day except Saturday, Sunday, or any paid holiday for county employees in the applicable county.

5. "Change" means to add, begin, or terminate.

6. "Child care facility" means the same as defined in section 237A.1.

7. "Convicted" means found guilty of, pleads guilty to, or is sentenced or adjudicated delinquent for an act which is an indictable offense in this state or in another jurisdiction including in a federal, military, tribal, or foreign court, including but not limited to a juvenile who has been adjudicated delinquent, but whose juvenile court records have been sealed under section 232.150, and a person who has received a deferred sentence or a deferred judgment or has been acquitted by reason of insanity. "Conviction" includes the conviction of a juvenile prosecuted as an adult. "Convicted" also includes a conviction for an attempt or conspiracy to commit an offense. "Convicted" does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

8. "Criminal or juvenile justice agency" means an agency or department of any level of government or an entity wholly owned, financed, or controlled by one or more such agencies or departments which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal or juvenile offenders.

9. "Department" means the department of public safety.

10. "Employee" means an offender who is self-employed, employed by another, and includes a

person working under contract, or acting or serving as a volunteer, regardless of whether the self-employment, employment by another, or volunteerism is performed for compensation.

11. "Employment" means acting as an employee.

12. "Foreign court" means a court of a foreign nation that is recognized by the United States department of state that enforces the right to a fair trial during the period in which a conviction occurred.

13. "Habitually lives" means living in a place with some regularity, and with reference to where the sex offender actually lives, which could be some place other than a mailing address or primary address but would entail a place where the sex offender lives on an intermittent basis.

Page 3

14. "Incarcerated" means to be imprisoned by placing a person in a jail, prison, penitentiary, juvenile facility, or other correctional institution or facility or a place or condition of confinement or forcible restraint regardless of the nature of the institution in which the person serves a sentence for a conviction.

15. "Internet identifier" means an electronic mail address, instant message address or identifier, or any other designation or moniker used for self-identification during internet communication or posting, including all designations used for the purpose of routing or self-identification in internet communications or postings.

16. "Jurisdiction" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, or a federally recognized Indian tribe.

17. "Loiter" means remaining in a place or circulating around a place under circumstances that would warrant a reasonable person to believe that the purpose or effect of the behavior is to enable a sex offender to become familiar with a location where a potential victim may be found, or to satisfy an unlawful sexual desire, or to locate, lure, or harass a potential victim.

18. "Military offense" means a sex offense specified by the secretary of defense under 10 U.S.C. § 951.

19. "Minor" means a person under eighteen years of age.

20. "Principal residence" for a sex offender

means:
a. The residence of the offender, if the offender has only one residence in this state.
b. The residence at which the offender resides, sleeps, or habitually lives for more days per year than another residence in this state, if the offender has more than one residence in this state.
c. The place of employment or attendance as a student, or both, if the sex offender does not have a residence in this state.
21. "Professional licensing information" means the name or other description, number, if applicable, and issuing authority or agency of any license, certification, or registration required by law to engage in a profession or occupation held by a sex offender who is required at the time of the initial requirement to register under this chapter, or any

Page 4

such license, certification, or registration that was issued to an offender within the five-year period prior to conviction for a sex offense that requires registration under this chapter, or any such license, certification, or registration that is issued to an offender at any time during the duration of the registration requirement.
22. "Public library" means any library that receives financial support from a city or county pursuant to section 256.69.
23. a. "Relevant information" means the following information with respect to a sex offender:
(1) Criminal history, including warrants, articles, status of parole, probation, or supervised release, date of arrest, date of conviction, and registration status.
(2) Date of birth.
(3) Passport and immigration documents.
(4) Government issued driver's license or identification card.
(5) DNA sample.
(6) Educational institutions attended as a student, including the name and address of such institutions.
(7) Employment information including name and address of employer.
(8) Fingerprints.
(9) Internet identifiers.
(10) Names, nicknames, aliases, or ethnic or tribal names, and if applicable, the real names of an offender protected under 18 U.S.C. § 3521.
(11) Palm prints.

(12) Photographs.
(13) Physical description, including scars, marks, or tattoos.
(14) Professional licensing information.
(15) Residence.
(16) Social security number.
(17) Telephone numbers, including any landline or wireless numbers.
(18) Temporary lodging information, including dates when residing in temporary lodging.
(19) Statutory citation and text of offense committed that requires registration under this chapter.
(20) Vehicle information for a vehicle owned or operated by an offender including license plate number, registration number, or other identifying number, vehicle description, and the permanent or frequent locations where the vehicle is parked,

Page 5

docked, or otherwise kept.
(21) The name, gender, and date of birth of each person residing in the residence.
b. "Relevant information" does not include relevant information in paragraph "a", subparagraphs (1) and (19), when a sex offender is required to provide relevant information pursuant to this chapter.
24. "Residence" means each dwelling or other place where a sex offender resides, sleeps, or habitually lives, or will reside, sleep, or habitually live, including a shelter or group home. If a sex offender does not reside, sleep, or habitually live in a fixed place, "residence" means a description of the locations where the offender is stationed regularly, including any mobile or transitory living quarters. "Residence" shall be construed to refer to the places where a sex offender resides, sleeps, habitually lives, or is stationed with regularity, regardless of whether the offender declares or characterizes such place as the residence of the offender.
25. "Sex act" means as defined in section 702.17.
26. "Sex offender" means a person who is required to be registered under this chapter.
27. "Sex offense" means an indictable offense for which a conviction has been entered that has an element involving a sexual act, sexual contact, or sexual conduct, and which is enumerated in section 692A.102, and means any comparable offense for which a conviction has been entered under prior law, or any comparable offense for which a conviction has been entered in a federal, military, or foreign court, or

another jurisdiction.

28. "Sex offense against a minor" means an offense for which a conviction has been entered for a sex offense classified as a tier I, tier II, or tier III offense under this chapter if such offense was committed against a minor, or otherwise involves a minor.

29. "Sexually violent offense" means an offense for which a conviction has been entered for any of the following indictable offenses:

a. Sexual abuse as defined under section 709.1.

b. Assault with intent to commit sexual abuse in violation of section 709.11.

c. Sexual misconduct with offenders and juveniles in violation of section 709.16.

d. Any of the following offenses, if the offense involves sexual abuse or assault with intent to commit sexual abuse: murder, attempted murder, kidnapping, burglary, or manslaughter.

Page 6

e. A criminal offense committed in another jurisdiction, including a conviction in a federal, military, or foreign court, which would constitute an indictable offense under paragraphs "a" through "d" if committed in this state.

30. "Sexually violent predator" means a sex offender who has been convicted of an offense which would qualify the offender as a sexually violent predator under the federal Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071(a)(3)(B), (C), (D), and (E).

31. "SORNA" means the Sex Offender Registration and Notification Act, which is Title I of the federal Adam Walsh Child Protection and Safety Act of 2006.

32. "Student" means a sex offender who enrolls in or otherwise receives instruction at an educational institution, including a public or private elementary school, secondary school, trade or professional school, or institution of higher education. "Student" does not mean a sex offender who enrolls in or attends an educational institution as a correspondence student, distance learning student, or any other form of learning that occurs without physical presence on the real property of an educational institution.

33. "Superintendent" means the superintendent or superintendent's designee of a public school or the authorities in charge of a nonpublic school.

34. "Vehicle" means a vehicle owned or operated by an offender, including but not limited to a vehicle for personal or work-related use, and including a

watercraft or aircraft, that is subject to registration requirements under chapter 321, 328, or 462A.

Sec. 2. NEW SECTION. 692A.102 SEX OFFENSE CLASSIFICATIONS.

1. For purposes of this chapter, all individuals required to register shall be classified as a tier I, tier II, or tier III offender. For purposes of this chapter, sex offenses are classified into the following tiers:

a. Tier I offenses include a conviction for the following sex offenses:

(1) Sexual abuse in the second degree in violation of section 709.3, subsection 2, if committed by a person under the age of fourteen.

(2) Sexual abuse in the third degree in violation of section 709.4, subsection 1, 3, or 4, if committed by a person under the age of fourteen.

(3) Sexual abuse in the third degree in violation of section 709.4, subsection 2, paragraph "a" or "b",

Page 7

if committed by a person under the age of fourteen.

(4) Sexual abuse in the third degree in violation of section 709.4, subsection 2, paragraph "c".

(5) Indecent exposure in violation of section 709.9.

(6) Harassment in violation of section 708.7, subsection 1, 2, or 3, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(7) Stalking in violation of section 708.11, except a violation of subsection 3, paragraph "b", subparagraph (3), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(8) (a) Dissemination or exhibition of obscene material to minors in violation of section 728.2 or telephone dissemination of obscene material to minors in violation of 728.15.

(b) Rental or sale of hard-core pornography, if delivery is to a minor, in violation of section 728.4.

(9) Admitting minors to premises where obscene material is exhibited in violation of section 728.3.

(10) Receipt or possession of child pornography in violation of 18 U.S.C. § 2252.

(11) Material containing child pornography in violation of 18 U.S.C. § 2252A.

(12) Misleading domain names on the internet in violation of 18 U.S.C. § 2252B.

(13) Misleading words or digital images on the

internet in violation of section 18 U.S.C. § 2252C.
(14) Failure to file a factual statement about an alien individual in violation of 18 U.S.C. § 2424.
(15) Transmitting information about a minor to further criminal sexual conduct in violation of 18 U.S.C. § 2425.
(16) Any sex offense specified in the laws of another jurisdiction or any sex offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (15).
(17) Any sex offense under the prior laws of this state or another jurisdiction, or any sex offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (15).
b. Tier II offenses include a conviction for the following sex offenses:
(1) Detention in brothel in violation of section 709.7.
(2) Lascivious acts with a child in violation of

Page 8

section 709.8, subsection 3 or 4.
(3) Solicitation of a minor to engage in an illegal sex act in violation of section 705.1.
(4) Solicitation of a minor to engage an illegal act under section 709.8, subsection 3, in violation of section 705.1.
(5) Solicitation of a minor to engage in an illegal act under section 709.12, in violation of section 705.1.
(6) False imprisonment of a minor in violation of section 710.7, except if committed by a parent.
(7) Assault with intent to commit sexual abuse if no injury results in violation of section 709.11.
(8) Invasion of privacy-nudity in violation of section 709.21.
(9) Stalking in violation of section 708.11, subsection 3, paragraph "b", subparagraph (3), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.
(10) Indecent contact with a child in violation of section 709.12, if the child is thirteen years of age.
(11) Lascivious conduct with a minor in violation of section 709.14.
(12) Sexual exploitation by a counselor, therapist, or school employee in violation of section 709.15, if the victim is thirteen years of age or older.
(13) Sexual misconduct with offenders and

juveniles in violation of section 709.16, if the victim is thirteen years of age or older.

(14) Kidnapping of a person who is not a minor in violation of section 710.2, 710.3, or 710.4, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(15) Solicitation of a minor to engage in an illegal act under section 725.3, subsection 2, in violation of section 705.1.

(16) Incest committed against a dependant adult as defined in section 235B.2 in violation of section 726.2.

(17) Incest committed against a minor in violation of section 726.2.

(18) Sexual exploitation of a minor in violation of section 728.12, subsection 2 or 3.

(19) Material involving the sexual exploitation of a minor in violation of 18 U.S.C. § 2252(a), except receipt or possession of child pornography.

(20) Production of sexually explicit depictions of a minor for import into the United States in violation of 18 U.S.C. § 2260.

Page 9

(21) Transportation of a minor for illegal sexual activity in violation of 18 U.S.C. § 2421.

(22) Coercion and enticement of a minor for illegal sexual activity in violation of 18 U.S.C. § 2422(a) or (b).

(23) Transportation of minors for illegal sexual activity in violation of 18 U.S.C. § 2423(a).

(24) Travel with the intent to engage in illegal sexual conduct with a minor in violation of 18 U.S.C. § 2423.

(25) Engaging in illicit sexual conduct in foreign places in violation of 18 U.S.C. § 2423(c).

(26) Video voyeurism of a minor in violation of 18 U.S.C. § 1801.

(27) Any sex offense specified in the laws of another jurisdiction or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (26).

(28) Any sex offense under the prior laws of this state or another jurisdiction, or any sex offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to a sex offense listed in subparagraphs (1) through (26).

c. Tier III offenses include a conviction for the following sex offenses:

(1) Murder in violation of section 707.2 or 707.3

if sexual abuse as defined in section 709.1 is committed during the commission of the offense.

(2) Murder in violation of section 707.2 or 707.3, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(3) Voluntary manslaughter in violation of section 707.4, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(4) Involuntary manslaughter in violation of section 707.5, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(5) Attempt to commit murder in violation of section 707.11, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(6) Sexual abuse in the first degree in violation of section 709.2.

(7) Sexual abuse in the second degree in violation of section 709.3, subsection 1 or 3.

(8) Sexual abuse in the second degree in violation of section 709.3, subsection 2, if committed by a person fourteen years of age or older.

Page 10

(9) Sexual abuse in the third degree in violation of section 709.4, subsection 1, 3, or 4, if committed by a person fourteen years of age or older.

(10) Sexual abuse in the third degree in violation of section 709.4, subsection 2, paragraph "a" or "b", if committed by a person fourteen years of age or older.

(11) Lascivious acts with a child in violation of section 709.8, subsection 1 or 2.

(12) Kidnapping in violation of section 710.2 if sexual abuse as defined in section 709.1 is committed during the commission of the offense.

(13) Kidnapping of a minor in violation of section 710.2, 710.3, or 710.4, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(14) Assault with intent to commit sexual abuse resulting in serious or bodily injury in violation of section 709.11.

(15) Burglary in the first degree in violation of section 713.3, subsection 1, paragraph "d".

(16) Any other burglary in the first degree offense in violation of section 713.3 that is not included in subparagraph (15), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(17) Attempted burglary in the first degree in violation of section 713.4, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.
(18) Burglary in the second degree in violation of section 713.5, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.
(19) Attempted burglary in the second degree in violation of section 713.6, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.
(20) Burglary in the third degree in violation of section 713.6A, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.
(21) Attempted burglary in the third degree in violation of section 713.6B, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.
(22) Criminal transmission of human immunodeficiency virus in violation of section 709C.1, subsection 1, paragraph "a".
(23) Human trafficking in violation of section

Page 11

710A.2 if sexual abuse or assault with intent to commit sexual abuse is committed or sexual conduct or sexual contact is an element of the offense.
(24) Purchase or sale of an individual in violation of section 710.11 if a determination is made that the offense was sexually motivated pursuant to section 692A.126.
(25) Sexual exploitation of a minor in violation of section 728.12, subsection 1.
(26) Indecent contact with a child in violation of section 709.12 if the child is under thirteen years of age.
(27) Sexual exploitation by a counselor, therapist, or school employee in violation of section 709.15, if the child is under thirteen years of age.
(28) Sexual misconduct with offenders and juveniles in violation of section 709.16, if the child is under thirteen years of age.
(29) Child stealing in violation of section 710.5, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.
(30) Enticing away a minor in violation of section 710.10, if the violation includes an intent to commit sexual abuse, sexual exploitation, sexual contact, or sexual conduct directed towards a minor.

(31) Sex trafficking of children in violation of 18 U.S.C. § 1591.
(32) Aggravated sexual abuse in violation of 18 U.S.C. § 2241.
(33) Sexual abuse in violation of 18 U.S.C. § 2242.
(34) Sexual abuse of a minor or ward in violation of 18 U.S.C. § 2243.
(35) Abusive sexual contact in violation of 18 U.S.C. § 2244.
(36) Offenses resulting in death in violation of 18 U.S.C. § 2245.
(37) Sexual exploitation of children in violation of 18 U.S.C. § 2251.
(38) Selling or buying of children in violation of 18 U.S.C. § 2251A.
(39) Any sex offense specified in the laws of another jurisdiction or any sex offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (38).
(40) Any sex offense under the prior laws of this state or another jurisdiction, or any sex offense under prior law that was prosecuted in federal, military, or foreign court, that is comparable to a

Page 12

sex offense listed in subparagraphs (1) through (38).
2. A sex offender classified as a tier I offender shall be reclassified as a tier II offender, if it is determined the offender has one previous conviction for an offense classified as a tier I offense.
3. A sex offender classified as a tier II offender, shall be reclassified as a tier III offender, if it is determined the offender has a previous conviction for a tier II offense or has been reclassified as a tier II offender because of a previous conviction.
4. Notwithstanding the classifications of sex offenses in subsection 1, any sex offense which would qualify a sex offender as a sexually violent predator, shall be classified as a tier III offense.
5. An offense classified as a tier II offense if committed against a person under thirteen years of age, shall be reclassified as a tier III offense.
6. Convictions of more than one sex offense which require registration under this chapter but which are prosecuted within a single indictment shall be considered as a single offense for purposes of registration.

Sec. 3. NEW SECTION. 692A.103 OFFENDERS REQUIRED

TO REGISTER.

1. A person who has been convicted of any sex offense classified as a tier I, tier II, or tier III offense, or an offender required to register in another jurisdiction under the other jurisdiction's sex offender registry, shall register as a sex offender as provided in this chapter if the offender resides, is employed, or attends school in this state. A sex offender shall, upon a first or subsequent conviction, register in compliance with the procedures specified in this chapter, for the duration of time specified in this chapter, commencing as follows:

a. From the date of placement on probation.

b. From the date of release on parole or work release.

c. From the date of release from incarceration.

d. Except as otherwise provided in this section, from the date an adjudicated delinquent is released from placement in a juvenile facility ordered by a court pursuant to section 232.52.

e. Except as otherwise provided in this section, from the date an adjudicated delinquent commences attendance as a student at a public or private educational institution, other than an educational institution located on the real property of a juvenile facility if the juvenile has been ordered placed at

Page 13

such facility pursuant to section 232.52.

f. From the date of conviction for a sex offense requiring registration if probation, incarceration, or placement ordered pursuant to section 232.52 in a juvenile facility is not included in the sentencing, order, or decree of the court, except as otherwise provided in this section for juvenile cases.

2. A sex offender is not required to register while incarcerated. However, the running of the period of registration is tolled pursuant to section 692A.107 if a sex offender is incarcerated.

3. A juvenile adjudicated delinquent for an offense that requires registration shall be required to register as required in this chapter unless the juvenile court waives the requirement and finds that the person should not be required to register under this chapter.

4. Notwithstanding subsections 3 and 5, a juvenile fourteen years of age or older at the time the offense was committed shall be required to register if the adjudication was for an offense committed by force or the threat of serious violence, by rendering the victim unconscious, or by involuntary drugging of the

victim. At the time of adjudication the judge shall make a determination as to whether the offense was committed by force or the threat of serious violence, by rendering the victim unconscious, or by involuntary drugging of the victim.

5. If a juvenile is required to register pursuant to subsection 3, the juvenile court may, upon motion of the juvenile, and after reasonable notice to the parties and hearing, modify or suspend the registration requirements if good cause is shown.

a. The motion to modify or suspend shall be made and the hearing shall occur prior to the discharge of the juvenile from the jurisdiction of the juvenile court for the sex offense that requires registration.

b. If at the time of the hearing the juvenile is participating in an appropriate outpatient treatment program for juvenile sex offenders, the juvenile court may enter orders temporarily suspending the requirement that the juvenile register and may defer entry of a final order on the matter until such time that the juvenile has completed or been discharged from the outpatient treatment program.

c. Final orders shall then be entered within thirty days from the date of the juvenile's completion or discharge from outpatient treatment.

d. Any order entered pursuant to this subsection that modifies or suspends the requirement to register

Page 14

shall include written findings stating the reason for the modification or suspension, and shall include appropriate restrictions upon the juvenile to protect the public during any period of time the registry requirements are modified or suspended. Upon entry of an order modifying or suspending the requirement to register, the juvenile court shall notify the superintendent or the superintendent's designee where the juvenile is enrolled of the decision.

e. This subsection does not apply to a juvenile fourteen years of age or older at the time the offense was committed if the adjudication was for a sex offense committed by force or the threat of serious violence, by rendering the victim unconscious, or by involuntary drugging of the victim.

6. If a juvenile is required to register and the court later modifies or suspends the order regarding the requirement to register, the court shall notify the department within five days of the decision.

Sec. 4. NEW SECTION. 692A.104 REGISTRATION PROCESS.

1. A sex offender shall appear in person to

register with the sheriff of each county where the offender has a residence, maintains employment, or is in attendance as a student, within five business days of being required to register under section 692A.103 by providing all relevant information to the sheriff. A sheriff shall accept the registration of any person who is required to register in the county pursuant to the provisions of this chapter.

2. A sex offender shall, within five business days of changing a residence, employment, or attendance as a student, appear in person to notify the sheriff of each county where a change has occurred.

3. A sex offender shall, within five business days of a change in relevant information other than relevant information enumerated in subsection 2, notify the sheriff of the county where the principal residence of the offender is maintained about the change to the relevant information. The department shall establish by rule what constitutes proper notification under this subsection.

4. A sex offender who is required to verify information pursuant to the provisions of section 692A.108 is only required to appear in person in the county where the principal residence of the offender is maintained to verify such information.

5. A sex offender shall, within five business days of the establishment of a residence, employment, or attendance as a student in another jurisdiction,

Page 15

appear in person to notify the sheriff of the county where the principal residence of the offender is maintained, about the establishment of a residence, employment, or attendance in another jurisdiction. A sex offender shall, within five business days of establishing a new residence, employment, or attendance as a student in another jurisdiction, register with the registering agency of the other jurisdiction, if the offender is required to register under the laws of the other jurisdiction. The department shall notify the registering agency in the other jurisdiction of the sex offender's new residence, employment, or attendance as a student in the other jurisdiction.

6. A sex offender, who has multiple residences in this state, shall appear in person to notify the sheriff of each county where a residence is maintained, of the dates the offender will reside at each residence including the date when the offender will move from one residence to another residence.

7. Except as provided in subsection 8, the initial

or subsequent registration and any notifications required in subsections 1, 2, 4, 5, and 6 shall be by appearance at the sheriff's office and completion of the initial or subsequent registration or notification shall be on a printed form, which shall be signed and dated by the sex offender. If the sheriff uses an electronic form to complete the initial registration or notification, the electronic form shall be printed upon completion and signed and dated by the sex offender. The sheriff shall transmit the registration or notification form completed by the sex offender within five business days by paper copy, or electronically, using procedures established by the department by rule.

8. The collection of relevant information by a court or releasing agency under section 692A.109 shall serve as the sex offender's initial or subsequent registration for purposes of this section. However, the sex offender shall register by appearing in person in the county of residence to verify the offender's arrival and relevant information. The court or releasing agency shall forward a copy of the registration to the department within five business days of completion of registration using procedures established by the department by rule.

Sec. 5. NEW SECTION. 692A.105 ADDITIONAL REGISTRATION REQUIREMENTS — TEMPORARY LODGING.

In addition to the registration provisions specified in section 692A.104, a sex offender, within

Page 16

five business days of a change, shall also appear in person to notify the sheriff of the county of principal residence, of any location in which the offender is staying when away from the principal residence of the offender for more than five days, by identifying the location and the period of time the offender is staying in such location.

Sec. 6. NEW SECTION. 692A.106 DURATION OF REGISTRATION.

1. Except as otherwise provided in section 232.54, 692A.103, or 692A.128, or this section, the duration of registration required under this chapter shall be for a period of ten years. The registration period shall begin as provided in section 692A.103.

2. A sex offender who has been sentenced to a special sentence under section 903B.1 or 903B.2, shall be required to register for a period equal to the term of the special sentence, but in no case not less than the period specified in subsection 1.

3. A sex offender who is convicted of violating

any of the requirements of this chapter shall register for an additional ten years, commencing from the date the offender's registration would have expired under subsection 1 or, in the case of an offender who has been sentenced to a special sentence under section 903B.1 or 903B.2, commencing from the date the offender's registration would have expired under subsection 2.

4. A sex offender shall, upon a second or subsequent conviction that requires a second registration, or upon conviction of an aggravated offense, or who has previously been convicted of one or more offenses that would have required registration under this chapter, register for life.

5. A sexually violent predator shall register for life.

6. If a sex offender ceases to maintain a residence, employment, or attendance as a student in this state, the offender shall no longer be required to register, and the offender shall be placed on inactive status and relevant information shall not be placed on the sex offender registry internet site, after the department verifies that the offender has complied with the registration requirements in another jurisdiction. If the sex offender subsequently reestablishes residence, employment, or attendance as a student in this state, the registration requirement under this chapter shall apply and the department shall remove the offender from inactive status and place any relevant information and any updated

Page 17

relevant information in the possession of the department on the sex offender registry internet site.

Sec. 7. NEW SECTION. 692A.107 TOLLING OF REGISTRATION PERIOD.

1. If a sex offender is incarcerated during a period of registration, the running of the period of registration is tolled until the offender is released from incarceration for that crime.

2. If a sex offender violates any requirements of section 692A.104, 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or 692A.115, in addition to any criminal penalty prescribed for such violation, the period of registration is tolled until the offender complies with the registration provisions of this chapter.

Sec. 8. NEW SECTION. 692A.108 VERIFICATION OF RELEVANT INFORMATION.

1. A sex offender shall appear in person in the county of principal residence after the offender was

initially required to register, to verify residence, employment, and attendance as a student, to allow the sheriff to photograph the offender, and to verify the accuracy of other relevant information during the following time periods after the initial registration:

a. For a sex offender classified as a tier I offender, every year.

b. For a sex offender classified as a tier II offender, every six months.

c. For a sex offender classified as a tier III offender, every three months.

2. A sheriff may require a sex offender to appear in person more frequently than provided in subsection 1 to verify relevant information if good cause is shown. The circumstances under which more frequent appearances are required shall be reasonable, documented by the sheriff, and provided to the offender and the department in writing. Any modification to such requirement shall also be provided to the sex offender and the department in writing.

3. a. At least thirty days prior to an appearance for the verification of relevant information as required by this section, the department shall mail notification of the required appearance to each reported residence of the sex offender. The department shall not be required to mail notification to any sex offender if the residence described or listed in the sex offender's relevant information is insufficient for the delivery of mail.

b. The notice shall state that the sex offender

Page 18

shall appear in person in the county of principal residence on or before a date specified in the notice to verify and update relevant information. The notice shall not be forwarded to another address and shall be returned to the department if the sex offender no longer resides at the address.

4. A photograph of the sex offender shall be updated, at a minimum, annually. The sheriff shall send the updated photograph to the department using procedures established by the department by rule within five business days of the photograph being taken and the department shall post the updated photograph on the sex offender registry's internet site. The sheriff may require the sex offender to submit to being photographed, fingerprinted, or palm printed, more than once per year during any required appearance to verify relevant information.

5. The sheriff may make a reasonable modification

to the date requiring a sex offender to make an appearance based on exigent circumstances including man-made or natural disasters. The sheriff shall notify the department of any modification using procedures established by department by rule.

6. A waiver of the next immediate in-person verification pursuant to this section may be granted at the discretion of the sheriff, if the sex offender appears in person at the sheriff's office because of changes to relevant information pursuant to section 692A.104 or 692A.105, and if the in-person verification pursuant to this section is within thirty days of such in-person appearance. If a waiver is granted, the sheriff shall notify the department of granting the waiver.

Sec. 9. NEW SECTION. 692A.109 DUTY TO FACILITATE REGISTRATION.

1. When a sex offender is released from incarceration from a jail, prison, juvenile facility, or other correctional institution or facility, or when the offender is convicted but not incarcerated, the sheriff, warden, or superintendent of a facility or, in the case of release from foster care or residential treatment or conviction without incarceration, the court shall do the following prior to release or sentencing of the convicted offender:

a. Obtain all relevant information from the sex offender. Additional information for a sex offender required to register as a sexually violent predator shall include but not be limited to other identifying factors, anticipated future places of residence, offense history, and documentation of any treatment

Page 19

received by the person for a mental abnormality or personality disorder.

b. Inform the sex offender of the duty to register under this chapter and SORNA and ensure registration forms are completed and signed.

c. Inform the sex offender that, within five business days of changing a residence, employment, attendance as a student, an appearance is required before the sheriff in the county where the change occurred.

d. Inform the sex offender that, within five business days of a change in relevant information other than a change of residence, employment, or attendance as a student, the sex offender shall notify, in a manner prescribed by rule, the sheriff of the county of principal residence of the change.

e. Inform the sex offender that if the offender

establishes residence in another jurisdiction, or becomes employed, or becomes a student in another jurisdiction, the offender must report the offender's new residence, employment, or attendance as a student, to the sheriff's office in the county of the offender's principal residence within five business days, and that, if the other jurisdiction has a registration requirement, the offender shall also be required to register in such jurisdiction.

f. Require the sex offender to read and sign a form stating that the duty of the offender to register under this chapter has been explained and the offender understands the registration requirement. If the sex offender cannot read, is unable to write, or refuses to cooperate, the duty and the form shall be explained orally and a written record shall be maintained by the sheriff, warden, superintendent of a facility, or court explaining the duty and the form.

g. Inform the sex offender who was convicted of a sex offense against a minor of the prohibitions established under section 692A.113 by providing the offender with a written copy of section 692A.113 and relevant definitions of section 692A.101.

h. Inform the sex offender who was convicted of an aggravated offense against a minor of the prohibitions established under section 692A.114 by providing the offender with a written copy of section 692A.114 and relevant definitions of section 692A.101.

i. Inform the sex offender that the offender must submit to being photographed by the sheriff of any county in which the offender is required to register upon initial registration and during any appearance to verify relevant information required under this

Page 20

chapter.

j. Inform the sex offender that any violation of this chapter may result in state or federal prosecution.

2. a. When a sex offender is released from incarceration from a jail, prison, juvenile facility, or other correctional institution or facility, or when the offender is convicted but not incarcerated, the sheriff, warden, superintendent of a facility, or court shall verify that the person has completed initial or subsequent registration forms, and accept the forms on behalf of the sheriff of the county of registration. The sheriff, warden, superintendent of a facility, or the court shall send the initial or subsequent registration information to the department within five business days of completion of the

registration. Probation, parole, work release, or any other form of release after conviction shall not be granted unless the offender has registered as required under this chapter.

b. If the sex offender refuses to register, the sheriff, warden, superintendent of a facility, or court shall notify within five business days the county attorney in the county in which the offender was convicted or, if the offender no longer resides in that county, in the county in which the offender resides of the refusal to register. The county attorney shall bring a contempt of court action against the sex offender in the county in which the offender was convicted or, if the offender no longer resides in that county, in the county in which the offender resides. A sex offender who refuses to register shall be held in contempt and may be incarcerated pursuant to the provisions of chapter 665 following the entry of judgment by the court on the contempt action until the offender complies with the registration requirements.

3. The sheriff, warden, or superintendent of a facility, or if the sex offender is placed on probation, the court shall forward one copy of the registration information to the department and to the sheriff of the county in which the principal residence is established within five business days after completion of the registration.

4. The court may order an appropriate law enforcement agency or the county attorney to assist the court in performing the requirements of subsection 1 or 2.

Sec. 10. NEW SECTION. 692A.110 REGISTRATION FEES AND CIVIL PENALTY FOR OFFENDERS.

Page 21

1. A sex offender shall pay an annual fee in the amount of twenty-five dollars to the sheriff of the county of principal residence, beginning with the first required in-person appearance at the sheriff's office after the effective date of this Act. If the sex offender has more than one principal residence in this state, the offender shall pay the annual fee in the county where the offender is first required to appear in person after the effective date of this Act. The sheriff shall accept the registration. If, at the time of registration, the sex offender is unable to pay the fee, the sheriff may allow the offender time to pay the fee, permit the payment of the fee in installments, or may waive payment of the fee. Fees paid to the sheriff shall be used to defray the costs

of duties related to the registration of sex offenders under this chapter.

2. In addition to any other penalty, at the time of conviction for a public offense committed on or after July 1, 1995, which requires a sex offender to register under this chapter, the offender shall be assessed a civil penalty of two hundred dollars, to be payable to the clerk of the district court as provided in section 602.8105 and distributed as provided in section 602.8108. With respect to a conviction for a public offense committed on or after July 1, 2009, which requires a sex offender to register under this chapter, the offender shall be assessed a civil penalty of two hundred fifty dollars, payable to the clerk of the district court as provided in section 602.8105 and distributed as provided in section 602.8108.

3. The fee and penalty required by this section shall not be assessed against a person who has been acquitted by reason of insanity of the offense which requires registration under this chapter.

Sec. 11. NEW SECTION. 692A.111 FAILURE TO COMPLY — PENALTY.

1. A sex offender who violates any requirements of section 692A.104, 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or 692A.115 commits an aggravated misdemeanor for a first offense and a class "D" felony for a second or subsequent offense. However, a sex offender convicted of an aggravated offense against a minor, a sex offense against a minor, or a sexually violent offense committed while in violation of any of the requirements specified in section 692A.104, 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or 692A.115 is guilty of a class "C" felony, in addition to any other penalty provided by law. Any fine

imposed for a second or subsequent violation shall not be suspended. Notwithstanding section 907.3, the court shall not defer judgment or sentence for any violation of any requirements specified in this chapter. For purposes of this subsection, a violation occurs when a sex offender knows or reasonably should know of the duty to fulfill a requirement specified in this chapter as referenced in the offense charged.

2. Violations in any other jurisdiction under sex offender registry provisions that are substantially similar to those contained in this section shall be counted as previous offenses. The court shall judicially notice the statutes of other states which are substantially similar to this section.

3. A sex offender who violates any provision of this chapter may be prosecuted in any county where registration is required by the provisions of this chapter.

Sec. 12. NEW SECTION. 692A.112 KNOWINGLY PROVIDING FALSE INFORMATION — PENALTY.

A sex offender shall not knowingly provide false information upon registration, change of relevant information, or during an appearance to verify relevant information.

Sec. 13. NEW SECTION. 692A.113 EXCLUSION ZONES AND PROHIBITION OF CERTAIN EMPLOYMENT-RELATED ACTIVITIES.

1. A sex offender who has been convicted of a sex offense against a minor shall not do any of the following:

a. Be present upon the real property of a public or nonpublic elementary or secondary school without the written permission of the school administrator or school administrator's designee, unless enrolled as a student at the school.

b. Loiter within three hundred feet of the real property boundary of a public or nonpublic elementary or secondary school, unless enrolled as a student at the school.

c. Be present on or in any vehicle or other conveyance owned, leased, or contracted by a public or nonpublic elementary or secondary school without the written permission of the school administrator or school administrator's designee when the vehicle is in use to transport students to or from a school or school-related activities, unless enrolled as a student at the school or unless the vehicle is simultaneously made available to the public as a form of public transportation.

d. Be present upon the real property of a child

Page 23

care facility without the written permission of the child care facility administrator.

e. Loiter within three hundred feet of the real property boundary of a child care facility.

f. Be present upon the real property of a public library without the written permission of the library administrator.

g. Loiter within three hundred feet of the real property boundary of a public library.

h. Loiter on or within three hundred feet of the premises of any place intended primarily for the use of minors including but not limited to a playground available to the public, a children's play area

available to the public, recreational or sport-related activity area when in use by a minor, a swimming or wading pool available to the public when in use by a minor, or a beach available to the public when in use by a minor.

2. A sex offender who has been convicted of a sex offense against a minor:

a. Who resides in a dwelling located within three hundred feet of the real property boundary of public or nonpublic elementary or secondary school, child care facility, public library, or place intended primarily for the use of minors as specified in subsection 1, paragraph "h", shall not be in violation of subsection 1 for having an established residence within the exclusion zone.

b. Who is the parent or legal guardian of a minor shall not be in violation of subsection 1 solely during the period of time reasonably necessary to transport the offender's own minor child or ward to or from a place specified in subsection 1.

c. Who is legally entitled to vote shall not be in violation of subsection 1 solely for the period of time reasonably necessary to exercise the right to vote in a public election if the polling location of the offender is located in a place specified in subsection 1.

3. A sex offender who has been convicted of a sex offense against a minor shall not do any of the following:

a. Operate, manage, be employed by, or act as a contractor or volunteer at any municipal, county, or state fair or carnival when a minor is present on the premises.

b. Operate, manage, be employed by, or act as a contractor or volunteer on the premises of any children's arcade, an amusement center having coin or token operated devices for entertainment, or

Page 24

facilities providing programs or services intended primarily for minors, when a minor is present.

c. Operate, manage, be employed by, or act as a contractor or volunteer at a public or nonpublic elementary or secondary school, child care facility, or public library.

d. Operate, manage, be employed by, or act as a contractor or volunteer at any place intended primarily for use by minors including but not limited to a playground, a children's play area, recreational or sport-related activity area, a swimming or wading pool, or a beach.

Sec. 14. NEW SECTION. 692A.114 RESIDENCY RESTRICTIONS — PRESENCE — CHILD CARE FACILITIES AND SCHOOLS.

1. As used in this section:

a. "Minor" means a person who is under eighteen years of age or who is enrolled in a secondary school.

b. "School" means a public or nonpublic elementary or secondary school.

c. "Sex offender" means a person required to be registered under this chapter who has been convicted of an aggravated offense against a minor.

2. A sex offender shall not reside within two thousand feet of the real property comprising a school or a child care facility.

3. A sex offender residing within two thousand feet of the real property comprising a school or a child care facility does not commit a violation of this section if any of the following apply:

a. The sex offender is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.

b. The sex offender is subject to an order of commitment under chapter 229A.

c. The sex offender has established a residence prior to July 1, 2002.

d. The sex offender has established a residence prior to any newly located school or child care facility being established.

e. The sex offender is a minor.

f. The sex offender is a ward in a guardianship, and a district judge or associate probate judge grants an exemption from the residency restriction.

g. The sex offender is a patient or resident at a health care facility as defined in section 135C.1 or a patient in a hospice program, and a district judge or associate probate judge grants an exemption from the residency restriction.

Sec. 15. NEW SECTION. 692A.115 EMPLOYMENT WHERE

DEPENDENT ADULTS RESIDE.

A sex offender shall not be an employee of a facility providing services for dependent adults or at events where dependent adults participate in programming and shall not loiter on the premises or grounds of a facility or at an event providing such services or programming.

Sec. 16. NEW SECTION. 692A.116 DETERMINATION OF REQUIREMENT TO REGISTER.

1. An offender may request that the department determine whether the offense for which the offender

has been convicted requires the offender to register under this chapter or whether the period of time during which the offender is required to register under this chapter has expired.

2. Application for determination shall be filed with the department and shall be made on forms provided by the department and accompanied by copies of sentencing or adjudicatory orders with respect to each offense for which the offender asks that a determination be made.

3. The department, after filing of the request and after all documentation or information requested by the department is received, shall have ninety days from the filing of the request, to determine whether the offender is required to register under this chapter.

Sec. 17. NEW SECTION. 692A.117 REGISTRATION FORMS AND ELECTRONIC REGISTRATION SYSTEM.

1. Registration forms and an electronic registration system shall be made available by the department.

2. Copies of blank forms shall be available upon request to any registering agency.

Sec. 18. NEW SECTION. 692A.118 DEPARTMENT DUTIES — REGISTRY.

The department shall perform all of the following duties:

1. Develop an electronic system and standard forms for use in the registration of, verifying addresses of, and verifying understanding of registration requirements by sex offenders. Forms used to verify addresses of sex offenders shall contain a warning against forwarding a form to another address and of the requirement to return the form if the offender to whom the form is directed no longer resides at the address listed on the form or the mailing.

2. Maintain a central registry of information collected from sex offenders, which shall be known as the sex offender registry.

Page 26

3. In consultation with the attorney general, adopt rules under chapter 17A which list specific offenses under present and former law which constitute sex offenses or sex offenses against a minor under this chapter.

4. Adopt rules under chapter 17A, as necessary, to ensure compliance with registration and verification requirements of this chapter, to provide guidelines for persons required to assist in obtaining registry information, and to provide a procedure for the

dissemination of information contained in the registry. The procedure for the dissemination of information shall include but not be limited to practical guidelines for use by criminal or juvenile justice agencies in determining when public release of relevant information contained in the registry is appropriate and a requirement that if a member of the general public requests information regarding a specific individual in the manner provided in section 692A.121, the relevant information shall be released. The department, in developing the procedure, shall consult with associations which represent the interests of law enforcement officers. Rules adopted shall also include a procedure for removal of information from the registry upon the reversal or setting aside of a conviction of an offender.

5. Submit sex offender registry data to the federal bureau of investigation for entry of the data into the national sex offender registry.

6. Perform the requirements under this chapter and under federal law in cooperation with the office of sex offender sentencing, monitoring, apprehending, registering, and tracking of the office of justice programs of the United States department of justice.

7. Enter and maintain fingerprints and palm prints of sex offenders in an automated fingerprint identification system maintained by the department and made accessible to law enforcement agencies in this state, of the federal government, or in another jurisdiction. The department or any law enforcement agency may use such prints for criminal investigative purposes, to include comparison against finger and palm prints identified or recovered as evidence in a criminal investigation.

8. Notify a jurisdiction that provided information that a sex offender has or intends to maintain a residence, employment, or attendance as a student, in this state, of the failure of the sex offender to register as required under this chapter.

9. Submit a DNA sample to the combined DNA index

Page 27

system, if a sample has not been submitted.

10. Submit the social security number to the national crime information center, if the number has not been submitted.

11. When the department has a reasonable basis to believe that a sex offender has changed residence to an unknown location, has become a fugitive from justice, or who has otherwise taken flight, the department shall make a reasonable effort to ascertain

the whereabouts of the offender, and if such effort fails to identify the location of the offender, an appropriate notice shall be made on the sex offender registry internet site of this state and shall be transmitted to the national sex offender registry. The department shall notify other law enforcement agencies as deemed appropriate.

12. The department shall notify appropriate law enforcement agencies including the United States marshal service to investigate and verify possible violations. The department shall ensure any warrants for arrest are entered into the Iowa online warrant and articles system and the national crime information center and pursue prosecution of stated violations through state or federal court.

Sec. 19. NEW SECTION. 692A.119 SEX OFFENDER REGISTRY FUND.

A sex offender registry fund is established as a separate fund within the state treasury under the control of the department. The fund shall consist of moneys received as a result of the imposition of the penalty imposed under section 692A.110 and other funds allocated for purposes of establishing and maintaining the sex offender registry, conducting research and analysis related to sex crimes and offenders, and to perform other duties required under this chapter. Notwithstanding section 8.33, unencumbered or unobligated moneys and any interest remaining in the fund on June 30 of any fiscal year shall not revert to the general fund of the state, but shall remain available for expenditure in subsequent fiscal years.

Sec. 20. NEW SECTION. 692A.120 DUTIES OF THE SHERIFF.

The sheriff of each county shall comply with the requirements of this chapter and rules adopted by the department pursuant to this chapter. The sheriff of each county shall provide information and notices as provided in section 282.9.

Sec. 21. NEW SECTION. 692A.121 AVAILABILITY OF RECORDS.

1. The department shall maintain an internet site

Page 28

for the public and others to access relevant information about sex offenders. The internet site, at a minimum, shall be searchable by name, county, city, zip code, and geographic radius.

2. The department shall provide updated or corrected relevant information within five business days of the information being updated or corrected, from the sex offender registry to the following:

a. A criminal or juvenile justice agency, an agency of the state, a sex offender registry of another jurisdiction, or the federal government.

b. The general public through the sex offender registry internet site.

(1) The following relevant information about a sex offender shall be disclosed on the internet site:

(a) The date of birth.

(b) The name, nickname, aliases, including ethnic or tribal names.

(c) Photographs.

(d) The physical description, including scars, marks, or tattoos.

(e) The residence.

(f) The statutory citation and text of the offense committed that requires registration under this chapter.

(g) A specific reference indicating whether a particular sex offender is subject to residency restrictions pursuant to section 692A.114.

(h) A specific reference indicating whether a particular sex offender is subject to exclusion zone restrictions pursuant to section 692A.113.

(2) The following relevant information shall not be disclosed on the internet site:

(a) The relevant information about a sex offender who was under twenty years of age at the time the offender committed a violation of section 709.4, subsection 2, paragraph "c", subparagraph (4).

(b) The employer name, address, or location where a sex offender acts as an employee in any form of employment.

(c) The address and name of any school where a student required to be on the registry attends.

(d) The real name of a sex offender protected under 18 U.S.C § 3521.

(e) The statutory citation and text of the offense committed for an incest conviction in violation of section 726.2, however, the citation and text of an incest conviction shall be disclosed on the internet site as a conviction of section 709.4 or 709.8.

(f) Any other relevant information not described

Page 29

in subparagraph (1).

c. The general public through any other means, at the discretion of the department, any relevant information that is available on the internet site.

3. A criminal or juvenile justice agency may provide relevant information from the sex offender registry to the following:

a. A criminal or juvenile justice agency, an agency of the state, or a sex offender registry of another jurisdiction, or the federal government.

b. The general public, any information available to the general public in subsection 2, including public and private agencies, organizations, public places, child care facilities, religious and youth organizations, neighbors, neighborhood associations, community meetings, and employers. The relevant information available to the general public may be distributed to the public through printed materials, visual or audio press releases, radio communications, or through a criminal or juvenile justice agency's internet site.

4. When a sex offender moves into a school district or moves within a school district, the county sheriff of the county of the offender's new residence shall provide relevant information that is available to the general public in subsection 2 to the administrative office of the school district in which the person required to register resides, and shall also provide relevant information to any nonpublic school near the offender's residence.

5. a. A member of the public may contact a county sheriff's office to request relevant information from the registry regarding a specific sex offender. A person making a request for relevant information may make the request by telephone, in writing, or in person, and the request shall include the name of the person and at least one of the following identifiers pertaining to the sex offender about whom the information is sought:

(1) The date of birth of the person.

(2) The social security number of the person.

(3) The address of the person.

(4) Internet identifiers.

(5) Telephone numbers, including any landline or wireless numbers.

b. The relevant information made available to the general public pursuant to this subsection shall include all the relevant information provided to the general public on the internet site pursuant to subsection 2, and the following additional relevant

Page 30

information:

(1) Educational institutions attended as a student, including the name and address of such institution.

(2) Employment information including the name and address of employer.

(3) Temporary lodging information, including the dates when residing at the temporary lodging.

(4) Vehicle information.

c. A county sheriff or police department shall not charge a fee relating to a request for relevant information.

6. A county sheriff shall also provide to a person upon request access to a list of all registrants in that county.

7. The following relevant information shall not be provided to the general public:

a. The identity of the victim.

b. Arrests not resulting in a conviction.

c. Passport and immigration documents.

d. A government issued driver's license or identification card.

e. DNA information.

f. Fingerprints.

g. Palm prints.

h. Professional licensing information.

i. Social security number.

j. Real name protected under 18 U.S.C § 3521.

8. Notwithstanding sections 232.147 through 232.151, records concerning convictions which are committed by a minor may be released in the same manner as records of convictions of adults.

9. A person may contact the department or a county sheriff's office to verify if a particular internet identifier or telephone number is one that has been included in a registration by a sex offender.

10. The department shall include links to sex offender safety information, educational resources pertaining to the prevention of sexual assaults, and the national sex offender registry.

11. The department shall include on the sex offender registry internet site instructions and any applicable forms necessary for a person seeking correction of information that the person contends is erroneous.

12. When the department receives and approves registration data, such data shall be made available on the sex offender registry internet site within five business days.

13. The department shall maintain an automated

Page 31

electronic mail notification system, which shall be available by free subscription to any person, to provide notice of addition, deletion, or changes to any sex offender registration, relevant information within a postal zip code or, if selected by a

subscriber, a geographic radius or, if selected by a subscriber, specific to a sex offender.

14. Sex offender registry records are confidential records not subject to examination and copying by a member of the public and shall only be released as provided in this section.

Sec. 22. NEW SECTION. 692A.122 COOPERATION WITH REGISTRATION.

An agency of state and local government that possesses information relevant to requirements that an offender register under this chapter shall provide that information to the court or the department upon request. All confidential records provided under this section shall remain confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information.

Sec. 23. NEW SECTION. 692A.123 IMMUNITY FOR GOOD FAITH CONDUCT.

Criminal or juvenile justice agencies and employees of criminal or juvenile justice agencies and state agencies and their employees shall be immune from liability for acts or omissions arising from a good faith effort to comply with this chapter.

Sec. 24. NEW SECTION. 692A.124 ELECTRONIC MONITORING.

1. A sex offender who is placed on probation, parole, work release, special sentence, or any other type of conditional release, may be supervised by an electronic tracking and monitoring system in addition to any other conditions of supervision.

2. The determination to use electronic tracking and monitoring to supervise a sex offender shall be based upon a validated risk assessment approved by the department of corrections, and also upon the sex offender's criminal history, progress in treatment and supervision, and other relevant factors.

3. If a sex offender is under the jurisdiction of the juvenile court, the determination to use electronic tracking and monitoring to supervise the sex offender shall be based upon a risk assessment performed by a juvenile court officer.

Sec. 25. NEW SECTION. 692A.125 APPLICABILITY OF CHAPTER AND RETROACTIVITY.

1. The registration requirements of this chapter

shall apply to sex offenders convicted on or after the effective date of this Act of a sex offense classified under section 692A.102.

2. The registration requirements of this chapter

shall apply to a sex offender convicted of a sex offense or a comparable offense under prior law prior to the effective date of this Act under the following circumstances:

a. Any sex offender including a juvenile offender who is required to be on the sex offender registry as of June 30, 2009.

b. Any sex offender who is incarcerated on or after the effective date of this Act, for conviction of a sex offense committed prior to the effective date of this Act.

c. Any sex offender who is serving a special sentence pursuant to section 903B.1 or 903B.2 prior to the effective date of this Act.

3. For a sex offender required to register pursuant to subsection 1 or 2, each conviction or adjudication for a sex offense requiring registration, regardless of whether such conviction or adjudication occurred prior to, on, or after the effective date of this Act, shall be included in determining the tier requirements pursuant to this chapter.

4. An offender on the sex offender registry as of June 30, 2009, and who is required to be on the registry on or after July 1, 2009, shall be credited for any time on the registry prior to July 1, 2009.

Sec. 26. NEW SECTION. 692A.126 SEXUALLY MOTIVATED OFFENSE — DETERMINATION.

1. If a judge or jury makes a determination, beyond a reasonable doubt, that any of the following offenses for which a conviction has been entered are sexually motivated, the person shall be required to register as provided in this chapter:

a. Murder in the first degree in violation of section 707.2.

b. Murder in the second degree in violation of section 707.3.

c. Voluntary manslaughter in violation of section 707.4.

d. Involuntary manslaughter in violation of section 707.5.

e. Attempt to commit murder in violation of section 707.11.

f. Harassment in violation of section 708.7, subsection 1, 2, or 3.

g. Stalking in violation of section 708.11, subsection 3, paragraph "b", subparagraph (3).

Page 33

h. Kidnapping in the first degree in violation of section 710.2.

i. Kidnapping in the second degree in violation of

section 710.3.

j. Kidnapping in the third degree in violation of section 710.4.

k. Child stealing in violation of section 710.5.

l. Purchase or sale or attempted purchase or sale of an individual in violation of section 710.11.

m. Burglary in the first degree in violation of section 713.3, subsection 1, paragraph "a", "b", or "c".

n. Attempted burglary in the first degree in violation of section 713.4.

o. Burglary in the second degree in violation of section 713.5.

p. Attempted burglary in the second degree in violation of section 713.6.

q. Burglary in the third degree in violation of section 713.6A.

r. Attempted burglary in the third degree in violation of section 713.6B.

2. If a person is convicted of an offense in another jurisdiction, or of an offense that was prosecuted in a federal, military, or foreign court, that is comparable to an offense specified in subsection 1, the person shall be required to register as provided in this chapter if the department makes a determination that the offense was sexually motivated.

3. If a juvenile is convicted of an offense in another jurisdiction, or of an offense as a juvenile in a similar juvenile court proceeding in a federal, military, or foreign court, that is comparable to an offense specified in subsection 1, the person shall be required to register as provided in this chapter if the department makes a determination that the offense was sexually motivated.

Sec. 27. NEW SECTION. 692A.127 LIMITATIONS ON POLITICAL SUBDIVISIONS.

A political subdivision of the state shall not adopt any motion, resolution, or ordinance regulating the residency location of a sex offender or any motion, resolution, or ordinance regulating the exclusion of a sex offender from certain real property. A motion, resolution, or ordinance adopted by a political subdivision of the state in violation of this section is void and unenforceable and any enforcement activity conducted in violation of this section is void.

Sec. 28. NEW SECTION. 692A.128 MODIFICATION.

Page 34

1. A sex offender who is on probation, parole, work release, special sentence, or any other type of

conditional release may file an application in district court seeking to modify the registration requirements under this chapter.

2. An application shall not be granted unless all of the following apply:

a. The date of the commencement of the requirement to register occurred at least two years prior to the filing of the application for a tier I offender and five years prior to the filing of the application for a tier II or III offender.

b. The sex offender has successfully completed all sex offender treatment programs that have been required.

c. A risk assessment has been completed and the sex offender was classified as a low risk to reoffend. The risk assessment used to assess an offender as a low risk to reoffend shall be a validated risk assessment approved by the department of corrections.

d. The sex offender is not incarcerated when the application is filed.

e. The director of the judicial district department of correctional services supervising the sex offender, or the director's designee, stipulates to the modification, and a certified copy of the stipulation is attached to the application.

3. The application shall be filed in the sex offender's county of principal residence.

4. Notice of any application shall be provided to the county attorney of the county of the sex offender's principal residence, the county attorney of any county in this state where a conviction requiring the sex offender's registration occurred, and the department. The county attorney where the conviction occurred shall notify the victim of an application if the victim's address is known.

5. The court may, but is not required to, conduct a hearing on the application to hear any evidence deemed appropriate by the court. The court may modify the registration requirements under this chapter.

6. A sex offender may be granted a modification if the offender is required to be on the sex offender registry as a result of an adjudication for a sex offense, the offender is not under the supervision of the juvenile court or a judicial district judicial department of correctional services, and the department of corrections agrees to perform a risk assessment on the sex offender. However, all other provisions of this section not in conflict with this

Page 35

subsection shall apply to the application prior to an application being granted except that the sex offender is not required to obtain a stipulation from the director of a judicial district department of correctional services, or the director's designee.

7. If the court modifies the registration requirements under this chapter, the court shall send a copy of the order to the department, the sheriff of the county of the sex offender's principal residence, any county attorney notified in subsection 4, and the victim, if the victim's address is known.

Sec. 29. NEW SECTION. 692A.129 PROBATION AND PAROLE OFFICERS.

A probation or parole officer supervising a sex offender is not precluded from imposing more restrictive exclusion zone requirements, employment prohibitions, and residency restrictions than under sections 692A.113 and 692A.114.

Sec. 30. NEW SECTION. 692A.130 RULES.

The department shall adopt rules pursuant to chapter 17A to administer this chapter.

Sec. 31. Sections 692A.1 through 692A.16, Code 2009, are repealed.

DIVISION II

SEX OFFENDER REGISTRY RELATED CHANGES

Sec. 32. Section 13.2, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. Prosecute and defend all actions and proceedings brought by or against any employee of a judicial district department of correctional services in the performance of an assessment of risk ~~pursuant to chapter 692A~~.

Sec. 33. Section 22.7, subsection 48, Code 2009, is amended to read as follows:

48. Sex offender registry records under chapter 692A, except as provided in section ~~692A.13~~ 692A.121.

Sec. 34. Section 232.53, subsections 2 and 3, Code 2009, are amended to read as follows:

2. All dispositional orders entered prior to the child attaining the age of seventeen years shall automatically terminate when the child becomes eighteen years of age, except as provided in section 2A. Dispositional orders entered subsequent to the child attaining the age of seventeen years and prior to the child's eighteenth birthday shall automatically terminate one year and six months after the date of disposition. In the case of an adult within the jurisdiction of the court under the provisions of section 232.8, subsection 1, the dispositional order shall automatically terminate one year and six months

Page 36

after the last date upon which jurisdiction could attach.

3. Notwithstanding section 233A.13, a child committed to the training school subsequent to the child attaining the age of seventeen years and prior to the child's eighteenth birthday may be held at the school beyond the child's eighteenth birthday pursuant to subsection 2 or 2A, provided that the training school makes application to and receives permission from the committing court. This extension shall be for the purpose of completion by the child of a course of instruction established for the child pursuant to section 233A.4 and cannot extend for more than one year and six months beyond the date of disposition unless the duration of the dispositional order was extended pursuant to section 2A.

Sec. 35. Section 232.52A, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the duration of a dispositional order is extended pursuant to section 232.53, subsection 2A, the court may continue or extend supervision by an electronic tracking and monitoring system in addition to any other conditions of supervision.

Sec. 36. Section 232.53, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A dispositional order entered prior to the child attaining the age of seventeen, for a child required to register as a sex offender pursuant to the provisions of chapter 692A, may be extended one year and six months beyond the date the child becomes eighteen years of age.

Sec. 37. Section 232.54, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. With respect to a dispositional order requiring a child to register as a sex offender pursuant to chapter 692A, the juvenile court shall determine whether the child shall remain on the sex offender registry prior to termination of the dispositional order.

Sec. 38. Section 232.116, subsection 1, paragraph o, Code 2009, is amended to read as follows:

o. The parent has been convicted of a felony offense that is a ~~criminal~~ sex offense against a minor as defined in section ~~692A.1~~ 692A.101, the parent is divorced from or was never married to the minor's other parent, and the parent is serving a minimum sentence of confinement of at least five years for that offense.

Sec. 39. Section 272.2, subsection 17, Code 2009,

Page 37

is amended to read as follows:

17. Adopt rules to require that a background investigation be conducted by the division of criminal investigation of the department of public safety on all initial applicants for licensure. The board shall also require all initial applicants to submit a completed fingerprint packet and shall use the packet to facilitate a national criminal history background check. The board shall have access to, and shall review the sex offender registry information under section ~~692A.13~~ 692A.121 available to the general public, the central registry for child abuse information established under chapter 235A, and the dependent adult abuse records maintained under chapter 235B for information regarding applicants for license renewal.

Sec. 40. Section 279.13, subsection 1, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) Prior to entering into an initial contract with a teacher who holds a license other than an initial license issued by the board of educational examiners under chapter 272, the school district shall initiate a state criminal history record check of the applicant through the division of criminal investigation of the department of public safety, submit the applicant's fingerprints to the division for submission to the federal bureau of investigation for a national criminal history record check, and review the sex offender registry information under section ~~692A.13~~ 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding applicants for employment as a teacher.

Sec. 41. Section 282.9, subsection 2, Code 2009, is amended to read as follows:

2. Notwithstanding section ~~692A.13~~ 692A.121, or any other provision of law to the contrary, the county sheriff shall provide to the boards of directors of the school districts located within the county the name of any individual under the age of twenty-one who is required to register as a sex offender under chapter 692A.

Sec. 42. Section 598.41A, Code 2009, is amended to read as follows:

598.41A VISITATION — HISTORY OF CRIMES AGAINST A MINOR.

Notwithstanding section 598.41, the court shall

Page 38

consider in the award of visitation rights to a parent of a child, the criminal history of the parent if the parent has been convicted of a ~~criminal offense against a minor, a sexually violent offense against a minor, or sexual exploitation of a minor. As used in this section, "criminal offense against a minor", "sexually violent offense", and "sexual exploitation" mean as defined in section 692A.1~~ sex offense against a minor as defined in section 692A.101.

Sec. 43. Section 600A.8, subsection 10, Code 2009, is amended to read as follows:

10. The parent has been convicted of a felony offense that is a ~~criminal~~ sex offense against a minor as defined in section ~~692A.1~~ 692A.101, the parent is divorced from or was never married to the minor's other parent, and the parent is serving a minimum sentence of confinement of at least five years for that offense.

Sec. 44. Section 602.8105, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. gg. For applicable convictions under section 692A.110 prior to July 1, 2009, a civil penalty of two hundred dollars, and for applicable convictions under section 692A.110 on or after July 1, 2009, a civil penalty of two hundred fifty dollars.

Sec. 45. Section 602.8107, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, the criminal penalty surcharge, sex offender civil penalty, drug abuse resistance education surcharge, the law enforcement initiative surcharge, county enforcement surcharge, amounts collected as a result of procedures initiated under subsection 5 or under section 8A.504, or fees charged pursuant to section 356.7.

Sec. 46. Section 602.8108, subsection 2, Code 2009, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in subsections 3, 4, 5, 7, 8, ~~and~~ 9, and 10, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative services agency within thirty days of the beginning of each fiscal quarter

Page 39

the amount received during the previous quarter in the account established under this section.

Sec. 47. Section 602.8108, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10. The clerk of the district court shall remit to the treasurer of state, not later than the fifteenth day of each month, all moneys collected from the sex offender civil penalty provided in section 692A.110 during the preceding calendar month. Of the amount received from the clerk, the treasurer of state shall allocate ten percent to be deposited in the court technology and modernization fund established in subsection 7. The treasurer of state shall deposit the remainder into the sex offender registry fund established in section 692A.119.

Sec. 48. Section 707.2, Code 2009, is amended by adding the following new unnumbered paragraph after subsection 6:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 49. Section 707.3, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 50. Section 707.4, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 3:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 51. Section 707.5, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 52. Section 707.11, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

Page 40

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 53. Section 708.7, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. For purposes of determining whether or not the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 54. Section 708.11, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. For purposes of determining whether or not the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 55. Section 710.2, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 56. Section 710.3, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 57. Section 710.4, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 58. Section 710.5, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 59. Section 903B.1, Code 2009, is amended to read as follows:

Page 41

903B.1 SPECIAL SENTENCE — CLASS "B" OR CLASS "C" FELONIES.

A person convicted of a class "C" felony or greater offense under chapter 709, or a class "C" felony under section 728.12, shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa department of corrections for the rest of the person's life, with eligibility for parole as provided in chapter 906. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The special sentence imposed under this section shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole or work release. The person shall be placed on the corrections continuum in chapter 901B, and the terms and conditions of the special sentence, including violations, shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and chapter 908, and rules adopted under those chapters for persons on parole or work release. The revocation of release shall not be for a period greater than two years upon any first revocation, and five years upon any second or subsequent revocation. A special sentence shall be considered a category "A" sentence for purposes of calculating earned time under section 903A.2.

Sec. 60. Section 903B.2, Code 2009, is amended to read as follows:

903B.2 SPECIAL SENTENCE — CLASS "D" FELONIES OR MISDEMEANORS.

A person convicted of a misdemeanor or a class "D" felony offense under chapter 709, section 726.2, or section 728.12 shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa department of corrections for a period of ten years, with eligibility for parole as provided in chapter 906. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The special sentence imposed under this section shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole or work release. The person shall be placed on the

Page 42

corrections continuum in chapter 901B, and the terms and conditions of the special sentence, including violations, shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and 908, and rules adopted under those chapters for persons on parole or work release. The revocation of release shall not be for a period greater than two years upon any first revocation, and five years upon any second or subsequent revocation. A special sentence shall be considered a category "A" sentence for purposes of calculating earned time under section 903A.2.

Sec. 61. Section 907.3, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. The offense is a violation of chapter 692A.

Sec. 62. Section 907.3, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The offense is a violation of chapter 692A.

Sec. 63. NEW SECTION. 915.17A NOTIFICATION BY JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES.

A judicial district department of correctional services shall notify a registered victim, regarding a sex offender convicted of a sex offense against a minor who is under the supervision of a judicial district department of correctional services, of the following:

1. The beginning date for use of an electronic tracking and monitoring system to supervise the sex offender and the type of electronic tracking and monitoring system used.

2. The date of any modification to the use of an electronic tracking and monitoring system and the nature of the change.

DIVISION III

COHABITATION WITH A SEX OFFENDER

Sec. 64. Section 232.68, subsection 2, paragraph i, Code 2009, is amended to read as follows:

i. ~~Cohabitation with a person~~ Knowingly allowing a person custody or control of, or unsupervised access to a child or minor, after knowing the person is required to register or is on the sex offender registry under chapter 692A ~~in~~ for a violation of section 726.6.

Sec. 65. Section 726.6, subsection 1, paragraph h, Code 2009, is amended to read as follows:

h. ~~Cohabits with a person~~ Knowingly allows a person custody or control of, or unsupervised access to a child or a minor after knowing the person is

Page 43

required to register or is on the sex offender registry as a sex offender under chapter 692A. However, this paragraph does not apply to a person who is a parent~~,~~ or guardian~~, or a person having custody or control over~~ of a child or a minor, who is required to register as a sex offender, or to a person who is married to and living with a person required to register as a sex offender.

DIVISION IV
STATE MANDATE

Sec. 66. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act."

2. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to the sex offender registry, making fees applicable, and providing for penalties."

KEITH A. KREIMAN
STEVE KETTERING
STEVE WARNSTADT
PAT WARD

S–3318

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 809

Amend the Senate amendment, H–1662, to House File 809, as amended, passed, and reprinted by the House, as follows:

1. Page 4, by striking lines 31 and 32 and inserting the following:

"__. Page 20, by inserting after line 17 the following:"

2. Page 4, by inserting after line 50 the following:

"Sec. __. VEHICLE DEPRECIATION FUNDS.

1. DEFINITIONS. For purposes of this section, "applicable fiscal period" means the fiscal period beginning on the effective date of this section and ending June 30, 2010.

2. DEPARTMENT OF ADMINISTRATIVE SERVICES. Notwithstanding any provision of section 8A.365 to the contrary, a department or agency otherwise required to pay depreciation expense pursuant to that section shall not be required to pay depreciation expense during the applicable fiscal period. Notwithstanding section 8.33, moneys credited to a department or agency in the depreciation fund in excess of the

amount determined by the department of administrative services is necessary for motor vehicle maintenance and insurance costs for the applicable fiscal period for that department or agency, shall be returned to the department or agency and used for the purposes of that department or agency during the applicable fiscal period.

3. STATE DEPARTMENT OF TRANSPORTATION. Notwithstanding section 8.33 and any other provision of law to the contrary, moneys in a depreciation fund for the purchase of motor vehicles by the state department of transportation in excess of the amount determined by the state department of transportation is necessary for motor vehicle maintenance and insurance costs for the applicable fiscal period, shall be returned to the state department of transportation and used for the purposes of that department during the applicable fiscal period.

Sec. ___. EFFECTIVE DATE. The section of this division of this Act concerning vehicle depreciation funds, being deemed of immediate importance, takes effect upon enactment."

3. By striking page 5, line 35, through page 6, line 6.

4. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S–3319

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 759

Amend the Senate amendment, H–1559, to House File 759, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by inserting after line 4 the following:

"___. Page 1, line 10, by striking the figure "2013" and inserting the following: "2011".

___. Page 1, line 16, by striking the word "sixty" and inserting the following: "twenty-four"."

S–3320

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 811

Amend the Senate amendment, H–1630, to House File 811, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by inserting after line 2 the following:

"___. Page 12, line 31, by striking the figure "26,106,513" and inserting the following: "28,606,513".

___. Page 13, line 30, by striking the figure "28,331,177" and inserting the following: "25,831,177"."

2. Page 1, by striking line 38.

3. Page 2, by striking lines 7 and 8 and inserting the following:

"___. Page 42, line 30, by inserting after the word "consolidation." the following: "The proposal shall be developed in coordination with the task force review of the four institutes performed under this section. The department shall incorporate or address the findings and recommendations of the task force in such proposal."

___. Page 42, line 34, by inserting after the word "force" the following: "to be".

___. Page 43, line 7, by inserting after the word "institutes." the following: "The review shall be coordinated with the proposal to be developed by the department under this section and shall incorporate or address the proposal findings and recommendations.""

4. Page 2, by inserting after line 13 the following:

"___. By striking page 51, line 35, through page 52, line 1, and inserting the following: "reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2009. The Iowa hospital association shall submit information to the general assembly's standing committees on government oversight during the 2010 session of the general assembly regarding actions taken to increase compensation and other costs of employment for hospital staff who provide direct care to patients.""

5. Page 2, by striking line 14.

6. Page 2, line 26, by inserting after the word "society," the following: "the Iowa nurses association,".

7. Page 3, by inserting before line 9 the following:

"___. Page 76, by inserting before line 14 the following:

"Sec. ___. STATE RESOURCE CENTER BILLINGS — AMERICAN RECOVERY AND REINVESTMENT ACT. For the

Page 2

period beginning October 1, 2008, and ending September 30, 2010, or the period for which funding from the federal American Recovery and Reinvestment Act of 2009 can be used for the cost of care for patients at a state resource center, whichever is longer, the per diem amounts billed to counties under section 222.73 for such care may be adjusted downward by an applicable percentage of the nonfederal portion of the billing amounts, as necessary to comply with the intent of the federal Act.

Sec. ___. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The section of this division of this Act relating to state resource center billings, being deemed of immediate importance, takes effect upon enactment, is retroactively applicable to October 1, 2008, and is applicable on and after that date.""

8. Page 3, line 16, by striking the figure "225,350" and inserting the following: "200,000".

9. Page 3, line 18, by striking the word "The" and inserting the following: "The department may use a portion of the funds allocated in this paragraph for an additional position to assist in the continued implementation including credentialing of direct care workers. The".

10. Page 3, line 26, by striking the figure "347,520" and inserting the following: "150,000".

11. Page 3, by inserting after line 41 the following:

"___. Page 81, by inserting after line 6 the following:

"j. Of the funds appropriated in this subsection, $222,870 shall be transferred to the department of elder affairs to be used for unmet needs.""

12. Page 3, by inserting after line 47 the following:

"___. Page 84, by inserting after line 29 the following:

"c. The funds appropriated in this section that remain available for expenditure for the succeeding fiscal year pursuant to section 35D.18, subsection 5, shall be distributed to be used in the succeeding fiscal year in accordance with this lettered paragraph. The first $1,000,000 shall remain available to be used for the purposes of the Iowa veterans home. On or before October 15, 2009, the department of management shall transfer $1,833,333 to the appropriation for the medical assistance program to be used for rebasing of hospital reimbursement under the medical assistance program. Any remaining funding shall be used for purposes of the Iowa

Page 3

veterans home."

___. Page 85, line 16, by striking the figure "593,302,330" and inserting the following: "587,884,830"."

13. Page 4, by inserting after line 13 the following:

"___. Page 85, by inserting after line 32 the following:

"Sec. ___. 2008 Iowa Acts, chapter 1187, section 9, is amended by adding the following new subsection:

NEW SUBSECTION. 25. The revised appropriation made in this section incorporates reductions made pursuant to executive order number 10 issued on December 22, 2008.""

14. Page 8, by inserting after line 34 the following:

"___. Page 113, by inserting after line 10 the following:

"Sec. ___. CHILD SUPPORT ENFORCEMENT INFORMATION. The sections of 2009 Iowa Acts, Senate File 319, amending section 252B.5, subsection 9, paragraph b, unnumbered paragraph 1; section 252B.9, subsection 2, unnumbered paragraph 1; section 252B.9, subsection 2, paragraph a; section 252B.9, subsection 2, paragraph b, unnumbered paragraph 1; section 252B.9, subsection 2, paragraph b, subparagraph (1); section 252B.9, subsection 3, paragraphs e and g; section 252B.9A, subsection 1; section 252G.5, subsections 2 and 3; section 598.22, subsection 3; and section 598.26, subsection 1, Code 2009, and providing for such amendments' effective date, are repealed.""

15. Page 8, by inserting before line 35 the following:

"___. Page 113, by inserting before line 16 the following:

"Sec. ___. EXCHANGE OF ELECTRONIC INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION. The executive committee of the electronic health information advisory council created in section 135.156, with the technical assistance of the advisory council and the support of the department of public health, shall review the electronic exchange of individually identifiable health information by health care providers for the purpose of treatment with the goal of facilitating informed treatment decisions and providing higher quality and safer care, while protecting the privacy of patients and the security and confidentiality of patient information. Following the review, the executive committee shall report the results of its review and recommendations, including

Page 4

any proposed changes in state law and rules relating to such information exchange, to the governor and the general assembly no later than December 15, 2009.""

16. Page 8, by inserting before line 35 the following:

"___. Page 113, by inserting before line 16 the following:

"Sec. ___. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The section of this division of this Act relating to child support enforcement information by repealing sections of 2009 Iowa Acts, Senate File 319, as enacted, being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to March 23, 2009.""

17. By renumbering as necessary.

S–3321

HOUSE AMENDMENT TO
SENATE FILE 484

Amend Senate File 484, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, line 29, by inserting after the word "chapter." the following: "The information made available to the public pursuant to this section shall not include information which is kept confidential under section 22.7."

2. By striking page 6, line 35, through page 7, line 7, and inserting the following: "transfer except as specifically provided by law. Moneys in the fund shall be used for costs associated with the department of inspections and appeals' efforts to address medical assistance program fraud and abuse and for costs incurred by the department of".

3. Page 7, line 14, by inserting after the word "expenditures." the following: "This unnumbered paragraph is repealed on July 1, 2012."

4. Page 7, by inserting after line 14 the following:

"Sec. ___. MEDICAID FRAUD ACCOUNT. There is appropriated from the Medicaid fraud account created in this Act to the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the amount necessary for the state financial match requirement for meeting the federal mandates connected with the department's Medicaid fraud and abuse activities, and the amount necessary to cover costs incurred by the department or other agencies in providing regulation, responding to

allegations, or other activity involving chapter 135O."

5. By renumbering as necessary.

S–3322

HOUSE AMENDMENT TO
SENATE FILE 304

Amend Senate File 304, as passed by the Senate, as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 403.19A, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. (1) The pilot project city shall enter into a withholding agreement with each employer concerning the targeted jobs withholding credit. The withholding agreement shall provide for the total amount of withholding tax credits awarded. An agreement shall not provide for an amount of withholding credits that exceeds the amount of the qualifying investment made in the project. ~~However, an~~ An agreement shall not be entered into by a pilot project city with a business currently located in this state unless the business either creates ten new jobs or makes a qualifying investment of at least five hundred thousand dollars within the urban renewal area. The withholding agreement may have a term of up to ten years. An employer shall not be obligated to enter into a withholding agreement. An agreement shall not be entered into with an employer not already located in a pilot project city when another Iowa community is competing for the same project and both the pilot project city and the other Iowa community are seeking assistance from the department.

(2) The pilot project city shall not enter into a withholding agreement after June 30, ~~2010~~ 2013.

(3) The pilot project city shall provide on an annual basis to the department of economic development information documenting the total amount of payments and receipts under a withholding agreement, including all agreements with an employer to suspend, abate, exempt, rebate, refund, or reimburse property taxes, to provide a grant for property taxes paid or a grant not related to property taxes, or to make a direct payment of taxes, with moneys in the special fund. The department of economic development shall verify the information provided by the pilot project city.

(4) The department shall have the authority to approve or deny a withholding agreement and shall only deny an agreement if the agreement fails to meet the

requirements of this paragraph "c" or the local match requirements in paragraph "j", or if an employer is not in good standing as to prior or existing agreements with the department of economic development. The department may suggest changes to an agreement.

Sec. 2. Section 403.19A, subsection 3, paragraph

Page 2

j, Code 2009, is amended by striking the paragraph and inserting in lieu thereof the following:

j. (1) A pilot project city entering into a withholding agreement shall arrange for matching local financial support for the project. The local match required under this paragraph "j" shall be in an amount equal to one dollar for every dollar of withholding credit received by the pilot project city.

(2) For purposes of this paragraph "j", "local financial support" means cash or in-kind contributions to the project from a private donor, a business, or the pilot project city.

(3) If the project, when completed, will increase the amount of an employer's taxable capital investment by an amount equal to at least ten percent of the amount of withholding credit dollars received by the pilot project city, then the pilot project city shall itself contribute at least ten percent of the local match amount computed under subparagraph (1).

(4) If the project, when completed, will not increase the amount of an employer's taxable capital investment by an amount at least equal to ten percent of the amount of withholding credit dollars received by the pilot project city, then the pilot project city shall not be required to make a contribution to the local match.

(5) A pilot project city's contribution, if any, to the local match may include the dollar value of any tax abatement provided by the city to the business for new construction."

2. By renumbering as necessary.

S–3323

HOUSE AMENDMENT TO
SENATE FILE 432

Amend Senate File 432, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, lines 2 and 3, by striking the words "FROZEN GROUND AND SNOW COVERED GROUND" and inserting the following: "SNOW COVERED GROUND AND FROZEN

GROUND".

2. Page 1, line 32, by striking the words "FROZEN GROUND AND SNOW COVERED GROUND" and inserting the following: "SNOW COVERED GROUND AND FROZEN GROUND".

3. Page 1, line 34, by striking the words "frozen ground or snow covered ground" and inserting the following: "snow covered ground or frozen ground".

4. By striking page 1, line 35, through page 2, line 1, and inserting the following: ", except to the extent otherwise provided by applicable requirements in this section, this chapter, or the national pollutant discharge elimination system pursuant to the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412."

5. Page 2, line 2, by inserting before the word "During" the following: "During the period beginning December 21 and ending April 1, the person may apply liquid manure originating from a manure storage structure, that is part of a confinement feeding operation, on snow covered ground only when there is an emergency."

6. Page 2, line 5, by striking the words "or snow covered ground".

7. Page 2, line 14, by striking the words "frozen ground or snow covered ground" and inserting the following: "snow covered ground or frozen ground".

8. Page 2, by striking lines 17 through 21 and inserting the following: "prior to the application."

9. Page 2, line 25, by striking the word "person" and inserting the following: "owner of the confinement feeding operation".

10. Page 3, by inserting after line 21 the following:

"Sec. __. NEW SECTION. 459.313B APPLICATION OF LIQUID MANURE ON SNOW COVERED GROUND OR FROZEN GROUND — ANNUAL REPORT.

1. On or before February 15 of each year, the director of the department, or the department's designee, shall appear before and present a report to the standing committees of the senate and house of representatives having jurisdiction over agriculture and environmental protection. The report shall include all instances in which persons have applied liquid manure originating from a manure storage structure, that is part of a confinement feeding

Page 2

operation, on snow covered ground or frozen ground because of an emergency as provided in section 459.313A. The report shall include an assessment of the application's impact on water quality, including

the success of actions taken to prevent or remediate such impact.

2. This section is repealed on July 1, 2014."

11. Page 10, by inserting after line 1 the following:

"Sec. __. NEW SECTION. 459B.305 DRY BEDDED MANURE CONTROL — WATER QUALITY.

A dry bedded confinement feeding operation shall retain all dry bedded manure produced by the operation between periods of dry bedded manure application. For purposes of this section, dry bedded manure may be retained by stockpiling as provided in this chapter. A dry bedded confinement feeding operation shall not discharge dry bedded manure directly into water of the state or into a tile line that discharges directly into water of the state.

Sec. __. NEW SECTION. 459B.306 STOCKPILING — NPDES REQUIREMENTS — WATER QUALITY.

A person stockpiling dry bedded manure shall comply with applicable requirements of the national pollutant discharge elimination system pursuant to the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412."

12. Page 10, by striking line 2 and inserting the following:

"Sec. __. NEW SECTION. 459B.307 STOCKPILING— STATE REQUIREMENTS—WATER".

13. Page 11, line 12, by striking the figure "459B.303" and inserting the following: "459B.308".

14. By renumbering as necessary.

S–3324

Amend Senate File 477 as follows:

1. By striking everything after the enacting clause and inserting the following:

"DIVISION I
APPROPRIATION BONDS

Section 1. NEW SECTION. 12.90A ANNUAL APPROPRIATION BONDS.

1. As used in this section, unless the context otherwise requires:

a. "Annual appropriation bonds" means bonds, notes, or other evidences of obligations of the state which may be payable during a fiscal year from one or more of the following sources, subject to the limitations contained in this section:

(1) Moneys appropriated by law for the payment of debt service due with respect to the annual appropriation bonds during that fiscal year.

(2) Proceeds of the sale of the annual appropriation bonds.

(3) Payments received under authorizing documents and other agreements and ancillary arrangements entered into with respect to the annual appropriation bonds.

(4) Investment earnings on amounts described in subparagraphs (1) through (3).

b. "Appropriation" means an act of appropriation by the general assembly which has become law by approval of the governor or otherwise.

c. "Authorizing documents" means a trust indenture, resolution, or other instrument pursuant to which annual appropriation bonds are issued in accordance with the provisions of this section and setting forth the terms and conditions thereof.

2. The treasurer of state is authorized to issue and sell annual appropriation bonds on behalf of the state to provide funds for certain infrastructure projects and other purposes as provided in subsection 4 and to refund any annual appropriation bonds previously issued, and shall have all powers necessary and convenient to carry out the treasurer of state's duties, and exercise the treasurer of state's authority, under this section.

3. Annual appropriation bonds may be issued and sold in one or more series on the terms and conditions the treasurer of state determines to be in the best interest of the state, in accordance with this section in such amounts as the treasurer of state determines to be necessary to fund the purposes for which such annual appropriation bonds are issued. The treasurer of state may issue annual appropriation bonds in

Page 2

amounts which provide aggregate net proceeds of not more than one hundred five million dollars for purposes of alternative energy projects and for purposes of the vertical infrastructure restricted capitals fund created in section 8.57D.

4. The treasurer of state may issue annual appropriation bonds as the treasurer of state determines necessary or desirable to pay for expenditures for certain infrastructure projects and other purposes as provided in subsection 3, to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures considered and approved by a constitutional majority of each house of the general assembly and the governor and to provide sufficient funds for the payment of interest on the annual appropriation bonds, the establishment of reserves with respect to the annual appropriation bonds, the payment of costs of issuance

of the annual appropriation bonds, the payment of other expenditures of the treasurer of state incident to and necessary or convenient in connection with the issuance of the annual appropriation bonds, and the payment of all other expenditures necessary or convenient to carry out the purposes for which the annual appropriation bonds are issued. The treasurer of state may enter into or obtain authorizing documents and other agreements and ancillary arrangements with respect to annual appropriation bonds as the treasurer of state determines to be in the best interests of the state, including but not limited to trust indentures, liquidity facilities, remarketing or dealer agreements, letter of credit agreements, insurance policies, guaranty agreements, reimbursement agreements, indexing agreements, investment agreements, or interest exchange agreements. Any authorizing document or other agreement or ancillary arrangements by which any moneys are pledged to the payment of annual appropriation bonds shall not be required to be recorded or filed under the uniform commercial code, chapter 554, to be valid, binding, or effective.

5. Annual appropriation bonds shall be:

a. In a form, issued in denominations, executed in a manner, and payable over terms and with rights of redemption, and be subject to such other terms and conditions as prescribed in their authorizing documents.

b. Negotiable instruments under the laws of the state and may be sold at prices, at public or private sale, and in a manner, as prescribed by the treasurer

Page 3

of state. Chapters 73A, 74, 74A, and 75 do not apply to the sale or issuance of the annual appropriation bonds.

c. Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this section and as determined by their authorizing documents.

d. Securities in which public officers and bodies of this state; political subdivisions of this state; insurance companies and associations and other persons carrying on an insurance business; banks, trust companies, savings associations, savings and loan associations, and investment companies; administrators, guardians, executors, trustees, and

other fiduciaries; and other persons authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

6. Proceeds of annual appropriation bonds not required for immediate disbursement may be deposited with the treasurer of state or a trustee, paying agent, escrow agent, or depository as provided in the authorizing documents and may be invested or reinvested in any investment as directed by the treasurer of state and specified in such authorizing documents without regard to any limitation otherwise provided by law.

7. Annual appropriation bonds are payable in any fiscal year solely and only out of the moneys, assets, or revenues appropriated for such purposes by law for that fiscal year, all of which amounts, once appropriated, shall be deposited into the annual appropriation bonds debt service fund and used or transferred as provided in this section to pay debt service due with respect to annual appropriation bonds during the fiscal year for which such amounts are appropriated. Annual appropriation bonds are not an obligation, indebtedness, or debt of the state, or a charge against the general credit or general fund of the state, and the state shall not be liable for the payment of any amounts due under any annual appropriation bonds except from moneys appropriated by law for the payment thereof as provided under this section. The annual appropriation bonds are not secured by any pledge of the faith and credit or the taxing powers of the state. Annual appropriation bonds shall not directly or indirectly obligate the

Page 4

state to make payments thereon beyond any fiscal year for which sufficient funds have been appropriated by law for such purpose.

8. In the event that funds are not appropriated for any fiscal year in an amount sufficient to make the payments of principal and interest and any other amounts due under the annual appropriation bonds during such fiscal year all of the following shall apply:

a. The state's obligations under the annual appropriation bonds shall terminate and become null and void on the last day of the fiscal year for which funds were appropriated in an amount sufficient to make the payments of principal and interest and any other amounts due under the annual appropriation bonds for such fiscal year.

b. The state shall not be obligated to make payment from any source of any amounts due under the annual appropriation bonds beyond those amounts for which an appropriation has previously been made.

c. The state shall not be liable to the holders of the annual appropriation bonds or any other person for any remaining amounts due under the annual appropriation bonds or for any costs, damages, or expenses incurred by the holders of the annual appropriation bonds or any other person as a result of such failure to appropriate. Annual appropriation bonds, the repayment thereof and any reserve and debt service funds established with respect thereto shall be subject to nonappropriation. Annual appropriation bonds issued under this section shall contain a conspicuous statement of the limitations established in this subsection.

9. Annual appropriation bonds issued under this section are declared to be issued for an essential public and governmental purpose and all annual appropriation bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the annual appropriation bonds shall be exempt from the state income tax and the state inheritance tax.

10. In order to better provide for the budgeting and appropriation of sufficient amounts to make the payments due with respect to annual appropriation bonds in any fiscal year and to fund or restore reserve funds established with respect to annual appropriation bonds, if any, the treasurer of state shall, on or before January 1 of each calendar year, make and deliver to the governor and to both houses of the general assembly the treasurer of state's

Page 5

certificate that includes all of the following:

a. A statement of the amount required to make the payments due with respect to annual appropriation bonds in the next succeeding fiscal year and the amount, if any, required to fund or restore any reserve fund to the reserve fund requirement for that reserve fund.

b. A request that budget and appropriation bills approved for such fiscal year include amounts sufficient to make the payments due with respect to annual appropriation bonds during that fiscal year and to fund or restore any reserve fund to the reserve fund requirement for that reserve fund.

11. If, after amounts have been appropriated for a fiscal year to make payment of principal and interest

and any other amounts due with respect to the annual appropriation bonds for such fiscal year and to fund or restore any reserve fund to the reserve fund requirement for that reserve fund, the treasurer of state determines that the amounts appropriated for such purposes are insufficient for any reason, the treasurer of state shall make and deliver to the governor and to both houses of the general assembly the treasurer of state's certificate that includes a statement of the amount of the deficiency and a request for an additional appropriation for such fiscal year to make up such deficiency.

12. Any amounts appropriated by law from the general fund of the state or any other legally available funds to make the payments due with respect to annual appropriation bonds for a fiscal year shall be paid to the treasurer of state on or after the first business day of such fiscal year in as many installments as are needed to accumulate the total amount so appropriated as soon as funds become legally available and such amounts, as received, shall be deposited by the treasurer of state in the annual appropriation bonds debt service fund.

13. Any amounts appropriated by law to fund or restore any reserve fund shall be paid to the treasurer of state as soon as funds become legally available and shall be deposited by the treasurer of state in the applicable reserve fund. For any fiscal year for which amounts have been lawfully appropriated in an amount sufficient to make payment of principal and interest and any other amounts due with respect to annual appropriation bonds for such fiscal year, to the extent that appropriated funds have not become fully available so that amounts deposited into the annual appropriation bonds debt service fund are not

Page 6

sufficient to make such payment when due, any moneys on deposit in a reserve fund established with respect to the annual appropriation bonds may be transferred to the annual appropriation bonds debt service fund and used to make such payments, subject to the provisions of this section.

14. The treasurer of state may from time to time issue annual appropriation bonds for the purpose of refunding any annual appropriation bonds then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the date of redemption of the outstanding annual appropriation bonds. Until the proceeds of annual appropriation bonds issued for the purpose of

refunding outstanding annual appropriation bonds are applied to the purchase or retirement of outstanding annual appropriation bonds or the redemption of outstanding annual appropriation bonds, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of this section, the authorizing documents, and any applicable escrow. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding annual appropriation bonds to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments shall be returned to the general fund of the state. All refunding annual appropriation bonds shall be issued and subject to the provisions of this section in the same manner and to the same extent as other annual appropriation bonds issued pursuant to this section.

15. a. It is the intent of the general assembly that the general assembly make timely appropriations from moneys in the general fund of the state or any other legally available funds that are sufficient to make payment of principal and interest and any other amounts due with respect to annual appropriation bonds in a fiscal year and to fund or restore any reserve fund established with respect to the annual appropriation bonds to the reserve fund requirement for that reserve fund.

b. This section does not create and shall not be construed as creating a general, legal, or enforceable obligation of the general assembly to appropriate any moneys for any fiscal year for any of the foregoing purposes and the decision to appropriate such moneys for any fiscal year shall be at the complete discretion of the then current general assembly and

Page 7

governor who shall have the final responsibility for making such decisions.

16. Neither the treasurer of state nor any person acting on behalf of the treasurer of state, while acting within the scope of their employment or agency, is subject to personal liability resulting from carrying out the powers and duties conferred by this section.

17. Amounts appropriated pursuant to this section are not subject to a uniform reduction in accordance with section 8.31.

Sec. 2. NEW SECTION. 12.90B ANNUAL APPROPRIATION BONDS DEBT SERVICE FUND AND RESERVE FUNDS.

1. An annual appropriation bonds debt service fund is created and established as a separate and distinct fund in the state treasury. Any amounts lawfully appropriated to make payments due with respect to annual appropriation bonds for a fiscal year shall be deposited into the annual appropriation bonds debt service fund and used by the treasurer of state or transferred to a trustee, paying agent, escrow agent, or depository as provided in the authorizing documents to make payments due with respect to the annual appropriation bonds for that fiscal year. Payments due with respect to annual appropriation bonds include but are not limited to the following:

a. Principal payments, interest payments, sinking fund payments, purchase price, redemption price, redemption premiums, and payments under interest exchange agreements.

b. Fees and expenses of trustees, paying agents, remarketing agents, financial advisors, underwriters, depositories, guarantors, bond insurers, liquidity or credit facility providers, interest rate indexing agents, and other professional and financial services providers.

c. Costs and expenses of the treasurer of state incident to and necessary and convenient to carry out the issuance and sale of the annual appropriation bonds and the administration of the appropriations bonds capitals fund, the annual appropriation bonds debt service fund, and any reserve funds.

2. The treasurer of state may create and establish one or more reserve funds with respect to the annual appropriation bonds to be used as provided in section 12.90A and the authorizing documents. The treasurer of state shall pay into any reserve fund any moneys appropriated by law to fund or restore the reserve fund, any proceeds of the sale of the annual appropriation bonds to the extent provided in the

Page 8

authorizing documents, and any other moneys which may be legally available to the treasurer of state for the purpose of the reserve fund. Moneys in any reserve fund established with respect to annual appropriation bonds, excluding the annual appropriations debt service fund, are not subject to section 8.33.

3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in any funds or accounts established with respect to annual appropriation bonds shall be credited to the applicable fund or reserve fund.

Sec. 3. NEW SECTION. 12.90C APPROPRIATION BONDS

CAPITALS FUND.

1. An appropriation bonds capitals fund is created as a separate fund in the state treasury. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of the appropriation bonds capitals fund.

2. Revenue for the appropriation bonds capitals fund shall include but is not limited to the following, which shall be deposited with the treasurer of state or the treasurer of state's designee as provided by any bond or security documents and credited to the fund:

a. The net proceeds of bonds issued pursuant to section 12.90A and investment earnings on the net proceeds.

b. Interest attributable to investment of moneys in the fund or an account of the fund.

c. Moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment, judgment, transfer, payment, or appropriation from any source intended to be used for the purposes of the fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for certain infrastructure projects and other purposes set out in section 12.90A, subsection 3, to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures considered and approved by a constitutional majority of each house of the general assembly and the governor.

4. Moneys credited to the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

5. Annually, on or before January 15 of each year, a state agency that received an appropriation from the appropriation bonds capitals fund shall report to the

Page 9

legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 4. APPLICABILITY. The authority of the treasurer of state to issue one or more series of

annual appropriation bonds under section 12.90A, subsection 3, as enacted in this division of this Act, applies to bonds issued on or after July 1, 2010.

DIVISION II

MISCELLANEOUS CODE CHANGES

Sec. 5. NEW SECTION. 8.57D VERTICAL INFRASTRUCTURE RESTRICTED CAPITALS FUND.

1. A vertical infrastructure restricted capitals fund is created in the state treasury under the authority of the department of management. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the vertical infrastructure restricted capitals fund shall be credited to the rebuild Iowa infrastructure fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for public vertical infrastructure projects. For the purposes of this section, "vertical infrastructure" includes only land acquisition and construction, major renovation, and major repair of buildings, all appurtenant structures, utilities, and site development. "Vertical infrastructure" does not include routine, recurring maintenance, debt service, or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

4. There is appropriated from the appropriation bonds capitals fund created in section 12.90C to the vertical infrastructure restricted capitals fund one hundred million dollars for the fiscal year beginning July 1, 2010, and ending June 30, 2011.

5. Annually, on or before January 15 of each year,

a state agency that received an appropriation from the vertical infrastructure restricted capitals fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was

completed or an estimated completion date of the project, where applicable.

6. Payment of moneys appropriated from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state.

DIVISION III
ANNUAL APPROPRIATION BONDS CAPITALS FUND — APPROPRIATION.

Sec. 6. There is appropriated from the appropriation bonds capitals fund created in section 12.90C to the Iowa energy center for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit into the alternate energy revolving loan fund created in section 476.46 to encourage the development of alternate energy production facilities and small hydro facilities, as defined in section 476.42, within the state:

..... $ 5,000,000

Any award of loans to private individuals or organizations must be for the public purposes of encouraging the development of alternate energy production facilities and small hydro facilities within the state in order to conserve finite and expensive energy resources and to provide for their most efficient use. Funds from bond proceeds shall not be used for administration or planning purposes. These moneys, and any loan repayments, shall be maintained in separate accounts and shall only be used for these public purposes."

2. Title page, by striking lines 1 and 2 and inserting the following: "An Act authorizing the treasurer of state to issue annual appropriation bonds, and creating an annual appropriation bonds debt service fund, an appropriation bonds capitals fund, a vertical infrastructure restricted capitals fund, making appropriations, and including an applicability provision."

MATT McCOY

S–3325

Amend Senate File 468 as follows:

1. Page 1, by inserting before line 1 the following:

"DIVISION I
INDIVIDUAL INCOME TAXES"

2. Page 7, line 18, by inserting after the word "This" the following: "division of this".

3. Page 7, by inserting before line 21 the following:

"DIVISION II

COMMERCIAL AND INDUSTRIAL PROPERTY ASSESSMENT

Sec. __. Section 441.21, subsection 5, Code 2009, is amended to read as follows:

5. a. For valuations established as of January 1, 1979, commercial property and industrial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed as a percentage of the actual value of each class of property. The percentage shall be determined for each class of property by the director of revenue for the state in accordance with the provisions of this section. For valuations established as of January 1, 1979, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend for each class of property shall be the total actual valuation for each class of property established for 1978, plus six percent of the amount so determined. The divisor for each class of property shall be the valuation for each class of property established for 1978, as reported by the assessors on the abstracts of assessment for 1978, plus the amount of value added to the total actual value by the revaluation of existing properties in 1979 as equalized by the director of revenue pursuant to section 441.49. For valuations established as of January 1, 1979, property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be considered as one class of property and shall be assessed as a percentage of its actual value. The percentage shall be determined by the director of revenue in accordance with the provisions of this section. For valuations established as of January 1, 1979, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend shall be the total actual valuation established for 1978 by the department of revenue, plus ten percent of the amount so determined. The divisor for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be the valuation established for 1978, plus the amount of value added to the total

actual value by the revaluation of the property by the department of revenue as of January 1, 1979. For valuations established as of January 1, 1980, commercial property and industrial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed at a percentage of the actual

value of each class of property. The percentage shall be determined for each class of property by the director of revenue for the state in accordance with the provisions of this section. For valuations established as of January 1, 1980, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend for each class of property shall be the dividend as determined for each class of property for valuations established as of January 1, 1979, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1979, plus four percent of the amount so determined. The divisor for each class of property shall be the total actual value of all such property in 1979, as equalized by the director of revenue pursuant to section 441.49, plus the amount of value added to the total actual value by the revaluation of existing properties in 1980. The director shall utilize information reported on the abstracts of assessment submitted pursuant to section 441.45 in determining such percentage. For valuations established as of January 1, 1980, property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be assessed at a percentage of its actual value. The percentage shall be determined by the director of revenue in accordance with the provisions of this section. For valuations established as of January 1, 1980, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend shall be the total actual valuation established for 1979 by the department of revenue, plus eight percent of the amount so determined. The divisor for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be the valuation established for 1979, plus the amount of value added to the total actual value by the revaluation of the property by the department of revenue as of January 1, 1980. For valuations established as of January 1, 1981, and each year thereafter, the percentage of actual value as equalized by the director of revenue as provided in

Page 3

section 441.49 at which commercial property and industrial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed shall be calculated in accordance with the methods provided herein, except that any references to six

percent in this subsection shall be four percent. For valuations established as of January 1, 1981, and each year thereafter, the percentage of actual value at which property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be assessed shall be calculated in accordance with the methods provided herein, except that any references to ten percent in this subsection shall be eight percent. Beginning with valuations established as of January 1, 1979, and each year thereafter, property valued by the department of revenue pursuant to chapter 434 shall also be assessed at a percentage of its actual value which percentage shall be equal to the percentage determined by the director of revenue for commercial property, industrial property, or property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438, whichever is lowest.

b. (1) For the assessment year beginning January 1, 2009, the percentage of actual value, as equalized by the director of revenue as provided in section 441.49, at which commercial property is assessed shall be the percentage of actual value determined in paragraph "a" of this subsection minus one percentage point.

(2) For the assessment year beginning January 1, 2010, the percentage of actual value, as equalized by the director of revenue as provided in section 441.49, at which commercial property is assessed shall be the percentage of actual value determined in paragraph "a" of this subsection minus two percentage points.

(3) For the assessment year beginning January 1, 2011, the percentage of actual value, as equalized by the director of revenue as provided in section 441.49, at which commercial property is assessed shall be the percentage of actual value determined in paragraph "a" of this subsection minus three percentage points.

(4) For the assessment year beginning January 1, 2012, the percentage of actual value, as equalized by the director of revenue as provided in section 441.49, at which commercial property is assessed shall be the percentage of actual value determined in paragraph "a" of this subsection minus four percentage points.

(5) For the assessment year beginning January 1, 2013, and for each assessment year thereafter, the percentage of actual value, as equalized by the

director of revenue as provided in section 441.49, at which commercial property is assessed shall be the percentage of actual value determined in paragraph "a" of this subsection minus five percentage points.

Sec. ___. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2009, for assessment years beginning on or after that date."

4. Title page, line 1, by striking the words "the individual income tax" and inserting the following: "taxation".

5. Title page, line 2, by inserting after the word "reduced" the following: "individual income".

6. Title page, by striking line 7 and inserting the following: "by providing for a percentage reduction in commercial property tax assessments and including retroactive applicability date provisions".

7. By renumbering as necessary.

STEVEN J. SODDERS

S–3326

HOUSE AMENDMENT TO
SENATE FILE 474

Amend Senate File 474, as passed by the Senate, as follows:

1. Page 1, by striking line 27 and inserting the following:

"Sec. ___. STATE BOARD OF REGENTS BONDING — FLOOD REPAIR AND MITIGATION."

2. Page 3, by inserting after line 18 the following:

"Sec. ___. STATE BOARD OF REGENTS BONDING — BUILDINGS AND FACILITIES IMPROVEMENT PROGRAM.

1. FINDINGS. The general assembly finds that:

a. The state board of regents has approved a buildings and facilities improvement program for the institutions of higher learning under the jurisdiction of the board, which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities.

b. The projects contained in the buildings and facilities improvement program are deemed necessary for the proper performance of the instructional, research, and service functions of the institutions.

c. Section 262A.4 provides that the state board of regents, after authorization by a constitutional majority of each house of the general assembly and approval by the governor, may undertake and carry out at the institutions of higher learning under the jurisdiction of the board any project as defined in chapter 262A.

d. Chapter 262A authorizes the state board of

regents to borrow moneys and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution.

e. To further the educational objectives of the institutions, the state board of regents requests authorization to finance certain costs of the capital improvement program by borrowing moneys and issuing negotiable bonds under chapter 262A in a total amount as provided in this section, with the remaining costs of the projects to be financed by appropriations or by federal or other funds lawfully available.

2. AUTHORIZATION OF PROJECTS. The state board of regents is authorized to undertake, plan, construct, reconstruct, improve, repair, remodel, furnish, and equip, and otherwise carry out $15,000,000 for phase II of the construction and renovation of the

Page 2

veterinary medical facilities at Iowa state university of science and technology, specifically the renovation and modernization of the area formerly occupied by the large animal area of the teaching hospital for expanded clinical services in a small animal hospital.

3. BONDS AUTHORIZED. The general assembly authorizes the state board of regents to borrow moneys and to issue and sell negotiable revenue bonds in the amount of $15,000,000 in the manner provided in sections 262A.5 and 262A.6 in order to pay all or any part of the costs of carrying out the projects at the institutions approved and authorized in subsection 2, with the remaining costs of the projects to be financed by appropriations or by federal or other funds lawfully available. The amount of bonds may be exceeded by the amount the state board of regents determines to be necessary to capitalize bond reserves, interest during construction, and issuance costs. No commitment is implied or intended by approval to fund any portion of the buildings and facilities improvement program beyond the portion that is financed and approved by the Eighty-third General Assembly, 2009 Session, and the governor."

3. Title page, line 2, by inserting after the word "regents" the following: "for buildings and facilities including bonding".

4. By renumbering as necessary.

S–3327

HOUSE AMENDMENT TO
SENATE FILE 483

Amend Senate File 483, as passed by the Senate, as follows:

1. Page 1, line 10, by striking the word "seventy-five" and inserting the following: "eighty-five".

2. Page 1, by striking line 11 and inserting the following: "dollars for any fiscal year. However, the department may authorize an amount of tax credits in one fiscal year in excess of one hundred eighty-five million, and such excess amount shall be counted against the total amount of tax credits that may be authorized in the next fiscal year."

3. Page 2, line 2, by striking the word "three" and inserting the following: "six".

4. Page 2, by striking lines 5 through 7 and inserting the following:

"Sec. ___. APPLICABILITY DATES.

1. The section of this division of this Act amending section 175.37 applies to agricultural assets transfer agreements executed on or after July 1, 2009.

2. The section of this division of this Act enacting section 15.119 applies to tax credits awarded on or after July 1, 2009."

5. By striking page 3, line 26, through page 5, line 8.

6. Title page, by striking line 4 and inserting the following: "operating losses, and".

7. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S–3328

Amend Senate File 478 as follows:

1. By striking everything after the enacting clause and inserting the following:

"DIVISION I

MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2010–2011

Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND ALLOCATIONS — FISCAL YEAR 2010–2011.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for fiscal year 2010–2011:
..... $ 62,157,491

2. The amount appropriated in this section shall be allocated as provided in a later enactment of the general assembly.

DIVISION II
STANDING APPROPRIATIONS
AND RELATED MATTERS

Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2010–2011.

1. For the budget process applicable to the fiscal year beginning July 1, 2010, on or before October 1, 2009, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph "a", all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

Sec. 3. GENERAL ASSEMBLY.

1. The appropriations made pursuant to section

Page 2

2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are reduced by the following amount:
..... $ 4,439,653

2. The budgeted amounts for the general assembly for the fiscal year beginning July 1, 2009, may be adjusted to reflect unexpended budgeted amounts from the previous fiscal year.

Sec. 4. LIMITATION OF STANDING APPROPRIATIONS. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the amounts appropriated from the general fund of the

state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For payment for nonpublic school transportation under section 285.2:

..... $ 7,845,479

If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this subsection, the department of education shall prorate the amount of each approved claim.

2. For the state's share of the cost of the peace officers' retirement benefits under section 411.20:

..... $ 2,503,510

3. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph "e", subparagraph (1):

..... $ 452,783

4. For regional tourism marketing under section 99F.11, subsection 3, paragraph "e", subparagraph (2):

..... $ 957,809

5. For the Iowa power fund under section 469.10, subsection 1:

..... $ 20,000,000

6. For the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:

..... $ 21,768

7. For the center for congenital and inherited disorders central registry under section 144.13A, subsection 4, paragraph "a":

..... $ 182,044

8. For primary and secondary child abuse prevention programs under section 144.13A, subsection 4, paragraph "a":

..... $ 217,772

9. For programs for at-risk children under section

Page 3

279.51:

..... $ 11,493,891

The amount of any reduction in this subsection shall be prorated among the programs specified in section 279.51, subsection 1, paragraphs "a", "b", and "c".

Sec. 5. INSTRUCTIONAL SUPPORT STATE AID. Notwithstanding the standing appropriation provided under section 257.20, an appropriation from the general fund of the state to the department of education for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall not be made for purposes of paying instructional support state aid.

Sec. 6. VETERANS HOME MEDICAL CLINIC. Of moneys received on or after July 1, 2008, by the Iowa veterans home from the federal government relating to the costs to improve and renovate a medical clinic at the home in a previous fiscal year, the first $727,000 shall be credited to the general fund of the state on or after July 1, 2009.

Sec. 7. FEDERAL ECONOMIC STIMULUS AND JOBS HOLDING ACCOUNT.

1. Any unobligated moneys in the federal economic stimulus and jobs holding account on July 1, 2009, shall be transferred to the general fund of the state on July 1, 2009.

2. Unobligated moneys in the federal economic stimulus and jobs holding account on the effective date of this section shall not be obligated after the effective date of this section.

3. This section shall not apply to moneys appropriated from the federal economic stimulus and jobs holding account in 2009 Iowa Acts, Senate File 469, if enacted.

Sec. 8. IOWA MATHEMATICS AND SCIENCE COALITION. For the fiscal year beginning July 1, 2009, the university of northern Iowa shall maintain the efforts of the Iowa mathematics and science coalition that were initiated pursuant to section 294A.25, subsection 11, Code 2009.

Sec. 9. PROPERTY TAX CREDIT FUND — PAYMENTS IN LIEU OF GENERAL FUND REIMBURSEMENT.

1. a. A property tax credit fund shall be created in the office of the treasurer of state to be used for the purposes of this section.

b. There is appropriated from the general fund of the state to the property tax credit fund created in paragraph "a" for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of $101,395,597.

Page 4

c. Notwithstanding the requirements in section 8.56, subsections 3 and 4, there is appropriated from the cash reserve fund to the property tax credit fund created in paragraph "a" for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of $54,684,481.

d. Notwithstanding section 8.33, the surplus existing in the property tax credit fund created pursuant to 2008 Iowa Acts, chapter 1191, section 5, at the conclusion of the fiscal year beginning July 1, 2008, and ending June 30, 2009, is transferred to the property tax credit fund created in paragraph "a".

2. There is appropriated from the property tax credit fund for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts for the following designated purposes:

a. For reimbursement for the homestead property tax credit under section 425.1:

..... $ 100,658,781

b. For reimbursement for the family farm and agricultural land tax credits under sections 425A.1 and 426.1:

..... $ 34,610,183

c. For reimbursement for the military service tax credit under section 426A.1A:

..... $ 2,400,000

d. For implementing the elderly and disabled tax credit and reimbursement pursuant to sections 425.16 through 425.39:

..... $ 22,200,000

If the director of revenue determines that the amount of claims for credit for property taxes due pursuant to paragraphs "a", "b", "c", and "d", plus the amount of claims for reimbursement for rent constituting property taxes paid which are to be paid during the fiscal year may exceed the total amount appropriated, the director shall estimate the percentage of the credits and reimbursements which will be funded by the appropriation. The county treasurer shall notify the director of the amount of property tax credits claimed by June 8, 2009. The director shall estimate the percentage of the property tax credits and rent reimbursement claims that will be funded by the appropriation and notify the county treasurer of the percentage estimate by June 15, 2009. The estimated percentage shall be used in computing for each claim the amount of property tax credit and reimbursement for rent constituting property taxes paid for that fiscal year. If the director overestimates the percentage of funding, claims for

Page 5

reimbursement for rent constituting property taxes paid shall be paid until they can no longer be paid at the estimated percentage of funding. Rent reimbursement claims filed after that point in time shall receive priority and shall be paid in the following fiscal year.

Sec. 10. PERFORMANCE OF DUTY. There is appropriated from the cash reserve fund created in section 8.56 to the executive council for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is

necessary, to be used for the purposes designated:
For performance of duty by the executive council in sections 7D.29 and 29C.20:
..... $ 25,600,000
The funding from the appropriation made in this section shall be utilized before any funding from the general fund of the state.
Sec. 11. GENERAL FUND. There is appropriated from the cash reserve fund created in section 8.56 to the general fund of the state for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount:
..... $ 65,000,000
The moneys appropriated in this section shall not be considered new revenues under section 8.54 for purposes of the state general fund expenditure limitation.
Sec. 12. CASH RESERVE FUND APPROPRIATIONS. Section 8.56, subsections 3 and 4, shall not apply to any appropriation made in this division of this Act from the cash reserve fund created in section 8.56.
Sec. 13. CASH RESERVE FUND APPROPRIATION FOR FISCAL YEAR 2009–2010. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the appropriation to the cash reserve fund provided in section 8.57, subsection 1, paragraph "a", shall not be made.
Sec. 14. Section 331.660, Code 2009, is repealed.
Sec. 15. EFFECTIVE DATES.
1. The section of this division of this Act creating the property tax credit fund, being deemed of immediate importance, takes effect upon enactment.
2. The section of this division of this Act transferring moneys from the federal economic stimulus and jobs holding account, being deemed of immediate importance, takes effect upon enactment.
Sec. 16. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. The section of this division of this Act providing for crediting of certain moneys received

by the Iowa veterans home to the general fund of the state, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to July 1, 2008, and is applicable on and after that date.

DIVISION III

SALARIES, COMPENSATION, AND RELATED MATTERS

Sec. 17. APPOINTED STATE OFFICERS.
1. The governor shall establish a salary for appointed nonelected persons in the executive branch

of state government holding a position enumerated in and within the salary ranges provided in 2008 Iowa Acts, chapter 1191, section 14, by considering, among other items, the experience of the individual in the position, changes in the duties of the position, the incumbent's performance of assigned duties, and subordinates' salaries. However, the attorney general shall establish the salary for the consumer advocate, the chief justice of the supreme court shall establish the salary for the state court administrator, the ethics and campaign disclosure board shall establish the salary of the executive director, and the Iowa public broadcasting board shall establish the salary of the administrator of the public broadcasting division of the department of education, each within the salary range provided in 2008 Iowa Acts, chapter 1191, section 14.

2. The governor, in establishing salaries as provided in this section, shall take into consideration other employee benefits which may be provided for an individual including but not limited to housing.

3. A person whose salary is established pursuant to this section and who is a full-time, year-round employee of the state shall not receive any other remuneration from the state or from any other source for the performance of that person's duties unless the additional remuneration is first approved by the governor or authorized by law. However, this provision does not exclude the reimbursement for necessary travel and expenses incurred in the performance of duties or fringe benefits normally provided to employees of the state.

Sec. 18. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The various state departments, boards, commissions, councils, and agencies, including the state board of regents, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall provide from available sources pay adjustments, expense reimbursements, and related benefits to fully fund the following:

Page 7

1. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the blue collar bargaining unit.

2. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the public safety bargaining unit.

3. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.

4. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the technical bargaining unit.

5. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional fiscal and staff bargaining unit.

6. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the clerical bargaining unit.

7. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional social services bargaining unit.

8. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the community-based corrections bargaining unit.

9. The collective bargaining agreements negotiated pursuant to chapter 20 for employees in the judicial branch of government bargaining units.

10. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the patient care bargaining unit.

11. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the science bargaining unit.

12. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the university of northern Iowa faculty bargaining unit.

13. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa graduate student bargaining unit.

14. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa hospital and clinics tertiary health care bargaining unit.

15. The annual pay adjustments, related benefits, and expense reimbursements referred to in the sections of this division of this Act addressing noncontract state and state board of regents employees who are not covered by a collective bargaining agreement.

Sec. 19. NONCONTRACT STATE EMPLOYEES — GENERAL.

1. For the fiscal year beginning July 1, 2009:

Page 8

a. The maximum and minimum salary levels of all pay plans provided for in section 8A.413, subsection 3, as they exist for the fiscal year ending June 30, 2009, shall not increase.

b. Employees may receive a step increase or the equivalent of a step increase.

c. The pay plan for noncontract judicial branch employees shall not be increased.

d. The pay plans for state employees who are exempt from chapter 8A, subchapter IV, and who are included in the department of administrative services' centralized payroll system shall not be increased, and any additional changes in any executive branch pay plans shall be approved by the governor.

2. This section does not apply to members of the general assembly, board members, commission members, persons whose salaries are set by the general assembly pursuant to this Act or are set by the governor, or other persons designated in the section of this division of this Act addressing appointed state officers, employees designated under section 8A.412, subsection 5, and employees covered by 11 IAC 53.6(3).

3. The pay plans for the bargaining eligible employees of the state shall not be increased, and any additional changes in such executive branch pay plans shall be approved by the governor. As used in this section, "bargaining eligible employee" means an employee who is eligible to organize under chapter 20, but has not done so.

4. The policies for implementation of this section shall be approved by the governor.

Sec. 20. STATE EMPLOYEES — STATE BOARD OF REGENTS. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, funds shall be provided from available sources of the state board of regents for funding of collective bargaining agreements for state board of regents employees covered by such agreements and for the following state board of regents employees not covered by a collective bargaining agreement:

1. Regents merit system employees and merit supervisory employees.

2. Faculty members and professional and scientific employees.

Sec. 21. BONUS PAY. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, employees of the executive branch, judicial branch, and legislative branch shall not receive bonus pay unless otherwise authorized by law, required pursuant to a contract of employment entered into before July 1, 2009, or required pursuant to a collective bargaining

Page 9

agreement. This section does not apply to employees of the state board of regents. For purposes of this section, "bonus pay" means any additional remuneration provided an employee in the form of a bonus, including but not limited to a retention bonus, recruitment bonus, exceptional job performance pay, extraordinary job performance pay, exceptional performance pay,

extraordinary duty pay, or extraordinary or special duty pay, and any extra benefit not otherwise provided to other similarly situated employees.

Sec. 22. SPECIAL FUNDS. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, salary adjustments otherwise provided for in this division of this Act may be funded using departmental revolving, trust, or special funds for which the general assembly has established an operating budget, provided doing so does not exceed the operating budget established by the general assembly.

Sec. 23. FEDERAL FUNDS APPROPRIATED. For the fiscal year beginning July 1, 2009, all federal grants to and the federal receipts of the agencies affected by this division of this Act which are received and may be expended for purposes of this division of this Act are appropriated for those purposes and as set forth in the federal grants or receipts.

Sec. 24. STATE TROOPER MEAL ALLOWANCE. For the fiscal year beginning July 1, 2009, the sworn peace officers in the department of public safety who are not covered by a collective bargaining agreement negotiated pursuant to chapter 20 shall receive the same per diem meal allowance as the sworn peace officers in the department of public safety who are covered by a collective bargaining agreement negotiated pursuant to chapter 20.

Sec. 25. SALARY MODEL ADMINISTRATOR. The salary model administrator shall work in conjunction with the legislative services agency to maintain the state's salary model used for analyzing, comparing, and projecting state employee salary and benefit information, including information relating to employees of the state board of regents. The department of revenue, the department of administrative services, the five institutions under the jurisdiction of the state board of regents, the judicial district departments of correctional services, and the state department of transportation shall provide salary data to the department of management and the legislative services agency to operate the state's salary model. The format and frequency of provision of the salary data shall be

Page 10

determined by the department of management and the legislative services agency. The information shall be used in collective bargaining processes under chapter 20 and in calculating the funding needs contained within the annual salary adjustment legislation. A state employee organization as defined in section

20.3, subsection 4, may request information produced by the model, but the information provided shall not contain information attributable to individual employees.

Sec. 26. Section 8A.402, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. (1) (a) Consult with the department of management and discuss and collaborate with executive branch agencies to implement and maintain a policy for increasing the aggregate ratio in the number of employees per supervisor in executive branch agencies to be fourteen employees for one supervisor. For purposes of determining the effects of the policy on the state employee workforce, the base date of July 1, 2008, shall be used and the target date for full implementation shall be July 1, 2011.

(b) The policy shall allow appropriation units with twenty-eight or fewer full-time equivalent employee positions to apply for an exception to the policy through the executive council.

(c) Before any reduction in supervisory layers is implemented as a result of this paragraph "g", the department shall notify the legislative fiscal committee of the legislative council regarding the proposed reduction. The notification shall include a list of the positions and employment responsibilities to be eliminated or reduced, a list of activities to be eliminated or reduced, and an estimate of the savings expected to result from the elimination or reduction. The legislative fiscal committee shall report to the legislative council concerning the notifications received.

(d) The department shall present an interim report to the governor and general assembly on or before April 1, 2010, and a final report on or before April 1, 2011, detailing the effects of the policy on the composition of the workforce, cost savings, government efficiency, and outcomes.

(e) The policy developed pursuant to this paragraph "g" shall not encompass employees under the state board of regents or a judicial district department of correctional services. However, the department of administrative services shall work with

the state board of regents and the judicial district departments of correctional services to advance the policy as a goal for the supervisory staff of these units of state government.

(2) Evaluate the state's systems for job

classification of executive branch employees in order to ensure the existence of technical skill-based career paths for such employees which do not depend upon an employee gaining supervisory responsibility for advancement, and which provide incentives for such employees to broaden their knowledge and skill base. The evaluation shall include but is not limited to options for eliminating obsolete, duplicative, or unnecessary job classifications. The department shall present interim reports to the general assembly on or before January 15, 2010, and January 14, 2011, concerning the department's progress in completing the evaluation and associated outcomes.

(3) In implementing this paragraph "g", give priority to elimination or reduction of middle management employee positions. In addition, prior to the elimination of employee positions other than middle management positions or positions eliminated due to early retirement, priority shall be given to elimination or deferral by executive branch agencies of purchases and out-of-state travel. The department of management shall report quarterly to the legislative fiscal committee of the legislative council and to the legislative services agency regarding out-of-state travel authorized by executive branch agencies including a listing by agency of personnel authorized to travel, and the cost and purpose of the travel authorized.

Sec. 27. 2009 Iowa Acts, Senate File 475, section 21, if enacted, is amended to read as follows:

~~SEC. 21. SUPERVISOR AND EMPLOYEE RATIO. The department of administrative services and the executive branch agencies receiving appropriations in this Act shall pursue a goal of achieving a ratio of fourteen employees per supervisor in such agencies, by December 31, 2009.~~

DIVISION IV
CORRECTIVE PROVISIONS

Sec. 28. Section 21.2, subsection 1, paragraph i, if enacted by 2009 Iowa Acts, Senate File 437, is amended to read as follows:

i. The governing body of a drainage or ~~levy~~ levee district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized.

Page 12

Sec. 29. Section 22.1, subsection 1, as amended by 2009 Iowa Acts, Senate File 437, if enacted, is amended to read as follows:

1. The term "government body" means this state, or

any county, city, township, school corporation, political subdivision, tax-supported district, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D; the governing body of a drainage or ~~levy~~ levee district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized; or other entity of this state, or any branch, department, board, bureau, commission, council, committee, official, or officer of any of the foregoing or any employee delegated the responsibility for implementing the requirements of this chapter.

Sec. 30. Section 80D.3, subsection 3, paragraph b, if enacted by 2009 Iowa Acts, House File 762, section 1, is amended to read as follows:

b. A person appointed to serve as a reserve peace officer who has met the one-hundred-fifty-hour training requirement ~~obtained~~ by obtaining training at a community college or other facility selected by the individual and approved by the law enforcement agency prior to July 1, 2007, shall be exempted from completing the minimum training course at the discretion of the appointing authority and shall continue to hold certification with the appointing authority.

Sec. 31. Section 89.3, subsection 5, paragraph a, subparagraph (4), if enacted by 2009 Iowa Acts, House File 720, section 2, is amended to read as follows:

(4) The owner or user is a participant in good standing in the Iowa occupational safety and health voluntary protection program and ~~have~~ has achieved star status within the program, which is administered by the division of labor in the department of workforce development.

Sec. 32. Section 216A.132A, subsection 5, paragraph i, as enacted by 2009 Iowa Acts, House File 315, section 1, is amended to read as follows:

i. Iowa cooperative extension service in agriculture and home economics.

Sec. 33. Section 321A.1, subsection 3, Code 2009, is amended to read as follows:

3. JUDGMENT. A judgment which has become final by

expiration without appeal during the time within which an appeal might have been perfected, or a judgment if an appeal from the judgment has been perfected, which

has not been stayed by the execution, filing and approval of a bond as provided in rule of appellate procedure ~~6.7(1)~~ 6.601(1), or a judgment which has become final by affirmation on appeal, rendered by a court of competent jurisdiction of a state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of a motor vehicle, as defined in this section, for damages, including damages for care and loss of services, because of bodily injury to or death of a person, or for damages because of injury to or destruction of property, including the loss of use of property, or upon a cause of action on an agreement of settlement for such damages.

Sec. 34. Section 321A.3, subsection 8, paragraph a, subparagraph (1), if enacted by 2009 Iowa Acts, Senate File 374, section 1, is amended to read as follows:

(1) A person who purchases a certified abstract of an operating record directly from the department under this section shall only use, sell, disclose, or distribute the abstract or any portion of the abstract one time, for one purpose, and the person shall not supply that abstract or any portion of that abstract to more than one other person. The person shall make a subsequent request for the ~~record or~~ abstract and pay an additional fee for the request in the same manner as provided for the initial request for any subsequent use, sale, disclosure, or distribution of the same certified abstract or any portion of the abstract or to supply the same certified abstract or any portion of the abstract to another person, except as provided in subparagraph (2).

Sec. 35. Section 347.7, subsection 4, paragraph a, if enacted by 2009 Iowa Acts, House File 260, section 5, is amended to read as follows:

a. The tax levy authorized by this section for operation and maintenance of the hospital may be available in whole or in part to any county with or without a county hospital organized under this chapter, to be used to enhance rural health services in the county. However, the tax levied may be expended for enhancement of rural health care services only following a local planning process. The Iowa department of public health shall establish guidelines to be followed by counties in implementing the local planning process which shall require legal notice,

public hearings, and a referendum in accordance with this subsection prior to the authorization of any new

levy or a change in the use of a levy. The notice shall describe the new levy or the change in the use of the levy, indicate the date and location of the hearing, and shall be published ~~as~~ at least once each week for two consecutive weeks in a newspaper having general circulation in the county. The hearing shall not take place prior to two weeks after the second publication.

Sec. 36. Section 423.4, subsection 5, paragraph f, Code 2009, as amended by 2009 Iowa Acts, Senate File 322, section 7, is amended to read as follows:

f. Notwithstanding the state sales tax imposed in section 423.2, a rebate issued pursuant to this ~~section~~ subsection shall not exceed an amount equal to five percent of the sales price of the tangible personal property or services furnished to purchasers at the automobile racetrack facility. Any local option taxes paid and collected shall not be subject to rebate under this subsection.

Sec. 37. Section 533.329, subsection 2, paragraph m, Code 2009, is amended to read as follows:

m. The moneys and credits tax imposed under this section shall be reduced by a redevelopment tax credit allowed under chapter 15, subchapter II, part 9.

Sec. 38. Section 533A.2, subsection 2, paragraph h, if enacted by 2009 Iowa Acts, Senate File 311, section 2, is amended to read as follows:

h. A person licensed under chapter 533C, including that person's authorized delegates as defined in section 533C.102, or a person exempt from licensing under section 533C.103, when engaging in money transmission or currency exchange as defined in ~~chapter~~ section 533C.102.

Sec. 39. Section 535D.4A, subsection 1, if enacted by 2009 Iowa Acts, Senate File 355, section 5, is amended to read as follows:

1. A registered mortgage loan originator when acting for an employer described in section 535D.3, subsection ~~11~~ 12.

Sec. 40. Section 535B.7A, as enacted by 2009 Iowa Acts, Senate File 355, section 30, is amended to read as follows:

535B.7A PROHIBITED ACTS.

It is a violation of this chapter for a licensee to engage in any of the prohibited acts or practices in section ~~535D.16~~ 535D.17.

Sec. 41. Section 598.21, subsection 2, Code 2009, as amended by 2009 Iowa Acts, Senate File 288, section

Page 15

36, is amended to read as follows:

2. DUTIES OF COUNTY RECORDER. The county recorder shall record each quitclaim deed or change of title and shall collect the ~~fees~~ fee specified in section 331.507, subsection 2, paragraph "a", and the ~~fee~~ fees specified in section 331.604.

Sec. 42. Section 633A.5107, subsection 5, if enacted by 2009 Iowa Acts, Senate File 320, section 1, is amended to read as follows:

5. For a charitable trust described in subsection 1, created prior to the effective date of this Act and still in existence, the trustee shall register the trust with and submit a current copy of the trust instrument and financial report to the attorney general not later than one hundred thirty-five days after the close of the trust's next fiscal year following the effective date of this Act. The trustee shall comply with the remainder of this ~~Act~~ section as if the charitable trust were created on or after the effective date of this Act.

Sec. 43. Section 637.421, subsection 6, as enacted by 2009 Iowa Acts, Senate File 365, section 12, is amended to read as follows:

6. A trustee shall determine the internal income of each separate fund for the accounting period as if the separate fund were a trust subject to this chapter. Upon request of the surviving spouse, the trustee shall demand that the person administering the separate fund ~~to~~ distribute such internal income to the trust. The trustee shall allocate a payment from the separate fund to income to the extent of the internal income of the separate fund and distribute that amount to the surviving spouse. The trustee shall allocate the balance to principal. Upon request of the surviving spouse, the trustee shall allocate principal to income to the extent the internal income of the separate fund exceeds payments made from the separate fund to the trust during the accounting period.

Sec. 44. Section 915.86, subsections 8 and 12, Code 2009, are amended to read as follows:

8. In the event of a victim's death, reasonable charges incurred for counseling the victim's spouse, children, parents, siblings, or persons cohabiting with or related by blood or affinity to the victim if the counseling services are provided by a psychologist licensed under chapter 154B, a victim counselor as defined in section 915.20A, subsection 1, or an individual holding at least a master's degree in social work or counseling and guidance, and reasonable

Page 16

charges incurred by such persons for medical care counseling provided by a psychiatrist licensed under chapter ~~147 or 150A~~ 148. The allowable charges under this subsection shall not exceed five thousand dollars per person.

12. Reasonable charges incurred for mental health care for secondary victims which include the services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work, counseling, or a related field, a victim counselor as defined in section 915.20A, or a psychiatrist licensed under chapter ~~147,~~ 148~~, or 150A~~. The allowable charges under this subsection shall not exceed two thousand dollars per secondary victim.

Sec. 45. 2009 Iowa Acts, Senate File 197, section 9, is amended to read as follows:

SEC. 9. APPLICABILITY AND EFFECTIVE DATES. The section of this Act amending section 96.3, subsection 5, applies to any week of unemployment benefits beginning on or after July 5, 2009. The section of this Act amending section 96.4 applies to any new claim of unemployment benefits with an effective date on or after July 5, 2009.

Sec. 46. 2009 Iowa Acts, Senate File 364, section 17, subsection 5, is amended to read as follows:

5. The section of this Act enacting section 654.4B, subsection 1, and the sections of this Act amending sections 626.81, 654.5, and 654.17 apply to judgments entered on or after the effective date of this Act.

Sec. 47. 2009 Iowa Acts, Senate File 445, section 10, amending section 294A.9, subsection 9, if enacted, being deemed of immediate importance, takes effect upon enactment.

Sec. 48. 2009 Iowa Acts, Senate File 446, section 82, is repealed.

Sec. 49. CONTINGENT REPEAL. If 2009 Iowa Acts, Senate File 438, is enacted and amends section 235B.2, subsection 5, paragraph "a", subparagraph (3), 2009 Iowa Acts, Senate File 446, sections 95 and 96, are repealed.

Sec. 50. EFFECTIVE DATES AND RETROACTIVITY. The section of this division of this Act relating to 2009 Iowa Acts, Senate File 445, section 10, and amending section 294A.9, subsection 9, being deemed of immediate importance, takes effect upon enactment.

DIVISION V

JUDICIAL BRANCH FEES — APPROPRIATIONS

Sec. 51. Section 602.8105, subsection 1, paragraph a, Code 2009, is amended to read as follows:

Page 17

a. ~~For~~ Except as otherwise provided in this subsection, for filing and docketing a petition, ~~other than a modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of modification,~~ one hundred eighty-five dollars. In counties having a population of ninety-eight thousand or over, an additional five dollars shall be charged and collected to be known as the journal publication fee and used for the purposes provided for in section 618.13. ~~For multiple adoption petitions filed at the same time by the same petitioner under section 600.3, the filing fee and any court costs for any petition filed in addition to the first petition filed are waived.~~

Sec. 52. Section 602.8105, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. aa. For filing and docketing a petition pursuant to chapter 598 other than a dissolution of marriage petition, one hundred dollars.

Sec. 53. Section 602.8105, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. For filing and docketing an application for modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of modification, ~~fifty~~ one hundred dollars.

Sec. 54. Section 602.8105, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. cc. For filing and docketing a petition for adoption pursuant to chapter 600, one hundred dollars. For multiple adoption petitions filed at the same time by the same petitioner under section 600.3, the filing fee and any court costs for any petition filed in addition to the first petition filed are waived.

Sec. 55. Section 602.8105, subsection 1, paragraph e, Code 2009, is amended to read as follows:

e. For an appeal from a judgment in small claims or for filing and docketing a writ of error, ~~seventy-five~~ one hundred eighty-five dollars.

Sec. 56. Section 602.8105, subsection 2, paragraphs a, b, c, and d, Code 2009, are amended to read as follows:

a. For filing, entering, and endorsing a mechanic's lien, ~~twenty~~ fifty dollars, and if a suit is brought, the fee is taxable as other costs in the action.

Page 18

b. For filing and entering any other statutory lien, ~~twenty~~ fifty dollars.

c. For a certificate and seal, ~~ten~~ twenty dollars. However, there shall be no charge for a certificate and seal to an application to procure a pension, bounty, or back pay for a member of the armed services or other person.

d. For certifying a change in title of real estate, ~~twenty~~ fifty dollars.

Sec. 57. Section 602.8105, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. gg. For filing a lis pendens, fifty dollars.

Sec. 58. Section 602.8106, subsection 1, paragraphs b, d, e, and f, Code 2009, are amended to read as follows:

b. For filing and docketing of a complaint or information for a simple misdemeanor and a complaint or information for a nonscheduled simple misdemeanor under chapter 321, ~~fifty~~ sixty dollars.

d. The court costs in scheduled violation cases where a court appearance is required, ~~fifty~~ sixty dollars.

e. For court costs in scheduled violation cases where a court appearance is not required, ~~fifty~~ sixty dollars.

f. For an appeal of a simple misdemeanor to the district court, ~~fifty~~ seventy-five dollars.

Sec. 59. Section 625.8, subsection 2, Code 2009, is amended to read as follows:

2. The clerk of the district court shall tax as a court cost a fee of ~~fifteen~~ forty dollars per day for the services of a court reporter.

Sec. 60. Section 631.6, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. Fees for filing and docketing shall be ~~fifty~~ eighty-five dollars.

Sec. 61. Section 633.31, subsection 2, paragraph k, unnumbered paragraph 8, Code 2009, is amended to read as follows:

For each additional $25,000.00 or major fraction thereof ..... ~~25.00~~

..... 50.00

Sec. 62. Section 911.1, subsection 1, Code 2009, is amended to read as follows:

1. A criminal penalty surcharge shall be levied against law violators as provided in this section. When a court imposes a fine or forfeiture for a violation of state law, or a city or county ordinance,

Page 19

except an ordinance regulating the parking of motor vehicles, the court or the clerk of the district court shall assess an additional penalty in the form of a criminal penalty surcharge equal to ~~thirty-two~~ thirty-five percent of the fine or forfeiture imposed.

Sec. 63. 2009 Iowa Acts, Senate File 472, section 1, subsection 1, unnumbered paragraph 2, if enacted, is amended to read as follows:

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2009; and maintenance, equipment, and miscellaneous purposes:

..... $ ~~149,184,957~~

..... 160,184,957

As a condition of receiving an increase to the appropriation made in this section, the judicial branch shall allocate the first $5,400,000 of the increased amount as follows: $4,800,000 for the state's required contribution under section 602.9104 to the judicial retirement fund, $350,000 for court debt collection, and $250,000 for judicial officer and court employee travel reimbursement for civil trials.

Sec. 64. JUDICIAL BRANCH. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the operations and duties of the judicial branch, and maintenance, equipment, and miscellaneous purposes:

..... $ 760,000

Sec. 65. DRUG COURT PROGRAMS. In addition to the appropriations in 2009 Iowa Acts, Senate File 475, section 5, if enacted, and any other appropriations, there is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, for maintaining drug court programs in each

Page 20

county in which such a program exists as of April 1, 2009, within a judicial district department of correctional services, to be allocated as follows:

1. For the first judicial district department of correctional services:
..... $ 359,895

2. For the second judicial district department of correctional services:
..... $ 252,799

3. For the third judicial district department of correctional services:
..... $ 220,856

4. For the fourth judicial district department of correctional services:
..... $ 318,752

5. For the fifth judicial district department of correctional services:
..... $ 319,582

6. For the sixth judicial district department of correctional services:
..... $ 369,486

7. For the seventh judicial district department of correctional services:
..... $ 157,173

8. For the eighth judicial district department of correctional services:
..... $ 182,066

It is the intent of the general assembly that each judicial district department of correctional services shall cooperate with and utilize local community-based treatment providers licensed under chapter 125. Each judicial district department of correctional services shall submit a report to the general assembly and to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, and the legislative services agency by December 15, 2009, detailing the utilization of drug court funds allocated in this section.

Sec. 66. ADDITIONAL APPROPRIATION — DEPARTMENT OF PUBLIC SAFETY. In addition to the appropriations in 2009 Iowa Acts, Senate File 475, section 14, if enacted, and any other appropriations, there is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For performing the duties of the department:
..... $ 1,576,987

Sec. 67. VICTIM ASSISTANCE GRANTS. In addition to

Page 21

the appropriation in 2009 Iowa Acts, Senate File 475, section 1, if enacted, and any other appropriations, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For victim assistance grants:

..... $ 1,000,000

Sec. 68. FAMILY LAW MEDIATION. Each judicial district is encouraged to implement a family law mediation program pursuant to section 598.7, to encourage the resolution of domestic relations disputes through facilitation of communication and negotiation between parties in reaching voluntary agreements, rather than prolonged judicial, administrative, arbitral, or other adjudicative processes or proceedings. Each judicial district shall report to the supreme court by January 15, 2010, its decision regarding such implementation.

Sec. 69. EFFECTIVE DATES.

1. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. Notwithstanding subsection 1, the sections of this division of this Act amending 2009 Iowa Acts, Senate File 472, section 1, subsection 1, unnumbered paragraph 2, appropriating moneys to the department of corrections for drug court programs, supplementing appropriations to the department of public safety for duties of the department, and supplementing appropriations to the department of justice for victim assistance grants, take effect July 1, 2009.

DIVISION VI

TRANSPORTATION PROVISIONS

Sec. 70. DEPARTMENT OF TRANSPORTATION.

1. There is appropriated from the primary road fund to the department of transportation for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the purchase of salt:

..... $ 2,271,600

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the designated purpose until the close of the succeeding fiscal year.

Sec. 71. Section 321H.3, subsection 2, Code 2009, as amended by 2009 Acts, Senate File 419, if enacted,

Page 22

is amended to read as follows:

2. Dismantling, scrapping, recycling, or salvaging~~, or obtaining a junking certificate for~~ more than six vehicles subject to registration in a twelve-month period.

Sec. 72. REIMBURSEMENT TO CITY OF MUSCATINE. There is appropriated from the road use tax fund to the department of transportation for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To reimburse the city of Muscatine for costs associated with implementation of section 314.29:

..... $ 1,072

Sec. 73. PAYMENT OF CEDAR FALLS ASSESSMENT. There is appropriated from the road use tax fund to the department of transportation for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For payment pursuant to section 307.45, to the city of Cedar Falls for improvements to west twenty-third street adjoining university of northern Iowa property:

..... $ 317,906

Sec. 74. Section 307.45, unnumbered paragraph 4, Code 2009, is amended by striking the unnumbered paragraph.

Sec. 75. EFFECTIVE DATE. The section of this division of this Act relating to the appropriation from the primary road fund to the department of transportation for the purchase of salt, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII

MISCELLANEOUS APPROPRIATIONS

Sec. 76. RACING AND GAMING COMMISSION. There is appropriated from the general fund of the state to the racing and gaming commission for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. RACETRACK REGULATION

For salaries, support, maintenance, and miscellaneous purposes and for the regulation of pari-mutuel racetracks:

..... $ 277,374

2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

For salaries, support, maintenance, and miscellaneous purposes and for administration and enforcement of the excursion boat gambling and

Page 23

gambling structure laws:
..... $ 321,316

Sec. 77. 2009 Iowa Acts, Senate File 470, section 10, subsection 2, paragraph b, if enacted, is amended to read as follows:

~~b. Center for disabilities and development~~

~~For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:~~

~~..... $ 6,335,993~~

~~..... FTEs 130.37~~

~~From the moneys appropriated in this lettered paragraph, $182,140 shall be allocated for purposes of the employment policy group.~~

Sec. 78. 2009 Iowa Acts, House File 811, section 9, unnumbered paragraph 2, if enacted, is amended to read as follows:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2009, except as otherwise expressly authorized by law, including reimbursement for abortion services which shall be available under the medical assistance program only for those abortions which are medically necessary:

..... $ ~~677,613,847~~

..... 681,949,840

Sec. 79. 2009 Iowa Acts, House File 811, section 9, subsection 12, if enacted, is amended to read as follows:

12. a. Of the funds appropriated in this section, ~~$2,687,889~~ $7,023,882 is allocated for state match for disproportionate share hospital payment of ~~$7,321,954~~ $19,133,430 to hospitals that meet both of the following conditions:

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payment shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state's allotment under Pub. L. No. 102–234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate

Page 24

share limits under Pub. L. No. 103–66.

c. The department shall amend the medical assistance state plan as necessary to implement the provisions of this subsection. If the state plan amendment is not approved as submitted or there are changes in federal policies or application of federal policies that impact the distribution of disproportionate share hospital payments, the department shall immediately notify the governor and the general assembly.

Sec. 80. TUITION GRANTS — APPROPRIATION. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For tuition grants as provided under section 261.25, subsection 1:

..... $ 2,000,000

Sec. 81. 2009 Iowa Acts, Senate File 467, section 1, if enacted, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Of the amount appropriated in this section, $238,000 is transferred to Iowa state university of science and technology, to be used for the university's midwest grape and wine industry institute.

DIVISION VIII

MISCELLANEOUS STATUTORY CHANGES

Sec. 82. COUNTY LAND RECORD INFORMATION SYSTEM — PROJECT MANAGER. If Senate File 465, relating to the duties of county recorders, fees collected by the county recorders, and the county land record information system, is enacted by the Eighty-third General Assembly and signed into law by the governor, the governing board of the county land record information system shall immediately terminate any existing contract with a project manager if such termination prior to the end of the contract term is permitted under the contract. Following such termination the governing board of the county land record information system shall initiate a new request for proposals for a project manager.

Sec. 83. GLENWOOD STATE PRESERVE. Portions of the property of the Glenwood state resource center that are not necessary to the operation of the center and that have been determined to be archaeologically and environmentally significant by the state archaeologist, shall be transferred to the jurisdiction of the department of natural resources.

Page 25

The director of the department of human services shall execute such real estate transfer documents as are necessary to transfer such real property of the Glenwood state resource center, as identified in contract completion report No. 1553 (2007) of the state archaeologist, to the department of natural resources. The state advisory board for preserves shall assess the natural condition, character, and features of the transferred property and make recommendations for the establishment of a state preserve on the property. The department of natural resources may establish agreements with governmental bodies and independent nonprofit agencies to construct recreational and educational facilities on the transferred property, such as, but not limited to, event facilities and interpretive centers.

Sec. 84. DISASTER-IMPACTED EXEMPTION. Notwithstanding the requirement for the filing of a claim for property tax exemption by February 1, and notwithstanding any other provisions to the contrary, a society or organization claiming an exemption under section 427.1, subsection 14, may file for an exemption with the local assessor by May 1, 2009, for property that is located in a county declared a disaster area in calendar year 2008, if the society or organization was unable to file for the exemption as a result of the inability or failure to file for the exemption caused by the need to respond to a natural disaster occurring in calendar year 2008.

Sec. 85. NEW SECTION. 7D.16 ALCOHOLIC BEVERAGES IN STATE CAPITOL OR ON COMPLEX GROUNDS.

Notwithstanding any contrary provision of law prohibiting the use and consumption of alcoholic beverages in a public place, the executive council may authorize, by resolution, the temporary use and consumption of alcoholic beverages, as defined in section 123.3, in the state capitol or on the state capitol complex grounds, as if the state capitol or state capitol complex grounds were a private place. The authorization by resolution shall be limited to the use and consumption of alcoholic beverages as an accompaniment to food at a single award ceremony, social event, or other occasion deemed appropriate by the executive council. The authorization shall require that the person providing the food and alcoholic beverages possess an appropriate liquor control license in accordance with section 123.95. The secretary of the executive council shall inform the secretary of the legislative council and the director of the department of administrative services

Page 26

of the approval of any such resolution.

Sec. 86. Section 15.335, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Notwithstanding any provision to the contrary, the amount of tax credit claimed under this section and the identity of the taxpayer making the claim shall be a public record. The department of revenue shall issue a quarterly report containing the name of each taxpayer claiming the credit, the dollar amount of the claim, and the portion of the claim issued as a refund to the taxpayer, for each claim processed during the previous calendar quarter, beginning with claims filed on or after July 1, 2009.

Sec. 87. Section 15.335, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. For purposes of this section, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.

Sec. 88. Section 15A.9, subsection 8, paragraph e, subparagraph (2), Code 2009, is amended to read as follows:

(2) For purposes of this subsection, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.

Sec. 89. Section 15E.196, subsection 1, paragraph b, Code 2009, is amended by striking the paragraph.

Sec. 90. Section 15E.305, subsection 1, Code 2009, is amended to read as follows:

1. For tax years beginning on or after January 1, 2003, a tax credit shall be allowed against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329 equal to ~~twenty~~ twenty-five percent of a taxpayer's endowment gift to an endow Iowa qualified community foundation. An individual may claim a tax credit under this section of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust. A tax credit shall be allowed only for an endowment gift made to an endow Iowa qualified community foundation for a permanent endowment fund established to benefit a charitable cause in this state. The amount of the endowment gift for which the tax credit is claimed shall not be deductible in determining taxable income for state income tax

Page 27

purposes. Any tax credit in excess of the taxpayer's tax liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever occurs first. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit.

Sec. 91. Section 15E.305, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The aggregate amount of tax credits authorized pursuant to this section shall not exceed a total of ~~two~~ three million dollars plus such additional credit amount as provided by this section annually. The maximum amount of tax credits granted to a taxpayer shall not exceed five percent of the aggregate amount of tax credits authorized.

Sec. 92. Section 26.3, subsection 2, Code 2009, is amended to read as follows:

2. A governmental entity shall have an engineer licensed under chapter 542B, a landscape architect licensed under chapter 544B, or an architect registered under chapter 544A prepare plans and specifications, and calculate the estimated total cost of a proposed public improvement. A governmental entity shall ensure that sufficient paper copies of the plans, specifications, and estimated total costs of the proposed public improvement are available for prospective bidders.

Sec. 93. Section 26.7, subsection 3, Code 2009, is amended to read as follows:

3. On public improvements to be financed wholly or partially by special assessments against benefited property, the governmental entity, in the notice to bidders, may request aggregate bids for all projects included in any resolution of necessity, notwithstanding variations in the sizes of the improvements and notwithstanding that some parts of the improvements are assessable and some nonassessable, and may award the contract to the lowest ~~responsive,~~ responsible bidder submitting the lowest aggregate bid.

Sec. 94. Section 26.9, Code 2009, is amended to read as follows:

26.9 AWARD OF CONTRACT.

The contract for the public improvement must be awarded to the lowest ~~responsive,~~ responsible bidder. The designation of contractors and subcontractors as a responsible bidder is an independent function and involves an analysis separate from the price of the bid. Factors used to determine a responsible bidder shall include, but shall not be limited to financial

Page 28

responsibility, compliance with applicable laws, and ability and experience in the performance of similar contracts. A public entity may use a prequalification questionnaire as a means for predefining acceptable, responsible bidders. However, contracts relating to public utilities or extensions or improvements thereof, as described in sections 384.80 through 384.94, may be awarded by the city as it deems to be in the best interests of the city. This section shall not be construed to prohibit a governmental entity in the award of a contract for a public improvement or a governing body of a city utility from providing, in the award of a contract for a public improvement, an enhancement of payments upon early completion of the public improvement if the availability of the enhancement payments is included in the notice to bidders, the enhancement payments are competitively neutral to potential bidders, the enhancement payments are considered as a separate item in the public hearing on the award of contract, and the total value of the enhancement payments does not exceed ten percent of the value of the contract.

Sec. 95. Section 26.10, subsection 1, Code 2009, is amended to read as follows:

1. The date and time that each bid is received by the governmental entity, together with the name of the person receiving the bid, shall be recorded on the envelope containing the bid. All bids received after the deadlines for submission of bids as stated in the project specifications shall not be considered and shall be returned to the late bidder unopened. The governmental entity shall open, announce the amount of the bids, and file all proposals received, at the time and place specified in the notice to bidders. The governmental entity may, by resolution, award the contract for the public improvement to the bidder submitting the lowest ~~responsive,~~ responsible bid, determined as provided in section 26.9, or the governmental entity may reject all bids received, fix a new date for receiving bids, and order publication of a new notice to bidders. The governmental entity shall retain the bid security furnished by the successful bidder until the approved contract form has been executed, a bond has been filed by the bidder guaranteeing the performance of the contract, and the contract and bond have been approved by the governmental entity. The provisions of chapter 573, where applicable, apply to contracts awarded under this chapter.

Sec. 96. Section 26.14, subsection 3, paragraphs b

Page 29

and c, Code 2009, are amended to read as follows:

b. The governmental entity shall designate the time, place, and manner for filing quotations, which may be received by mail, facsimile, or electronic mail. The governmental entity shall award the contract to the contractor submitting the lowest ~~responsive,~~ responsible quotation subject to section 26.9, or the governmental entity may reject all of the quotations. The unconditional acceptance and approval of the lowest ~~responsive,~~ responsible quotation shall constitute the award of a contract. The governmental entity shall record the approved quotation in its meeting minutes. The contractor awarded the contract shall not commence work until the contractor's performance and payment bond has been approved by the governmental entity. A governmental entity may delegate the authority to award a contract, to execute a contract, to authorize work to proceed under a contract, or to approve the contractor's performance and payment bond to an officer or employee of the governmental entity. A quotation approved outside a meeting of the governing body of a governmental entity shall be included in the minutes of the next regular or special meeting of the governing body.

c. If a public improvement may be performed by an employee of the governmental entity, the amount of estimated sales and fuel tax and the premium cost for the performance and payment bond which a contractor identifies in its quotation shall be deducted from the contractor's price for determining the lowest responsible quotation. If no quotations are received to perform the work, or if the governmental entity's estimated cost to do the work with its employee is less than the lowest ~~responsive,~~ responsible quotation received, the governmental entity may authorize its employee or employees to perform the work.

Sec. 97. Section 35C.1, subsection 1, Code 2009, as amended by 2009 Iowa Acts, Senate File 186, section 1, if enacted, is amended by striking the subsection and inserting in lieu thereof the following:

1. In every public department and upon all public works in the state, and of the counties, cities, and school corporations of the state, veterans who are citizens and residents of the United States are entitled to preference in appointment and employment over other applicants of no greater qualifications. The preference in appointment and employment for employees of cities under a municipal civil service is the same as provided in section 400.10. For purposes of this section, "veteran" means as defined in section

Page 30

35.1 except that the requirement that the person be a resident of this state shall not apply.

Sec. 98. Section 85.61, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Reasonable or probable cause or excuse" means an excuse supported on the basis of facts determined reasonable by the workers' compensation commissioner and does not mean an excuse supported on the basis of facts fairly debatable as a matter of law as recognized in the common law with respect to a bad-faith tort.

Sec. 99. Section 85.71, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. The employer has a place of business in this state and the employee regularly works at or from that place of business, or the employer has a place of business in this state and the employee is domiciled in this state.

Sec. 100. Section 96.40, subsection 2, paragraph i, Code 2009, is amended to read as follows:

i. The duration of the shared work plan will not exceed ~~twenty-six~~ fifty-two weeks. An employing unit is eligible for approval of only one plan during a twenty-four-month period.

Sec. 101. Section 96.40, subsection 8, Code 2009, is amended to read as follows:

8. An individual shall not be entitled to receive shared work benefits and regular unemployment compensation benefits in an aggregate amount which exceeds the maximum total amount of benefits payable to that individual in a benefit year as provided under section 96.3, subsection 5. ~~Notwithstanding any other provisions of this chapter, an individual shall not be eligible to receive shared work benefits for more than twenty-six calendar weeks during the individual's benefit year.~~

Sec. 102. Section 99B.10, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. A prize of merchandise exceeding ~~five~~ fifty dollars in value shall not be awarded for use of the device. However, a mechanical or amusement device may be designed or adapted to award a prize or one or more free games or portions of games without payment of additional consideration by the participant.

Sec. 103. Section 103.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Farm" means land, buildings and structures used for agricultural purposes including but not limited to the storage, handling, and drying of grain and the care, feeding, and housing

Page 31

of livestock.

Sec. 104. Section 103.22, subsection 2, Code 2009, is amended to read as follows:

2. Require employees of municipal utilities, electric membership or cooperative associations, investor-owned utilities, rural water associations or districts, railroads, telecommunications companies, franchised cable television operators, farms, or commercial or industrial companies performing manufacturing, installation, and repair work for such employer to hold licenses while acting within the scope of their employment. An employee of a farm does not include a person who is employed for the primary purpose of installing a new electrical installation.

Sec. 105. Section 103.29, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A county shall not perform electrical inspections on a farm or farm residence.

Sec. 106. Section 103.32, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A state electrical inspection fee shall not be assessed for an event benefiting a nonprofit association representing volunteer service providers. An electrical inspection fee shall not be assessed by a political subdivision for an annual event benefiting a nonprofit association representing volunteer service providers.

Sec. 107. Section 214A.2, subsection 5, Code 2009, is amended to read as follows:

5. Ethanol blended gasoline shall be designated E-xx where "xx" is the volume percent of ethanol in the ethanol blended gasoline and biodiesel fuel shall be designated B-xx where "xx" is the volume percent of biodiesel.

Sec. 108. Section 214A.3, subsection 2, paragraph b, subparagraph (2), Code 2009, is amended to read as follows:

(2) ~~Biodiesel fuel shall be designated according to its classification as provided in section 214A.2.~~ A person shall not knowingly falsely advertise biodiesel ~~blended~~ fuel by using an inaccurate designation ~~in violation of this subparagraph~~ as provided in section 214A.2.

Sec. 109. Section 214A.5, Code 2009, is amended to read as follows:

214A.5 ~~SALES SLIP ON DEMAND~~ DOCUMENTATION.

1. A wholesale dealer or retail dealer shall, when making a sale of motor fuel, give to a purchaser upon demand a sales slip.

2. A wholesale dealer selling ethanol blended

Page 32

gasoline or biodiesel blended fuel to a purchaser shall provide the purchaser with a statement indicating its designation as provided in section 214A.2. The statement may be on the sales slip provided in this section or a similar document, including but not limited to a bill of lading or invoice.

Sec. 110. Section 214A.16, subsection 1, Code 2009, is amended to read as follows:

1. a. If ~~motor fuel containing a renewable fuel~~ ethanol blended gasoline is sold from a motor fuel pump, the motor fuel pump shall have affixed a decal identifying the ~~name of the renewable fuel~~ ethanol blended gasoline. ~~The decal shall be different based on the type of renewable fuel dispensed.~~ If the motor fuel pump dispenses ethanol blended gasoline classified as higher than standard ethanol blended gasoline pursuant to section 214A.2, the decal shall contain the following notice: "FOR FLEXIBLE FUEL VEHICLES ONLY".

b. If biodiesel fuel is sold from a motor fuel pump, the motor fuel pump shall have affixed a decal identifying the biodiesel fuel as provided in 16 C.F.R. pt. 306.

Sec. 111. Section 321.105A, subsection 2, paragraph c, subparagraph (25), unnumbered paragraph 1, Code 2009, is amended to read as follows:

Vehicles subject to registration under this chapter with a gross vehicle weight rating of less than sixteen thousand pounds~~, excluding motorcycles and motorized bicycles,~~ when purchased for lease and titled by the lessor licensed pursuant to chapter 321F and actually leased for a period of twelve months or more if the lease of the vehicle is subject to the fee for new registration under subsection 3.

Sec. 112. Section 321.105A, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. A fee for new registration is imposed in an amount equal to five percent of the leased price for each vehicle subject to registration with a gross vehicle weight rating of less than sixteen thousand pounds~~, excluding motorcycles and motorized bicycles,~~ which is leased by a lessor licensed pursuant to chapter 321F for a period of twelve months or more. The fee for new registration shall be paid by the owner of the vehicle to the county treasurer from whom the registration receipt or certificate of title is obtained. A registration receipt for a vehicle subject to registration or issuance of a certificate of title shall not be issued until the fee for new

Page 33

registration is paid in the initial instance.

Sec. 113. Section 321.105A, subsection 5, paragraph a, Code 2009, is amended by striking the paragraph.

Sec. 114. Section 331.325, subsection 1, Code 2009, is amended to read as follows:

1. As used in this section, "pioneer cemetery" means a cemetery where there have been ~~six~~ twelve or fewer burials in the preceding fifty years.

Sec. 115. Section 400.10, Code 2009, as amended by 2009 Iowa Acts, Senate File 186, section 2, if enacted, is amended by striking the section and inserting in lieu thereof the following:

400.10 PREFERENCES.

In all examinations and appointments under this chapter, other than promotions and appointments of chief of the police department and chief of the fire department, veterans who are citizens and residents of the United States, shall have five percentage points added to the veteran's grade or score attained in qualifying examinations for appointment to positions and five additional percentage points added to the grade or score if the veteran has a service-connected disability or is receiving compensation, disability benefits or pension under laws administered by the veterans administration. An honorably discharged veteran who has been awarded the Purple Heart incurred in action shall be considered to have a service-connected disability. However, the percentage points shall be given only upon passing the exam and shall not be the determining factor in passing. Veteran's preference percentage points shall be applied once to the final scores used to rank applicants for selection for an interview. For purposes of this section, "veteran" means as defined in section 35.1 except that the requirement that the person be a resident of this state shall not apply.

Sec. 116. Section 412.2, subsection 1, Code 2009, is amended to read as follows:

1. From the proceeds of the assessments on the wages and salaries of employees, of any such waterworks system, or other municipally owned and operated public utility, eligible to receive the benefits thereof. Notwithstanding any provisions of section 20.9 to the contrary, a council, board of waterworks, or other board or commission which establishes a pension and annuity retirement system pursuant to this chapter, shall negotiate in good faith with a certified employee organization as defined in section 20.3, which is the collective

Page 34

bargaining representative of the employees, with respect to the amount or rate of the assessment on the wages and salaries of employees and the method or methods for payment of the assessment by the employees.

Sec. 117. Section 412.3, Code 2009, is amended to read as follows:

412.3 RULES.

The council, board of waterworks trustees, or other board or commission, whichever is authorized by law to manage and operate such waterworks, or other municipally owned and operated public utility, may formulate and establish such pension and annuity retirement system, and may make and establish such rules for the operation thereof as may be deemed necessary or appropriate, subject to the provision of section 412.2, subsection 1.

Sec. 118. Section 422.10, subsection 3, unnumbered paragraph 2, Code 2009, is amended to read as follows:

For purposes of this section, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.

Sec. 119. Section 422.10, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Notwithstanding any provision to the contrary, the amount of tax credit claimed under this section and the identity of the taxpayer making the claim shall be a public record. The department shall issue a quarterly report containing the name of each taxpayer claiming the credit, the dollar amount of the claim, and the portion of the claim issued as a refund to the taxpayer, for each claim processed during the previous calendar quarter, beginning with claims filed on or after July 1, 2009.

Sec. 120. Section 422.13, subsection 5, Code 2009, is amended to read as follows:

5. a. Notwithstanding subsections 1 through 4 and sections 422.15 and 422.36, a partnership, a limited liability company whose members are taxed on the company's income under provisions of the Internal Revenue Code, trust, or corporation whose stockholders are taxed on the corporation's income under the provisions of the Internal Revenue Code may, not later than the due date for filing its return for the taxable year, including any extension thereof, elect to file a composite return for the nonresident partners, members, beneficiaries, or shareholders. Nonresident trusts or estates which are partners, members, beneficiaries, or shareholders in partnerships, limited liability companies, trusts, or

Page 35

S corporations may also be included on a composite return. The director may require that a composite return be filed under the conditions deemed appropriate by the director. A partnership, limited liability company, trust, or corporation filing a composite return is liable for tax required to be shown due on the return.

b. Notwithstanding subsection 1 through 4 and sections 422.15 and 422.36, if the director determines that it is necessary for the efficient administration of this chapter, the director may require that a composite return be filed for nonresidents other than nonresident partners, members, beneficiaries or shareholders in partnerships, limited liability companies, trusts, or S corporations.

c. All powers of the director and requirements of the director apply to returns filed under this subsection including, but not limited to, the provisions of this division and division VI of this chapter.

Sec. 121. Section 422.33, subsection 5, paragraph d, unnumbered paragraph 2, Code 2009, is amended to read as follows:

For purposes of this subsection, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.

Sec. 122. Section 422.33, subsection 5, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. Notwithstanding any provision to the contrary, the amount of tax credit claimed under this subsection and the identity of the taxpayer making the claim shall be a public record. The department shall issue a quarterly report containing the name of each taxpayer claiming the credit, the dollar amount of the claim, and the portion of the claim issued as a refund to the taxpayer, for each claim processed during the previous calendar quarter, beginning with claims filed on or after July 1, 2009.

Sec. 123. Section 422.33, subsection 9, Code 2009, is amended by striking the subsection.

Sec. 124. Section 422.88, subsections 2 and 3, Code 2009, are amended to read as follows:

2. The amount of the underpayment shall be the excess of the amount of the installment which would be required to be paid if the estimated tax was equal to ~~ninety~~ one hundred percent of the tax shown on the return of the taxpayer for the taxable year over the amount of installments paid on or before the date prescribed for payment.

3. If the taxpayer did not file a return during

Page 36

the taxable year, the amount of the underpayment shall be equal to ~~ninety~~ one hundred percent of the taxpayer's tax liability for the taxable year over the amount of installments paid on or before the date prescribed for payment.

Sec. 125. Section 423.3, subsection 39, Code 2009, is amended to read as follows:

39. The sales price from "casual sales".

a. "Casual sales" means:

~~a.~~ (1) Sales of tangible personal property, or the furnishing of services, of a nonrecurring nature, by the owner, if the seller, at the time of the sale, is not engaged for profit in the business of selling tangible personal property or services taxed under section 423.2.

~~b.~~ (2) The sale of all or substantially all of the tangible personal property or services held or used by a seller in the course of the seller's trade or business for which the seller is required to hold a sales tax permit when the seller sells or otherwise transfers the trade or business to another person who shall engage in a similar trade or business.

~~c.~~ (3) Notwithstanding ~~paragraph "a"~~ subparagra ph (1), the sale, furnishing, or performance of a service that is of a recurring nature by the owner if, at the time of the sale, all of the following apply:

~~(1)~~ (a) The seller is not engaged for profit in the business of the selling, furnishing, or performance of services taxed under section 423.2. For purposes of this subparagraph, the fact of the recurring nature of selling, furnishing, or performance of services does not constitute by itself engaging for profit in the business of selling, furnishing, or performance of services.

~~(2)~~ (b) The owner of the business is the only person performing the service.

~~(3)~~ (c) The owner of the business is a full-time student.

~~(4)~~ (d) The total gross receipts from the sales, furnishing, or performance of services during the calendar year does not exceed five thousand dollars.

b. The exemption under this subsection does not apply to vehicles subject to registration, all-terrain vehicles, snowmobiles, off-road motorcycles, off-road utility vehicles, aircraft, or commercial or pleasure watercraft or water vessels.

Sec. 126. Section 423A.5, subsection 1, paragraph c, Code 2009, is amended by striking the paragraph.

Sec. 127. Section 423A.5, subsection 2, paragraph c, Code 2009, is amended by striking the paragraph.

Page 37

Sec. 128. Section 452A.12, subsection 2, Code 2009, is amended to read as follows:

2. A person while transporting motor fuel or undyed special fuel from a refinery or marine or pipeline terminal in this state or from a point outside this state over the highways of this state in service other than that under subsection 1 shall carry in the vehicle a loading invoice showing the name and address of the seller or consignor, the date and place of loading, and the kind and quantity of motor fuel or special fuel loaded, together with invoices showing the kind and quantity of each delivery and the name and address of each purchaser or consignee. An invoice carried pursuant to this subsection for ethanol blended gasoline or biodiesel blended fuel shall state its designation as provided in section 214A.2.

Sec. 129. Section 452A.74A, subsections 1, 2, and 5, Code 2009, are amended to read as follows:

1. ILLEGAL USE OF DYED FUEL. The illegal use of dyed fuel in the supply tank of a motor vehicle shall result in a civil penalty assessed against the owner or operator of the motor vehicle as follows:

a. A ~~two~~ five hundred dollar ~~fine~~ penalty for the first violation.

b. A ~~five hundred~~ one thousand dollar ~~fine~~ penalty for a second violation within three years of the first violation.

c. A ~~one~~ two thousand dollar ~~fine~~ penalty for third and subsequent violations within three years of the first violation.

2. ILLEGAL IMPORTATION OF UNTAXED FUEL. A person who imports motor fuel or undyed special fuel without a valid importer's license or supplier's license shall be assessed a civil penalty as provided in this subsection. However, the owner or operator of the importing vehicle shall not be guilty of violating this subsection if it is shown by the owner or operator that the owner or operator reasonably did not know or reasonably should not have known of the illegal importation.

a. For a first violation, the importing vehicle shall be detained and a ~~fine~~ penalty of ~~two~~ four thousand dollars shall be paid before the vehicle will be released. The owner or operator of the importing vehicle or the owner of the fuel may be held liable for payment of the ~~fine~~ penalty.

b. For a second violation, the importing vehicle shall be detained and a ~~fine~~ penalty of ~~five~~ ten thousand dollars shall be paid before the vehicle will

Page 38

be released. The owner or operator of the importing vehicle or the owner of the fuel may be held liable to pay the ~~fine~~ penalty.

c. For third and subsequent violations, the importing vehicle and the fuel shall be seized and a ~~fine~~ penalty of ~~ten~~ twenty thousand dollars shall be paid before the vehicle will be released. The owner or operator of the importing vehicle or the owner of the fuel may be held liable to pay the ~~fine~~ penalty.

d. If the owner or operator of the importing vehicle or the owner of the fuel fails to pay the tax and ~~fine~~ penalty for a first or second offense, the importing vehicle and the fuel may be seized. The department of revenue, the state department of transportation, or any peace officer, at the request of either department, may seize the vehicle and the fuel.

e. If the operator or owner of the importing vehicle or the owner of the fuel ~~move~~ moves the vehicle or the fuel after the vehicle has been detained and a sticker has been placed on the vehicle stating that "This vehicle cannot be moved until the tax, penalty, and interest have been paid to the Department of Revenue", an additional penalty of ~~five~~ ten thousand dollars shall be assessed against the operator or owner of the importing vehicle or the owner of the fuel.

f. For purposes of this subsection, "vehicle" means as defined in section 321.1.

5. PREVENTION OF INSPECTION. The department of revenue or the state department of transportation may conduct inspections for coloration, markers, and shipping papers at any place where taxable fuel is or may be loaded into transport vehicles, produced, or stored. Any attempts by a person to prevent, stop, or delay an inspection of fuel or shipping papers by authorized personnel shall be subject to a civil penalty of not more than ~~one~~ two thousand dollars per occurrence. Any law enforcement officer or department of revenue or state department of transportation employee may physically inspect, examine, or otherwise search any tank, reservoir, or other container that can or may be used for the production, storage, or transportation of any type of fuel.

Sec. 130. Section 466A.4, subsection 1, Code 2009, is amended to read as follows:

1. Public water supply utilities, counties, county conservation boards, and cities may also be eligible and apply for and receive local watershed improvement grants for water quality improvement projects. An

Page 39

applicant shall coordinate with a local watershed improvement committee or a soil and water conservation district and shall include in the application a description of existing projects and any potential impact the proposed project may have on existing or planned water quality improvement projects.

Sec. 131. Section 476C.3, subsection 1, paragraph e, Code 2009, is amended to read as follows:

e. ~~A~~ Except when electricity is used for on-site consumption, a copy of the power purchase agreement or other agreement to purchase electricity, hydrogen fuel, methane or other biogas, or heat for a commercial purpose which shall designate either the producer or purchaser of renewable energy as eligible to apply for the renewable energy tax credit.

Sec. 132. Section 523I.102, subsection 39, Code 2009, is amended to read as follows:

39. "Pioneer cemetery" means a cemetery where there were ~~six~~ twelve or fewer burials in the preceding fifty years.

Sec. 133. Section 523I.316, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7. ADVERSE POSSESSION. A cemetery or a pioneer cemetery is exempt from seizure, appropriation, or acquisition of title under any claim of adverse possession, unless it is shown that all remains in the cemetery or pioneer cemetery have been disinterred and removed to another location.

Sec. 134. Section 602.6404, subsection 3, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

3. A magistrate shall be an attorney licensed to practice law in this state. However, a magistrate not admitted to the practice of law in this state and who is holding office on April 1, 2009, shall be eligible to be reappointed as a magistrate in the same county for a term commencing August 1, 2009, and subsequent successive terms.

Sec. 135. 2009 Iowa Acts, Senate File 415, section 1, if enacted, is amended by striking the section and inserting in lieu thereof the following:

SECTION 1. PROPERTY RIGHTS DEFENSE ACCOUNT.

1. A city may establish a property rights defense account within the city's general fund. If a property rights defense account is established under this section, moneys which remain unclaimed under section 2, subsection 11, paragraph "d", of this Act, may be deposited in the account. Interest or earnings on moneys in the property rights defense account shall be credited to the account. Moneys in the property

Page 40

rights defense account are not subject to transfer, appropriation, or reversion to any other account or fund, or any other use except as provided in this section.

2. Moneys in the account shall be used for the reimbursement of reasonable attorney fees and reasonable costs incurred by a property owner as the result of proceedings initiated under this Act, chapters 6A and 6B, and section 657A.10A.

3. Property owners shall apply to the city council on a form prescribed by the city council. If sufficient funds exist in the account, the city council shall reimburse each property owner who applies for all reasonable attorney fees and reasonable costs incurred. If insufficient funds exist in the account to reimburse a property owner for all reasonable attorney fees and reasonable costs incurred, the city council shall reimburse the property owner for the fees and costs in an amount equal to the remaining balance in account.

Sec. 136. 2007 Iowa Acts, chapter 186, section 29, is amended to read as follows:

SEC. 29. REFUND OF PROPERTY TAXES. Notwithstanding the deadline for filing a claim for property tax exemption for property described in section 427.1, subsection 8 or 9, and notwithstanding any other provision to the contrary, the board of supervisors of a county having a population based upon the latest federal decennial census of more than eighty-eight thousand but not more than ninety-five thousand shall refund the property taxes paid, with all interest, penalties, fees, and costs which were due and payable in the fiscal year beginning July 1, 2002, and in the fiscal year beginning July 1, ~~2005~~ 2006, on the land and buildings of an institution that purchased property and that did not receive a property tax exemption for the property due to the inability or failure to file for the exemption. To receive the refund provided for in this section, the institution shall apply to the county board of supervisors by October 1, ~~2007~~ 2009, and provide appropriate information establishing that the land and buildings for which the refund is sought were used by the institution for its appropriate objectives during the fiscal year beginning July 1, 2002, and during the fiscal year beginning July 1, ~~2005~~ 2006. The refund allowed under this section only applies to property taxes, with all interest, penalties, fees, and costs, due and payable in the fiscal year beginning July 1, 2002, and in the fiscal year beginning July 1, ~~2005~~

Page 41

2006.

Sec. 137. 2007 Iowa Acts, chapter 186, section 30, is amended to read as follows:

SEC. 30. IMMEDIATE EFFECTIVE DATE. ~~The section~~ Section 29 of this division of this Act, ~~amending section 427.3,~~ being deemed of immediate importance, takes effect upon enactment and applies retroactively to property taxes due and payable in the fiscal year beginning July 1, 2002, and in the fiscal year beginning July 1, ~~2005~~ 2006.

Sec. 138. Section 422.11E, Code 2009, is repealed.

Sec. 139. Sections 422.120 through 422.122, Code 2009, are repealed.

Sec. 140. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

1. The section of this division of this Act concerning the county land record information system, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act amending 2009 Iowa Acts, Senate File 415, being deemed of immediate importance, takes effect upon enactment.

3. The section of this division of this Act repealing sections 422.120 through 422.122, being deemed of immediate importance, takes effect upon enactment and applies retroactively to November 1, 2008, for refund claims filed on or after that date.

4. The section of this division of this Act relating to property tax exemption filings for disaster-impacted property, being deemed of immediate importance, takes effect upon enactment.

5. The section of this division of this Act amending section 15E.305, takes effect January 1, 2010, and applies to the tax years beginning on or after that date.

6. The section of this division of this Act amending section 422.88, subsections 2 and 3, applies retroactively to January 1, 2009, for tax years beginning on or after that date.

7. The sections of this division of this Act amending 2007 Iowa Acts, chapter 186, sections 29 and 30, being deemed of immediate importance, take effect upon enactment.

8. The sections of this division of this Act amending section 15.335, subsection 4, paragraph "b", section 15A.9, subsection 8, paragraph "e", subparagraph (2), section 422.10, subsection 3, unnumbered paragraph 2, section 422.33, subsection 5, paragraph "d", unnumbered paragraph 2, being deemed of immediate importance, take effect upon enactment and

Page 42

apply retroactively to January 1, 2008, for tax years beginning on or after that date.

DIVISION IX
EDUCATION

Sec. 141. REGENTS — APPROPRIATIONS. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, miscellaneous purposes:

..... $ 398,980

2. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For salaries, support, maintenance, miscellaneous purposes:

..... $ 624,582

Sec. 142. DEPARTMENT OF EDUCATION — APPROPRIATION. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as may be necessary, to be used for general administration:

..... $ 167,096

Sec. 143. EDUCATIONAL EXCELLENCE PROGRAM-RELATED APPROPRIATIONS. There is appropriated from the general fund of the state to the indicated departments and agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To the department of human services for distribution to its licensed classroom teachers at institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department of human services:

..... $ 115,500

2. To the state board of regents:

a. For distribution to licensed classroom teachers at the Iowa braille and sight saving school and the Iowa school for the deaf based upon the average yearly enrollment at each school as determined by the state board of regents:

..... $ 94,600

b. For the Iowa braille and sight saving school:

..... $ 68,000

c. For the state school for the deaf:

Page 43

..... $ 102,000

3. To the department of education:

a. For distribution to the tribal council of the Sac and Fox Indian settlement located on land held in trust by the secretary of the interior of the United States. Moneys allocated under this lettered paragraph shall be used for the purposes specified in section 256.30:

..... $ 100,000

b. For the kindergarten to grade twelve management information system:

..... $ 230,000

Sec. 144. INTERPRETERS FOR THE DEAF. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For allocation for deaf interpreters for arrangements made between the state school for the deaf and Iowa western community college due to the high numbers of articulation agreements between the state school for the deaf and the community college:

..... $ 200,000

Sec. 145. CENTER FOR INDEPENDENT LIVING. There is appropriated from the general fund of the state to the department of education, vocational rehabilitation services division, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For costs associated with centers for independent living:

..... $ 50,000

Sec. 146. 2006 Iowa Acts, chapter 1182, section 1, unnumbered paragraph 2, as amended by 2007 Iowa Acts, chapter 108, section 59, is amended to read as follows:

For purposes, as provided in law, of the student achievement and teacher quality program established pursuant to chapter 284:

FY 2006–2007 ..... $ 104,343,894

FY 2007–2008 ..... $ 173,943,894

FY 2008–2009 ..... $ ~~248,943,894~~

..... 249,502,894

Sec. 147. Section 273.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 23. By October 1 of each year, submit to the department of education the following information:

Page 44

a. The contracted salary including bonus wages and benefits, annuity payments, or any other benefit for the administrators of the area education agency.

b. The contracted salary and benefits and any other expenses related to support for governmental affairs efforts, including expenditures for lobbyists and lobbying activities for the area education agency.

Sec. 148. DES MOINES UNIVERSITY — OSTEOPATHIC MEDICAL CENTER. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the college student aid commission shall pay a fee to Des Moines university — osteopathic medical center for the administration of the initiative in primary health care to direct primary care physicians to shortage areas in the state. A portion of the fee paid shall be based upon the number of physicians recruited in accordance with section 261.19, subsection 4. However, the fee amount paid shall not exceed $41,862 for the fiscal year. Such amount shall be subject to any budgetary reductions ordered by the governor or enacted by the general assembly.

Sec. 149. Section 261.85, Code 2009, is repealed.

Sec. 150. EFFECTIVE DATE. The section of this division of this Act amending 2006 Iowa Acts, chapter 1182, being deemed of immediate importance, takes effect upon enactment.

DIVISION X

JUDICIAL BRANCH — COMMISSION ELECTIONS

Sec. 151. Section 46.5, unnumbered paragraph 5, Code 2009, is amended to read as follows:

When a vacancy in an office of an elective judicial nominating commissioner occurs, the ~~clerk of the supreme court~~ state court administrator shall cause to be mailed to each member of the bar whose name appears on the certified list prepared pursuant to section 46.8 for the district or districts affected, a notice stating the existence of the vacancy, the requirements for eligibility, and the manner in which the vacancy will be filled. Other items may be included in the same mailing if they are on sheets separate from the notice. The election of a district judicial nominating commissioner or the close of nominations for a state judicial nominating commissioner shall not occur until thirty days after the mailing of the notice.

Sec. 152. Section 46.7, Code 2009, is amended to read as follows:

46.7 ELIGIBILITY TO VOTE.

To be eligible to vote in elections of judicial nominating commissioners, a member of the bar must be

Page 45

eligible to practice and must be a resident of the state of Iowa and of the appropriate congressional district or judicial election district as shown by the member's most recent filing with the supreme court for the purposes of showing compliance with the court's continuing legal education requirements, or for members of the bar eligible to practice who are not required to file such compliance, any paper on file by July 1 with the ~~clerk of the supreme court~~ state court administrator, for the purpose of establishing eligibility to vote under this section, which the court determines to show the requisite residency requirements. A judge who has been admitted to the bar of the state of Iowa shall be considered a member of the bar.

Sec. 153. Section 46.8, Code 2009, is amended to read as follows:

46.8 CERTIFIED LIST.

~~On July 15 of each~~ Each year the ~~clerk of the supreme court~~ state court administrator shall certify a list of the names, addresses, and years of admission of members of the bar who are eligible to vote for state and district judicial nominating commissioners. ~~The clerk of the supreme court shall provide a copy of the list of the members for a county to the clerk of the district court for that county.~~

Sec. 154. Section 46.9, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

46.9 CONDUCT OF ELECTIONS.

When an election of judicial nominating commissioners is to be held, the state court administrator shall administer the voting. The state court administrator may administer the voting by electronic notification and voting or by paper ballot mailed to each eligible attorney. The state court administrator shall mail paper ballots to eligible attorneys or electronically notify and enable eligible attorneys to vote. The elector receiving the most votes shall be elected. When more than one commissioner is to be elected, the electors receiving the most votes shall be elected, in the same number as the offices to be filled.

Sec. 155. Section 46.9A, Code 2009, is amended to read as follows:

46.9A NOTICE PRECEDING NOMINATION OF ELECTIVE NOMINATING COMMISSIONERS.

At least sixty days prior to the expiration of the term of an elective state or district judicial nominating commissioner, the ~~clerk of the supreme~~

Page 46

~~court~~ state court administrator shall ~~cause to be mailed to each member of the bar whose name appears on the certified list prepared pursuant to section 46.8 for the district or districts affected, a notice stating the date the term of office will expire, the requirements for eligibility to the office for the succeeding term, and the procedure for filing nominating petitions, including the last date for filing~~ mail paper ballots to eligible attorneys or electronically notify and enable eligible attorneys to vote. An eligible attorney is a member of the bar whose name appears on the certified list prepared pursuant to section 46.8 for the district or districts affected. ~~Other items may be included in the same mailing if they are on sheets separate from the notice.~~

Sec. 156. Section 46.10, Code 2009, is amended to read as follows:

46.10 NOMINATION OF ELECTIVE NOMINATING COMMISSIONERS.

In order to have an eligible elector's name printed on the ballot for state or district judicial nominating commissioner, the eligible elector must file in the office of the ~~clerk of the supreme court~~ state court administrator at least thirty days prior to expiration of the period within which the election must be held a nominating petition signed by at least fifty resident members of the bar of the congressional district in case of a candidate for state judicial nominating commissioner, or at least ten resident members of the bar of the judicial district in case of a candidate for district judicial nominating commissioner. No member of the bar may sign more nominating petitions for state or district judicial nominating commissioner than there are such commissioners to be elected.

Ballots or electronic voting forms for state and district judicial nominating commissioners shall contain blank lines equal to the number of such commissioners to be elected, where names may be written in.

Sec. 157. Section 46.11, Code 2009, is amended to read as follows:

46.11 CERTIFICATION OF COMMISSIONERS.

The governor and the ~~clerk of the supreme court~~ state court administrator respectively shall promptly certify the names and addresses of appointive and elective judicial nominating commissioners to the state commissioner of elections and the chairperson of the respective nominating commissions.

Page 47

Sec. 158. Section 602.6501, subsections 2 and 3, Code 2009, are amended to read as follows:

2. The ~~clerk of the district court~~ state court administrator shall maintain a permanent record of the name, address, and term of office of each commissioner.

3. A member of a magistrate appointing commission shall be reimbursed for actual and necessary expenses reasonably incurred in the performance of official duties. Reimbursements are payable by the county in which the member serves, upon certification of the expenses to the county auditor by the ~~clerk of the district court~~ chairperson of the commission. The district judges of each judicial district may prescribe rules for the administration of this subsection.

Sec. 159. Section 602.6503, subsection 3, Code 2009, is amended to read as follows:

3. The county auditor shall certify to the ~~clerk of the district court~~ state court administrator the name, address, and expiration date of term for all appointees of the board of supervisors.

Sec. 160. Section 602.6504, subsections 4 and 5, Code 2009, are amended to read as follows:

4. In order to be placed on the ballot for county magistrate appointing commission, an eligible attorney elector shall file a nomination petition in the office of the ~~clerk of court on or before November 30 of the year in which the election for attorney positions is to occur~~ state court administrator at least thirty days prior to the expiration of the period within which the election must be held. This subsection does not preclude write-in votes at the time of the election.

5. When an election of magistrate appointing commissioners is to be held, the ~~clerk of the district court for each county shall cause to be mailed to each eligible attorney a ballot that is in substantially the following form:~~ state court administrator shall administer the election. The state court administrator may administer the election by electronic notification and voting or by paper ballot mailed to each eligible attorney. The state court administrator shall mail paper ballots to eligible attorneys or electronically notify and enable eligible attorneys to vote on or before December 15.

~~BALLOT~~

~~County Magistrate Appointing Commission~~

~~To be cast by the resident members of the bar of ..... county.~~

Page 48

~~Vote for (state number) for ..... county judicial magistrate appointing commissioner(s) for term commencing .....~~

~~.....~~

~~.....~~

~~To be counted, this ballot must be completed and mailed or delivered to clerk of the district court, ..., no later than December 31, ... (year) (or the appropriate date in case of an election to fill a vacancy).~~

Sec. 161. EFFECTIVE DATE. This division of this Act takes effect February 10, 2010.

DIVISION XI

JUDICIAL OFFICER VACANCIES

Sec. 162. 2009 Iowa Acts, House File 414, section 54, is amended to read as follows:

SEC. 54. JUDICIAL APPOINTMENT — DELAY.

1. Notwithstanding section 46.12, the chief justice may order the state commissioner of elections to delay, for up to one hundred eighty days for budgetary reasons, the sending of a notification to the proper judicial nominating commission that a vacancy in the supreme court, court of appeals, or district court has occurred or will occur.

2. Notwithstanding sections 602.6304, 602.7103B, and 633.20B, the chief justice may order any county magistrate appointing commission to delay, for up to one hundred eighty days for budgetary reasons, the certification of nominees to the chief judge of the judicial district for a district associate judgeship, associate juvenile judgeship, or associate probate judgeship.

3. Notwithstanding section 602.6403, subsection 3, the chief justice may order any county magistrate appointing commission to delay, for up to one hundred eighty days for budgetary reasons, the appointment of a magistrate to serve the remainder of an unexpired term.

4. ~~The section~~ Subsection 3, relating to magistrate vacancies, is applicable for the period beginning on the effective date of this section and ending June 30, 2009. Subsections 1 and 2 are applicable for the period beginning on the effective date of this section and ending on June 30, 2010.

Sec. 163. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. The section of this division of this Act amending 2009 Iowa Acts, House File 414, section 54, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to March 16, 2009.

Page 49

DIVISION XII
CARE OF ANIMALS IN COMMERCIAL
ESTABLISHMENTS — APPROPRIATION

Sec. 164. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of an inspector for the enforcement of chapter 162, including salaries, support, maintenance, miscellaneous purposes and for not more than the following full-time equivalent position:

..... $ 100,000
..... FTEs 1.00

Sec. 165. Section 162.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. "Department" means the department of agriculture and land stewardship.

Sec. 166. Section 162.6, Code 2009, is amended to read as follows:

162.6 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE.

A person shall not operate a commercial kennel or public auction unless the person has obtained a license to operate a commercial kennel or a public auction issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The license and the certificate expire one year from date of issue unless revoked. The license fee is forty dollars per year and the certification fee is ~~twenty~~ one hundred dollars annually. If the person has obtained a federal license, the person need only obtain a certificate. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary. A person regulated under section 99D.22 is exempt from paying the certification fee.

Sec. 167. Section 162.7, Code 2009, is amended to read as follows:

162.7 DEALER LICENSE.

A person shall not operate as a dealer unless the person has obtained a license issued by the secretary

Page 50

or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The license and certificate expire one year from date of issue unless revoked. The license fee is one hundred dollars per year and the certification fee is ~~twenty~~ one hundred dollars per year. The license may be renewed upon application and payment of the fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the fee in the manner provided by the secretary. A person regulated under section 99D.22 is exempt from paying the certification fee.

Sec. 168. Section 162.8, Code 2009, is amended to read as follows:

162.8 COMMERCIAL BREEDER'S LICENSE.

A person shall not operate as a commercial breeder unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The annual license or the certification period expires one year from date of issue. The license fee is forty dollars per year and the certificate fee is ~~twenty~~ one hundred dollars per year. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary. A person regulated under section 99D.22 is exempt from paying the certification fee.

Sec. 169. Section 162.11, subsection 2, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

2. The department shall regulate a person who applies for or has been issued a certificate of registration as a dealer, commercial breeder, commercial kennel, or public auction.

DIVISION XIII

DISASTER ASSISTANCE

Sec. 170. 2009 Iowa Acts, House File 64, section 1, subsection 2, paragraph b, is amended to read as follows:

b. Forgivable loans awarded after the effective

Page 51

date of this division of this Act shall be awarded pursuant to the following priorities:

(1) First priority shall be given to eligible residents who have not received any moneys under the jumpstart housing assistance program ~~prior to the effective date of this division of this Act~~.

(2) Second priority shall be given to eligible residents who have received less than twenty-four thousand nine hundred ninety-nine dollars under the jumpstart housing assistance program ~~prior to the effective date of this division of this Act~~.

(3) Third priority shall be given to eligible residents who have received twenty-four thousand nine hundred ninety-nine dollars under the jumpstart housing assistance program ~~prior to the effective date of this division of this Act~~ and who continue to have unmet needs for down payment assistance, emergency housing repair or rehabilitation, interim mortgage assistance, or energy efficiency assistance. An eligible resident shall not receive more than an additional twenty-four thousand nine hundred ninety-nine dollars under this subparagraph.

Sec. 171. 2009 Iowa Acts, House File 64, section 4, subsection 1, is amended to read as follows:

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For providing individual disaster grants for unmet needs pursuant to the requirements in this section:

..... $ ~~10,000,000~~

..... 6,600,000

Sec. 172. 2009 Iowa Acts, House File 64, section 4, subsection 6, is amended to read as follows:

6. An area long-term disaster committee shall be reimbursed for ~~administrative expenses incurred in an amount not to exceed three percent of the grant moneys awarded for the area pursuant to an intergovernmental agreement to be established between the department of human services and the agency of record responsible for the long-term disaster committee in each area~~ unreimbursed grants made to persons for eligible expenses authorized in subsection 5, not to exceed two thousand five hundred dollars per household, made by a committee since September 1, 2008. The department of human services shall not be reimbursed for using moneys appropriated in this section for administrative costs associated with administering the Iowa unmet

Page 52

needs disaster grant program.

Sec. 173. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION — APPROPRIATION.

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the department of public defense for the homeland security and emergency management division for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to political subdivisions and private nonprofit organizations pursuant to this section:

..... $ 2,400,000

2. The homeland security and emergency management division of the department of public defense shall distribute moneys appropriated under subsection 1 to political subdivisions and private nonprofit organizations based on donated resources amounts reported by the recipient to the division and the federal emergency management agency under the public assistance disaster relief program. The division shall make distributions equal in amount to forty percent of the donated resources amounts reported.

3. Notwithstanding section 8.33 and section 8.55, subsection 3, paragraph "a", moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 174. REBUILD IOWA OFFICE — APPROPRIATION.

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the rebuild Iowa office for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to community recovery centers pursuant to this section:

..... $ 1,000,000

2. The rebuild Iowa office shall distribute the moneys appropriated under this section in the form of grants to area long-term recovery committees with a signed memorandum of understanding with the department of human services.

3. Notwithstanding section 8.33 and section 8.55, subsection 3, paragraph "a", moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but

Page 53

shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 175. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIV

HEALTH AND HUMAN SERVICES

Sec. 176. MEDICAID ENTERPRISE STUDY. By July 1, 2009, the department of human services shall explore procuring services incorporating data mining, predictive modeling, and data analytics which may include automated claims review to address provider overpayments, underpayments, and fraud within the Iowa Medicaid enterprise for the fiscal period beginning July 1, 2006, and ending June 30, 2009. The review shall be completed by June 30, 2009, and shall use only Iowa specific models, patterns, or trend data. The department shall issue a request for proposals to competitively procure such services not later than July 1, 2009, and shall complete the request for proposals process by August 31, 2009.

Sec. 177. Section 135H.3, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a child is diagnosed with a biologically based mental illness as defined in section 514C.22 and meets the medical assistance program criteria for admission to a psychiatric medical institution for children, the child shall be deemed to meet the acuity criteria for inpatient benefits under a group policy, contract, or plan providing for third-party payment or prepayment of health, medical, and surgical coverage benefits issued by a carrier, as defined in section 513B.2, or by an organized delivery system authorized under 1993 Iowa Acts, chapter 158, that is subject to section 514C.22. Such benefits shall not be excluded or denied as care that is substantially custodial in nature under section 514C.22, subsection 8, paragraph "b".

Sec. 178. NEW SECTION. 514C.24 CANCER TREATMENT — COVERAGE.

1. Notwithstanding the uniformity of treatment requirements of section 514C.6, a contract, policy, or plan providing for third-party payment or prepayment for cancer treatment shall not discriminate between coverage benefits for prescribed, orally-administered anticancer medication used to kill or slow the growth of cancerous cells and intravenously administered or injected cancer medications that are covered, regardless of formulation or benefit category

Page 54

determination by the contract, policy, or plan.

2. The provisions of this section shall apply to all of the following classes of third-party payment provider contracts, policies, or plans delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2009:

a. Individual or group accident and sickness insurance providing coverage on an expense-incurred basis.

b. An individual or group hospital or medical service contract issued pursuant to chapter 509, 514, or 514A.

c. An individual or group health maintenance organization contract regulated under chapter 514B.

d. An individual or group Medicare supplemental policy, unless coverage pursuant to such policy is preempted by federal law.

e. A plan established pursuant to chapter 509A for public employees.

3. This section shall not apply to accident-only, specified disease, short-term hospital or medical, hospital confinement indemnity, credit, dental, vision, long-term care, basic hospital, and medical-surgical expense coverage as defined by the commissioner, disability income insurance coverage, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.

4. The commissioner of insurance shall adopt rules pursuant to chapter 17A as necessary to administer this section.

Sec. 179. 2008 Iowa Acts, chapter 1187, section 29, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose designated until the close of the fiscal year beginning July 1, 2010.

Sec. 180. EFFECTIVE DATE.

1. The section of this division of this Act relating to a Medicaid enterprise study, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act amending 2008 Iowa Acts, chapter 1187, section 29, being deemed of immediate importance, takes effect upon enactment.

DIVISION XV

ECONOMIC DEVELOPMENT — WORKFORCE DEVELOPMENT

Page 55

Sec. 181. DISASTER ASSISTANCE LOAN AND CREDIT GUARANTEE PROGRAM.

1. The department of economic development shall establish and administer a disaster assistance loan and credit guarantee program by investing the assets of the disaster assistance loan and credit guarantee fund in order to provide loan and credit guarantees to all of the following qualifying businesses:

a. Businesses directly impacted by a natural disaster occurring after May 24, 2008, and before August 14, 2008.

b. Businesses either locating an existing business or starting a new business in a disaster-impacted space in an area which was declared a natural disaster area by the president of the United States due to a natural disaster occurring after May 24, 2008, and before August 14, 2008. For purposes of this paragraph, "disaster-impacted space" means a building damaged by a natural disaster occurring after May 24, 2008, and before August 14, 2008, including undamaged upper floors of a building that was damaged by the natural disaster.

c. Businesses filling a critical community need in conformance with the comprehensive plan of the city as determined by resolution of the city council of the city in which the business is located. For purposes of this paragraph, a business shall be deemed to be located in a city if it is located within two miles of the city limits.

2. a. The department, pursuant to agreements with financial institutions, shall provide loan and credit guarantees to qualifying businesses described in subsection 1. A loan or credit guarantee under the program shall not exceed ten percent of the loan amount or twenty-five thousand dollars, whichever is less. Not more than one loan or credit guarantee shall be awarded per federal employer identification number.

b. A loan or credit guarantee provided under the program may stand alone or may be used in conjunction with or to enhance other loan or credit guarantees offered by a financial institution. The department may purchase insurance to cover defaulted loans meeting the requirements of the program. However, the department shall not in any manner directly or indirectly pledge the credit of the state.

c. Eligible project costs include expenditures for productive equipment and machinery, land and real estate, working capital for operations, research and development, marketing, engineering and architectural

Page 56

fees, and such other costs as the department may so designate.

d. A loan or credit guarantee under the program shall not be used for purposes of debt refinancing.

3. Each participating financial institution shall identify and underwrite potential lending opportunities with qualifying businesses. Upon a determination by a participating financial institution that a qualifying business meets the underwriting standards of the financial institution, subject to the approval of a loan or credit guarantee, the financial institution shall submit the underwriting information and a loan or credit guarantee application to the department.

4. Upon approval of a loan or credit guarantee, the department shall enter into a loan or credit guarantee agreement with the participating financial institution. The agreement shall specify all of the following:

a. The fee to be charged to the financial institution.

b. The evidence of debt assurance of, and security for, the loan or credit guarantee.

c. A loan or credit guarantee that does not exceed fifteen years.

d. Any other terms and conditions considered necessary or desirable by the department.

e. That the loan or credit guarantee does not invoke or pledge the credit or the taxing power of the state and that any claim made pursuant to the loan or credit guarantee shall be limited to the terms and amount of the loan or credit guarantee and to the moneys in the disaster assistance loan and credit guarantee fund.

5. The department shall charge a nonrefundable application fee for each application under the program. The department shall include the fee information in the application materials. The fee is payable upon submission of an application for a loan or credit guarantee from a financial institution or a qualifying business. The application fee shall be not less than five hundred dollars and not more than one thousand dollars. Moneys received from fees are appropriated to the department for purposes of administering this section.

6. The department may adopt loan and credit guarantee application procedures that allow a qualifying business to apply directly to the department for a preliminary guarantee commitment. A preliminary guarantee commitment may be issued by the

Page 57

department subject to the qualifying business securing a commitment for financing from a financial institution. The application procedures shall specify the process by which a financial institution may obtain a final loan or credit guarantee.

7. a. A disaster assistance loan and credit guarantee fund is created and established as a separate and distinct fund in the state treasury. Moneys in the fund shall only be used for purposes provided in this section. The moneys in the fund are appropriated to the department to be used for all of the following purposes:

(1) Payment of claims pursuant to loan and credit guarantee agreements entered into under this section.

(2) Payment of administrative costs of the department for actual and necessary administrative expenses incurred by the department in administering the disaster assistance loan and credit guarantee program.

(3) Purchase or buyout of superior or prior liens, mortgages, or security interests.

(4) Purchase of insurance to cover the default of loans made pursuant to the requirements of the disaster assistance loan and credit guarantee program.

b. Moneys in the disaster assistance loan and credit guarantee fund shall consist of all of the following:

(1) Moneys appropriated by the general assembly for that purpose and any other moneys available to and obtained or accepted by the department for placement in the fund.

(2) Proceeds from collateral assigned to the department, fees for guarantees, gifts, and moneys from any grant made to the fund by any federal agency.

c. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on the moneys in the fund shall be credited to the fund.

d. (1) The department shall only pledge moneys in the disaster assistance loan and credit guarantee fund and not any other moneys under the control of the department. In a fiscal year, the department may pledge an amount not to exceed the total amount appropriated to the fund for the same fiscal year to assure the repayment of loan and credit guarantees or other extensions of credit made to or on behalf of qualified businesses for eligible project costs.

(2) The department shall not pledge the credit or taxing power of this state or any political subdivision of this state or make debts payable out of

Page 58

any moneys except for those in the disaster assistance loan and credit guarantee fund.

8. For purposes of this section, "financial institution" means a bank incorporated pursuant to chapter 524 or a credit union organized pursuant to chapter 533.

9. For the fiscal year beginning July 1, 2008, and ending June 30, 2009, the Iowa power fund board may allocate up to $1.8 million for purposes of the disaster assistance loan and credit guarantee fund.

Sec. 182. JOB TRAINING INTERIM STUDY COMMITTEE.

1. The legislative council shall establish a job training interim study committee to examine job training issues during the 2009 legislative interim period.

2. The study committee shall examine and make recommendations concerning job training needs in Iowa. The study committee shall focus on job training mechanisms that provide services to underserved populations in Iowa. Underserved populations include people making less than twenty thousand dollars per year, minorities, women, persons with disabilities, the elderly, and people convicted of felonies trying to re-enter society after release from prison.

3. The legislative council shall consider providing funding for the hiring of a private consultant to identify duplicative programs that contribute to the fragmentation of job training efforts. The study committee shall make recommendations for the removal of any such duplicative programs.

4. The committee shall submit a report to the general assembly.

Sec. 183. Section 15.421, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The directors of the department of economic development and the department of workforce development, or their designees, shall serve as nonvoting, ex officio members.

Sec. 184. Section 15.421, subsection 4, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

4. a. The chairperson and vice chairperson of the commission shall be selected by the governor and shall serve at the pleasure of the governor.

b. An executive council of the commission shall consist of the chairperson and vice chairperson, and three members elected by the commission on an annual basis. The executive council shall meet on a monthly basis.

Page 59

Sec. 185. Section 15.421, subsection 5, paragraphs b and c, Code 2009, are amended to read as follows:

b. Advise and assist ~~the department~~ state agencies in activities designed to retain and attract the young adult population.

c. Develop and make available best practices guidelines for employers to retain and attract ~~and retain~~ young adult employees.

Sec. 186. Section 15.421, subsection 5, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Conduct meetings on at least a bimonthly basis.

Sec. 187. NEW SECTION. 15E.70 FINANCIAL STATEMENTS — AUDITOR OF STATE.

By July 1 of each year, the Iowa fund of funds, the Iowa capital investment corporation, and designated investors shall submit a financial statement for the previous calendar year to the auditor of state.

Sec. 188. 2008 Iowa Acts, chapter 1178, section 18, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 189. 2009 Iowa Acts, Senate File 469, section 15, subsection 2, unnumbered paragraph 2, if enacted, is amended to read as follows:

The division of workers' compensation shall ~~continue charging~~ charge a ~~$65~~ $100 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances. The moneys generated by the filing fee allowed under this subsection are appropriated to the department of workforce development to be used for purposes of administering the division of workers' compensation.

Sec. 190. EFFECTIVE DATE.

1. The section of this division of this Act amending 2008 Iowa Acts, chapter 1178, section 18, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act creating the disaster assistance loan and credit guarantee program, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVI

Page 60

CONTRACTOR REGISTRATION

Sec. 191. Section 91C.4, Code 2009, is amended to read as follows:

91C.4 FEES

The labor commissioner shall prescribe the fee for registration, which fee shall not exceed ~~twenty-five~~ fifty dollars every ~~two years~~ year. ~~All fees collected shall be deposited in the general fund of the state.~~

Sec. 192. Section 91C.7, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. An out-of-state contractor may file a blanket bond in an amount at least equal to fifty thousand dollars for ~~the registration~~ a two-year period ~~established under section 91C.4~~ in lieu of filing an individual bond for each contract. The division of labor services of the department of workforce development may increase the bond amount after a hearing.

Sec. 193. NEW SECTION. 91C.9 REGISTRATION FUND.

1. A contractor registration revolving fund is created in the state treasury. The revolving fund shall be administered by the commissioner and shall consist of moneys collected by the commissioner as fees. The commissioner shall remit all fees collected pursuant to this chapter to the revolving fund. The moneys in the revolving fund are appropriated to and shall be used by the commissioner to pay the actual costs and expenses necessary to perform the duties of the commissioner and the division of labor as described in this chapter. All salaries and expenses properly chargeable to the revolving fund shall be paid from the revolving fund.

2. Section 8.33 does not apply to any moneys in the revolving fund. Notwithstanding section 12C.7, subsection 2, earnings or interest on moneys deposited in the fund shall be credited to the revolving fund.

Sec. 194. EMERGENCY RULES. The commissioner may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act amending chapter 91C, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 195. REGISTRATION FUND — CASH FLOW. Notwithstanding contrary provisions of section 89.8, and of section 91C.9 as enacted in this Act, for the fiscal year beginning July 1, 2009, and ending June

Page 61

30, 2010, the commissioner may allocate, for cash flow purposes, up to one hundred thousand dollars from moneys in the boiler and pressure vessel safety revolving fund created in section 89.8, to the contractor registration revolving fund created in section 91C.9 as enacted in this Act, provided that such moneys are returned to the boiler and pressure vessel safety revolving fund by June 30, 2010.

DIVISION XVII

CHILD CARE REGULATORY FEE

Sec. 196. NEW SECTION. 237A.4A CHILD CARE REGULATORY FEE — CHILD CARE FACILITY FUND.

1. a. The department shall implement a regulatory fee for licensure of child care facilities. The fee requirements shall provide for tiered amounts based upon a child care facility's capacity and a child development home's regulatory category at the time of licensure.

b. The regulatory fee for centers shall not exceed one hundred fifty dollars.

c. The regulatory fee for category "A" and "B" child development homes shall not exceed one hundred fifty dollars and the fee for category "C" child development homes shall not exceed one hundred eighty-seven dollars.

d. The department shall adopt rules for implementation of the fee.

2. Regulatory fees collected shall augment existing funding for regulation of child care facilities in order to phase in annual inspections of child development homes and improve inspections of child care centers. The department shall not supplant existing funding for regulation of child care with funding derived from the regulatory fee. The department shall seek to meet the following target percentages of the total number of child development homes in the state inspected annually in phasing in the annual inspection of all child development homes:

a. For the fiscal year beginning July 1, 2009, twenty percent.

b. For the fiscal year beginning July 1, 2010, forty percent.

c. For the fiscal year beginning July 1, 2011, sixty percent.

d. For the fiscal year beginning July 1, 2012, eighty percent.

e. For the fiscal year beginning July 1, 2013, and succeeding fiscal years, one hundred percent.

3. a. In phasing in the inspection of child development homes, the department shall give priority

Page 62

to child development homes that have recently become licensed and have paid the regulatory fee implemented pursuant to this section.

b. The results of an inspection of a child care facility shall be made publicly available on the internet page or site implemented by the department in accordance with section 237A.25 and through other means.

4. The target time frame for the department's issuance of the report concerning an inspection or other regulatory visit to a child care facility is sixty calendar days.

5. A child care facility fund is created in the state treasury under the authority of the department. The fund is separate from the general fund of the state. Regulatory fees collected under subsection 1 shall be credited to the fund. Moneys credited to the fund shall not revert to any other fund and are not subject to transfer except as specifically provided by law. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Moneys in the fund are annually appropriated to the department to be used for staffing dedicated to monitoring and regulation of child care facilities, contracting, related technology costs, record checks, grants and fee waivers, and other expenses for inspection and regulation of child care facilities. Any full-time equivalent positions paid for out of the fund shall be in addition to other such positions authorized for the department.

Sec. 197. Section 237A.5, subsection 2, paragraphs b and c, Code 2009, are amended to read as follows:

b. If an individual person subject to a record check is being considered for employment by a child care facility or child care home provider, in lieu of requesting a record check in this state to be conducted by the department under paragraph "c", the child care facility or child care home may access the single contact repository established pursuant to section 135C.33 as necessary to conduct a criminal and child abuse record check of the individual in this state. A copy of the results of the record check conducted through the single contact repository shall also be provided to the department. If the record check indicates the individual is a person subject to an evaluation, the child care facility or child care home may request that the department perform an evaluation as provided in this subsection. Otherwise, the individual shall not be employed by the child care facility or child care home.

Page 63

c. Unless a record check has already been conducted in accordance with paragraph "b", the department shall conduct a criminal and child abuse record check in this state for a person who is subject to a record check and may conduct such a check in other states. In addition, the department may conduct a dependent adult abuse, sex offender registry, or other public or civil offense record check in this state or in other states for a person who is subject to a record check.

cc. (1) For a person subject to a record check, in addition to any other record check conducted pursuant to this subsection, the person's fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States department of justice, federal bureau of investigation for a national criminal history check. The national criminal history check shall be repeated every four years.

(2) Except as otherwise provided by law, the cost of a national criminal history check conducted in accordance with subparagraph (1) and the state record checks conducted in accordance with paragraph "c" that are conducted in connection with a person's involvement with a child care center are not the responsibility of the department. The department is responsible for the cost of such checks conducted in connection with a person's involvement with a child development home or child care home.

(3) If record checks under paragraph "b" or "c" have been conducted on a person subject to a record check and the results do not warrant prohibition of the person's involvement with child care or otherwise present protective concerns, the person may be involved with child care on a provisional basis until the record check under subparagraph (1) has been completed.

(4) For the period beginning July 1, 2009, and ending June 30, 2013:

(a) The requirement in subparagraph (1) shall only apply to owners and employees of licensed child care centers and licensed child development homes and is applicable beginning on and after January 1, 2010, at the time of initial application for or renewal of a center's or home's license and the cost provisions of subparagraph (2) are applicable to owners and employees of centers beginning at the same time.

(b) Except for child development home providers who voluntarily license and are addressed by subparagraph division (a), and child development home

Page 64

providers participating in the child care quality rating system at a level under which national records checks are required in accordance with departmental rule, the national record check requirement in subparagraph (1) is not applicable in connection with a child development home or child care home throughout the period.

(c) This subparagraph (4) is repealed on July 1, 2013.

ccc. (1) If a record check performed pursuant to this ~~paragraph~~ subsection identifies an individual as a person subject to an evaluation, an evaluation shall be performed to determine whether prohibition of the person's involvement with child care is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

(2) Prior to performing an evaluation, the department shall notify the affected person, licensee, registrant, or child care home applying for or receiving public funding for providing child care, that an evaluation will be conducted to determine whether prohibition of the person's involvement with child care is warranted.

Sec. 198. IMPLEMENTATION.

1. The department of human services shall adopt administrative rules to begin implementation of the regulatory fee authorized to be imposed by this division of this Act on or after January 1, 2010.

2. It is the intent of the general assembly to enact required licensure of child development homes commencing on July 1, 2013, and for the licensure requirement to provide exemptions for child care provided by a relative to only related children, a person providing before or after school child care without charge to only children of friends or neighbors, or a person providing child care to only children from a single unrelated family. Beginning on the effective date of this division of this Act, the department of human services shall begin transition activities for such implementation of child development home licensure. The transition activities may include all of the following:

a. Implementation of an ongoing public awareness campaign to inform child care providers and consumers of child care services of the intended licensure requirement.

b. Implementation of a voluntary child development home licensing program on or after July 1, 2010. The department shall adopt rules for the voluntary program. The rules may include but are not limited to

Page 65

provisions to limit the number of voluntary licensure applications accepted as necessary to limit related expenditures within the funding available. The rules shall address all qualification levels of providers who apply for licensure under the voluntary program. However, a prelicensure inspection shall not be required for initial licensure of a child development home provider who meets all of the following requirements:

(1) The provider's registration is in good standing at the time of application for a license.

(2) The provider has a rating of 3, 4, or 5 under the child care quality rating system implemented pursuant to section 237A.30 as of the application date. The provider must either maintain or achieve a higher rating, throughout the period of voluntary licensure.

(3) The provider has passed a registration compliance check by the department or achieved a rating specified in subparagraph (2) within the two-year period preceding the application date.

c. Any cost savings realized by the department during the transition period due to licensed child care centers or their employees assuming responsibility for the cost of required record checks in place of the department shall be transferred to the child care facility fund created by this division of this Act.

d. The department, in collaboration with representatives of the community empowerment initiative, the state child care advisory council, the early childhood Iowa council, child care providers active with the Iowa affiliate of the American federation of state, county, and municipal employees, and others involved with early care, shall develop a plan for creating sustainable funding sources to support home-based child care providers in meeting the intended child development home licensing requirement. The plan shall be submitted to the governor and general assembly on or before December 15, 2010.

DIVISION XVIII

CITY FRANCHISE FEES AND CITY UTILITIES

Sec. 199. Section 364.2, subsection 4, paragraph f, Code 2009, is amended to read as follows:

f. A franchise fee assessed by a city may be based upon a percentage of gross revenues generated from sales of the franchisee within the city not to exceed five percent, without regard to the city's cost of inspecting, supervising, and otherwise regulating the franchise. Franchise fees collected pursuant to an

Page 66

ordinance in effect on the effective date of this division of this Act shall be deposited in the city's general fund and such fees collected in excess of the amounts necessary to inspect, supervise, and otherwise regulate the franchise may be used by the city for any other purpose authorized by law. Franchise fees collected pursuant to an ordinance that is adopted or amended on or after the effective date of this division of this Act to increase the percentage rate at which franchise fees are assessed shall be credited to the franchise fee account within the city's general fund and used pursuant to section 384.3A. If a city franchise fee is assessed to customers of a franchise, the fee shall not be assessed to the city as a customer. Before a city adopts or amends a franchise fee rate ordinance or franchise ordinance to increase the percentage rate at which franchise fees are assessed, a revenue purpose statement shall be prepared specifying the purpose or purposes for which the revenue collected from the increased rate will be expended. If property tax relief is listed as a purpose, the revenue purpose statement shall also include information regarding the amount of the property tax relief to be provided with revenue collected from the increased rate. The revenue purpose statement shall be published as provided in section 362.3.

Sec. 200. Section 364.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A city which operates a utility that furnishes gas or electricity shall manage the right-of-way on a competitively neutral and nondiscriminatory basis. Such city utility shall be required to pay the fees and charges computed in the same manner as those fees and charges which are imposed by the city upon any other provider of a similar service within the corporate boundaries of the city. Such city utility shall also comply with the terms of the franchise granted by the city to the provider of a similar service. This subsection shall not be construed to prohibit the city utility from making transfers of surplus as otherwise allowed or from making in-kind contributions as otherwise allowed. However, a city shall not require that transfers from the city utility be in excess of the franchise fee amount imposed upon the provider of a similar service unless otherwise agreed.

Sec. 201. NEW SECTION. 384.3A FRANCHISE FEE ACCOUNT — USE OF FRANCHISE FEE REVENUES.

1. A city that assesses a franchise fee pursuant

Page 67

to an ordinance that is adopted or amended on or after the effective date of this division of this Act to increase the percentage rate at which franchise fees are assessed under section 364.2, subsection 4, paragraph "f", shall establish a franchise fee account within the city's general fund. All revenues collected by a city pursuant to such an ordinance shall be deposited in the account. Interest earned on revenues deposited in the account shall remain in the account and be used for the purposes specified in this section. Moneys in the account are not subject to transfer to any other accounts in the city's general fund or to any other funds established by a city unless such transfer is for a purpose specified in this section.

2. Moneys in the account shall be used for the purposes of inspecting, supervising, and otherwise regulating each franchise approved by the city.

3. Moneys in the account in excess of the amount necessary for the purposes specified in subsection 2 shall be expended for any of the following:

a. Property tax relief.

b. The repair, remediation, restoration, cleanup, replacement, and improvement of existing public improvements and other publicly owned property, buildings, and facilities.

c. Projects designed to prevent or mitigate future disasters as defined in section 29C.2.

d. Energy conservation measures for low-income homeowners, low-income energy assistance programs, and weatherization programs.

e. Public safety, including the equipping of fire, police, emergency services, sanitation, street, and civil defense departments.

f. The establishment, construction, reconstruction, repair, equipping, remodeling, and extension of public works, public utilities, and public transportation systems.

g. The construction, reconstruction, or repair of streets, highways, bridges, sidewalks, pedestrian underpasses and overpasses, street lighting fixtures, and public grounds, and the acquisition of real estate needed for such purposes.

h. Property tax abatements, building permit fee abatements, and abatement of other fees for property damaged by a disaster as defined in section 29C.2.

i. Economic development activities and projects.

Sec. 202. CERTAIN FRANCHISE FEES DECLARED LEGAL. To the extent that any amount of franchise fees assessed by and paid to a city prior to the effective

Page 68

date of this division of this Act, pursuant to a franchise agreement between a city and any person to erect, maintain, and operate plants and systems for electric light and power, heating, telegraph, district telegraph and alarm, motor bus, trolley bus, street railway or other public transit, waterworks, or gasworks, exceeds the city's reasonable costs of inspecting, supervising, and otherwise regulating the franchise, such amount is deemed and declared to be authorized and legally assessed by and paid to the city.

Sec. 203. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment."

2. Title page, line 6, by inserting after the word "matters" the following: "and including effective date and retroactive and other applicability provisions".

ROBERT E. DVORSKY

S–3329

Amend the amendment, S–3328, to Senate File 478, as follows:

1. Page 33, by inserting after line 9 the following:

"Sec. ___. Section 331.907, subsection 2, Code 2009, is amended to read as follows:

2. At the public hearing held on the county budget as provided in section 331.434, the county compensation board shall submit its recommended compensation schedule for the next fiscal year to the board of supervisors for inclusion in the county budget. The board of supervisors shall review the recommended compensation schedule for the elected county officers and determine the final compensation schedule which shall not exceed the compensation schedule recommended by the county compensation board. In determining the final compensation schedule if the board of supervisors wishes to reduce the amount of the recommended compensation schedule, the amount of salary increase proposed for each elected county officer, except as provided in subsection 2A, shall be reduced an equal percentage. A copy of the final compensation schedule shall be filed with the county budget at the office of the director of the department of management. The final compensation schedule takes effect on July 1 following its adoption by the board of supervisors.

Sec. ___. Section 331.907, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. The board of supervisors may adopt a decrease in compensation paid to supervisors irrespective of the county compensation board's recommended compensation schedule or other approved changes in compensation paid to other elected county officers. A decrease in compensation paid to supervisors shall be adopted by the board of supervisors no less than thirty days before the county budget is certified under section 24.17."

2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S–3330

Amend the amendment, S–3328, to Senate File 478, as follows:

1. Page 33, by inserting after line 4 the following:

"Sec. ___. Section 321I.10, subsection 2, Code 2009, is amended to read as follows:

2. A registered all-terrain vehicle may be operated on the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period. The county board of supervisors shall evaluate the traffic conditions on all county highways and designate roadways on which all-terrain vehicles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. ~~Signs warning of the operation of all-terrain vehicles on the roadway shall be placed and maintained on the portions of highway thus designated during the period specified for the operation.~~"

MERLIN BARTZ

S–3331

Amend the amendment, S–3328, Senate File 478, as follows:

1. Page 65, by inserting after line 40 the following:

"DIVISION ___

HUNTING

Sec. ___. Section 481A.21, Code 2009, is amended to read as follows:

481A.21 BIRDS AS TARGETS.

A person shall not keep or use any live pigeon or

other bird as a target, to be shot at for amusement or as a test of skill in marksmanship, or shoot at a bird kept or used for such purpose, or be a party to such shooting, or lease any building, room, field, or premises, or knowingly permit the use thereof, for the purpose of such shooting. This section does not prevent any person from shooting at live pigeons, sparrows, and starlings when used in the training of hunting dogs. This section does not prevent any person from shooting at a bird that is released a minimum of fifty yards from that person on a licensed hunting preserve.

Sec. ___. Section 483A.1, subsection 1, paragraphs b and d, Code 2009, are amended to read as follows:

b. Fishing license, lifetime, ~~sixty five~~ sixty-seven years or older ..... $ 50.50

d. Hunting license, lifetime, ~~sixty five~~ sixty-seven years or older ..... $ 50.50

Sec. ___. Section 483A.1, subsection 2, Code 2009, is amended to read as follows:

2. Nonresidents:

a. Fishing license, annual..... $ ~~39.00~~
..... 49.50

b. Fishing license, seven-day..... $ ~~30.00~~
..... 35.50

c. Hunting license, eighteen years of age or older..... $ ~~80.00~~
..... 110.00

d. Hunting license, under eighteen years of age..... $ 30.00

e. Deer hunting license, antlered or any sex deer ..... $ ~~220.00~~
..... 295.00

f. Deer hunting license, antlerless deer only, required with the purchase of an antlered or any sex deer hunting license ..... $ ~~100.00~~
..... 125.00

g. Deer hunting license, antlerless deer only ..... $ ~~150.00~~
..... 225.00

Page 2

h. Holiday deer hunting license issued under section 483A.8, subsection 6, antlerless deer only..... $ 75.00

~~h.~~ i. Wild turkey hunting license ..... $ ~~100.00~~
..... 125.00

~~i.~~ j. Fur harvester license..... $ ~~200.000~~
..... 275.00

~~j.~~ k. Fur dealer license ..... $ 501.00

~~k.~~ l. Location permit for fur dealers..... $ 56.00

~~l.~~ m. Aquaculture unit license ..... $ 56.00
~~m.~~ n. Retail bait dealer license or the amount for the same type of license in the nonresident's state, whichever is greater ..... $ 125.00
~~n.~~ o. Trout fishing fee ..... $ 13.00
..... 17.50
~~o.~~ p. Game breeder license ..... $ 26.00
~~p.~~ q. Taxidermy license ..... $ 26.00
~~q.~~ r. Falconry license ..... $ 26.00
~~r.~~ s. Wildlife habitat fee ..... $ 11.00
~~s.~~ t. Migratory game bird fee ..... $ ~~8.00~~
..... 11.50
~~t.~~ u. Fishing license, three-day ..... $ 15.50
..... 21.00
~~u.~~ v. Wholesale bait dealer license or the amount for the same type of license in the nonresident's state, whichever is greater ..... $ 250.00
~~v.~~ w. Fishing license, one-day ..... $ ~~8.50~~
..... 10.00

Sec. ___. Section 483A.8, subsection 6, Code 2009, is amended to read as follows:

6. The commission shall provide by rule for the annual issuance to a nonresident of a nonresident antlerless deer hunting license that is valid for use only during the period beginning on December 24 and ending at sunset on January 2 of the following year, and costs ~~fifty~~ seventy-five dollars. A nonresident hunting deer with a license issued under this subsection shall be otherwise qualified to hunt deer in this state and shall have a nonresident hunting license, pay the wildlife habitat fee, and pay the one dollar fee for the purpose of deer herd population management as provided in subsection 3. Pursuant to this subsection, the commission shall make available for issuance only the remaining nonresident antlerless deer hunting licenses allocated under subsection 3 that have not yet been issued for the current year's nonresident antlerless deer hunting seasons.

Sec. ___. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes

effect upon enactment."

2. By renumbering as necessary.

DICK L. DEARDEN

S–3332

Amend the amendment, S–3328, to Senate File 478 as

follows:

1. Page 39, by striking lines 7 through 15 and inserting the following:

"Sec. __. NEW SECTION. 476B.6A ALTERNATIVE TAX CREDIT QUALIFICATION — PILOT PROJECT.

Notwithstanding any other provision of this chapter to the contrary, the board shall establish a pilot project which will allow for a wind energy production tax credit of one and one-half cents multiplied by the number of kilowatt-hours of qualified electricity sold or used for on-site consumption by up to two qualified facilities selected for participation in the project. To be eligible for the project, a qualified facility shall meet all eligibility requirements otherwise applicable pursuant to this chapter, and in addition shall be located in a county in this state with a population of between forty-four thousand one hundred fifty and forty-four thousand five hundred based on the 2006 census, and with a combined nameplate generating capacity of at least one megawatt per applicant. For purposes of the pilot project, the two megawatt minimum requirement for qualification pursuant to section 476B.1, subsection 4, paragraph "d", shall not be applicable. The board shall reduce the remaining credits available under this chapter by a dollar amount equal to the amount of credits awarded pursuant to the project."

2. By renumbering as necessary.

ROBERT M. HOGG

S–3333

Amend the amendment, S–3328, to Senate File 478 as follows:

1. Page 26, by inserting after line 1 the following:

"Sec. __. NEW SECTION. 8A.440 LIMITATION ON EMPLOYEE BENEFITS.

Notwithstanding any provision of law to the contrary, a state dental, health, or medical group insurance plan provided to employees of the state shall only allow an eligible state employee to enroll a spouse or eligible dependent of that employee under that insurance plan."

2. By renumbering as necessary.

DAVID HARTSUCH
PAUL McKINLEY
JERRY BEHN
RON WIECK
MERLIN BARTZ

S–3334

Amend the amendment, S–3328, to Senate File 478, as follows:

1. By striking page 67, line 48, through page 68, line 11.

2. By renumbering as necessary.

KEITH A. KREIMAN

S–3335

Amend the amendment, S–3328, to Senate File 478 as follows:

1. Page 44, by inserting after line 7 the following:

"Sec. ___. Section 301.1, subsection 3, Code 2009, is amended to read as follows:

3. As used in subsection 2, "textbooks" means ~~books~~ any of the following:

a. Books and loose-leaf or bound manuals, systems of reusable instructional materials or combinations of books and supplementary instructional materials which convey information to the student or otherwise contribute to the learning process~~, or electronic~~.

b. Electronic textbooks, including but not limited to computer software, applications using computer-assisted instruction, interactive videodisc, and other computer courseware and magnetic media.

c. Instructional technology applicable within a classroom setting."

2. By renumbering as necessary.

DAVID JOHNSON

S–3336

Amend the amendment, S–3328, to Senate File 478, as follows:

1. Page 31, by inserting after line 27 the following:

"Sec. ___. Section 142D.2, subsections 1 and 17, Code 2009, are amended to read as follows:

1. "Bar" means an establishment where one may purchase alcoholic beverages, as defined in section 123.3, for consumption on the premises and in which ~~the serving of food is only incidental to the consumption of those~~ sixty percent or more of the gross revenue of the establishment is derived from the sales of such beverages.

17. "Restaurant" means an eating ~~establishments~~ establishment, including a private and public school

~~cafeterias~~ cafeteria, which ~~offer~~ offers food to the public, guests, or employees, including the kitchen and catering facilities in which food is prepared on the premises for serving elsewhere, and including ~~a bar~~ an area within a restaurant where one may purchase alcoholic beverages, as defined in section 123.3, for consumption on the premises.

Sec. ___. Section 142D.3, subsection 2, paragraph b, Code 2009, is amended by striking the paragraph.

Sec. ___. Section 142D.4, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 12. A bar to which only individuals twenty-one years of age and older are invited and allowed entrance."

2. By renumbering as necessary.

BRAD ZAUN
STEVE KETTERING
PAUL McKINLEY
SHAWN HAMERLINCK
JAMES F. HAHN

S–3337

Amend the amendment, S–3328, to Senate File 478 as follows:

1. Page 31, by inserting after line 27 the following:

"Sec. ___. Section 142D.4, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Unenclosed outdoor seating or serving areas of bars, including such areas that are partially enclosed by a roof structure."

2. By renumbering as necessary.

BRAD ZAUN
STEVE KETTERING
PAUL McKINLEY
JAMES F. HAHN
SHAWN HAMERLINCK

S–3338

Amend the amendment, S–3328, to Senate File 478, as follows:

1. Page 65, by inserting after line 40 the following:

"DIVISION ___
INTERNAL REVENUE CODE COUPLING

Sec. ___. Section 422.3, subsection 5, Code 2009, is amended to read as follows:

5. "Internal Revenue Code" means the Internal

Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, ~~2008~~ 2009.

Sec. __. Section 422.5, subsection 1, paragraph k, subparagraph (1), Code 2009, is amended to read as follows:

(1) Add items of tax preference included in federal alternative minimum taxable income under section 57, except subsections (a)(1), (a)(2), and (a)(5), of the Internal Revenue Code, make the adjustments included in federal alternative minimum taxable income under section 56, except subsections (a)(4), (b)(1)(C)(iii), and (d), of the Internal Revenue Code, and add losses as required by section 58 of the Internal Revenue Code. To the extent that any preference or adjustment is determined by an individual's federal adjusted gross income, the individual's federal adjusted gross income is computed in accordance with section 422.7, ~~subsection~~ subsections 39 and 39A. In the case of an estate or trust, the items of tax preference, adjustments, and losses shall be apportioned between the estate or trust and the beneficiaries in accordance with rules prescribed by the director.

Sec. __. Section 422.7, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 39A. The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110–185, section 103, does not apply in computing net income for state tax purposes. If a taxpayer has taken a deduction for additional first-year depreciation in computing federal adjusted gross income, the following adjustments to federal adjusted gross income shall be made:

a. Add the total amount of depreciation taken on all property for which the election under section 168(k) of the Internal Revenue Code was made for the tax year.

b. Subtract an amount equal to depreciation allowed on such property for the tax year using the modified accelerated cost recovery system depreciation method applicable under section 168 of the Internal Revenue Code without regard to section 168(k).

c. Any other adjustments to gains or losses to reflect the adjustments made in paragraphs "a" and "b", according to rules adopted by the director.

Sec. ___. Section 422.7, subsection 53, Code 2009, is amended by striking the subsection.

Sec. ___. Section 422.9, subsection 2, paragraphs h and i, Code 2009, are amended to read as follows:

h. For purposes of calculating the deductions in this subsection that are authorized under the Internal Revenue Code, and to the extent that any of such deductions is determined by an individual's federal adjusted gross income, the individual's federal adjusted gross income is computed in accordance with section 422.7, ~~subsection~~ subsections 39 and 39A.

i. The deduction for state sales and use taxes is allowable only if the taxpayer elected to deduct the state sales and use taxes in lieu of state income taxes under section 164 of the Internal Revenue Code. A deduction for state sales and use taxes is not allowed if the taxpayer has taken the deduction for state income taxes or claimed the standard deduction under section 63 of the Internal Revenue Code. This paragraph applies to taxable years beginning after December 31, 2003, and before January 1, ~~2006~~ 2010.

Sec. ___. Section 422.9, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. The Iowa net operating loss remaining after being carried back as required in paragraph "a", ~~or~~ "d", or "e", or if not required to be carried back shall be carried forward twenty taxable years.

Sec. ___. Section 422.9, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Notwithstanding paragraph "a", for a taxpayer who has a qualified disaster loss as defined in section 172(b)(1)(J) of the Internal Revenue Code, including modifications prescribed by rule by the director, the Iowa qualified disaster loss is a net operating loss which may be carried back five taxable years prior to the taxable year of the loss.

Sec. ___. Section 422.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9. In determining the amount of deduction for federal income tax under subsection 1 or subsection 2, paragraph "b", for tax years beginning in the 2009 calendar year, if a refund is attributable

to the receipt of an advance refund pursuant to the federal Recovery Rebates and Economic Stimulus for the American People Act of 2008, Pub. L. No. 110–185, the amount of the deduction for the tax year shall not be adjusted by the amount of the advance refund, and the amount of the advance refund shall not be taxable under this division.

Sec. ___. Section 422.32, subsection 7, Code 2009, is amended to read as follows:

7. "Internal Revenue Code" means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, ~~2008~~ 2009.

Sec. ___. Section 422.35, subsection 11, paragraph b, Code 2009, is amended to read as follows:

b. The Iowa net operating loss remaining after being carried back as required in paragraph "a", ~~or~~ "f", or "g", or if not required to be carried back shall be carried forward twenty taxable years.

Sec. ___. Section 422.35, subsection 11, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Notwithstanding paragraph "a", for a taxpayer who has a qualified disaster loss as defined in section 172(b)(1)(J) of the Internal Revenue Code, including modifications prescribed by rule by the director, the Iowa qualified disaster loss is a net operating loss which may be carried back five taxable years prior to the taxable year of the loss.

Sec. ___. Section 422.35, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 19A. The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110–185, section 103, does not apply in computing net income for state tax purposes. If a taxpayer has taken a deduction for additional first-year depreciation in computing federal taxable income, the following adjustments to federal taxable income shall be made:

a. Add the total amount of depreciation taken on all property for which the election under section 168(k) of the Internal Revenue Code was made for the tax year.

b. Subtract an amount equal to depreciation allowed on such property for the tax year using the modified accelerated cost recovery system depreciation method applicable under section 168 of the Internal

Revenue Code without regard to section 168(k).

c. Any other adjustments to gains or losses to reflect the adjustments made in paragraphs "a" and "b", according to rules adopted by the director.

Sec. ___. Section 422.35, subsection 24, Code 2009, is amended by striking the subsection.

Sec. ___. RETROACTIVE APPLICABILITY.

1. The sections of this Act amending Code sections 422.3, 422.9, subsection 3, 422.32, and 422.35, subsection 11, apply retroactively to January 1, 2008, for tax years beginning on or after that date.

2. The sections of this Act amending Code sections 422.5, 422.7, new subsection 39A and subsection 53, 422.9, subsection 2, and 422.35, new subsection 19A and subsection 24, apply retroactively to December 31, 2007, for tax years ending after that date.

3. The section of this Act enacting section 422.9, subsection 9, applies retroactively to January 1, 2009, for tax years beginning in the 2009 calendar year.

Sec. ___. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment."

2. By renumbering as necessary.

RANDY FEENSTRA
LARRY NOBLE
JERRY BEHN
RON WIECK
NANCY J. BOETTGER
KIM REYNOLDS
JAMES F. HAHN
HUBERT HOUSER
SHAWN HAMERLINCK
BRAD ZAUN
PAUL McKINLEY
MERLIN BARTZ

S–3339

Amend the amendment, S–3328, to Senate File 478 as follows:

1. Page 26, by striking lines 2 through 14.
2. Page 34, by striking lines 23 through 34.
3. Page 35, by striking lines 27 through 38.
4. By renumbering as necessary.

SWATI A. DANDEKAR
WALLY E. HORN

S–3340

Amend the amendment, S–3328, to Senate File 478, as follows:

1. Page 34, by inserting after line 34 the following:

"Sec. ___. Section 422.12M, subsection 2, paragraph a, Code 2009, as amended by 2009 Iowa Acts,

Senate File 389, if enacted, is amended by striking the paragraph and inserting in lieu thereof the following:

a. If the taxpayer indicates on the income tax return that a dependent child does not have health care coverage, and the income of the taxpayer's tax return does not exceed the highest level of income eligibility standard for the medical assistance program pursuant to chapter 249A or the hawk-i program pursuant to chapter 514I, the department shall send a notice to the taxpayer indicating that the dependent child may be eligible for the medical assistance program or the hawk-i program and providing information to the taxpayer about how to enroll the dependent child in the appropriate program."

2. Page 42, by inserting after line 2 the following:

"9. The section of this division of this Act amending section 422.12M, subsection 2, paragraph "a", takes effect July 1, 2010."

3. By renumbering as necessary.

DAVID JOHNSON

S–3341

Amend the amendment, S–3328, to Senate File 478, as follows:

1. Page 65, by inserting after line 40 the following:

"DIVISION ___
DRIVER EDUCATION

Sec. ___. NEW SECTION. 321.179 DRIVER EDUCATION — TEACHING PARENT.

1. TEACHING PARENT. As an alternative to the driver education requirements under section 321.178, a teaching parent may instruct a student in a driver education course that meets the requirements of this section and provide evidence that the requirements under this section have been met.

2. DEFINITIONS. For purposes of this section:

a. "Approved course" means driver education curriculum approved by the department pursuant to rules adopted under chapter 17A. An approved course shall, at a minimum, meet the requirements of subsection 3 and be appropriate for teaching-parent-directed driver education and related street or highway instruction. Driver education materials that meet or exceed standards established by the department for an approved course in driver education for a public or private school shall be approved unless otherwise determined by the department. The list of

approved courses shall be posted on the department's internet website.

b. "Student" means a person between the ages of fourteen and twenty-one years who is within the custody and control of the teaching parent and who satisfies preliminary licensing requirements of the department.

c. "Teaching parent" means a parent, guardian, or legal custodian of a student who is currently providing competent private instruction to the student pursuant to section 299A.2 or 299A.3 and who provided such instruction to the student during the previous year; who has a valid driver's license, other than a motorized bicycle license or a temporary restricted license, that permits unaccompanied driving; and who has maintained a clear driving record for the previous two years. For purposes of this paragraph, "clear driving record" means the individual has not been identified as a candidate for suspension of a driver's license under the habitual offender provisions of the department's regulations; is not subject to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined

Page 2

to be the cause of a motor vehicle accident.

3. COURSE OF INSTRUCTION.

a. An approved course administered by a teaching parent shall consist of, but not be limited to, the following:

(1) Thirty clock hours of classroom instruction.

(2) Forty hours of street or highway driving including four hours of driving after sunset and before sunrise while accompanied by the teaching parent.

(3) Four hours of classroom instruction concerning substance abuse.

(4) A minimum of twenty minutes of instruction concerning railroad crossing safety.

(5) Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in chapter 142C.

(6) Instruction providing an awareness about sharing the road with bicycles and motorcycles.

b. The content of the course of instruction required under this subsection shall be equivalent to that required under section 321.178. However, reference and study materials, physical classroom requirements, and extra vehicle safety equipment required for instruction under section 321.178 shall

not be required for the course of instruction provided under this section.

4. COURSE COMPLETION AND CERTIFICATION. Upon application by a student for an intermediate license, the teaching parent shall provide evidence showing the student's completion of an approved course and substantial compliance with the requirements of subsection 3 by affidavit signed by the teaching parent on a form to be provided by the department. The evidence shall include all of the following:

a. Documentation that the instructor is a teaching parent as defined in subsection 2.

b. Documentation that the student is receiving competent private instruction under section 299A.2 or the name of the school district within which the student is receiving instruction under section 299A.3.

c. The name of the approved course completed by the student.

d. An affidavit attesting to satisfactory completion of course work and street or highway driving instruction.

e. Copies of written tests completed by the student.

f. A statement of the number of classroom hours of instruction.

Page 3

g. A log of completed street or highway driving instruction including the dates when the lessons were conducted, the student's and the teaching parent's name and initials noted next to each entry, notes on driving activities including a list of driving deficiencies and improvements, and the duration of the driving time for each session.

5. INTERMEDIATE LICENSE. Any student who successfully completes an approved course as provided in this section, passes a driving test to be administered by the department, and is otherwise qualified under section 321.180B, subsection 2, shall be eligible for an intermediate license pursuant to section 321.180B. Twenty of the forty hours of street or highway driving instruction required under subsection 3, paragraph "a", subparagraph (2), may be utilized to satisfy the requirement of section 321.180B, subsection 2.

6. FULL LICENSE. A student must comply with section 321.180B, subsection 4, to be eligible for a full driver's license pursuant to section 321.180B.

Sec. __. Section 321.180B, subsection 2, Code 2009, is amended to read as follows:

2. INTERMEDIATE LICENSE.

a. The department may issue an intermediate driver's license to a person sixteen or seventeen years of age who possesses an instruction permit issued under subsection 1 or a comparable instruction permit issued by another state for a minimum of six months immediately preceding application, and who presents an affidavit signed by a parent or guardian on a form to be provided by the department that the permittee has accumulated a total of twenty hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the permittee's parent, guardian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent or guardian to accompany the permittee, and whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and violation free continuously for, the six-month period immediately preceding the application for an intermediate license. An applicant for an intermediate license must meet the requirements of section 321.186, including satisfactory completion of driver education as required in section 321.178 or 321.179, and payment of the required license fee before an intermediate license will be issued.

Page 4

b. A person issued an intermediate license must limit the number of passengers in the motor vehicle when the intermediate licensee is operating the motor vehicle to the number of passenger safety belts.

c. Except as otherwise provided, a person issued an intermediate license under this subsection who is operating a motor vehicle between the hours of twelve-thirty a.m. and five a.m. must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent or guardian of the permittee, a member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent or guardian, and who is actually occupying a seat beside the driver. However, a licensee may operate a vehicle to and from school-related extracurricular activities and work without an accompanying driver between the hours of twelve-thirty a.m. and five a.m.

if such licensee possesses a waiver on a form to be provided by the department. An accompanying driver is not required between the hours of five a.m. and twelve-thirty a.m."

2. By renumbering as necessary.

SHAWN HAMERLINCK
RANDY FEENSTRA

S–3342

Amend the amendment, S–3328, to Senate File 478, as follows:

1. Page 44, by inserting after line 7 the following:

"Sec. ___. Section 422.12, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A tuition credit equal to ~~twenty-five~~ fifty percent of the first one thousand dollars which the taxpayer has paid to others for each dependent in grades kindergarten through twelve, for tuition and textbooks of each dependent in attending an elementary or secondary school situated in Iowa, which school is accredited or approved under section 256.11, which is not operated for profit, and which adheres to the provisions of the federal Civil Rights Act of 1964 and chapter 216. As used in this subsection, "textbooks" means books and other instructional materials and equipment used in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state and does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship. "Textbooks" includes books or materials used for extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature. Notwithstanding any other provision, all other credits allowed under this section shall be deducted before the tuition credit under this subsection. The department, when conducting an audit of a taxpayer's return, shall also audit the tuition tax credit portion of the tax return."

2. By renumbering as necessary.

RANDY FEENSTRA

S–3343

Amend the amendment, S–3328, to Senate File 478 as follows:

1. Page 39, by inserting after line 38 the following:

"Sec. ___. EFFECTIVE DATE. Section 483A.1, subsection 2, paragraph "ee", as enacted by 2009 Iowa Acts, House File 722, section 33, if enacted, and section 483A.7, subsection 3, as amended by 2009 Iowa Acts, House File 722, section 37, if enacted, and this section, being deemed of immediate importance, take effect immediately upon enactment of this Act."

2. By renumbering as necessary.

DICK L. DEARDEN

S–3344

Amend the amendment, S–3328, to Senate File 478, as follows:

1. Page 65, by inserting after line 40 the following:

"DIVISION ___

SCHOOL CALENDAR AND START DATES

Sec. ___. Section 257.17, Code 2009, is amended to read as follows:

257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced by one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest starting date specified in section 279.10, subsection 1. However, this section does not apply to a school district that has received approval from the ~~director of the~~ department of education ~~under section 279.10, subsection 4, to commence classes for regularly established elementary and secondary schools in advance of the starting date established in~~ for a pilot program for an innovative school year in accordance with section 279.10, subsection ~~1~~ 3.

Sec. ___. Section 279.10, subsections 1 and 2, Code 2009, are amended to read as follows:

1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than ~~a day during the calendar week in which the first day of September falls~~ the fourth Monday in August but no later than the first Monday in December~~. However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September~~ unless

the school district has received approval from the department of education for a pilot program for an innovative school year in accordance with subsection 3. School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. However, if the board of directors of a district extends the school calendar because inclement weather caused the district to temporarily close school during the regular school calendar, the district may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school. The earliest starting date specified in this subsection shall not

Page 2

apply to a school district which maintains a year around three semester school year.

2. The board of directors shall hold a public hearing on any ~~proposal~~ request made pursuant to subsection 3 prior to submitting it to the department of education for approval.

Sec. __. Section 279.10, subsection 4, Code 2009, is amended by striking the subsection.

Sec. __. Section 280.3, subsection 1, Code 2009, is amended to read as follows:

1. The board of directors of each public school district and the authorities in charge of each nonpublic school shall prescribe the minimum educational program and an attendance policy which shall require each child to attend school for at least one hundred forty-eight days, to be met by attendance for at least thirty-seven days each school quarter, for the schools under their jurisdictions. Each public school and nonpublic school shall comply with the start date and school calendar requirements specified in section 279.10, subsection 1.

Sec. __. EFFECTIVE DATES. This division of this Act takes effect July 1, 2010, and is applicable for school years beginning on or after that date."

2. By renumbering as necessary.

DAVID JOHNSON

S–3345

Amend the amendment, S–3328, to Senate File 478, as follows:

1. Page 54, by inserting after line 40 the following:

"Sec. ___. 2009 Iowa Acts, House File 811, section 40, subsection 2, if enacted, is amended to read as follows:

2. The study committee shall consist of members of the general assembly, and representatives of the department of public health, the Iowa pharmacy association, the Iowa medical society, the Iowa nurses association, ~~wellmark blue cross blue shield, the principal financial group,~~ the federation of Iowa insurers, the university of Iowa college of public health, the Iowa retail federation, the prevention and chronic care management advisory council established in section 135.161, the medical home system advisory council established in section 135.159, the Iowa healthcare collaborative, as defined in section 135.40, the health policy corporation of Iowa, and the Iowa foundation for medical care."

2. By renumbering as necessary.

JACK HATCH

S–3346

Amend the amendment, S–3328, to Senate File 478 as follows:

1. Page 65, by inserting after line 40 the following:

"DIVISION ___

AUTOMOBILE RACETRACK FACILITIES

Sec. ___. Section 423.4, subsection 5, paragraph a, subparagraphs (2), (3), and (4), Code 2009, are amended to read as follows:

(2) "Change of control" means any of the following:

(a) Any change in the ownership of the original or any subsequent legal entity that is the owner or operator of the automobile racetrack facility such that ~~at least sixty~~ less than twenty-five percent of the equity interests in the legal entity ~~cease to be~~ is owned by individuals who are residents of Iowa, an Iowa corporation, or combination of both.

(b) The original owners of the legal entity that is the owner or operator of the automobile racetrack facility shall collectively cease to own ~~more than fifty~~ at least twenty-five percent of the voting equity interests of such legal entity ~~or shall otherwise cease to have effective control of such legal entity~~.

(3) "Iowa corporation" means a corporation incorporated under the laws of Iowa where at least

~~sixty~~ twenty-five percent of the corporation's equity interests are owned by individuals who are residents of Iowa.

(4) "Owner or operator" means a for-profit legal entity where at least ~~sixty~~ twenty-five percent of its equity interests are owned by individuals who are residents of Iowa, an Iowa corporation, or combination of both and that is the owner or operator of an automobile racetrack facility and is primarily a promoter of motor vehicle races.

Sec. ___. Section 423.4, subsection 5, paragraph c, subparagraph (4), Code 2009, is amended to read as follows:

(4) Notwithstanding subparagraph (3), the rebate of sales tax shall cease for transactions occurring on or after the date of the ~~sale or other transfer, whether voluntarily or involuntarily, of the automobile racetrack facility to a party other than the original owner of the facility or upon a~~ change of control of ~~such~~ the automobile racetrack facility."

2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.
ROGER STEWART
JOE BOLKCOM
TOM RIELLY
STEVE KETTERING
JAMES F. HAHN
DARYL BEALL

S–3347

Amend the amendment, S–3328, to Senate File 478, as follows:

1. Page 31, by inserting after line 27 the following:

"Sec. ___. Section 105.11, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Apply to an employee of any private college or accredited nonpublic school performing routine maintenance, as defined by rule, on a mechanical system or plumbing system while acting within the scope of the employee's employment."

2. By renumbering as necessary.

RANDY FEENSTRA
RON WIECK

S–3348

Amend the amendment, S–3328, to Senate File 478, as follows:

1. Page 11, by inserting after line 43 the following:

"Sec. ___. Section 8.57, subsection 6, paragraph e, subparagraphs (2) and (3), if enacted by 2009 Iowa Acts, Senate File 376, are amended by striking the subparagraphs and inserting in lieu thereof the following:

(2) If the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in a fiscal year is less than the total amount of moneys directed to be deposited in the revenue bonds debt service fund in the fiscal year pursuant to this paragraph "e", the difference shall be paid from moneys deposited in the beer and liquor control fund created in section 123.53 in the manner provided in section 123.53, subsection 2A.

~~(2)~~ (3) ~~If~~ After the deposit of moneys directed to be deposited in the general fund of the state and the revenue bonds debt service fund as provided in subparagraph (1), subparagraph division (a), if the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in a fiscal year is less than the total amount of moneys directed to be deposited in the vision Iowa fund and the school infrastructure fund in the fiscal year pursuant to this paragraph "e", the difference shall be paid from lottery revenues in the manner provided in section 99G.39, subsection 3.

Sec. ___. Section 12.90C, subsection 2, paragraph a, if enacted by 2009 Iowa Acts, Senate File 477, is amended to read as follows:

3. The net proceeds of bonds issued pursuant to section 12.90A other than bonds issued for the purpose of refunding such bonds and investment earnings on the net proceeds."

2. By renumbering as necessary.

ROBERT E. DVORSKY

S–3349

Amend the amendment, S–3328, to Senate File 478, as follows:

1. Page 26, by striking lines 2 through 14.
2. Page 34, by striking lines 23 through 34.
3. Page 35, by striking lines 27 through 38.
4. By renumbering as necessary.

PAT WARD

S–3350

Amend the amendment, S–3328, to Senate File 478 as follows:

1. Page 44, by striking line 22.

2. By renumbering as necessary.

HERMAN C. QUIRMBACH

S–3351

Amend the amendment, S–3328, to Senate File 478 as follows:

1. Page 65, by inserting after line 40 the following:

"DIVISION ___

MAGISTRATES

Sec. ___. Section 602.6401, subsection 4, Code 2009, is amended to read as follows:

4. By March of each year in which magistrates' terms expire, the state court administrator shall give notice to the clerks of the district court and to the chief judges of the judicial districts of the number of magistrates to which each county is entitled. If the state court administrator does not give the notice as required in this subsection by March of each year in which magistrates' terms expire, the existing magistrate apportionment in effect shall remain in effect through the succeeding magistrates' terms, and any apportionment performed pursuant to subsection 2 is void until such succeeding terms expire.

Sec. ___. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2009, to void any apportionment for which notice was not given by March of 2009."

2. By renumbering as necessary.

KEITH A. KREIMAN
STEVE KETTERING

S–3352

Amend the amendment, S–3328, to Senate File 478, as follows:

1. By striking page 49, line 1, through page 50, line 44, and inserting the following:

"DIVISION ___

CARE OF ANIMALS IN COMMERCIAL ESTABLISHMENTS — STUDY

Sec. ___. INTERIM COMMITTEE — CARE OF ANIMALS IN COMMERCIAL ESTABLISHMENTS.

1. The legislative council is requested to establish an interim committee to study issues concerning the regulation of dealers, commercial breeders, commercial kennels, public auctions, animal shelters, pounds, and animal rescue facilities, including those establishments regulated by the department of agriculture and land stewardship or the United States department of agriculture as described in Code chapter 162.

2. If established, the interim committee membership shall include all of the following:

a. Legislative members of both political parties and both houses of the general assembly.

b. The following persons who shall serve as nonvoting public members:

(1) One person representing the department of agriculture and land stewardship.

(2) One person representing the United States department of agriculture, animal and plant health inspection service.

(3) One person who is a member of the Iowa pet breeders association.

3. If established, the interim committee shall report its findings and any recommendations to the general assembly for consideration by the 2010 legislative session as provided by the legislative council."

2. By renumbering as necessary.

GENE FRAISE
DENNIS H. BLACK
THOMAS G. COURTNEY
SWATI A. DANDEKAR
TIM L. KAPUCIAN
KIM REYNOLDS
TOM RIELLY
STEVEN J. SODDERS
RON WIECK

S–3353

Amend the amendment, S–3328, to Senate File 478, as follows:

1. By striking page 25, line 30, through page 26, line 1.

2. By renumbering as necessary.

KEITH A. KREIMAN

S–3354

Amend the amendment, S–3328, to Senate File 478, as follows:

1. By striking page 27, line 28, through page 29, line 36.

2. By renumbering as necessary.

SHAWN HAMERLINCK

S–3355

Amend the amendment, S–3328, to Senate File 478 as follows:

1. Page 44, by inserting after line 7 the following:

"Sec. ___. IOWA STATE UNIVERSITY. Iowa state university of science and technology shall not reduce the amount that it allocates to support the cooperative extension service in agriculture and home economics from any other source due to an appropriation made for the fiscal year beginning July 1, 2009, and ending June 30, 2010.

This section does not apply to a reduction made to support the cooperative extension service in agriculture and home economics if the same percentage of reduction imposed on the cooperative extension service in agriculture and home economics is also imposed on all of Iowa state university's budget units."

2. By renumbering as necessary.

RANDY FEENSTRA

S–3356

Amend the amendment, S–3328, to Senate File 478, as follows:

1. Page 65, by inserting after line 40 the following:

"DIVISION ___

NONPROFIT YOUTH ATHLETIC GROUPS

Sec. ___. Section 423.3, subsection 78, Code 2009, is amended to read as follows:

78. a. The sales price from sales or rental of tangible personal property, or services rendered by any entity where the profits from the sales or rental of the tangible personal property, or services rendered, are used by or donated to a nonprofit entity ~~which~~ that is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code, a government entity, or a nonprofit private

educational institution, and where the entire proceeds from the sales, rental, or services are expended for any of the following purposes:

~~a.~~ (1) Educational.

~~b.~~ (2) Religious.

~~c.~~ (3) Charitable. A charitable act is an act done out of goodwill, benevolence, and a desire to add to or to improve the good of humankind in general or any class or portion of humankind, with no pecuniary profit inuring to the person performing the service or giving the gift.

b. For purposes of this exemption, an organization that meets the requirements of paragraph "a" and which is created for the sole or primary purpose of providing athletic activities to youth shall be considered created for an educational purpose.

c. This exemption does not apply to the sales price from games of skill, games of chance, raffles, and bingo games as defined in chapter 99B. This exemption is disallowed on the amount of the sales price only to the extent the profits from the sales, rental, or services are not used by or donated to the appropriate entity and expended for educational, religious, or charitable purposes.

Sec. ___. REFUNDS. Refunds of taxes, interest, or penalties which arise from claims resulting from the provisions of this division of this Act enacting section 423.3, subsection 78, new paragraph "b", for the sales price from sales or rental of tangible personal property, or services occurring between July 1, 1998, and the effective date of section 423.3, subsection 78, new paragraph "b", shall be limited to fifty thousand dollars in the aggregate and shall not be allowed unless refund claims are filed prior to

Page 2

October 1, 2009, notwithstanding any other provision of law. If the amount of claims totals more than fifty thousand dollars in the aggregate, the department of revenue shall prorate the fifty thousand dollars among all claimants in relation to the amounts of the claimants' valid claims.

Sec. ___. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. The section of this division of this Act amending section 423.3, subsection 78, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1998."

2. By renumbering as necessary.

BILL HECKROTH
JOE BOLKCOM

WILLIAM A. DOTZLER, JR.
PAT WARD
STEVE KETTERING
JAMES F. HAHN
JOE M. SENG
JACK HATCH
MICHAEL E. GRONSTAL
GENE FRAISE
THOMAS G. COURTNEY
RON WIECK

S–3357

Amend the amendment, S–3328, to Senate File 478 as follows:

1. Page 65, by inserting after line 40 the following:

"DIVISION ___

STATE UNIVERSITY TUITION RATES

Sec. ___. Section 262.9, subsection 23, Code 2009, is amended to read as follows:

23. Develop a policy and adopt rules ~~relating to the establishment of tuition rates which provide a predictable basis for assessing and anticipating changes in~~ providing that any person who does not meet the residency requirements established by the board for tuition and fee purposes, but whose parents both graduated from an institution of higher education governed by the board, shall be considered a resident of the state for tuition ~~rates~~ and fee purposes.

Sec. ___. NEW SECTION. 262.34C COLLEGE COSTS PREDICTABILITY PROGRAM.

1. A college costs predictability program is created to be administered by the state board of regents for purposes of providing predictability in college tuition and fee costs throughout a resident freshman's full-time pursuit of an undergraduate degree at an institution of higher learning under the control of the board.

2. By December 1 annually, the board shall establish for each institution of higher learning under its control, a fixed rate tuition and fee plan for the following school year for resident first-time freshmen who enroll full-time in an undergraduate degree program. If a student continues to meet grade expectations established by rule by the board, the plan shall be in effect for the student until the student graduates with an undergraduate degree. While the plan is in effect for a student, the institution shall charge not more than the tuition and fee rate established in the tuition and fee plan at the time the student enrolled as a freshman. The average

annual rate of growth of the tuition and fees established by the board for the fixed rate tuition plan shall not exceed the percentage increase in the most recently published higher education price index.

3. If the tuition and fees established by the board for the fixed rate tuition and fee plan for the next academic year are less than the tuition and fees charged under the current or a prior academic year's fixed rate tuition and fee plan, the board shall lower the tuition and fees charged under the current or prior fixed rate tuition plans which are in effect to

Page 2

the same rates established under the fixed rate tuition and fee plan for the next academic year.

4. If a full-time resident student transfers from one institution of higher learning under the control of the board to another such institution, the institution to which the student transfers shall charge the student an amount for tuition and fees that does not exceed the amount the student was charged when the student enrolled as a first-time freshman at the previous institution.

5. The plan shall continue in effect for a student who, as a result of a hardship or other good cause shown, is unable to meet grade expectations as a full-time student in accordance with subsection 2, even if the student must suspend enrollment or attend part-time. For purposes of this subsection, hardship or other good cause includes a showing of at least one of the following:

a. A severe illness or other debilitating condition that affects the student's ability to satisfy the academic and attendance requirements of the institution at which the student enrolled.

b. The student's responsibility for the care of a sick, injured, or needy person if the provision of care affects the student's ability to satisfy the academic and attendance requirements of the institution at which the student enrolled.

c. The student is unable to complete a degree program as a full-time student because a course is unavailable due to a lack of available classes or class space.

d. The student, with the approval of the institution, changes the student's major or degree program and needs additional time to complete an undergraduate degree in the new major or degree program.

Sec. __. TRANSITIONAL PROVISION. A resident full-time student enrolled in an institution of higher

learning under the control of the state board of regents during the 2009–2010 academic year shall be allowed to participate in the fixed rate tuition and fee plan established by the board in accordance with section 262.34C for resident first-time freshmen who enroll full-time in an undergraduate degree program during the 2010–2011 academic year and shall be considered a first-time freshman for purposes of the plan."

2. By renumbering as necessary.

BRAD ZAUN

S–3358

Amend the amendment, S–3328, to Senate File 478, as follows:

1. Page 30, by inserting after line 18 the following:

"Sec. ___. Section 86.13, Code 2009, is amended to read as follows:

86.13 COMPENSATION PAYMENTS.

1. If an employer or insurance carrier pays weekly compensation benefits to an employee, the employer or insurance carrier shall file with the workers' compensation commissioner in the form and manner required by the workers' compensation commissioner a notice of the commencement of the payments. The payments establish conclusively that the employer and insurance carrier have notice of the injury for which benefits are claimed but the payments do not constitute an admission of liability under this chapter or chapter 85, 85A, or 85B.

2. If an employer or insurance carrier fails to file the notice required by this section, the failure stops the running of the time periods in section 85.26 as of the date of the first payment. If commenced, the payments shall be terminated only when the employee has returned to work, or upon thirty days' notice stating the reason for the termination and advising the employee of the right to file a claim with the workers' compensation commissioner.

3. This section does not prevent the parties from reaching an agreement for settlement regarding compensation. However, the agreement is valid only if signed by all parties and approved by the workers' compensation commissioner.

4. a. If a denial, a delay in ~~commencement~~ payment, or a termination of benefits occurs without reasonable or probable cause or excuse known to the employer or insurance carrier at the time of the denial, delay in payment, or termination of benefits,

the workers' compensation commissioner shall award benefits in addition to those benefits payable under this chapter, or chapter 85, 85A, or 85B, up to fifty percent of the amount of benefits that were ~~unreasonably~~ denied, delayed, or ~~denied~~ terminated without reasonable or probable cause or excuse.

b. The workers' compensation commissioner shall award benefits under this subsection if the commissioner finds both of the following facts:

(1) The employee has demonstrated a denial, delay in payment, or termination of benefits.

(2) The employer has failed to prove a reasonable or probable cause or excuse for the denial, delay in

Page 2

payment, or termination of benefits.

c. In order to be considered a reasonable or probable cause or excuse under paragraph "b", an excuse shall satisfy all of the following criteria:

(1) The excuse was preceded by a reasonable investigation and evaluation by the employer or insurance carrier into whether benefits were owed to the employee.

(2) The results of the reasonable investigation and evaluation were the actual basis upon which the employer or insurance carrier contemporaneously relied to deny, delay payment of, or terminate benefits.

(3) The employer or insurance carrier contemporaneously conveyed the basis for the denial, delay in payment, or termination of benefits to the employee at the time of the denial, delay, or termination of benefits."

2. By renumbering as necessary.

THOMAS G. COURTNEY

S–3359

HOUSE AMENDMENT TO
SENATE FILE 376

Amend Senate File 376, as amended, passed, and reprinted by the Senate, as follows:

1. By striking everything after the enacting clause and inserting the following:

"DIVISION I
REVENUE BONDING — IOWA JOBS PROGRAM

Section 1. NEW SECTION. 12.87 GENERAL AND SPECIFIC BONDING POWERS — REVENUE BONDS — IOWA JOBS PROGRAM.

1. The treasurer of state is authorized to issue and sell bonds on behalf of the state to provide funds

for certain infrastructure projects and for purposes of the Iowa jobs program established in section 16.194. The treasurer of state shall have all of the powers which are necessary or convenient to issue, sell and secure bonds and carry out the treasurer of state's duties, and exercise the treasurer of state's authority under this section and sections 12.88 through 12.90. The treasurer of state may issue and sell bonds in such amounts as the treasurer of state determines to be necessary to provide sufficient funds for certain infrastructure projects and the revenue bonds capitals fund, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the payment of costs of issuance of the bonds, the payment of other expenditures of the treasurer of state incident to and necessary or convenient to carry out the issuance and sale of the bonds, and the payment of all other expenditures of the treasurer of state necessary or convenient to administer the funds and to carry out the purposes for which the bonds are issued and sold. The treasurer of state may issue and sell bonds in one or more series on the terms and conditions the treasurer of state determines to be in the best interest of the state, in accordance with this section in such amounts as the treasurer of state determines to be necessary to fund the purposes for which such bonds are issued and sold. The treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than five hundred forty-five million dollars, excluding any bonds issued and sold to refund outstanding bonds issued under this section, as follows:

a. The treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than one hundred eighty-five million dollars for capital projects which qualify as vertical infrastructure projects as defined in section 8.57, subsection 6, paragraph "c", to the extent practicable in any fiscal year and without limiting other

Page 2

qualifying capital expenditures.

b. The treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than three hundred sixty million dollars for purposes of the Iowa jobs program established in section 16.194 and for watershed flood rebuilding and prevention projects, soil conservation projects, sewer infrastructure projects, for certain housing and public service shelter projects and public broadband and alternative energy projects, and for projects

relating to bridge safety and the rehabilitation of deficient bridges.

2. Bonds issued and sold under this section are payable solely and only out of the moneys in the revenue bonds debt service fund and any bond reserve funds established pursuant to section 12.89, and only to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance. All moneys in the revenue bonds debt service fund and any bond reserve funds established pursuant to section 12.89 may be deposited with trustees or depositories in accordance with the terms of the trust indentures, resolutions, or other instruments authorizing the issuance of bonds and pledged by the treasurer of state to the payment thereof. Bonds issued and sold under this section shall contain a statement that the bonds are limited special obligations of the state and do not constitute a debt or indebtedness of the state or a pledge of the faith or credit of the state or a charge against the general credit or general fund of the state. The treasurer of state shall not pledge the credit or taxing power of this state or any political subdivision of this state or make bonds issued and sold pursuant to this section payable out of any moneys except those in the revenue bonds debt service fund and any bond reserve funds established pursuant to section 12.89.

3. The proceeds of bonds issued and sold by the treasurer of state and not required for immediate disbursement may be deposited with a trustee or depository as provided in the bond documents and invested or reinvested in any investment as directed by the treasurer of state and specified in the trust indenture, resolution, or other instrument pursuant to which the bonds are issued and sold without regard to any limitation otherwise provided by law.

4. The bonds, if issued and sold, shall be:

a. In a form, issued in denominations, executed in a manner, and payable over terms and with rights of

redemption, and be subject to such other terms and conditions as prescribed in the trust indenture, resolution, or other instrument authorizing their issuance.

b. Negotiable instruments and investment securities under the laws of the state and sold at prices, at public or private sale, and in a manner, as prescribed by the treasurer of state. Chapters 73A, 74, 74A, and 75 do not apply to the sale or issuance

of the bonds.

c. Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this section and as determined by the trust indenture, resolution, or other instrument authorizing their issuance.

5. The bonds are securities in which public officers and bodies of this state; political subdivisions of this state; insurance companies and associations and other persons carrying on an insurance business; banks, trust companies, savings associations, savings and loan associations, and investment companies; administrators, guardians, executors, trustees, and other fiduciaries; and other persons authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

6. Bonds must be authorized by a trust indenture, resolution, or other instrument of the treasurer of state.

7. The resolution, trust indenture, or any other instrument by which a pledge is created shall not be required to be recorded or filed under the Iowa uniform commercial code, chapter 554, to be valid, binding, or effective.

8. Any bonds issued and sold under the provisions of this section are declared to be issued and sold for an essential public and governmental purpose, and all bonds issued and sold under this section except as otherwise provided in any trust indentures, resolutions, or other instruments authorizing their issuance shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance tax.

9. The treasurer of state may issue and sell bonds for the purpose of refunding any bonds issued and sold

Page 4

pursuant to this section then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the date of redemption of the outstanding bonds. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds are applied to the purchase or retirement of outstanding bonds or the redemption of outstanding bonds, the proceeds may be placed in

escrow and be invested and reinvested in accordance with the provisions of this section. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments shall be returned to the treasurer of state for deposit in the revenue bonds debt service fund established in section 12.89. All refunding bonds shall be issued, sold and secured and subject to the provisions of this section in the same manner and to the same extent as other bonds issued and sold pursuant to this section.

10. Bonds issued and sold pursuant to this section are limited special obligations of the state and are not a debt or indebtedness of the state, nor of any political subdivision of the state, and do not constitute a pledge of the faith and credit of the state or a charge against the general credit or general fund of the state. The issuance and sale of any bonds pursuant to this section by the treasurer of state do not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply moneys from or to levy or pledge any form of taxation whatever to, or to continue the appropriation of the funds for, the payment of the bonds. Bonds issued and sold under this section are payable solely and only from moneys in the revenue bonds debt service fund and any reserve fund created in section 12.89 and only to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance.

11. The treasurer of state may enter into or obtain authorizing documents and other agreements and ancillary arrangements with respect to the bonds as the treasurer of state determines to be in the best interests of the state, including but not limited to trust indentures, resolutions, other instruments authorizing the issuance of the bonds, liquidity facilities, remarketing or dealer agreements, letter

Page 5

of credit agreements, insurance policies, guaranty agreements, reimbursement agreements, indexing agreements, or interest rate exchange agreements.

12. Neither the treasurer of state, the Iowa jobs board, nor any person acting on behalf of the treasurer of state or the Iowa jobs board while acting within the scope of their employment or agency, is

subject to personal liability resulting from carrying out the powers and duties conferred by this section and sections 12.88 through 12.90.

13. As used in this section and sections 12.88 through 12.90, the term "bonds" means bonds, notes, or other evidence of obligations.

Sec. 2. NEW SECTION. 12.88 REVENUE BONDS CAPITALS FUND.

1. A revenue bonds capitals fund is created and established as a separate and distinct fund in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund.

2. Revenue for the revenue bonds capitals fund shall include but is not limited to the following, which shall be deposited with the treasurer of state or the treasurer of state's designee as provided by any bond or security documents and credited to the fund:

a. The net proceeds of bonds issued pursuant to section 12.87 other than bonds issued for the purpose of refunding such bonds, and investment earnings on the net proceeds.

b. Interest attributable to investment of moneys in the fund or an account of the fund.

c. Moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment, judgment, transfer, payment, or appropriation from any source intended to be used for the purposes of the fund.

3. Moneys in the revenue bonds capitals fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation from the revenue bonds capitals fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds

expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 3. NEW SECTION. 12.89 REVENUE BONDS DEBT SERVICE FUND AND BOND RESERVE FUNDS.

1. A revenue bonds debt service fund is created

and established as a separate and distinct fund in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund. The moneys in such fund are appropriated and shall be used for the purpose of making all payments with respect to bonds issued and sold pursuant to section 12.87, including but not limited to the following:

a. Principal payments, interest payments, sinking fund payments, purchase price, redemption price, redemption premiums, and interest rate exchange payments.

b. Fees and expenses of trustees, paying agents, remarketing agents, financial advisors, underwriters, depositories, guarantors, bond insurers, liquidity or credit facility providers, interest rate indexing agents, and other professional services providers.

c. Costs and expenses of the treasurer of state incident to and necessary and convenient to carry out the issuance and sale of the bonds and the administration of the revenue bonds.

2. Moneys in the revenue bonds debt service fund shall include but are not limited to the following, which shall be deposited with the treasurer of state or the treasurer of state's designee as provided in any bond or security documents and credited to the fund:

a. The proceeds of bonds to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance and investment earnings on the proceeds.

b. The revenues required to be deposited into the fund pursuant to section 8.57, subsection 6, paragraph "e", subparagraphs (1) and (2).

c. Transfers from any bond reserve fund created pursuant to this section.

d. Interest attributable to investment of moneys in the fund or an account of the fund.

e. Any other moneys from any other sources which may be legally available to the treasurer of state for the purpose of the fund.

3. a. The treasurer of state may create and establish one or more special funds, to be known as bond reserve funds, to secure one or more issues of

Page 7

bonds issued and sold pursuant to section 12.87. The treasurer of state shall pay into each bond reserve fund any moneys appropriated and made available for the purpose of the fund, any proceeds of sale of bonds to the extent provided in the trust indenture,

resolution, or other instrument authorizing their issuance, and any other moneys which may be legally available to the treasurer of state for the purpose of the fund from any other sources. All moneys held in a bond reserve fund shall be used or transferred to the revenue bonds debt service fund to be used as required solely to make the payments authorized to be made from such fund pursuant to subsection 1.

b. Moneys in a bond reserve fund shall not be transferred or withdrawn from the fund at any time in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, as provided in this subsection, except for the purpose of making, with respect to bonds secured in whole or in part by the fund, the payments authorized to be made from such fund pursuant to subsection 1 for the payment of which sufficient moneys in the revenue bonds debt service fund are not available. Any income or interest earned by, or incremental to, a bond reserve fund due to the investment of moneys in the bond reserve fund may be transferred by the treasurer of state to other funds or accounts to the extent the transfer does not reduce the amount of that bond reserve fund below the established bond reserve fund requirement.

c. The treasurer of state shall not at any time issue and sell bonds, secured in whole or in part by a bond reserve fund if, upon the issuance of the bonds, the amount in the bond reserve fund will be less than the bond reserve fund requirement for the fund, unless the treasurer of state at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from other legally available sources an amount which, together with the amount then in the fund, will not be less than the bond reserve fund requirement for the fund. For the purposes of this subsection, the term "bond reserve fund requirement" means, as of any particular date of computation, an amount of moneys, as provided in the trust indenture, resolution, or other instrument authorizing the bonds with respect to which the fund is established.

d. To assure the continued solvency of any bonds secured by a bond reserve fund, provision is made in paragraph "c" for the accumulation in each bond reserve fund of an amount equal to the bond reserve

fund requirement for the fund. In order further to assure maintenance of the bond reserve funds, the treasurer of state shall, on or before January 1 of each calendar year, make and deliver to the governor

and to both houses of the general assembly the treasurer of state's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund and requesting that the budget and appropriation bills approved for such fiscal year include amounts sufficient to restore each bond reserve fund to the bond reserve fund requirement for such fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor may submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the treasurer of state pursuant to this subsection shall be deposited by the treasurer of state in the applicable bond reserve fund.

4. Except as otherwise provided in this section, the moneys on deposit in the revenue bonds debt service fund or any bond reserve fund relating to bonds issued pursuant to section 12.87 shall be held for the sole benefit of the bonds and shall not be pledged or used for the benefit of any bonds issued by the treasurer of state pursuant to any other section of the Code.

5. Moneys in the revenue bonds debt service fund and any bond reserve fund created pursuant to this section are not subject to section 8.33; provided however, that on August 31 following the close of each fiscal year, any moneys on deposit in the revenue bonds debt service fund at the end of such fiscal year, which is determined by the treasurer of state to not be encumbered or obligated or otherwise necessary to make the payments for such fiscal year authorized to be made from such fund pursuant to subsection 1, shall be credited to the rebuild Iowa infrastructure fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the revenue bonds debt service fund and any bond reserve fund shall be credited to such funds.

Sec. 4. NEW SECTION. 12.90 PLEDGES — CONSTRUCTION.

1. It is the intention of the general assembly that a pledge made in respect of bonds shall be valid and binding from the time the pledge is made, that the

money or property so pledged and received after the pledge by the treasurer of state shall immediately be subject to the lien of the pledge without physical

delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the treasurer of state whether or not the parties have notice of the lien.

2. Sections 12.87 through 12.89, and this section, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect its purposes.

DIVISION II

IOWA JOBS BOARD, IOWA JOBS PROGRAM, AND IOWA JOBS FUND

Sec. 5. NEW SECTION. 16.191 IOWA JOBS BOARD.

1. An Iowa jobs board is established consisting of eleven members and is located for administrative purposes within the Iowa finance authority. The executive director of the Iowa finance authority shall provide staff assistance and necessary supplies and equipment for the board. The executive director shall budget funds received pursuant to section 16.193 to operate the program including but not limited to paying the per diem expenses of the board members. In performing its functions, the board is performing a public function on behalf of the state and is a public instrumentality of the state.

2. The membership of the board shall be as follows:

a. Six members of the general public appointed by the governor.

b. The director of the department of economic development or the director's designee.

c. The executive director of the Iowa finance authority or the director's designee.

d. The director of the department of workforce development or the director's designee.

e. The executive director of the rebuild Iowa office or the director's designee until June 30, 2011, and then the administrator of the homeland security and emergency management division of the department of public defense or the administrator's designee.

f. The treasurer of state or the treasurer of state's designee.

3. a. All public member appointments made pursuant to subsection 2, paragraph "a" shall comply with sections 69.16, 69.16A, and 69.16C, and shall be subject to confirmation by the senate.

b. Three of the public members appointed pursuant

to subsection 2, paragraph "a" shall have demonstrable experience or expertise in the field of public

financing, architecture, engineering, or major facility development or construction and one of the public members appointed pursuant to subsection 2, paragraph "a", shall be an employee of a not-for-profit organization.

c. All public members shall be from geographically diverse areas of this state.

d. All public members shall be appointed to three-year staggered terms and the terms shall commence and end as provided by section 69.19. If a vacancy occurs, a successor shall be appointed to serve the unexpired term. A successor shall be appointed in the same manner and subject to the same qualifications as the original appointment to serve the unexpired term.

4. The chairperson and vice chairperson of the board shall be designated by the governor from the public members appointed pursuant to subsection 2, paragraph "a". In case of the absence or disability of the chairperson and vice chairperson, the members of the board shall elect a temporary chairperson by a majority vote of those members who are present and voting.

5. A majority of the board constitutes a quorum.

Sec. 6. NEW SECTION. 16.192 BOARD DUTIES AND POWERS.

The Iowa jobs board has any and all powers necessary to carry out its purposes and duties, and to exercise its specific powers, including but not limited to doing all of the following:

1. Organize.

2. Establish the Iowa jobs program pursuant to section 16.194.

3. Oversee and provide approval of the administration of the Iowa jobs program.

4. Award financial assistance in the form of grants under the Iowa jobs program pursuant to sections 16.194 and 16.195.

5. Enter into and enforce grant agreements as necessary or convenient to implement the Iowa jobs program.

Sec. 7. NEW SECTION. 16.193 IOWA FINANCE AUTHORITY DUTIES — APPROPRIATION.

1. The Iowa finance authority, subject to approval by the Iowa jobs board, shall adopt administrative rules pursuant to chapter 17A necessary to administer the Iowa jobs program. The authority shall provide the board with assistance in implementing

administrative functions, providing technical

assistance and application assistance to applicants under the programs, negotiating contracts, and providing project follow up. The authority, in cooperation with the board, may conduct negotiations on behalf of the board with applicants regarding terms and conditions applicable to awards under the program.

2. During the term of the Iowa jobs program established in section 16.194, two hundred thousand dollars of the moneys deposited in the rebuild Iowa infrastructure fund shall be allocated each fiscal year to the Iowa finance authority for purposes of administering the Iowa jobs program, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 8. NEW SECTION. 16.194 IOWA JOBS PROGRAM.

1. An Iowa jobs program is created to assist in the development and completion of public construction projects relating to disaster relief and mitigation and to local infrastructure. "Local infrastructure" includes projects relating to disaster rebuilding, reconstruction and replacement of local public buildings, flood control and flood protection, and future flood prevention.

2. A city or county or a public organization in this state may submit an application to the Iowa jobs board for financial assistance for a local infrastructure competitive grant for an eligible project under the program, notwithstanding any limitation on the state's percentage in funding as contained in section 29C.6, subsection 17.

3. Financial assistance under the program shall be awarded in the form of grants.

4. The board shall consider the following criteria in evaluating eligible projects to receive financial assistance under the program:

a. The total number and quality of jobs to be created and the benefits likely to accrue to areas distressed by high unemployment.

b. Financial feasibility, including the ability of projects to fund depreciation costs or replacement reserves, and the availability of other federal, state, local, and private sources of funds.

c. Sustainability and energy efficiency.

d. Benefits for disaster recovery.

e. The project's readiness to proceed.

5. An applicant must demonstrate local support for the project as defined by rule.

6. Any award of financial assistance to a project shall be limited as follows:

a. Up to seventy-five percent of the total cost of

Page 12

a project for replacing or rebuilding existing disaster-related damaged property.

b. Up to fifty percent of the total cost for all other projects.

7. In order for a project to be eligible to receive financial assistance from the board, the project must be a public construction project pursuant to subsection 1 with a demonstrated substantial local, regional, or statewide economic impact.

8. The board shall not approve an application for assistance for any of the following purposes:

a. To refinance a loan existing prior to the date of the initial financial assistance application.

b. For a project that has previously received financial assistance under the program, unless the applicant demonstrates that the financial assistance would be used for a significant expansion of a project.

9. a. The total amount of allocations for future flood prevention, reconstruction and replacement of local public buildings, disaster rebuilding, flood control and flood protection projects shall not exceed one hundred sixty-five million dollars for the fiscal year beginning July 1, 2009.

b. Any portion of an amount allocated for projects that remains unexpended or unencumbered one year after the allocation has been made may be reallocated to another project category, at the discretion of the board. The board shall ensure that all bond proceeds be expended within three years from when the allocation was initially made.

10. The board shall ensure that funds obligated under this section are coordinated with other federal program funds received by the state, and that projects receiving funds are located in geographically diverse areas of the state.

11. For purposes of this section, "public organization" means a nonprofit organization that sponsors or supports the public needs of the local community.

Sec. 9. NEW SECTION. 16.195 IOWA JOBS PROGRAM APPLICATION REVIEW.

1. Applications for assistance under the Iowa jobs program shall be submitted to the Iowa finance authority. The authority shall provide a staff review and evaluation of applications to the Iowa jobs program review committee referred to in subsection 2 and to the Iowa jobs board.

2. A review committee composed of members of the board as determined by the board shall review Iowa

Page 13

jobs program applications submitted to the board and make recommendations regarding the applications to the board. When reviewing the applications, the review committee and the authority shall consider the project criteria specified in section 16.194. The board shall develop the appropriate level of transparency regarding project fund allocations.

3. Upon approval of an application for financial assistance under the program, the board shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the Iowa finance authority any time moneys are disbursed to a recipient of financial assistance under the program.

Sec. 10. NEW SECTION. 16.196 IOWA JOBS RESTRICTED CAPITALS FUND — APPROPRIATIONS.

1. An Iowa jobs restricted capitals fund is created and established as a separate and distinct fund in the state treasury. The fund consists of moneys appropriated from the revenue bonds capitals fund created in section 12.88. The moneys in the fund are appropriated to the Iowa jobs board for purposes of the Iowa jobs program established in section 16.194. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of the Iowa jobs program. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund. The fund shall be administered by the board which shall make allocations from the fund consistent with the purposes of the Iowa jobs program.

2. There is appropriated from the revenue bonds capitals fund created in section 12.88, to the Iowa jobs restricted capitals fund, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, one hundred sixty-five million dollars to be allocated as follows:

a. One hundred eighteen million five hundred thousand dollars for competitive grants for local infrastructure projects relating to disaster rebuilding, reconstruction and replacement of local buildings, flood control and flood protection, and future flood prevention public projects. An applicant for a local infrastructure grant shall not receive more than fifty million dollars in financial assistance from the fund.

b. Forty-six million five hundred thousand dollars for disaster relief and mitigation and local

Page 14

infrastructure grants for the following renovation and construction projects, notwithstanding any limitation on the state's percentage participation in funding as contained in section 29C.6, subsection 17:

(1) For grants to a county with a population between one hundred eighty nine thousand and one hundred ninety six thousand in the latest preceding certified federal census, to be distributed as follows:

(a) Ten million dollars for the construction of a new, shared facility between nonprofit human service organizations serving the public, especially the needs of low-income Iowans, including those displaced as a result of the disaster of 2008.

(b) Five million dollars for the construction or renovation of a facility for a county-funded workshop program serving the public and particularly persons with mental illness or developmental disabilities.

(2) For grants to a city with a population between one hundred ten thousand and one hundred twenty thousand in the latest preceding certified federal census, to be distributed as follows:

(a) Five million dollars for an economic redevelopment project benefiting the public by improving energy efficiency and the development of alternative and renewable energy technologies.

(b) Ten million dollars for a museum serving the public and dedicated to the preservation of an eastern European cultural heritage through the collection, exhibition, preservation, and interpretation of historical artifacts.

(c) Five million dollars for a theater serving the public and promoting culture, entertainment, and tourism.

(d) Five million dollars for a public library.

(e) Five million dollars for a public works building.

(3) One million five hundred thousand dollars, to be distributed as follows:

(a) Five hundred thousand dollars to a city with a population between six hundred and six hundred fifty in the latest preceding certified federal census, for a public fire station.

(b) Five hundred thousand dollars to a city with a population between one thousand four hundred and one thousand five hundred in the latest preceding certified federal census, for a public fire station.

(c) Five hundred thousand dollars for a city with a population between seven thousand eight hundred and seven thousand eight hundred fifty, for a public fire

Page 15

station.

3. Grant awards for a project under subsection 2, paragraph "b", are contingent upon submission of a plan for each project by the applicable county or city governing board or in the case of a project submitted pursuant to subsection 2, paragraph "b", subparagraph (2), subparagraph division (b), by the board of directors, to the Iowa jobs board, no later than September 1, 2009, detailing a description of the project, the plan to rebuild, and the amount or percentage of federal, state, local, or private matching moneys which will be or have been provided for the project. Funds not utilized in accordance with subsection 2, paragraph "b", due to failure to file a plan by the September 1 deadline shall revert to the Iowa jobs restricted capitals fund to be available for local infrastructure competitive grants. A grant recipient under subsection 2, paragraph "b", shall not be precluded from applying for a local infrastructure competitive grant pursuant to this section and section 16.195.

4. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

5. Annually, on or before January 15 of each year, the board shall report to the legislative services agency and the department of management the status of all projects receiving moneys from the fund completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

6. Payment of moneys appropriated from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state.

Sec. 11. NEW SECTION. 16.197 LIMITATION OF LIABILITY.

A member of the Iowa jobs board, a person acting on behalf of the board while acting within the scope of their employment or agency, or the treasurer of state, shall not be subject to personal liability resulting from carrying out the powers and duties of the board or the treasurer, as applicable, in sections 16.192 through 16.196.

Page 16

Sec. 12. EMERGENCY RULES. The Iowa finance authority, subject to approval by the Iowa jobs board, may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

DIVISION III

REVENUE BONDS CAPITALS FUND — APPROPRIATIONS

Sec. 13. There is appropriated from the revenue bonds capitals fund created in section 12.88, to the following departments and agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

To the soil conservation division of the department established in section 161A.4:

..... $ 11,500,000

a. Of the moneys appropriated in this subsection, the department may provide moneys on a cost-share basis as provided in chapter 161A in order to accomplish any public purpose described in chapter 161A, including but not limited to providing for the reconstruction or repair of permanent soil and water conservation practices that were damaged by the 2008 precipitation event.

b. Of the moneys appropriated in this subsection, the department may award moneys to provide affordable wetland mitigation banks.

c. Of the moneys appropriated in this subsection, the department may award moneys to allow more landowners to participate in the conservation reserve enhancement program to improve water quality and intercept nitrates.

d. Any award of moneys made under paragraph "a", "b", or "c" shall be in the form of a grant. Any grant awards for conservation practices on private property shall be for flood control or soil and watershed management public purposes.

2. DEPARTMENT OF NATURAL RESOURCES

..... $ 13,500,000

Of the moneys appropriated in this subsection, the department may provide moneys to construct, reconstruct, or repair infrastructure associated with the control and movement of surface water, including but not limited to addressing issues affected by

Page 17

combined sewer overflows, enrolling larger contiguous areas in emergency watershed programs, improving facilities or systems that provide water quality, mitigating flood damage or the threat of flood damage in the areas most severely affected by the 2008 flood, and improving or replacing low-head dams. Any award of moneys made under this subsection shall be in the form of a grant. Any grant awards for practices on private property shall be for the public purposes of flood control, watershed management, or improving water quality.

3. IOWA ENERGY CENTER

For deposit into the alternate energy revolving loan fund created in section 476.46 to encourage the development of alternate energy production facilities and small hydro facilities, as defined in section 476.42, within the state:

..... $ 5,000,000

Any award of loans to private individuals or organizations must be for the public purpose of encouraging the development of alternate energy production facilities and small hydro facilities within the state in order to conserve finite and expensive energy resources and to provide for their most efficient use. Funds from bond proceeds shall not be used for administration or planning purposes. These moneys, and any loan repayments, shall be maintained in separate accounts and shall only be used for these public purposes.

4. IOWA FINANCE AUTHORITY

a. For water quality and wastewater improvement projects:

..... $ 55,000,000

(1) Of the amount appropriated in this subsection, thirty-five million dollars shall be allocated for water quality and wastewater improvement projects located in cities with a population of ten thousand or less, as determined by the preceding federal census, or in townships.

(2) The Iowa finance authority shall establish and administer a water quality financial assistance program. The purpose of the program shall be to provide additional financial assistance to communities receiving loans from the Iowa water pollution control works and drinking water facilities financing program pursuant to section 16.131. The program shall be administered in accordance with rules adopted by the authority pursuant to chapter 17A.

b. For deposit into the public service shelter grant fund created in section 16.185 for grants for

Page 18

the construction, renovation, and improvements to homeless shelters, emergency shelters, and family and domestic violence shelters:
..... $ 10,000,00

c. For deposit into the disaster damage housing assistance grant fund created in section 16.186 for grants to ease and speed recovery efforts from the natural disasters of 2008, including stabilizing neighborhoods damaged by the natural disasters, preventing population loss and neighborhood deterioration, and improving the health, safety, and welfare of persons living in such disaster-damaged neighborhoods:
..... $ 5,000,000

d. For deposit into the affordable housing assistance grant fund created in section 16.187 for grants for housing for certain elderly, disabled, and low-income persons and public servants in critical skills shortage areas of the state:
..... $ 20,000,000

5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

For public broadband technology grants for the deployment and sustainability of high-speed broadband access:
..... $ 25,000,000

a. It is the intent of the general assembly that funds appropriated under this subsection for the deployment and sustainability of high-speed broadband access be used to access any federal funds made available. State and federal funds made available for broadband deployment shall be used to promote universal access to high-speed broadband services for speeds to exceed federal requirements throughout the state for the benefit of Iowans and for the sustainability of such services.

b. (1) The utilities board created in section 474.1, the economic development board created in section 15.103, and the telecommunications and technology commission established in section 8D.3 shall establish a joint governance board of fifteen members including the following:

(a) Eleven members shall be voting members as follows:

(i) Three members representing educational users and local governments including one member representing cities, one member representing counties, and one member representing educational users.

(ii) Two members, one representing urban residential users in the state, and one representing

Page 19

rural residential users in the state.

(iii) Three members representing broadband and telecommunications providers including one member representing cable providers, one member representing wire-line telecommunications providers, and one member representing wireless providers.

(iv) Three members representing the state, including one member designated by the telecommunications and technology commission, one member designated by the economic development board, and one member designated by the utilities board.

(b) Four nonvoting, ex-officio members representing the general assembly as follows:

(i) Two members appointed from the senate with one member appointed by the majority leader of the senate and one member appointed by the minority leader of the senate.

(ii) Two members appointed from the house of representatives with one member appointed by the speaker of the house and one member appointed by the minority leader of the house.

(2) Administrative support and planning costs incurred for the governance board shall be provided jointly by the utilities board, the economic development board, and the telecommunications and technology commission. Any necessary rules shall be adopted by the economic development board on behalf of the governance board.

(3) A quorum of the governance board shall be a majority of the voting members.

c. The governance board established in paragraph "b" shall do all of the following:

(1) Establish a comprehensive plan for the deployment and sustainability of high-speed broadband access in areas capable of timely implementation of such access. The plan shall be consistent with federal requirements established for federal funds made available for the purposes of projects that may be considered by the governance board and shall be the basis for a comprehensive statewide plan. The governance board shall seek public input when establishing the plan and the competitive process established under subparagraph (2).

(2) Establish a competitive process for the disbursement of funds made available for the deployment and sustainability of high-speed broadband services in the form of grants. The governance board shall only consider applications from parties seeking to use funds for projects that are sustainable.

(a) Priority shall be given under the plan to

Page 20

applications submitted by qualified private providers of high-speed broadband services.

(b) The plan shall require collaboration involving qualified private providers and public entities, as appropriate.

(c) The plan shall allow for the participation of public entities to accomplish project purposes that are financially feasible in areas of the state that remain unserved or underserved as a result of a lack of private sector investment.

(3) Make recommendations to the general assembly regarding any necessary legislation needed to further the purposes of this subsection.

(4) Establish and maintain separate accounts for the use of bond proceeds and nonbond proceeds.

d. Applications submitted shall be designed to accomplish all of the following:

(1) Provide minimum broadband capacity throughout the area as determined by the governance board consistent with any applicable state and federal law or guidelines. The governance board shall ensure that the minimum broadband capacity established meets or exceeds any federal requirements established with regard to the availability of federal funds, in the form of grants.

(2) Provide broadband connections to all business, government, educational, and residential locations within the project area.

(3) Utilize, where appropriate and feasible, existing privately owned telecommunications fiber infrastructure and wireless facilities to establish universal access to high-speed broadband services, as appropriate and consistent with the priorities established by the governance board for the competitive process under paragraph "c", subparagraph (2).

(4) Demonstrate that any project undertaken and funded by the governance board shall be economically sustainable with no further government assistance based upon expected revenue generation.

6. DEPARTMENT OF TRANSPORTATION

For deposit into the bridge safety fund created in section 313.68 to be used for infrastructure projects relating to functionally obsolete and structurally deficient bridges:

..... $ 50,000,000

Sec. 14. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS.

1. Payment of moneys appropriated in this division of this Act shall be made in a manner that does not

Page 21

adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state.

2. Payment of moneys appropriated in this division of this Act shall not used for administrative or planning purposes.

Sec. 15. REVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION IV

REGENTS BONDING

Sec. 16. Section 263A.2, Code 2009, is amended to read as follows:

263A.2 AUTHORIZATION OF GENERAL ASSEMBLY AND GOVERNOR.

Subject to and in accordance with the provisions of this chapter, the state board of regents ~~after authorization by a constitutional majority of the general assembly and approval by the governor~~ may undertake and carry out any project as defined in this chapter at the state university of Iowa. The state board of regents is authorized to operate, control, maintain, and manage buildings and facilities and additions to such buildings and facilities at said institution. All contracts for the construction, reconstruction, completion, equipment, improvement, repair, or remodeling of any buildings, additions, or facilities shall be let in accordance with the provisions of section 262.34. The title to all real estate acquired under the provisions of this chapter and the improvements erected thereon shall be taken and held in the name of the state of Iowa.

Sec. 17. Section 263A.3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The board is authorized to borrow money and to issue and sell negotiable bonds or notes to pay all or any part of the cost of carrying out any project at the institution and to refund and refinance bonds or notes issued for any project or for refunding purposes at the same rate or at a lower rate. ~~Such bonds or notes shall be sold by the board at public sale on the basis of sealed proposals received pursuant to a notice specifying the time and place of sale and the amount of bonds to be sold which shall be published at least once not less than seven days prior to the date~~

Page 22

~~of sale in a newspaper published in the state of Iowa and having a general circulation in the state. The provisions of chapter 75 shall not apply to bonds or notes issued under authority contained in this chapter, but such bonds or notes shall be sold upon terms of not less than par plus accrued interest.~~ The bonds or notes issued under this chapter may be sold at public sale as provided in chapter 75, but if the board finds it advisable and in the public interest to do so, such bonds or notes may be sold by the board at private sale without published notice of any kind and without regard to the requirements of chapter 75. Bonds or notes issued to refund other bonds or notes issued under the provisions of this chapter may either be sold in the manner specified in this chapter and the proceeds thereof applied to the payment of the obligations being refunded, or the refunding bonds or notes may be exchanged for and in payment and discharge of the obligations being refunded. The refunding bonds or notes may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds or notes may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds or notes may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding notes, bonds, or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds or notes, except that the principal amount of the refunding bonds or notes may exceed the principal amount of the bonds or notes to be refunded to the extent necessary to pay any premium due on the call of the bonds or notes to be refunded or to fund interest in arrears or about to become due.

Sec. 18. Section 263A.4, Code 2009, is amended to read as follows:

263A.4 BONDS OR NOTES PROVISIONS.

Such bonds or notes may bear such date or dates, may bear interest at such rate or rates, payable semiannually, may mature at such time or times, may be in such form and denominations, carry such registration privileges, may be payable at such place or places, may be subject to such terms of redemption prior to maturity with or without premium, if so stated on the face thereof, and may contain such terms and covenants, including the establishment of reserves, all as may be provided by this chapter, section 76.17, and the resolution of the board

Page 23

authorizing the issuance of the bonds or notes. In addition to the estimated cost of construction, including site costs, the cost of the project may include interest upon the bonds or notes during construction and for six months after the estimated completion date, the compensation of a fiscal agent or adviser, engineering, architectural, administrative, and legal expenses and provision for contingencies. Such bonds or notes shall be executed by the president of the state board of regents and attested by the executive director, secretary, or other official thereof performing the duties of executive director, and the coupons thereto attached shall be executed with the original or facsimile signatures of said president, executive director, secretary, or other official; provided, however, that the facsimile signature of either of such officers executing such bonds may be imprinted on the face of the bonds in lieu of the manual signature of such officer, but at least one of the signatures appearing on the face of each bond shall be a manual signature. Any bonds or notes bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding for all purposes, notwithstanding that before delivery thereof any or all such persons whose signatures appear thereon shall have ceased to be such officers. Each such bond or note shall state upon its face the name of the institution on behalf of which it is issued, that it is payable solely and only from hospital income received by such institution as provided in this chapter, and that it does not constitute a debt of or charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision. The issuance of such bonds or notes shall be recorded in the office of the treasurer of the institution, and a certificate by such treasurer to this effect shall be printed on the back of each such bond or note.

Sec. 19. 2004 Iowa Acts, chapter 1175, section 277, is amended by adding the following new subsection:

NEW SUBSECTION. 5. DEFINITION. For purposes of subsection 3, paragraph "b", "project" means the same as defined in section 262A.2, subsection 6, and includes the construction of replacement facilities and flood recovery and flood mitigation expenses resulting from a disaster in an area included in a proclamation of disaster emergency in accordance with section 29C.6.

Sec. 20. 2007 Iowa Acts, chapter 205, section 1,

Page 24

is amended by adding the following new subsection:

NEW SUBSECTION. 4. DEFINITION. For purposes of subsection 2, paragraph "a", "project" means the same as defined in section 262A.2, subsection 6, and includes the construction of replacement facilities and flood recovery and flood mitigation expenses resulting from a disaster in an area included in a proclamation of disaster emergency in accordance with section 29C.6.

DIVISION V

CHANGES TO PRIOR APPROPRIATIONS

Sec. 21. 2008 Iowa Acts, chapter 1179, section 7, is amended to read as follows:

SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for the designated fiscal years the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For deposit into the river enhancement community attraction and tourism fund created in 2008 Iowa Acts, Senate File 2430, if enacted:

FY 2009–2010 ..... $ ~~10,000,000~~
..... 0
FY 2010–2011 ..... $ 10,000,000
FY 2011–2012 ..... $ 10,000,000
FY 2012–2013 ..... $ 10,000,000

~~Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.~~

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2010, and ending June 30, 2011, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2013, or until the project for which the appropriation was made is completed, whichever is earlier.

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2011, and ending June 30, 2012, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the

Page 25

purpose designated until the close of the fiscal year that begins July 1, 2014, or until the project for which the appropriation was made is completed, whichever is earlier.

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2015, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 22. 2008 Iowa Acts, chapter 1179, section 18, unnumbered paragraph 1, is amended to read as follows:

There is appropriated from the ~~FY 2009 tax exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund~~ revenue bonds capitals fund pursuant to section ~~12E.12, subsection 1, paragraph "b", subparagraph (1A)~~ 12.88, ~~as~~ if enacted ~~in this Act~~ by the Eighty-third General Assembly, 2009 Session, to the following departments and agencies for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

Sec. 23. 2008 Iowa Acts, chapter 1179, section 18, subsection 1, paragraphs b through k, are amended to read as follows:

b. For renovations to the capitol complex utility tunnel system:

..... $ ~~4,763,078~~

..... 0

c. For costs associated with capitol interior and exterior restoration:

..... $ ~~6,900,000~~

..... 0

d. For upgrades to the electrical distribution system serving the capitol complex:

..... $ ~~4,470,000~~

..... 0

e. For heating, ventilating, and air conditioning improvements in the Hoover state office building:

..... $ ~~1,500,000~~

..... 0

f. For costs associated with the central energy plant addition and improvements:

..... $ ~~623,000~~

..... 0

g. For building security and firewall protection

Page 26

in the Hoover state office building:
..... $ ~~165,000~~
..... 0
h. For projects related to major repairs and major maintenance for state buildings and facilities under the purview of the department:
..... $ ~~15,000,000~~
..... 14,624,923
Of the amount appropriated in this lettered paragraph, up to $1,000,000 may be used for demolition purposes.
i. For the purchase of Mercy capitol hospital:
..... $ ~~3,400,000~~
..... 0
It is the intent of the general assembly that the department will use other appropriations made or other funds available to the department for the acquisition of buildings to complete the purchase of this building.
j. For capital improvements at the civil commitment unit for a sexual offenders facility at Cherokee:
..... $ ~~829,000~~
..... 0
k. For costs associated with the restoration and renovation, including major repairs and major maintenance, at the governor's mansion at Terrace Hill:
..... $ ~~769,543~~
..... 0
Sec. 24. 2008 Iowa Acts, chapter 1179, section 18, subsections 2 through 9, are amended to read as follows:
2. DEPARTMENT FOR THE BLIND
For costs associated with the renovation of dormitory buildings:
..... $ 869,748
3. DEPARTMENT OF CORRECTIONS
a. For expansion of the community-based corrections facility at Sioux City:
..... $ 5,300,000
b. For expansion of the community-based corrections facility at Ottumwa:
..... $ 4,100,000
c. For expansion of the community-based corrections facility at Waterloo:
..... $ 6,000,000
d. For expansion of the community-based corrections facility at Davenport:
..... $ 2,100,000

Page 27

e. For expansion, including land acquisition, of the community-based corrections facility at Des Moines:
..... $ 13,100,000

The appropriation in this lettered paragraph is contingent upon relocation of the sex offender treatment program from the community-based corrections facility at Des Moines to the property in northeast Des Moines identified by the fifth judicial district in the facility and site study final report submitted December 12, 2008.

It is the intent of the general assembly that the funds appropriated in paragraphs "a" through ~~"c"~~ "e" be used to expand the number of beds available through new construction and remodeling and ~~not~~ for the ~~replacement~~ expansion of existing facilities.

~~d.~~ f. For expansion of the Iowa correctional facility for women at Mitchellville:
..... $ 47,500,000

~~e.~~ g. For the remodeling of kitchens at the correctional facilities at Mount Pleasant and Rockwell City:
..... $ 12,500,000

4. DEPARTMENT OF ECONOMIC DEVELOPMENT

a. For deposit into the community attraction and tourism fund created in section 15F.204:
..... $ 12,000,000

b. For deposit into the river enhancement community attraction and tourism fund created in section 15F.205:
..... $ 10,000,000

Moneys appropriated for grants awarded in paragraphs "a" and "b" shall be used to assist communities in the development and creation of multiple purpose attractions or community service facilities for public use.

c. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of vertical infrastructure in section 8.57, subsection 6, paragraph "c":
..... $ 5,500,000

~~4.~~ 5. DEPARTMENT OF EDUCATION

For major renovation and major repair needs, including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state buildings and facilities under the purview of the community colleges:
..... $ 2,000,000

The moneys appropriated in this subsection shall be

Page 28

allocated to the community colleges based upon the distribution formula established in section 260C.18C.

~~5.~~ 6. DEPARTMENT OF NATURAL RESOURCES

a. For infrastructure improvements for a state river recreation area located in a county with a population between 21,900 and 22,100:

..... $ 750,000

b. ~~For the construction and installation of an angled well, pumps, and piping to connect the existing infrastructure from the new well to a lake located in a county with a population between 87,500 and 88,000~~ For the implementation of a water quality improvement project for the restoration of a lake located in a county with a population between 87,500 and 88,000:

..... $ 500,000

~~Moneys appropriated in this lettered paragraph are contingent upon receipt of matching funds from a state taxing authority surrounding such lake.~~

~~c. For the construction of the cabins, activity building, picnic shelters, and other costs associated with the opening of the Honey creek premier destination park:~~

~~..... $ 4,900,000~~

~~The department shall not obligate any funding under this appropriation without approval from the department of management. The department shall provide quarterly updates to the Honey creek premier destination park authority and the legislative services agency on the obligation and spending of this appropriation.~~

~~In light of this appropriation, the department shall not request additional appropriations for funding the construction of future additional amenities at the Honey creek destination park beyond the fiscal year ending June 30, 2009. In the event that the chairperson of the authority delivers a certificate to the governor, pursuant to section 463C.13, stating the amounts necessary to restore bond reserve funds, it is the general assembly's intent upon consideration of the governor's request to first seek refunding from the department's budget.~~

~~d.~~ c. For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department's annual lake restoration plan and report~~, notwithstanding section 8.57, subsection 6, paragraph "e"~~:

..... $ ~~8,600,000~~

..... 10,000,000

~~(1) It is the intent of the general assembly that~~

Page 29

~~the department of natural resources shall implement the lake restoration annual report and plan submitted to the joint appropriations subcommittee on transportation, infrastructure, and capitals and the legislative services agency on December 26, 2006, pursuant to section 456A.33B. The lake restoration projects that are recommended by the department to receive funding for fiscal year 2007–2008 and that satisfy the criteria in section 456A.33B, including local commitment of funding for the projects, shall be funded in the amounts provided in the report.~~

~~Of the amounts appropriated in this lettered paragraph, at least the following amounts shall be allocated as follows:~~

~~(a) For clear lake in Cerro Gordo county:~~

~~..... $ 3,000,000~~

~~(b) For storm lake in Buena Vista county:~~

~~..... $ 1,000,000~~

~~(c) For carter lake in Pottawattamie county:~~

~~..... $ 200,000~~

~~(2) Of the moneys appropriated in this lettered paragraph, $200,000 shall be used for the purposes of supporting a low-head dam public hazard improvement program. The moneys shall be used to provide grants to local communities, including counties and cities, for projects approved by the department.~~

~~(a) The department shall award grants to dam owners including counties, cities, state agencies, cooperatives, and individuals, to support projects approved by the department.~~

~~(b) The department shall require each dam owner applying for a project grant to submit a project plan for the expenditure of the moneys, and file a report with the department regarding the project, as required by the department.~~

~~(c) The funds can be used for signs, posts, and related cabling, and the department shall only award money on a matching basis, pursuant to the dam owner contributing at least 20 cents for every 80 cents awarded by the department, in order to finance the project. For the remainder of the funds, including any balance of money not awarded for signs, posts, and related cabling, the department shall only award moneys to a dam owner on a matching basis. A dam owner shall contribute one dollar for each dollar awarded by the department in order to finance a project.~~

~~6.~~ 7. STATE BOARD OF REGENTS

a. For infrastructure, deferred maintenance, and equipment related to Iowa public radio:

Page 30

..... $ ~~2,000,000~~
..... 1,900,000

b. For phase II of the construction and renovation of the veterinary medical facilities at Iowa state university of science and technology, specifically the renovation and modernization of the area formerly occupied by the large animal area of the teaching hospital for expanded clinical services in a small animal hospital:

..... $ 10,000,000

~~7.~~ 8. IOWA STATE FAIR

For infrastructure improvements to the Iowa state fairgrounds including but not limited to the construction of an agricultural exhibition center on the Iowa state fairgrounds:

..... $ ~~5,000,000~~
..... 0

~~8.~~ 9. DEPARTMENT OF TRANSPORTATION

a. For deposit into the public transit infrastructure grant fund created in section 324A.6A:

..... $ 2,200,000

b. For infrastructure improvements at the commercial service airports within the state:

..... $ 1,500,000

Fifty percent of the funds appropriated in this lettered paragraph shall be allocated equally between each commercial air service airport, forty percent of the funds shall be allocated based on the percentage that the number of enplaned passengers at each commercial air service airport bears to the total number of enplaned passengers in the state during the previous fiscal year, and ten percent of the funds shall be allocated based on the percentage that the air cargo tonnage at each commercial air service airport bears to the total air cargo tonnage in the state during the previous fiscal year. In order for a commercial air service airport to receive funding under this lettered paragraph, the airport shall be required to submit applications for funding of specific projects to the department for approval by the state transportation commission.

~~9.~~ 10. DEPARTMENT OF VETERANS AFFAIRS

~~a.~~ For matching funds for the construction of resident living areas at the Iowa veterans home and related improvements associated with the Iowa veterans home comprehensive plan:

..... $ ~~20,555,329~~
..... 22,555,329

~~b. To build a memorial plaza that honors veterans from the Dubuque area:~~

Page 31

~~.....~~ ~~$ 100,000~~

Sec. 25. 2008 Iowa Acts, chapter 1179, sections 19 and 20, are amended to read as follows:

SEC. 19. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS. Payment of moneys from the appropriations in this division of this Act shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the ~~tobacco settlement authority~~ treasurer of state.

SEC. 20. REVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act for the fiscal year beginning July 1, 2008, and ending June 30, 2009, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, ~~2011~~ 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION VI

MISCELLANEOUS CODE CHANGES

Sec. 26. Section 8.57, subsection 6, paragraph e, Code 2009, is amended to read as follows:

e. (1) (a) (i) Notwithstanding provisions to the contrary in sections 99D.17 and 99F.11, for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter, not more than a total of sixty million dollars shall be deposited in the general fund of the state in any fiscal year pursuant to sections 99D.17 and 99F.11.

(ii) However, in lieu of the deposit in subparagraph subdivision (i), for the fiscal year beginning July 1, 2010, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, the first fifty-five million dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the revenue bonds debt service fund created in section 12.89, and the next five million dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the general fund of the state.

(b) The next fifteen million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the vision Iowa fund created in section 12.72 for the fiscal year beginning July 1, 2000, and for each fiscal year through the

Page 32

fiscal year beginning July 1, 2019.

(c) The next five million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the school infrastructure fund created in section 12.82 for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.81 are paid, as determined by the treasurer of state.

(d) (i) The total moneys in excess of the moneys deposited in the ~~general fund of the state~~ revenue bonds debt service fund, the vision Iowa fund, ~~and~~ the school infrastructure fund, and the general fund of the state in a fiscal year shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60.

(ii) However, in lieu of the deposit in subparagraph subdivision (i), for the fiscal year beginning July 1, 2010, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, fifty-five million dollars of the excess moneys directed to be deposited in the rebuild Iowa infrastructure fund under subparagraph subdivision (i) shall be deposited in the general fund of the state.

(2) If the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in a fiscal year is less than the total amount of moneys directed to be deposited in the revenue bonds debt service fund in the fiscal year pursuant to this paragraph "e", the difference shall be paid from moneys deposited in the beer and liquor control fund created in section 123.53 in the manner provided in section 123.53, subsection 2A.

~~(2)~~ (3) ~~If~~ After the deposit of moneys directed to be deposited in the general fund of the state and the revenue bonds debt service fund as provided in subparagraph (2), if the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in a fiscal year is less than the total amount of moneys directed to be deposited in the vision Iowa fund and the school infrastructure fund in the fiscal year pursuant to this paragraph "e", the difference shall be paid from lottery revenues in the manner provided in section

Page 33

99G.39, subsection 3.

Sec. 27. Section 15F.204, subsection 8, paragraph a, subparagraph (6), Code 2009, is amended by striking the subparagraph.

Sec. 28. NEW SECTION. 16.185 PUBLIC SERVICE SHELTER GRANT FUND.

1. A public service shelter grant fund is created under the authority of the Iowa finance authority. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for grants for construction, renovations, or improvements of homeless shelters, emergency shelters, and family and domestic violence shelters, to assist communities in providing certain essential social services including supportive services and other kinds of assistance to individuals in need of temporary housing necessary to improve their living situations.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation for the public service shelter grant fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

6. The authority shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 29. NEW SECTION. 16.186 DISASTER DAMAGE HOUSING ASSISTANCE GRANT FUND.

1. A disaster damage housing assistance grant fund

Page 34

is created under the authority of the Iowa finance authority. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for grants to ease and speed recovery efforts from the natural disasters of 2008, including stabilizing neighborhoods damaged by the natural disasters, preventing population loss and neighborhood deterioration, and improving the health, safety, and welfare of persons living in such disaster-damaged neighborhoods.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation for the disaster damage housing assistance grant fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

6. The authority shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 30. NEW SECTION. 16.187 AFFORDABLE HOUSING ASSISTANCE GRANT FUND.

1. An affordable housing assistance grant fund is created under the authority of the Iowa finance authority. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be

Page 35

considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for grants for housing for certain elderly, disabled, and low-income persons and public servants in professions meeting critical skill shortages in the state, to assist communities in providing safe and affordable housing for the general welfare and security of the citizens of the state.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation for the affordable housing assistance grant fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

6. The authority shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 31. Section 123.53, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. Notwithstanding subsection 2, if gaming revenues under sections 99D.17 and 99F.11 are insufficient in a fiscal year to meet the total amount of such revenues directed to be deposited in the revenue bonds debt service fund during the fiscal year pursuant to section 8.57, subsection 6, paragraph "e", the difference shall be paid from moneys deposited in the beer and liquor control fund prior to transfer of such moneys to the general fund pursuant to subsection 2 and prior to the transfer of such moneys pursuant to subsections 3 and 4. If moneys deposited in the beer and liquor control fund are insufficient during the fiscal year to pay the difference, the remaining difference shall be paid

Page 36

from moneys deposited in the beer and liquor control fund in subsequent fiscal years as such moneys become available.

NEW SUBSECTION. 2B. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in subsection 2A. The department of management, the department of inspections and appeals and the department of commerce shall take appropriate actions to provide that the sum of the amount of gaming revenues available to be deposited into the revenue bonds debt service fund during a fiscal year and the amount of moneys to be deposited in the beer and liquor control fund available to be deposited into the revenue bonds debt service fund during such fiscal year will be sufficient to cover any anticipated deficiencies.

Sec. 32. Section 123.53, subsections 3 and 4, Code 2009, are amended to read as follows:

3. ~~The treasurer of state~~ After any transfer provided for in subsection 2A is made, the department of commerce shall transfer into a special revenue account in the general fund of the state, a sum of money at least equal to seven percent of the gross amount of sales made by the division from the beer and liquor control fund on a monthly basis but not less than nine million dollars annually. Of the amounts transferred, two million dollars, plus an additional amount determined by the general assembly, shall be appropriated to the Iowa department of public health for use by the staff who administer the comprehensive substance abuse program under chapter 125 for substance abuse treatment and prevention programs. Any amounts received in excess of the amounts appropriated to the Iowa department of public health for use by the staff who administer the comprehensive substance abuse program under chapter 125 shall be considered part of the general fund balance.

4. ~~The treasurer of state, after making the transfer~~ After any transfers provided for in ~~subsection~~ subsections 2A and 3, the department of commerce shall transfer to the division from the beer and liquor control fund and before any other transfer to the general fund, an amount sufficient to pay the costs incurred by the division for collecting and properly disposing of the liquor containers.

Sec. 33. Section 331.441, subsection 2, paragraph b, subparagraph 16, Code 2009, is amended to read as

Page 37

follows:

(16) Capital projects for the construction, reconstruction, improvement, repair, or equipping of bridges, roads, and culverts if such capital projects assist in economic development which creates jobs and wealth, if such capital projects relate to damage caused by a disaster as defined in section 29C.2, or if such capital projects are designed to prevent or mitigate future disasters as defined in section 29C.2.

Sec. 34. NEW SECTION. 313.68 BRIDGE SAFETY FUND.

1. A bridge safety fund is created in the department under the authority of the state transportation commission. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for infrastructure projects relating to functionally obsolete and structurally deficient bridges on the primary road system.

4. Annually, on or before January 15 of each year, the department of transportation shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

6. The department shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 35. Section 476.46, subsection 2, paragraph d, subparagraph (1), Code 2009, is amended to read as follows:

(1) A gas or electric utility that is not required

Page 38

to be rate-regulated shall not be eligible for a loan under this section. However, gas and electric utilities not required to be rate-regulated shall be eligible for loans from moneys remitted to the fund except as provided in subsection 3. Such loans shall be limited to a maximum of five hundred thousand dollars per applicant and shall be limited to one loan every two years.

DIVISION VI
EFFECTIVE DATE

Sec. 36. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment."

2. Title page, by striking lines 1 through 5 and inserting the following: "An Act creating an Iowa jobs program, an Iowa jobs board, and Iowa jobs fund, authorizing the issuance of bonds, including the issuance of tax-exempt bonds, making and revising appropriations, and providing an effective date."

S–3360

HOUSE AMENDMENT TO
SENATE FILE 471

Amend Senate File 471, as amended, passed, and reprinted by the Senate, as follows:

1. By striking page 6, line 33, through page 7, line 1.

2. Page 10, line 21, by inserting after the word "funds" the following: ", or the permissible limit for administrative cost expenditures specified in the federal Act if such limit is less than five percent".

3. Page 10, by striking line 33 and inserting the following: "469.9, subsection 4, and notwithstanding the limitation on the amount of tax credits under section 15.335, the board may allocate up to one".

4. Page 17, by striking lines 26 through 35 and inserting the following:

"~~13.~~ 12. Conduct a study on activities related to energy production and use which contribute to global climate change ~~and the depletion of the stratospheric ozone layer~~, in conjunction with institutions under the control of the state board of regents. ~~The study shall identify the types and relative contributions of these activities in Iowa. The department shall develop a strategy to reduce emissions from activities identified as having an adverse impact on the global climate and the stratospheric ozone layer.~~ The study shall take the form of a climate change impacts review, to include the following:

a. Performance of an initial review of available climate change impacts studies relevant to this state.

b. Preparation of a summary of available data on recent changes in relevant climate conditions.

c. Identification of climate change impacts issues which require further research and an estimate of their cost.

d. Identification of important public policy issues relevant to climate change impacts.

In the course of the review, the institutions shall meet at least twice with the Iowa climate change advisory council established in section 455B.851. The ~~department~~ office shall submit a report, based upon input from the institutions, containing its findings and recommendations to the governor and general assembly by January 1, ~~1992~~ 2011."

5. By renumbering, relettering, or redesignating and correcting internal references as necessary.

S–3361

HOUSE AMENDMENT TO
SENATE FILE 477

Amend Senate File 477, as amended, passed, and reprinted by the Senate, as follows:

1. Page 11, by inserting after line 6, the following:

"6. Annually, on or before December 31 of each year, a recipient of moneys from the appropriation bonds capitals fund for any purpose shall report to the state agency to which the moneys are appropriated the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable."

2. Page 12, by inserting after line 19 the following:

"6. Annually, on or before December 31 of each year, a recipient of moneys from the vertical infrastructure restricted capitals fund for any purpose shall report to the state agency to which the moneys are appropriated the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of

funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable."

3. Page 12, line 20, by striking the figure "6." and inserting the following: "7."

4. By renumbering as necessary.

S–3362

Amend House File 822, as amended, passed, and reprinted by the House, as follows:

1. Page 8, by striking lines 17 through 34 and inserting the following:

"f. To assist local governments to rebuild and repair local roads, notwithstanding section 8.57, subsection 6, paragraph "c":

..... $ 14,750,00

Fifty percent of the amount appropriated in this lettered paragraph shall be deposited into the street construction fund of the cities and fifty percent shall be deposited into the secondary road fund of the counties, to be used for construction, reconstruction, repair, and maintenance of city roads or secondary roads. The moneys allocated to such funds shall be expended within two years. The department shall, in cooperation with the cities and counties, provide a report to the legislative services agency regarding the projects funded by this appropriation by January 15 each year until the projects are completed."

2. By striking page 10, line 31, through page 11, line 14, and inserting the following:

"b. To assist local governments to rebuild and repair local roads, notwithstanding section 8.57, subsection 6, paragraph "c":

..... $ 24,700,000

Fifty percent of the amount appropriated in this lettered paragraph shall be deposited into the street construction fund of the cities and fifty percent shall be deposited into the secondary road fund of the counties, to be used for construction, reconstruction, repair, and maintenance of city roads or secondary roads. The moneys allocated to such funds shall be expended within two years. The department shall, in cooperation with the cities and counties, provide a report to the legislative services agency regarding the projects funded by this appropriation by January 15 each year until the projects are completed."

MATT McCOY

S–3363

Amend House File 822, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by inserting after line 21 the following:

"j. For the state's share of support in conjunction with the city of Des Moines and local area businesses to provide a free shuttle service to the citizens of Iowa that includes transportation between the capitol complex and the downtown Des Moines area, notwithstanding section 8.57, subsection 6, paragraph "c":

..... $ 200,000

Details for the shuttle service, including the route to be served, shall be determined pursuant to an agreement to be entered into by the department with the Des Moines area regional transit authority (DART) and any other participating entities.

Of the amount appropriated in this lettered paragraph, up to $50,000 shall be used to encourage state employees to utilize transit services provided by the Des Moines area regional transit authority."

2. By renumbering as necessary.

MATT McCOY

S–3364

Amend House File 822, as amended, passed, and reprinted by the House, as follows:

1. Page 12, line 2, by striking the word "Notwithstanding" and inserting the following: "Sec. ____. Notwithstanding".

2. Title page, by striking lines 5 and 6, and inserting the following: "center, providing for related matters, and providing".

3. By renumbering as necessary.

MATT McCOY

S–3365

Amend House File 822, as amended, passed, and reprinted by the House, as follows:

1. Page 8, line 20, by striking the figure "14,750,000" and inserting the following: "13,250,000".

2. Page 8, by inserting after line 34 the following:

"g. For infrastructure improvements at the commercial service airports within the state:

..... $ 1,500,000

Fifty percent of the funds appropriated in this lettered paragraph shall be allocated equally between each commercial air service airport, forty percent of the funds shall be allocated based on the percentage that the number of enplaned passengers at each commercial air service airport bears to the total number of enplaned passengers in the state during the previous fiscal year, and ten percent of the funds shall be allocated based on the percentage that the air cargo tonnage at each commercial air service airport bears to the total air cargo tonnage in the state during the previous fiscal year. In order for a commercial air service airport to receive funding under this lettered paragraph, the airport shall be required to submit applications for funding of specific projects to the department for approval by the state transportation commission."

3. By renumbering as necessary.

DARYL BEALL
STEVE WARNSTADT
AMANDA RAGAN
ROBERT E. DVORSKY
WILLIAM A. DOTZLER, JR.
JOE BOLKCOM
ROBERT M. HOGG
PAM JOCHUM
MATT McCOY

S–3366

Amend House File 822, as amended, passed, and reprinted by the House, as follows:

1. Page 8, by inserting after line 10, the following:

"Of the amount appropriated in this lettered paragraph, $1,000,000 shall be allocated for the replacement of a railroad bridge over the Cedar river in a city with a population between sixty-eight thousand five hundred and sixty-nine thousand."

2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.
AMANDA RAGAN
BILL HECKROTH
JEFF DANIELSON

S–3367

Amend House File 822, as amended, passed, and reprinted by the House, as follows:

1. Page 29, by inserting after line 31 the following:

"DIVISION ___

GENERAL EFFECTIVE DATE

Sec. ___. EFFECTIVE DATE. Except as otherwise provided in this Act, this Act, being deemed of immediate importance, takes effect upon enactment."

2. By renumbering as necessary.

MATT McCOY

S–3368

Amend House File 822, as amended, passed, and reprinted by the House, as follows:

1. Page 29, by inserting after line 29 the following:

"Sec. ___. 2009 Iowa Acts, Senate File 376, section 13, subsection 5, if enacted, is amended by striking the subsection and replacing in lieu thereof, the following:

"5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

For broadband technology grants for the deployment and sustainability of high-speed broadband access:

..... $ 25,000,000

a. It is the intent of the general assembly that funds appropriated under this subsection for the deployment and sustainability of high-speed broadband access be used to access any federal funds made available. State and federal funds made available for broadband deployment shall be used to promote universal access to high-speed broadband services or used by private providers to promote telehealth according to federal requirements throughout the state for the benefit of Iowans and for the sustainability of such services.

b. (1) The utilities board created in section 474.1 and the economic development board created in section 15.103 shall establish a joint governance board consisting of the following members:

(a) Five voting members:

(i) One member representing counties.

(ii) One member representing cities.

(iii) One member representing the department of education.

(iv) One member representing urban residential users in the state.

(v) One member representing rural residential users in the state.

(b) Four nonvoting, ex officio members representing the general assembly:

(i) Two members appointed from the senate with one member appointed by the majority leader of the senate and one member appointed by the minority leader of the senate.

(ii) Two members appointed from the house of representatives with one member appointed by the speaker of the house and one member appointed by the minority leader of the house.

(2) Administrative support and planning costs incurred for the governance board shall be provided by the economic development board. Any necessary rules

Page 2

shall be adopted by the economic development board on behalf of the governance board.

(3) A quorum of the governance board shall be a majority of the voting members.

c. The governance board established in paragraph "b" shall do all of the following:

(1) Establish a comprehensive plan for the deployment and sustainability of high-speed broadband access in areas capable of timely implementation of such access. The plan shall be consistent with federal requirements established for federal funds made available for the purposes of such projects that may be considered by the governance board.

(2) Establish a competitive process for the disbursement of funds made available for the deployment and sustainability of high-speed broadband services in the form of grants. The governance board shall only consider applications from parties seeking to use funds for projects that are sustainable.

(a) The board shall consider only applications submitted by qualified private providers of high-speed broadband services or by private providers to promote telehealth.

(b) The board may award to any one qualified provider a grant in an amount of up to twenty percent of the total funds appropriated.

(c) The plan shall allow for grants to projects that are financially feasible in areas of the state that remain unserved or underserved consistent with federal requirements.

(3) Provide minimum broadband capacity throughout the area consistent with any applicable state and federal law or guidelines. The governance board shall ensure that the minimum broadband capacity meets any federal requirements established with regard to the federal funds made available in the form of grants.

(4) Demonstrate that any project undertaken and funded by the governance board shall be economically

sustainable with no further government assistance based upon expected revenue generation.

(5) Establish and maintain separate accounts for the use of bond proceeds and nonbond proceeds."

2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S–3369

Amend the amendment, S–3362, to House File 822, as amended, passed, and reprinted by the House, as follows:

1. Page 1, line 8, by striking the figure "14,750,000" and inserting the following: "13,250,000".

2. Page 1, by inserting after line 20 the following:

"g. For infrastructure improvements at the commercial service airports within the state:

..... $ 1,500,000

Fifty percent of the funds appropriated in this lettered paragraph shall be allocated equally between each commercial air service airport, forty percent of the funds shall be allocated based on the percentage that the number of enplaned passengers at each commercial air service airport bears to the total number of enplaned passengers in the state during the previous fiscal year, and ten percent of the funds shall be allocated based on the percentage that the air cargo tonnage at each commercial air service airport bears to the total air cargo tonnage in the state during the previous fiscal year. In order for a commercial air service airport to receive funding under this lettered paragraph, the airport shall be required to submit applications for funding of specific projects to the department for approval by the state transportation commission.""

3. By renumbering as necessary.

DARYL BEALL
STEVE WARNSTADT
AMANDA RAGAN
ROBERT E. DVORSKY
WILLIAM A. DOTZLER, JR.
JOE BOLKCOM
ROBERT M. HOGG
PAM JOCHUM
MATT McCOY

S–3370

Amend House File 820, as amended, passed, and reprinted by the House, as follows:

1. Page 27, by inserting after line 30 the following:

"aa. For distribution to school districts for professional development related to implementation of the model core curriculum adopted by the state board of education in accordance with section 256.7, subsection 26, and implemented in accordance with section 280.3, subsection 3:

..... $ 2,000,000

(1) The department of education shall distribute funds appropriated in this lettered paragraph for the purpose of this lettered paragraph based on the average per diem contract salary for each district as reported to the department for the school year beginning July 1, 2008, multiplied by the total number of full-time equivalent teachers in the base year. These funds shall not supplant existing funding for professional development activities.

(2) Notwithstanding any provision to the contrary, moneys received by a school district under this lettered paragraph shall not revert but shall remain available for the same purpose in the succeeding fiscal year.

(3) A school district shall submit a report to the department of education in a manner determined by the department describing its use of the funds received under this lettered paragraph. The department shall submit a report on school district use of the moneys distributed pursuant to this lettered paragraph to the department of management and the legislative services agency not later than January 15 of the fiscal year for which moneys are allocated for purposes of this lettered paragraph.

aaa. For instructional support state aid under section 257.20, for the fiscal year beginning July 1, 2009, in lieu of the appropriation made in section 257.20, subsection 2:

..... $ 13,103,950

Notwithstanding section 257.20, subsection 3, the appropriation made in this lettered paragraph shall be allocated in the same manner as the allocation of the appropriation was made for the same purpose in the previous fiscal year."

2. Page 28, by striking lines 16 and 17 and inserting the following:

"b. For the department of inspections and appeals, for health facility and dependent adult-related investigations:

Page 2

..... $ 400,000"

3. Page 28, line 19, by striking the figure "100,000" and inserting the following: "200,000".

4. Page 29, line 1, by striking the figure "3,206,000" and inserting the following: "4,347,000".

5. Page 29, line 3, by striking the figure "119,000" and inserting the following: "931,000".

6. Page 29, line 5, by striking the figure "504,000" and inserting the following: "2,030,000".

7. Page 29, line 7, by striking the figure "301,000" and inserting the following: "1,029,000".

8. Page 29, line 10, by striking the figure "189,000" and inserting the following: "903,000".

9. Page 29, line 13, by striking the figure "63,000" and inserting the following: "301,000".

10. Page 29, line 16, by striking the figure "1,862,000" and inserting the following: "2,506,000".

11. Page 29, line 19, by striking the figure "266,000" and inserting the following: "679,000".

12. Page 29, line 22, by striking the figure "280,000" and inserting the following: "1,064,000".

13. Page 29, by inserting after line 24 the following:

"4A. From funding designated for government stabilization, for the department of public defense for the military division:

..... $ 18,000

4B. From funding designated for government stabilization, for the department of public safety:

..... $ 75,000

4C. From funding designated for government stabilization, for the department of public health:

a. For elderly wellness:

..... $ 700,000

b. For community capacity:

..... $ 500,000

c. For resource management, to be allocated to the areas of greatest need:

..... $ 1,800,000"

14. Page 30, line 31, by striking the figure "605,596" and inserting the following: "680,596".

15. Page 30, by inserting after line 35 the following:

"h. For child and family services:

..... $ 2,500,000

Of the amount appropriated in this lettered

paragraph, $500,000 shall be used for additional funding of shelter care."

16. By renumbering as necessary.

ROBERT E. DVORSKY

S–3371

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 822

Amend the Senate amendment, H–1774, to House File 822, as amended, passed, and reprinted by the House, as follows:

1. By striking page 2, line 18, through page 4, line 14.

2. By renumbering as necessary.

S–3372

Amend House File 820, as amended, passed, and reprinted by the House, as follows:

1. Page 38, by inserting after line 19 the following:

"Sec. ___. 2009 Iowa Acts, Senate File 376, section 13, subsection 5, unnumbered paragraph 1, if enacted, is amended to read as follows:

For ~~public~~ broadband technology grants for the deployment and sustainability of high-speed broadband access:

..... $ 25,000,000"

2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S–3373

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 820

Amend the Senate amendment, H–1781, to House File 820, as amended, passed, and reprinted by the House, as follows:

1. Page 2, line 27, by striking the figure "18,000" and inserting the following: "180,000".

2. Page 2, line 30, by striking the figure "75,000" and inserting the following: "750,000".

S–3374

HOUSE AMENDMENT TO
SENATE FILE 478

Amend Senate File 478, as amended, passed, and reprinted by the Senate, as follows:

1. Page 10, by inserting after line 34 the following:

"Sec. ___. DEPARTMENT OF ADMINISTRATIVE SERVICES — JOB EVALUATION AND CLASSIFICATION STUDY.

1. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the department of administrative services shall conduct a job evaluation study of state employees for the purpose of determining whether the job classification and pay grade level of selected state employees are properly determined.

2. In conducting the study, the department shall provide a job evaluation questionnaire to a randomly selected sample of state employees within particular job classifications. The department shall examine each questionnaire and determine, based upon an evaluation system established by the department, whether the particular state employee is properly classified and assigned an appropriate pay grade. If the department makes an initial determination that the state employee is improperly classified, the department shall allow the employer of the state employee a reasonable opportunity to respond to the alleged misclassification. If the department makes a final determination that the state employee is misclassified, the department shall direct the employer of the state employee, within fourteen days of the determination by the department, to properly classify the state employee within the proper job classification and pay grade."

2. Page 13, line 20, by inserting after the word "regents" the following: ", the department of human services,".

3. Page 13, line 23, by inserting after the word "regents" the following: ", the department of human services,".

4. Page 29, by inserting after line 7 the following:

"Sec. ___. Section 321J.12, subsection 2, paragraph d, Code 2009, is amended to read as follows:

d. A person whose license or privileges have been revoked under subsection 1, paragraph "b", for one year shall not be eligible for any temporary restricted license for <u>forty-five days after the effective date of the revocation if the person has had one previous revocation under this chapter, or for</u> one

year after the effective date of the revocation~~, and the~~ if the person has had more than one previous revocation under this chapter. The person shall be

Page 2

ordered to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device."

5. Page 29, by inserting after line 14 the following:

"Sec. ___. There is appropriated from the general fund of the state to the council on homelessness for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the payment of expenses provided under section 16.100A, subsection 6, paragraph "d":

..... $ 5,000

Sec. ___. FARMERS WITH DISABILITIES. There is appropriated from the general fund of the state to the department of education, vocational rehabilitation services division for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a program for farmers with disabilities:

..... $ 108,000

Moneys appropriated for purposes of this section shall be used for the public purpose of providing a grant to a national nonprofit organization with over 80 years of experience in assisting children and adults with disabilities and special needs. The funds shall be used for a nationally recognized program that began in 1986 and has been replicated in at least 30 other states, but which is not available through any other entity in this state, that provides assistance to farmers with disabilities in all 99 counties to allow the farmers to remain in their own homes and be gainfully engaged in farming through provision of agricultural worksite and home modification consultations, peer support services, services to families, information and referral, and equipment loan services."

6. Page 31, by inserting after line 28 the following:

"Sec. ___. DEPARTMENT OF REVENUE. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following

Page 3

amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 2,500,000

Sec. ___. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the general office of the governor and the general office of the lieutenant governor:

..... $ 400,000

Sec. ___. WORKFORCE DEVELOPMENT — FIELD OFFICES. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field offices:

..... $ 360,000

Sec. ___. IOWA POWER FUND. There is appropriated from the general fund of the state to the office of energy independence for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the Iowa power fund:

..... $ 4,000,000

Sec. ___. COMMERCIAL SERVICE AIRPORTS. There is appropriated from the general fund of the state to the department of transportation for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For infrastructure improvements at the commercial service airports within the state:

..... $ 1,500,000

Fifty percent of the moneys appropriated in this section shall be allocated equally between each

commercial air service airport, 40 percent of the moneys shall be allocated based on the percentage that the number of enplaned passengers at each commercial air service airport bears to the total number of enplaned passengers in the state during the previous

Page 4

fiscal year, and 10 percent of the moneys shall be allocated based on the percentage that the air cargo tonnage at each commercial air service airport bears to the total air cargo tonnage in the state during the previous fiscal year. In order for a commercial air service airport to receive funding under this section, the airport shall be required to submit applications for funding of specific projects to the department for approval by the state transportation commission.

Sec. __. JOBS FOR AMERICA'S GRADUATES. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For school districts to provide direct services to the most at-risk senior high school students enrolled in school districts through direct intervention by a jobs for America's graduates specialist:

..... $ 600,000

Sec. __. EMPLOYEE MISCLASSIFICATION PROGRAM — GENERAL FUND. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enhancing efforts to investigate employers that misclassify workers:

..... $ 500,000

Sec. __. EMPLOYEE MISCLASSIFICATION PROGRAM — SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the department of workforce development may use up to $250,000 from the employment security contingency fund for enhancing efforts to investigate employers that misclassify workers.

Sec. __. INDIGENT DEFENSE PROGRAM. There is appropriated from the general fund of the state to the office of state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purposes designated:

For the indigent defense program:
..... $ 2,200,000
Sec. __. EFFECTIVE DATE. The section of this division of this Act, relating to an appropriation to the office of state public defender of the department of inspections and appeals, being deemed of immediate

Page 5

importance, takes effect upon enactment."
7. Page 33, by striking lines 24 through 34.
8. By striking page 35, line 21, through page 38, line 10.
9. Page 38, by striking lines 26 through 33.
10. Page 44, by striking lines 20 through 24.
11. Page 47, by striking lines 5 through 15.
12. Page 48, by striking lines 18 through 28.
13. Page 50, by inserting after line 11 the following:
"Sec. __. Section 423A.2, subsection 3, Code 2009, is amended to read as follows:
3. "Lodging" means rooms, apartments, or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, or manufactured or mobile home which is tangible personal property, or in a tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals. Lodging does not include rooms that are not used for sleeping accommodations."
14. Page 53, by striking lines 25 through 28.
15. Page 54, by inserting after line 10 the following:
"Sec. __. 2009 Iowa Acts, House File 809, if enacted, is amended by adding the following new section:
Sec. __. NEW SECTION. FUTURE REPEAL OF DEPARTMENT OF COMMERCE REVOLVING FUND — COMPLIANCE.
1. Division VIII of this Act, relating to the creation of a department of commerce revolving fund, is repealed July 1, 2011. The Code editor shall restore the language in the sections of the Code of Iowa amended by the division to the language present in those sections in the 2009 Code of Iowa.
2. The divisions of the department of commerce shall comply with appropriate provisions of section 8.31 and with directions by the governor to executive branch departments regarding restrictions on out-of-state travel, hiring justifications, association memberships, equipment purchases, consulting contracts, and any other expenditure efficiencies that the governor deems appropriate."
16. Page 57, by striking line 26 and inserting

the following:
"..... $ 225,602"
17. Page 59, by inserting after line 25 the following:
"Sec. ___. COMPULSORY SCHOOL ATTENDANCE AGE — WORKING GROUP.
1. Of the amount appropriated from the human

Page 6

services reinvestment fund created in 2009 Iowa Acts, House File 820, if enacted, to the legislative services agency for the fiscal year beginning July 1, 2009, and ending June 30, 2010, $115,000 is transferred to the department of education to be used for costs associated with the working group convened pursuant to subsection 2.
2. The department of education shall convene a working group comprised of the director of the department of education, or the director's designee, and other education stakeholders appointed by the department to review supports for students affected by an increase in the compulsory attendance age from sixteen to eighteen years of age. The working group shall consider, at a minimum, the necessity of expansion of support programs and services for such students, online at-risk academy courses, career academies, and current at-risk allowable growth provisions, and full funding of the instructional support levy. The working group shall submit its findings and recommendations, including any proposed changes in policy or statute, to the state board of education and the general assembly by January 15, 2010."
18. By striking page 63, line 20, through page 65, line 3.
19. By striking page 66, line 5, through page 68, line 19.
20. Page 69, by striking line 21 and inserting the following: "7,850,000".
21. Page 69, line 24, by striking the word "disaster" and inserting the following: "~~disaster~~ recovery".
22. Page 70, by striking lines 2 through 21 and inserting the following:
"Sec. ___. REBUILD IOWA OFFICE — APPROPRIATION.
1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the rebuild Iowa office for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for purposes of this section:

..... $ 1,150,000

2. From the moneys appropriated in this section, the rebuild Iowa office shall distribute $1,150,000 to cities adversely impacted by tornadoes during the incident period identified by Presidential Disaster DR 1763-IA. The rebuild Iowa office shall distribute moneys to all of the following adversely impacted political subdivisions:

Page 7

a. For Marion county for the benefit of Attica:
..... $ 25,000

b. For Dunkerton:
..... $ 50,000

c. For Fairbank:
..... $ 50,000

d. For Hazleton:
..... $ 50,000

e. For New Hartford:
..... $ 200,000

f. For Delaware county for the benefit of Oneida:
..... $ 25,000

g. For Parkersburg:
..... $ 750,000"

23. Page 70, line 34, by striking the words "community recovery centers" and inserting the following: "area long-term recovery committees".

24. Page 71, by striking lines 17 through 28, and inserting the following:

"Sec. __. MEDICAID ENTERPRISE STUDY. The department of human services shall explore incorporating data mining, predictive modeling, and data analytics which may include automated claims review, to address provider overpayments, underpayments, and fraud within the Iowa Medicaid enterprise for the fiscal period beginning July 1, 2006, and ending June 30, 2009. The review shall assume only Iowa-specific models, patterns, and trend data. The department shall issue a request for proposals to competitively procure such services no later than August 1, 2009. If the results from the request for proposals demonstrate that such an approach will provide a net benefit to the state, the department shall enter into a contract for such services no later than September 30, 2009."

25. Page 71, by inserting before line 29 the following:

"Sec. __. RISK POOL — FISCAL YEAR 2009–2010. For purposes of the timeframes for applying for and receiving risk pool assistance under section 426B.5, for the fiscal year beginning July 1, 2009,

notwithstanding contrary provisions of section 426B.5, subsection 2, a county must apply to the risk pool board for assistance from the risk pool on or before July 1, 2009. The risk pool board shall make its final decisions on or before August 15, 2009, regarding acceptance or rejection of the applications for assistance and the total amount of assistance applied for and approved shall be considered obligated. The department of human services shall

Page 8

authorize the issuance of warrants payable to the county treasurer for the amounts due and the warrants shall be issued on or before September 15, 2009."

26. Page 71, line 35, by inserting after the word "for" the following: "medically necessary".

27. Page 72, line 6, by inserting after the word "Such" the following: "medically necessary".

28. Page 79, by striking lines 24 through 30.

29. Page 80, by inserting after line 8 the following:

"Sec. ___. 2008 Iowa Acts, chapter 1178, section 18, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year."

30. Page 80, by inserting before line 16 the following:

"DIVISION ___

DATA CENTERS

Sec. ___. Section 423.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 95. a. (1) The sales price from the sale or rental of computers and equipment that are necessary for the maintenance and operation of a data center business and property whether directly or indirectly connected to the computers, including but not limited to cooling systems, cooling towers, and other temperature control infrastructure; power infrastructure for transformation, distribution, or management of electricity used for the maintenance and operation of the data center business, including but not limited to exterior dedicated business-owned substations, backup power generation systems, battery systems, and related infrastructure; and racking systems, cabling, and trays, which are necessary for the maintenance and operation of the data center business.

(2) The sales price of backup power generation fuel that is purchased by a data center business for use in the items listed in subparagraph (1).

(3) The sales price of electricity purchased for use by a data center business.

b. For the purpose of claiming this exemption, all of the following requirements shall be met:

(1) The purchaser or renter shall be a data center business.

(2) The data center business shall have a physical

Page 9

location in the state that is, in the aggregate, at least five thousand square feet in size that is used for the operations and maintenance of the data center business.

(3) The data center business shall make a minimum investment in an Iowa physical location of two hundred million dollars within the first six years of operation in Iowa beginning with the date the data center business initiates site preparation activities. The minimum investment includes the initial investment, including land and subsequent acquisition of additional adjacent land and subsequent investment at the Iowa location.

(4) The data center business shall comply with the sustainable design and construction standards established by the state building code commissioner pursuant to section 103A.8B.

c. This exemption applies from the date of the initial investment in or the initiation of site preparation activities for the data center business facility as described in paragraph "b".

d. Failure to meet eighty percent of the minimum investment amount requirement specified in paragraph "b" within the first six years of operation from the date the data center business initiates site preparation activities will result in the data center business losing the right to claim this data center business exemption and the data center business shall pay all sales or use tax that would have been due on the purchase or rental or use of the items listed in this exemption, plus any applicable penalty and interest imposed by statute.

e. For purposes of this subsection:

(1) "Data center" means a building rehabilitated or constructed to house a group of networked server computers in one physical location in order to centralize the storage, management, and dissemination of data and information pertaining to a particular business, taxonomy, or body of knowledge. A data

center business's facility typically includes the mechanical and electrical systems, redundant or backup power supplies, redundant data communications connections, environmental controls, and fire suppression systems. A data center business's facility also includes a restricted access area employing advanced physical security measures such as video surveillance systems and card-based security or biometric security access systems.

(2) "Data center business" means an entity whose business among other businesses, is to operate a data

Page 10

center.

Sec. ___. Section 423.4, subsection 8, Code 2009, is amended to read as follows:

8. a. The owner of ~~an information technology facility~~ a data center business, as defined in section 423.3, subsection 95, located in this state ~~on July 1, 2007, and having a primary business with a North American industry classification system number 518210 or 541519 as verified by the department of economic development using nationally recognized third-party sources such as Hoovers, Harris Directory or others designated by the department of economic development,~~ may make an annual application for up to five consecutive years to the department for the refund of fifty percent of the sales or use tax upon the sales price of all sales of fuel used in creating heat, power, and steam for processing or generating electrical current, or from the sale of electricity consumed by computers, machinery, or other equipment for operation of the ~~technology~~ data center business facility.

b. ~~An information technology facility~~ A data center business shall qualify for the refund in this subsection if all of the following criteria are met:

(1) The ~~facility's six-digit North American industry classification system number 518210 or 541519 indicates that the facility is primarily engaged in providing computer related services~~ data center business shall make an investment in an Iowa physical location within the first three years of operation in Iowa beginning with the date on which the data center business initiates site preparation activities.

(2) The amount of the investment in an Iowa physical location, including the value of a lease agreement, or an investment in land or buildings, and the capital expenditures for computers, machinery, and other equipment used in the operation of the ~~facility equals~~ data center business shall equal at least one

million dollars, but shall not exceed ten million dollars for a newly constructed building or five million dollars for a rehabilitated building.

(3) If the data center business is leasing a building to house operations, the data center business shall enter into a lease that is at least five years in duration.

~~(3)~~ (4) The ~~facility is certified as meet~~ the ~~Leadership in Energy and Environmental Design (LEED) standards~~ data center business shall comply with the sustainable design and construction standards established by the state building code commissioner

Page 11

pursuant to section 103A.8B.

c. The refund may be obtained only in the following manner and under the following conditions:

(1) The applicant shall use forms furnished by the department.

(2) The applicant shall separately list the amounts of sales and use tax paid during the reporting period.

(3) The applicant may request when the refund begins, but it must start on the first day of a month and proceed for a continuous twelve-month period.

d. In determining the amount to be refunded, if the dates of the utility billing or meter reading cycle for the sale or furnishing of metered gas and electricity are on or after the first day of the first month through the last day of the last month of the refund year, ~~the full~~ fifty percent of the amount of tax charged in the billings shall be refunded. In determining the amount to be refunded, if the dates of the sale or furnishing of fuel for purposes of commercial energy and the delivery of the fuel are on or after the first day of the first month through the last day of the last month of the refund year, ~~the full~~ fifty percent of the amount of tax charged in the billings shall be refunded.

e. To receive refunds during the five-year period, the applicant shall file a refund claim within three months after the end of each refund year.

f. The refund in this subsection applies only to state sales and use tax paid and does not apply to local option sales and services taxes imposed pursuant to ~~chapters~~ chapter 423B ~~and 423E~~. Notwithstanding the state sales tax imposed in section 423.2, a refund issued pursuant to this section shall not exceed an amount equal to five percent of the sales price of the fuel used to create heat, power, and steam for processing or generating electrical current or from

the sale price of electricity consumed by computers, machinery, or other equipment for operation of the data center business facility.

Sec. ___. Section 423.4, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9. a. The owner of a data center business, as defined in section 423.3, subsection 95, paragraph "e", located in this state that is not eligible for the exemption under section 423.3, subsection 95, may make an annual application to the department for the refund of fifty percent of the sales or use tax upon all of the following:

(1) The sales price from the sale or rental of

Page 12

computers and equipment that are necessary for the maintenance and operation of a data center business and property whether directly or indirectly connected to the computers, including but not limited to cooling systems, cooling towers, and other temperature control infrastructure; power infrastructure for transformation, distribution, or management of electricity used for the maintenance and operation of the data center business including but not limited to exterior dedicated business-owned substations, backup power generation systems, battery systems, and related infrastructure; and racking systems, cabling, and trays, which are necessary for the maintenance and operation of the data center business.

(2) The sales price of backup power generation fuel that is purchased by a data center business for use in the items listed in subparagraph (1).

(3) The sales price of electricity purchased for use in providing data center services.

b. A data center business shall qualify for the partial refund in this subsection if all of the following criteria are met:

(1) The data center business shall have a physical location in the state which is at least five thousand square feet in size.

(2) The data center business shall make a minimum investment of at least ten million dollars, in the case of new construction, or at least five million dollars in the case of a rehabilitated building, in an Iowa physical location within the first six years of operation in Iowa, beginning with the date on which the data center business initiates site preparation activities. The minimum investment includes the initial investment, including the value of a lease agreement or the amount invested in land and subsequent acquisition of additional adjacent land and

subsequent investment at the Iowa location.

(3) If the data center business is leasing a building to house operations, the data center business shall enter into a lease that is at least five years in duration.

(4) The data center business shall comply with the sustainable design and construction standards established by the state building code commissioner pursuant to section 103A.8B.

c. The refund allowed under this subsection shall be available for the following periods of time:

(1) For an investment of at least ten million dollars, in the case of new construction, or at least five million dollars, in the case of a rehabilitated

Page 13

building, but less than one hundred thirty-six million dollars, ten years.

(2) For an investment of at least one hundred thirty-six million dollars, but less than two hundred million dollars, seven years.

d. The refund may be obtained only in the following manner and under the following conditions:

(1) The applicant shall use forms furnished by the department.

(2) The applicant shall separately list the amounts of sales and use tax paid during the reporting period.

(3) The applicant may request when the refund begins, but it must start on the first day of a month and proceed for a continuous twelve-month period.

e. In determining the amount to be refunded, if the dates of the utility billing or meter reading cycle for the sale or furnishing of metered gas and electricity are on or after the first day of the first month through the last day of the last month of the refund year, fifty percent of the amount of tax charged in the billings shall be refunded. In determining the amount to be refunded, if the dates of the sale or furnishing of fuel for purposes of commercial energy and the delivery of the fuel are on or after the first day of the first month through the last day of the last month of the refund year, fifty percent of the amount of tax charged in the billings shall be refunded.

f. To receive refunds during the applicable refund period, the applicant shall file a refund claim within three months after the end of each refund year.

g. The refund in this subsection applies only to state sales and use tax paid and does not apply to local option sales and services taxes imposed pursuant

to chapter 423B. Notwithstanding the state sales tax imposed in section 423.2, a refund issued pursuant to this section shall not exceed an amount equal to five percent of the sales price of the items listed in paragraph "a", subparagraphs (1), (2), and (3).

Sec. __. Section 427.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 37. DATA CENTER BUSINESS PROPERTY.

a. Property, other than land and buildings and other improvements, that is utilized by a data center business as defined in and meeting the requirements of section 423.3, subsection 95, including computers and equipment that are necessary for the maintenance and operation of a data center business and other property

Page 14

whether directly or indirectly connected to the computers, including but not limited to cooling systems, cooling towers, and other temperature control infrastructure; power infrastructure for transformation, distribution, or management of electricity, including but not limited to exterior dedicated business-owned substations, and power distribution systems which are not subject to assessment under chapter 437A; racking systems, cabling, and trays; and backup power generation systems, battery systems, and related infrastructure all of which are necessary for the maintenance and operation of the data center business.

b. This data center business exemption applies beginning with the assessment year the investment in or construction of the facility utilizing the materials, equipment, and systems set forth in paragraph "a" are first assessed.

Sec. __. IMPLEMENTATION. Section 25B.7 does not apply to the property tax exemption enacted in this Act.

Sec. __. APPLICABILITY DATE PROVISION. The sections of this Act providing sales and use tax refunds apply to sales and use tax paid on or after July 1, 2009."

31. By striking page 89, line 9, through page 90, line 30, and inserting the following:

"Sec. __. Section 483A.1, subsection 2, paragraphs c, d, e, f, and g, Code 2009, are amended to read as follows:

c. Hunting license, eighteen years of age or older..... $ ~~80.00~~

..... 110.00

d. Hunting license, under eighteen

years of age ..... $ 30.00
e. Deer hunting license, antlered or
any sex deer ..... $ ~~220.00~~
..... 295.00
f. Deer hunting license, antlerless
deer only, required with the purchase
of an antlered or any sex deer hunting
license ..... ~~$100.00~~
..... 125.00
g. Deer hunting license, antlerless
deer only ..... $ ~~150.00~~
..... 225.00

Sec. ___. Section 483A.1, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. gg. Holiday deer hunting license issued under section 483A.8, subsection 6,

Page 15

antlerless deer only ..... $ 75.00"

32. Page 93, by inserting after line 17 the following:

"DIVISION ___
METHANE GAS CONVERSION PROPERTY

Sec. ___. Section 427.1, subsection 29, paragraph a, Code 2009, is amended to read as follows:

a. For purposes of this subsection, "methane gas conversion property" means personal property, real property, and improvements to real property, and machinery, equipment, and computers assessed as real property pursuant to section 427A.1, subsection 1, paragraphs "e" and "j", used in an operation ~~connected with, or in conjunction with, a publicly owned sanitary landfill~~ to decompose waste and convert the waste to gas, to collect methane gas or other gases produced as a by-product of waste decomposition and to convert the gas to energy, or to collect waste ~~that would otherwise be collected by, or deposited with, a publicly owned sanitary landfill~~ in order to decompose the waste to produce methane gas or other gases and to convert the gas to energy. ~~However, property used to decompose the waste and convert the waste to gas is not eligible for this exemption.~~

Sec. ___. Section 427.1, subsection 29, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. With respect to methane gas conversion property other than that used in an operation connected with, or in conjunction with, a publicly owned sanitary landfill, the exemption pursuant to this subsection shall be limited to property originally placed in operation on or after January 1, 2008, and on or before December 31, 2012,

and shall be available for the ten-year period following the date the property was originally placed in operation.

Sec. __. Section 437A.6, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. Methane gas conversion property subject to section 427.1, subsection 29, to the extent the property is used in connection with, or in conjunction with, a publicly owned sanitary landfill or used to collect waste that would otherwise be collected by, or deposited with, a publicly owned sanitary landfill.

Sec. __. IMPLEMENTATION. Section 25B.7 does not apply to the property tax exemption amended in this division of this Act.

Sec. __. EFFECTIVE AND APPLICABILITY DATES. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies

Page 16

retroactively to assessment years beginning on or after January 1, 2008. Notwithstanding section 427.1, subsection 29, paragraph "c", claims for exemption for the 2008 and 2009 assessment years shall be filed with the appropriate assessing authority on or before June 30, 2009."

33. Page 96, by striking lines 7 through 18.

34. Page 96, by inserting after line 21 the following:

"DIVISION ___

REPORTS OF REFUND CLAIMS

Sec. __. Section 15.335, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The department of revenue shall by February 15 of each year issue an annual report to the general assembly containing the total amount of all claims made by employers under this section, and the portion of the claims issued as refunds, for all claims processed during the previous calendar year, beginning with claims filed on or after January 1, 2009. The report shall contain the name of each claimant for whom a tax credit in excess of five hundred thousand dollars was issued and the amount of the credit received.

Sec. __. Section 422.10, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The department shall by February 15 of each year issue an annual report to the general assembly containing the total amount of all claims made by employers under this section and the portion of the claims issued as refunds, for all claims processed during the previous calendar year,

beginning with claims filed on or after January 1, 2009. The report shall contain the name of each claimant for whom a tax credit in excess of five hundred thousand dollars was issued and the amount of the credit received.

Sec. ___. Section 422.33, Code 2009, subsection 5, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. The department shall by February 15 of each year issue an annual report to the general assembly containing the total amount of all claims made by employers under this subsection and the portion of the claims issued as refunds, for all claims processed during the previous calendar year, beginning with claims filed on or after January 1, 2009. The report shall contain the name of each claimant for whom a tax credit in excess of five hundred thousand dollars was issued and the amount of the credit received."

Page 17

35. By renumbering, relettering, or redesignating and correcting internal references as necessary.

REPORTS OF CONFERENCE COMMITTEES

Senate Files

SENATE FILE 224

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 224, a bill for an Act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision, respectfully make the following report:

1. That the House amendment, S–3300, to Senate File 224, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking lines 7 through 9 and inserting the following: "strainers. Routine maintenance shall include emergency repairs, and the board shall define the term emergency repairs to include the repair of water pipes to prevent imminent damage to property.""

2. Page 1, line 23, by inserting after the word "chapter" the following: "; except for projects that exceed the dollar amount specified as the competitive bid threshold in section 26.3".

On the part of the Senate:

JEFF DANIELSON, Chair
STACI APPEL
STEVEN J. SODDERS

On the part of the House:

BRIAN QUIRK, Chair
KEVIN KOESTER
DOUG STRUYK
ROGER THOMAS
NATE WILLEMS

SENATE FILE 389

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 389, a bill for an Act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H–1661.

2. That the House amendment, S–3296, to Senate File 389, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking lines 27 through 40, and inserting the following:

"(1) A person who represents large employers.
(2) A person who represents Iowa insurers.
(3) A person who represents health underwriters.
(4) A health care provider.
(5) A person who represents labor.
(6) A consumer who represents the pre-Medicare population.

(7) A consumer who represents middle-income adults and families.
(8) A consumer who represents low-income adults and families.
(9) A person who represents small businesses.
(10) A person who represents nonprofit entities.
(11) A person who represents independent insurance agents."

2. Page 1, line 42, by striking the word "coordinator" and inserting the following: "person or persons".

3. Page 1, line 43, by striking the word "coordinator" and inserting the following: "person or persons employed or contracted with to assist the commission".

4. Page 3, lines 29 and 30, by striking the words "health insurance experts" and inserting the following: "health care coverage experts".

5. Page 4, line 23, by striking the words "health insurance experts" and inserting the following: "health care coverage experts".

6. Page 4, line 30, by striking the words "last report" and inserting the following: "previous annual report provided on January 1, 2010, including but not limited to information about health care coverage for adults, including enrollment information, that was available for purchase by the public by July 1, 2010, consistent with the commission's recommendations and priorities, and including further recommendations and prioritization of those recommendations".

On the part of the Senate:

JACK HATCH, Chair
MICHAEL E. GRONSTAL
DAVID HARTSUCH
DAVID JOHNSON
JOHN P. KIBBIE

On the part of the House:

RICK OLSON, Chair
WAYNE FORD
JEFF KAUFMANN
MARK SMITH
CHUCK SODERBERG

SENATE FILE 437

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 437, a bill for an Act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records, respectfully make the following report:

1. That the Senate recedes from its amendment, H–1560.
2. That the House recedes from its amendment, S–3207.
3. That Senate File 437, as passed by the Senate, is amended to read as follows:

1. Page 1, line 2, by striking the word "paragraph" and inserting the following: "paragraphs".

2. Page 1, by inserting after line 6 the following:

"NEW PARAGRAPH. j. An advisory board, advisory commission, advisory committee, task force, or other body created by an entity organized under chapter 28E, or by the administrator or joint board specified in a chapter 28E agreement, to develop and make recommendations on public policy issues."

3. Page 1, by inserting after line 23 the following:

"Sec. __. Section 331.325, subsection 1, Code 2009, is amended to read as follows:

1. As used in this section, "pioneer cemetery" means a cemetery where there have been ~~six~~ twelve or fewer burials in the preceding fifty years.

Sec. ___. Section 359.17, subsection 2, Code 2009, is amended to read as follows:

2. A board of township trustees shall give prior notice of a meeting to discuss, deliberate, or act upon a matter relating to the budget or a tax levy of the township or relating to the trustees' duty to provide fire protection service and, if provided, emergency medical service, pursuant to section 359.42. The trustees shall give notice of such meeting at least ~~forty-eight~~ twenty-four hours preceding the commencement of the meeting. ~~However, a notice is not required pursuant to this subsection when the trustees gather for minor or ministerial matters relating to the trustees' duty for providing such fire protection service or emergency medical service.~~ The notice shall state the time, date, and place of the meeting and the proposed agenda. The notice shall be provided to the county auditor who shall post the notice in an area of the courthouse where notices to the public are commonly posted.

Sec. ___. Section 523I.102, subsection 39, Code 2009, is amended to read as follows:

39. "Pioneer cemetery" means a cemetery where there were ~~six~~ twelve or fewer burials in the preceding fifty years."

4. Title page, by striking lines 1 through 3 and inserting the following:

"An Act relating to the activities of governmental entities by amending provisions relating to public access to meetings and records and by modifying provisions relating to cemeteries under the control of certain governmental entities."

5. By renumbering as necessary.

On the part of the senate:

RICH OLIVE, Chair
DENNIS H. BLACK
SHAWN HAMERLINCK
KEITH A. KREIMAN
KIM REYNOLDS

On the part of the house:

BOB KRESSIG, Chair
KERRY BURT
GERI HUSER
NICK WAGNER
MATT WINDSCHITL

SENATE FILE 457

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 457, a bill for an Act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, and including effective date and retroactive applicability date provisions, respectfully make the following report:

1. That the Senate recedes from its amendment, H–1655.

2. That the House amendment, S–3246, to Senate File 457, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 3, by inserting after line 15 the following:

"___. Page 12, by inserting after line 22 the following:

"DIVISION IV

DISASTER RECOVERY HOUSING PROJECT TAX CREDIT

Sec. ___. NEW SECTION. 16.191 DISASTER RECOVERY HOUSING PROJECT TAX CREDIT.

1. a. A tax credit shall be allowed against the taxes imposed in chapter 422, divisions II and III for a portion of a taxpayer's qualifying investment, as provided in subsection 3, in a qualifying disaster recovery housing project. To qualify as a disaster recovery housing project, a property, and the activities affecting the property, shall meet all of the following conditions:

(1) The property is owned by a taxpayer who is an individual, business, or corporation subject to taxation under chapter 422, divisions II or III.

(2) A qualifying investment, as defined in subsection 3, is made by the taxpayer.

(3) The project involves the construction or rehabilitation of housing on the property.

(4) The property is located in an area that the governor proclaimed a disaster emergency or the president of the United States declared a major disaster during the period of time beginning May 1, 2008, and ending August 31, 2008.

(5) An application for low-income housing tax credits pursuant to section 42 of the Internal Revenue Code has been submitted to the Iowa finance authority on behalf of the project and has been determined by the authority to meet the threshold requirements for an award of credits as set forth in the applicable qualified allocation plan.

(6) The project meets the requirements relating to the density of residential housing in the area as established by the authority.

(7) The project meets the requirements relating to the availability of and the accessibility to educational services as established by the authority. For the purposes of this section "educational services" includes but is not limited to public schools, job training, and financial literacy services.

(8) The project is designed to avoid, prevent, or mitigate the effects of a future natural disaster.

b. An individual may claim a tax credit under this subsection of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

2. a. To claim a disaster recovery housing project tax credit under this section, a taxpayer must attach one or more tax credit certificates to the taxpayer's tax return. The tax credit certificate or certificates attached to the taxpayer's tax return shall be issued in the taxpayer's name, expire on or after the last day of the taxable year for which the taxpayer is claiming the tax credit, and show a tax credit amount equal to or greater than the tax credit claimed on the taxpayer's tax return.

b. After verifying the eligibility of a taxpayer for a tax credit pursuant to this section, the authority shall issue a disaster recovery housing project tax credit certificate to be attached to the taxpayer's tax return. The tax credit certificate shall contain the taxpayer's name, address, tax identification number; the amount of the credit; and any other information required by the department of revenue.

c. The tax credit certificate, unless otherwise void, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, divisions II or III subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of this section.

d. Tax credit certificates issued under this section are not transferable to any person or entity.

3. a. The tax credit equals seventy-five percent of the taxpayer's qualifying investment in a disaster recovery housing project. For the purposes of this section, "qualifying investment" means the costs incurred by the taxpayer that are directly related to a disaster recovery housing project, as defined in subsection 1, and which are incurred on or after the effective date of this division of this Act and prior to July 1, 2010.

b. The amount of the tax credit calculated under paragraph "a" shall be divided by five and applied equally to the taxpayer's tax liability for five consecutive tax years commencing with the tax year beginning in the 2011 calendar year. Any tax credit in excess of the taxpayer's liability for the tax year is not refundable.

4. For purposes of individual and corporate income taxes, the increase in the basis of the property that would otherwise result from the disaster recovery housing investment shall be reduced by the amount of the tax credit allowed under this section.

5. The maximum amount of tax credits issued by the authority under this section shall not exceed three million dollars in each of the five tax years. The authority shall issue the tax credit certificates on a first-come, first-served basis.

Sec. ___. NEW SECTION. 16.192 APPROVAL—REQUIREMENTS—REPAYMENT.

1. A taxpayer seeking to claim a tax credit pursuant to section 16.191 shall apply to the authority which shall have the power to approve the amount of tax credit available for each disaster recovery housing project.

2. A taxpayer applying for a tax credit shall provide the authority with all of the following:

a. Information showing the total qualified investment made in the disaster recovery housing project.

b. Information about the financing sources that are directly related to the disaster recovery housing project for which the taxpayer is seeking approval for the tax credit.

3. If a taxpayer receives a tax credit pursuant to section 16.191, but fails to comply with any of the requirements in this section or section 16.191, or fails to comply with local zoning or construction ordinances, the tax credit is void, and the department of revenue shall seek recovery of the value of the credit received.

Sec. ___. NEW SECTION. 422.11X DISASTER RECOVERY HOUSING PROJECT TAX CREDIT.

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a disaster recovery housing project tax credit allowed under section 16.191.

Sec. ___. Section 422.33, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 27. The taxes imposed under this division shall be reduced by a disaster recovery housing project tax credit allowed under section 16.191.

Sec. ___. EFFECTIVE AND APPLICABILITY DATES. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies to disaster recovery housing project costs incurred on or after the effective date of this Act and before July 1, 2010."

__. Title page, line 14, by inserting after the word "areas," the following: "providing income tax credits for certain disaster recovery housing projects,"."

2. By renumbering as necessary.

On the part of the Senate:	On the part of the House:
ROBERT M. HOGG, Chair	TYLER OLSON, Chair
JOE BOLKCOM	PAT GRASSLEY
SHAWN HAMERLINCK	ERIK HELLAND
MATT McCOY	CHUCK ISENHART
KIM REYNOLDS	DONOVAN OLSON

SENATE FILE 470

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 470, a bill for an Act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H–1659.

2. That the House recedes from its amendment, S–3268.

3. That Senate File 470, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting before line 1 the following:

"DIVISION I

EDUCATION APPROPRIATIONS"

2. Page 6, by striking line 22 and inserting the following:

"..... $ 7,477,675"

3. Page 8, by inserting after line 8 the following:

"d. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the Iowa empowerment fund, $916,700 shall be used for support of professional development and training activities for persons working in early care, health, and education by the Iowa empowerment board in collaboration with representation from the Iowa state university of science and technology cooperative extension service in agriculture and home economics, the university of northern Iowa, the department of education, area education agencies, community colleges, child care resource and referral services, and community empowerment area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration."

4. Page 8, by striking line 12 and inserting the following:

"..... $ 8,772,150"

5. Page 8, by striking lines 25 through 30 and inserting the following: "other copayment provisions."

6. Page 9, by striking line 28 and inserting the following:

"..... $ 11,538,863"

7. Page 16, by inserting after line 9 the following:

"(1) (a) Iowa state university shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this lettered paragraph.

(b) Subparagraph subdivision (a) does not apply to a reduction made to support the college of veterinary medicine if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university's budget units.

(2)".

8. Page 17, by striking lines 6 through 12.

9. Page 18, by inserting after line 11 the following:

"Sec. ___. STATE DEPARTMENT OR AGENCY COST-SAVING MEASURES. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, a state department or state agency to which an appropriation is made pursuant to this Act shall do the following:

1. Submit electronically any report the department or agency is required to submit to the general assembly. Notwithstanding any provision to the contrary, the department or agency shall not submit a printed copy of any report to the general assembly.

2. Develop and implement procedures that result in cost savings for office supplies, service contracts, professional services, video conferencing, use of the Iowa telecommunications network, equipment purchases, and interstate and intrastate travel by state employees and members of state boards, committees, commissions, and councils for which the department or agency provides administrative services.

3. Require employees, in order to receive expense reimbursement, to submit actual receipts for meals and other costs. To the extent possible, receipts shall be submitted electronically. Reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the receipts submitted by an employee."

10. Page 19, line 5, by inserting before the word "If" the following: "Revenues received by a school district attributed to a school district's weighted enrollment pursuant to this paragraph shall be expended for the purpose for which the weighting was assigned under this paragraph."

11. Page 24, lines 19 and 20, by striking the words "beginning with the October payroll".

12. Page 24, lines 24 and 25, by striking the words "scholarship or grant moneys" and inserting the following: "assistance under programs".

13. Page 27, by inserting after line 17 the following:

"Sec. ___. NEW SECTION. 261D.4 PROVISIONAL WITHDRAWAL FROM COMPACT.

The state of Iowa hereby withdraws from the midwestern higher education compact effective July 1, 2009, until such time as the state has the resources to resume membership and reenters into the compact. The state of Iowa's obligations and liability under the compact shall cease upon the effective date of its withdrawal from the compact. This section shall prevail over any contrary provisions of this chapter."

14. Page 27, line 19, by striking the word "subsection" and inserting the following: "subsections".

15. Page 27, by inserting after line 21 the following:

"NEW SUBSECTION. 33. Annually, by October 1, submit in a report to the general assembly the following information for the previous fiscal year:

a. Total revenue received from each local school district as a result of high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control.

b. Unduplicated headcount of high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control.

c. Total credits earned by high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control, broken down by degree program.

d. The compensation and benefits paid to the members of the board pursuant to section 7E.6.

e. The contracted salary and benefits and any other expenses related to support for governmental affairs efforts, including expenditures for liaisons and lobbying activities for the board and its institutions.

f. The contracted salaries, including but not limited to bonus wages and benefits, including but not limited to annuity payments or any other benefit covered using state funds of any kind for administrators of the institutions governed by the board."

16. Page 27, by inserting after line 31 the following:

"Sec. ___. Section 272.2, subsection 10, Code 2009, is amended to read as follows:

10. Issue statements of professional recognition to school service personnel who have attained a minimum of a baccalaureate degree and who are licensed by another professional licensing board, including but not limited to athletic trainers licensed under chapter 152D.

Sec. ___. Section 272.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 18. May adopt rules for practitioners who are not eligible for a statement of professional recognition under subsection 10, but have received a baccalaureate degree and provide a service to students at any or all levels from prekindergarten through grade twelve for a school district, accredited nonpublic school, area education agency, or preschool program established pursuant to chapter 256C."

17. Page 32, by inserting after line 28 the following:

"Sec. ___. Section 422.33, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 27. The taxes imposed under this division shall be reduced by a school tuition organization tax credit allowed under section 422.11S. The maximum amount of tax credits that may be approved under this subsection for a tax year equals twenty-five percent of the school tuition organization's tax credits that may be approved pursuant to section 422.11S, subsection 7, for a tax year."

18. Page 33, by striking line 6 and inserting the following:

"Sec. ___. Chapter 7K, Code 2009, is repealed."

19. Page 33, line 9, by inserting after the word "this" the following: "division of this".

20. Page 33, line 12, by inserting after the word "this" the following: "division of this".

21. Page 33, line 15, by inserting after the word "this" the following: "division of this".

22. Page 33, by inserting before line 18 the following:

"DIVISION II

RESEARCH AND DEVELOPMENT SCHOOL

Sec. ___. NEW SECTION. 256G.1 LEGISLATIVE INTENT.

It is the intent of the general assembly to develop a state research and development prekindergarten through grade twelve school in order to do the following:

1. To raise and sustain the level of all prekindergarten through grade twelve students' educational attainment and personal development through innovative and promising teaching practice.

2. To enhance the preparation and professional competence of the educators in this state through collaborative inquiry and exchange of professional knowledge in teaching and learning.

3. To focus on research that transforms teaching practice to meet the changing needs of this state's educational system.

Sec. ___. NEW SECTION. 256G.2 DEFINITIONS.

For purposes of this chapter:

1. "Department" means the department of education.

2. "Director" means the director of the department of education.

3. "President" means the president of the university of northern Iowa.

4. "Research and development school" means a prekindergarten through grade twelve research, development, demonstration, and dissemination school using expanded facilities at the center for early development education, also known as the Price laboratory school, in Cedar Falls.

5. "University" means the university of northern Iowa.

Sec. ___. NEW SECTION. 256G.3 RESEARCH AND DEVELOPMENT SCHOOL FUNDING.

1. a. (1) The university and the board of directors of the Cedar Falls community school district shall develop a student transfer policy for the research and development school that will protect and promote the quality and integrity of the teacher education program and the viability of the education program of the Cedar Falls community school district.

(2) The policy shall include, in order of consideration, the reasons for which a request to transfer to the research and development school will be allowed by the school district. The research and development school may deny any request for transfer under the policy and such denial for transfer is not subject to appeal under section 290.1. The research and development school shall report the transfer and enrollment of a new student directly to the department.

b. The research and development school shall create and maintain a basic geographic boundary line agreement with the Cedar Falls community school district. The boundary line agreement shall ensure that students currently enrolled at the center for early development education shall continue to have priority access to enrollment at the research and development school. If such an agreement cannot be reached, the boundary line for the research and development school shall be the official boundary line of the Cedar Falls community school district.

c. Open enrollment under section 282.18 applies to the research and development school.

2. Funds provided by the university for the center for early development education under section 262.71 shall be redirected as applicable to support the research component at the research and development school.

Sec. ___. NEW SECTION. 256G.4 RESEARCH AND DEVELOPMENT SCHOOL—GOVERNANCE.

1. The board of regents shall be the governing entity of the research and development school and as such shall be responsible for the faculty, facility, grounds, and staffing.

2. The department shall be the accreditation agency and as such shall serve as the authority on teacher qualification requirements and waiver provisions.

3. a. A seventeen-member advisory council is created, composed of the following members:

(1) Three standing committee members as follows:

(a) The director.

(b) The president.

(c) The director of the research and development school, serving as an ex officio, nonvoting member.

(2) Ten members shall be jointly recommended for membership by the president and the director and shall be jointly approved by the state board of regents and the state board of education, shall serve three-year staggered terms, and shall be eligible to serve for two consecutive three-year terms on the council in addition to any partial, initial term:

(a) One member representing prekindergarten through grade six public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(b) One member representing grade seven through grade nine public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(c) One member representing grade ten through grade twelve public school teachers, who is also a participating member of teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(d) One member representing prekindergarten through grade twelve administrators.

(e) One member representing area education agencies.

(f) One member representing Iowa state university of science and technology.

(g) One member representing the university of Iowa.

(h) One member representing parents of students at the research and development school.

(i) One member representing business and industry.

(j) One member representing private colleges in the state.

(3) Four members of the general assembly serving as ex officio, nonvoting members, one representative to be appointed by the speaker of the house of representatives, one representative to be appointed by the minority leader of the house of representatives, one senator to be appointed by the majority leader of the senate after consultation with the president of the senate, and one senator to be appointed by the minority leader of the senate.

b. One of the members representing public school teachers approved for membership pursuant to paragraph "a", subparagraph (2), subparagraph divisions (a) through (c) shall be an active teacher in the Cedar Falls community school district.

c. (1) The advisory council shall review and evaluate the educational processes and results of the research and development school.

(2) The advisory council shall provide an annual report to the president, the director, the state board of regents, the state board of education, and the general assembly.

4. a. An eleven-member standing institutional research committee, appointed by the president and the director, is created, composed of the following members:

(1) The director of research at the research and development school or the person designated with this responsibility.

(2) One member representing the university of northern Iowa.

(3) One member representing Iowa state university of science and technology.

(4) One member representing the university of Iowa.

(5) One member representing business and industry.

(6) One member representing prekindergarten through grade six public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(7) One member representing grade seven through grade nine public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(8) One member representing grade ten through grade twelve public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(9) One member representing the boards of school districts selected from a list of nominees submitted by the Iowa association of school boards.

(10) One member representing the department.

(11) One member representing private colleges in the state.

b. The appointed members should collectively possess the following characteristics:

(1) Be well informed about the educational needs of students in the state.

(2) Be aware of and understand the standards and protocol for educational research.

(3) Understand the dissemination of prekindergarten through grade twelve research results.

(4) Understand the impact of educational research.

(5) Be knowledgeable about compliance with human subject protection protocol.

c. One of the members representing public school teachers approved for membership pursuant to paragraph "a", subparagraphs (6) through (8) shall be an active teacher in the Cedar Falls community school district.

d. The committee shall serve as the clearinghouse for the investigative and applied research at the research and development school.

e. The committee shall create research protocols, approve research proposals, review the quality and results of performed research, and provide support for dissemination efforts.

Sec.__. Section 257.6, subsection 1, paragraph b, Code 2009, is amended by striking the paragraph.

Sec. __. Section 282.18, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 15A. a. If a request under this section is for transfer to a laboratory school, as described in chapter 256G, the student, who is the subject of the request, shall be included in the basic enrollment of the student's district of residence and the board of directors of the district of residence shall pay to a laboratory school the state cost per pupil for the previous school year, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year.

b. Notwithstanding subsection 7, a district of residence shall not be required to pay the state cost per pupil for a student attending a laboratory school during the school year beginning July 1, 2010, if the student was not included in the district of residence's enrollment count for funding purposes in the school year beginning July 1, 2009.

NEW SUBSECTION. 15B. a. The total enrollment of the research and development school shall be limited to six hundred fifty students.

b. Open enrollment requests accepted by the research and development school shall be limited to a five percent increase per year of students from each of the Cedar Falls community school district and the Waterloo school district over the previous year's enrollment at the research and development school.

c. The total number of students enrolled in the research and development school from the Cedar Falls community school district shall be limited to not more than ten percent of the total district enrollment of the Cedar Falls community school district.

d. Open enrollment requests accepted by the research and development school from a school district shall be limited to not more than two percent of a school district's

previous year's total enrollment count. This subsection does not apply to the Cedar Falls community and Waterloo school districts.

Sec. __. RESEARCH AND DEVELOPMENT SCHOOL—INFRASTRUCTURE FUNDING STUDY. The department of education, in collaboration with representatives of the university of northern Iowa, as designated by the president, shall create a report about potential access to various infrastructure funding for the research and development school. The department shall submit the report to the general assembly and the governor by January 15, 2010.

Sec. __. RESEARCH AND DEVELOPMENT SCHOOL INFRASTRUCTURE.

1. a. There is appropriated from the general fund of the state to the university of northern Iowa for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a contract with a design firm to evaluate the condition of the center for early development education in Cedar Falls and determine an approximate cost of both renovation of the current facility and new construction with a recommendation as to which is more feasible:

..... $ 35,000

b. The design firm's recommendation shall consider the following property elements:

(1) Grounds, utility, and paving systems.

(2) Exterior systems, including the roof, walls, windows, exterior doors, and structural components.

(3) Interior systems, including walls, doors, floors, and ceilings.

(4) Fire and life safety issues.

(5) Readily achievable design features meeting the requirements of the federal Americans With Disabilities Act.

(6) Heating, ventilation, and air conditioning including control mechanisms.

(7) Electrical and electrical distribution system.

(8) Plumbing.

(9) Fire protection.

(10) Elevators.

(11) Special construction.

c. The design firm shall report in fiscal year 2010–2011 to the president, the director, and the transition team the results of its evaluation and recommendation. The transition team shall report the design firm's findings to the general assembly by January 15, 2012.

2. Leadership in energy and environmental design certification shall be sought in order that the research and development school serve as a model of energy efficiency and design.

3. A three-year timeline to establish the research and development school is proposed for the university and the department. A transition team, appointed by the president and the director, shall develop and implement specific transition plans for the first year of the transition and for the entire three-year transition period in order to establish a functioning research and development school at the end of the transition period. The transition team shall include but not be limited to two members who are active teachers in the Cedar Falls community school district and one member who is an active teacher in the Waterloo school district. The transition team shall use the recommendations for each year of the transition as submitted in the report of the committees required by 2008 Iowa Acts, chapter 1101, to oversee the transition.

Sec. __. EFFECTIVE DATES.

1. This division of this Act takes effect July 1, 2009.

2. Notwithstanding subsection 1, the sections of this division of this Act enacting section 256G.3 and amending section 257.6, subsection 1, and section 282.18 take effect July 1, 2010."

23. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the part of the Senate:

BRIAN SCHOENJAHN, Chair
WILLIAM HECKROTH
HERMAN C. QUIRMBACH

On the part of the House:

CINDY WINCKLER, Chair
GENE FICKEN
BOB KRESSIG

RESOLUTIONS ADOPTED

EIGHTY-THIRD GENERAL ASSEMBLY
2009 REGULAR SESSION

SENATE JOINT RESOLUTION

SENATE JOINT RESOLUTION 5: filed February 24, 2009; adopted by the Senate on March 11, 2009; printed on Senate Journal page 609.

SENATE CONCURRENT RESOLUTION

Senate Concurrent Resolution 2: filed January 29, 2009; adopted by the Senate on February 4, 2009.

SENATE CONCURRENT RESOLUTION 2
By: Committee on Rules and Administration
A concurrent resolution relating to the compensation of chaplains, officers, and employees of the ~~eighty-second~~ eighty-third general assembly.
WHEREAS, section 2.11 of the Code provides that "The compensation of the chaplains, officers, and employees of the general assembly shall be fixed by joint action of the house and senate by resolution at the opening of each session, or as soon thereafter as conveniently can be done.", NOW THEREFORE,
BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the compensation of the employees of the ~~eighty-second~~ eighty-third general assembly is set, effective from ~~January 8, 2007~~ January 12, 2009, until ~~January 12, 2009~~ January 10, 2011, in accordance with the following salary schedule:

~~#9~~
~~$16,806.40~~
~~8.08~~

~~#10 #11 #12 #13 #14~~
~~$17,721.60 $18,657.60 $19,572.80 $20,529.60 $21,632.00~~
~~8.52 8.97 9.41 9.87 10.40~~

~~#15 #16 #17 #18 #19~~
~~$22,776.00 $23,940.80 $24,980.80 $26,228.80 $27,393.60~~
~~10.95 11.51 12.01 12.61 13.17~~

Page 2

~~#20 #21 #22 #23 #24~~
~~$28,828.80 $30,097.60 $31,595.20 $33,155.20 $34,652.80~~
~~13.86 14.47 15.19 15.94 16.66~~

~~#25 #26 #27 #28 #29~~
~~$36,400.00 $38,084.80 $39,936.00 $41,912.00 $43,888.00~~
~~17.50 18.31 19.20 20.15 21.10~~

~~#30 #31 #32 #33 #34~~
~~$46,009.60 $48,276.80 $50,502.40 $52,977.60 $55,432.00~~
~~22.12 23.21 24.28 25.47 26.65~~

~~#35 #36 #37 #38 #39~~
~~$58,115.20 $60,881.60 $63,856.00 $66,892.80 $70,158.40~~
~~27.94 29.27 30.70 32.16 33.73~~

~~#40 #41 #42 #43 #44~~
~~$73,528.00 $77,064.00 $80,828.80 $84,572.80 $88,712.00~~
~~35.35 37.05 38.86 40.66 42.65~~

~~#45 #46 #47 #48 #49~~
~~$92,976.00 $97,406.40 $102,044.80 $106,953.60 $112,070.40~~
~~44.70 46.83 49.06 51.42 53.88~~

~~#50 #51~~
~~$117,520.00 $120,452.80~~
~~56.50 57.91~~
#9
$17,825.60
8.57

Page 3

#10 #11 #12 #13 #14
$18,803.20 $19,801.60 $20,758.40 $21,798.40 $22,942.40
9.04 9.52 9.98 10.48 11.0

#15 #16 #17 #18 #19
$24,169.60 $25,417.60 $26,499.20 $27,830.40 $29,078.40
11.62 12.22 12.74 13.38 13.98

#20 #21 #22 #23 #24
$30,596.80 $31,928.00 $33,529.60 $35,172.80 $36,753.60
14.71 15.35 16.12 16.91 17.67

#25 #26 #27 #28 #29
$38,625.60 $40,414.40 $42,369.60 $44,449.60 $46,550.40
18.57 19.43 20.37 21.37 22.38

#30	#31	#32	#33	#34	
$48,796.80	$51,230.40	$53,580.80	$56,201.60	$58,801.60	
23.46	24.63	25.76	27.02	28.27	
#35	#36	#37	#38	#39	
$61,651.20	$64,584.00	$67,745.60	$70,948.80	$74,422.40	
29.64	31.05	32.57	34.11	35.78	
#40	#41	#42	#43	#44	
$78,000.00	$81,744.00	$85,758.40	$89,731.20	$94,120.00	
37.50	39.30	41.23	43.14	45.25	
#45	#46	#47	#48	#49	

Page 4

$98,633.60	$103,334.40	$108,264.00	$113,464.00	$118,913.60
47.42	49.68	52.05	54.55	57.17

#50	#51
$124,696.00	$127,795.20
59.95	61.44

In this schedule, each numbered block shall be the yearly and hourly compensation for the pay grade of the number heading the block. Within each grade there shall be seven steps numbered "1" through "7". In the above schedule the steps for all grades are determined in the following manner. Each numbered block is counted as the "1" step for that grade. The next higher block is counted as the "2" step; the next higher block is the "3" step; the next higher block is the "4" step; the next higher block is the "5" step; the next higher block is the "6" step; and the next higher block is the "7" step.

Alternatively, the senate rules and administration committee for senate employees, and the house administration and rules committee for house employees may allow their employees' compensation to be flexibly set anywhere between steps "1" through "7" for an employee's prescribed pay grade.

All employees shall be available to work daily until completion of the senate's and house of representatives' business. The employee's division supervisor shall schedule all employees' working hours to, as far as possible, maintain regular working hours.

Page 5

All employees, other than those designated "part-time", shall be compensated for 40 hours of work in a one-week pay period. Secretaries to senators and

representatives are presumed to have 40 hours of work each week the legislature is in session and shall be paid only on that basis. Full-time employees who are required to work in excess of 80 hours in a two-week pay period shall be allowed compensatory time off at a rate of one hour for each hour of overtime up to a maximum of 120 hours of compensatory time. Joint security employees of the senate and house of representatives may be compensated for each hour of overtime at a rate of pay equal to one-and-one-half times the hourly pay provided.

BE IT FURTHER RESOLVED, That part-time employees shall be compensated at the scheduled hourly rate for their pay grade and step.

BE IT FURTHER RESOLVED, That in the event the salary schedule for employees of the State of Iowa as promulgated by the department of administrative services pursuant to section 8A.413, subsection 2, is revised upward at any time during the ~~eighty-second~~ eighty-third general assembly, such revised schedule shall simultaneously be adopted for the compensation of the employees of the ~~eighty-second~~ eighty-third general assembly assigned a grade by this resolution, unless otherwise provided by the senate and house of representatives.

BE IT FURTHER RESOLVED, That adjustments in the positions and compensation listed in this resolution

Page 6

may be made through an interim review of all legislative employees for internal equity and to assure compliance with appropriate legal standards for granting of overtime and compensatory time off. Such review shall be conducted by a legislative committee made up of members of the service committee of legislative council and the appropriate salary subcommittees of the senate and house. Only one such review may be done in any fiscal year and adjustments suggested must be approved by the appropriate hiring body.

BE IT FURTHER RESOLVED, That the employees of the ~~eighty-second~~ eighty-third general assembly be placed in the following pay grades:

EMPLOYEES OF THE HOUSE

Chief Clerk of the House	Grade 44
Sr. Assistant Chief Clerk of the House	Grade 41
Assistant Chief Clerk of the House III	Grade 38
Assistant Chief Clerk of the House II	Grade 35
Assistant Chief Clerk of the House I	Grade 32
Legal Counsel II	Grade 35
Legal Counsel I	Grade 32

Legal Counsel ..... Grade 30
Sr. Caucus Staff Director ..... Grade 41
Caucus Staff Director ..... Grade 38
Sr. Deputy Caucus Staff Director ..... Grade 39
Deputy Caucus Staff Director ..... Grade 36
Administrative Assistant to Leader
or Speaker ..... Grade 27
Administrative Assistant I to Leader

Page 7

or Speaker ..... Grade 29
Administrative Assistant II to Leader
or Speaker ..... Grade 32
Administrative Assistant III to Leader
or Speaker ..... Grade 35
Sr. Administrative Assistant to
Leader or Speaker ..... Grade 38
Sr. Administrative Assistant to
Leader or Speaker II ..... Grade 41
Research Assistant ..... Grade 24
Legislative Research Analyst ..... Grade 27
Legislative Research Analyst I ..... Grade 29
Legislative Research Analyst II ..... Grade 32
Legislative Research Analyst III ..... Grade 35
Sr. Legislative Research Analyst ..... Grade 38
Assistant Secretary to Leader
or Speaker ..... Grade 18
Secretary to Leader or Speaker ..... Grade 19
Caucus Secretary ..... Grade 21
Senior Caucus Secretary ..... Grade 24
Administrative Secretary to Leader,
Speaker, or Chief Clerk ..... Grade 21
Executive Secretary to Leader,
Speaker or Chief Clerk ..... Grade 24
Confidential Secretary to Leader,
Speaker, or Chief Clerk ..... Grade 27
Confidential Secretary II to Leader,
Speaker or Chief Clerk ..... Grade 32
Clerk to Chief Clerk ..... Grade 16
Supervisor of Secretaries ..... Grade 21

Page 8

Supervisor of Secretaries I ..... Grade 24
Supervisor of Secretaries II ..... Grade 27
Sr. Administrative Services Officer ..... Grade 35
Administrative Services Officer III ..... Grade 32
Administrative Services Officer II ..... Grade 29
Administrative Services Officer I ..... Grade 26
Administrative Services Officer ..... Grade 23
Administrative Services Assistant ..... Grade 20

Senior Editor ..... Grade 30
Editor II ..... Grade 25
Editor I ..... Grade 22
Assistant Editor ..... Grade 19
Compositor/Desk Top Specialist ..... Grade 17
Sr. Text Processor ..... Grade 25
Text Processor II ..... Grade 22
Text Processor I ..... Grade 19
Senior Finance Officer III ..... Grade 38
Senior Finance Officer II ..... Grade 35
Senior Finance Officer I ..... Grade 31
Finance Officer II ..... Grade 27
Finance Officer I ..... Grade 24
Assistant Finance Officer ..... Grade 21
Recording Clerk II ..... Grade 24
Recording Clerk I ..... Grade 21
Assistant Legal Counsel I ..... Grade 30
Assistant Legal Counsel ..... Grade 27
Engrossing & Enrolling Processor ..... Grade 27
Assistant to the Legal Counsel ..... Grade 19
Senior Indexer ..... Grade 28
Indexer II ..... Grade 25

Page 9

Indexer I ..... Grade 22
Indexing Assistant ..... Grade 19
Supply Clerk ..... Grade 16
Switchboard Operator ..... Grade 14
Legislative Secretary ..... Grade 15
Legislative Committee Secretary ..... Grade 17
Bill Clerk ..... Grade 14
Assistant Bill Clerk ..... Grade 12
Postmaster ..... Grade 12
Sergeant-at-Arms II ..... Grade 20
Sergeant-at-Arms I ..... Grade 17
Assistant Sergeant-at-Arms ..... Grade 14
Chief Doorkeeper ..... Grade 12
Doorkeepers ..... Grade 11
Pages ..... Grade 9

EMPLOYEES OF THE SENATE

Secretary of the Senate ..... Grade 44
Sr. Assistant Secretary of the Senate ..... Grade 41
Assistant Secretary of the Senate III ..... Grade 38
Assistant Secretary of the Senate II ..... Grade 35
Assistant Secretary of the Senate I ..... Grade 32
Legal Counsel II ..... Grade 35
Legal Counsel I ..... Grade 32
Legal Counsel ..... Grade 30
Sr. Caucus Staff Director ..... Grade 41
Caucus Staff Director ..... Grade 38
Sr. Deputy Caucus Staff Director ..... Grade 39

Deputy Caucus Staff Director ..... Grade 36
Administrative Assistant to Leader or President ..... Grade 27

Page 10

Administrative Assistant I to Leader or President ..... Grade 29
Administrative Assistant II to Leader or President ..... Grade 32
Administrative Assistant III to Leader or President ..... Grade 35
Sr. Administrative Assistant to Leader or President ..... Grade 38
Sr. Administrative Assistant to Leader or President II ..... Grade 41
Research Assistant ..... Grade 24
Legislative Research Analyst ..... Grade 27
Legislative Research Analyst I ..... Grade 29
Legislative Research Analyst II ..... Grade 32
Legislative Research Analyst III ..... Grade 35
Sr. Legislative Research Analyst ..... Grade 38
Caucus Secretary II ..... Grade 21
Senior Caucus Secretary ..... Grade 24
Secretary to Leader, President, or Caucus ..... Grade 18
Administrative Secretary to Leader, President, or Secretary of the Senate ..... Grade 21
Executive Secretary to Leader, President, or Secretary of the Senate ..... Grade 24
Confidential Secretary to Leader, President, or Secretary of the Senate ..... Grade 27
Confidential Secretary II to Leader, President, or Secretary of the Senate ..... Grade 32
Supervisor of Secretaries ..... Grade 21
Supervisor of Secretaries I ..... Grade 24
Supervisor of Secretaries II ..... Grade 27

Page 11

Sr. Administrative Services Officer ..... Grade 35
Administrative Services Officer III ..... Grade 32
Administrative Services Officer II ..... Grade 29
Administrative Services Officer I ..... Grade 26
Administrative Services Officer ..... Grade 23
Administrative Services Assistant ..... Grade 20
Senior Editor ..... Grade 30
Editor II ..... Grade 25
Editor I ..... Grade 22
Assistant Editor ..... Grade 19
Compositor/Desk Top Specialist ..... Grade 17
Assistant Legal Counsel I ..... Grade 30
Assistant Legal Counsel ..... Grade 27

Assistant to the Legal Counsel ..... Grade 19
Proofreader ..... Grade 16
Senior Finance Officer III ..... Grade 38
Senior Finance Officer II ..... Grade 35
Senior Finance Officer I ..... Grade 31
Finance Officer II ..... Grade 27
Finance Officer I ..... Grade 24
Assistant Finance Officer ..... Grade 21
Recording Clerk II ..... Grade 24
Recording Clerk I ..... Grade 21
Senior Indexer ..... Grade 28
Indexer II ..... Grade 25
Indexer I ..... Grade 22
Indexing Assistant ..... Grade 19
Records and Supply Clerk ..... Grade 18
Switchboard Operator ..... Grade 14
Legislative Secretary ..... Grade 15

Page 12

Legislative Committee Secretary ..... Grade 17
Bill Clerk ..... Grade 14
Assistant Bill Clerk ..... Grade 12
Postmaster ..... Grade 12
Sergeant-at-Arms II ..... Grade 20
Sergeant-at-Arms I ..... Grade 17
Assistant Sergeant-at-Arms ..... Grade 14
Chief Doorkeeper ..... Grade 12
Doorkeepers ..... Grade 11
Pages ..... Grade 9

JOINT SENATE/HOUSE EMPLOYEES

Facilities Manager I ..... Grade 35
Facilities Manager II ..... Grade 38
Sr. Facilities Manager ..... Grade 41
Legislative Security Secretary ..... Grade 19
Legislative Security Coordinator I ..... Grade 23
Legislative Security Coordinator II ..... Grade 26
Legislative Security Officer I ..... Grade 20
Legislative Security Officer II ..... Grade 23
Conservation/Restoration Specialist II ..... Grade 31
Sr. Legislative Lobbyist Clerk ..... Grade 24
Legislative Lobbyist Clerk ..... Grade 21
Sr. Copy Center Operator ..... Grade 21
Copy Center Operator ..... Grade 18

BE IT FURTHER RESOLVED, That there shall be four classes of appointments as employees of the general assembly:

A "permanent full-time" or "permanent part-time" employee is one who is employed the year around and eligible to receive state benefits.

Page 13

An "exempt full-time" employee is one who is employed for only a portion of the year, usually the period of the legislative sessions with extensions post-session and pre-session as scheduled. This class is eligible to receive state benefits with the cost of benefits to the state to be paid, using accrued leave if authorized, by the employee when not on the payroll.

A "session-only" employee is one who is employed for only a portion of the year, usually the legislative session. This class is not eligible for state benefits, except IPERS, and insurance as provided in section 2.40.

A "part-time" employee is one who is employed to work less than 40 hours per week. This class is not eligible for state benefits, except IPERS if eligible.

BE IT FURTHER RESOLVED, That the exact classification for individuals in a job series created by this resolution shall be set or changed for senate employees by the senate rules and administration committee and for the house employees by the house administration and rules committee. The committees shall base the classification upon the following factors:

1. The extent of formal education required of the position; and,

2. The extent of the responsibilities to be assigned to the position; and,

3. The amount of supervision placed over the position; and,

Page 14

4. The number of persons the position is assigned to supervise and skills and responsibilities of those positions supervised.

The committees shall report the exact classifications assigned to each individual on the next legislative day, or, if such action is during the interim, on the first day the senate or house shall convene. Any action by the senate or house to disapprove a report or a portion of a report shall be effective the day after the action.

Recommendations for a pay grade for a new position shall be developed in accordance with the factor scores in the comparable worth report. Every four years the senate rules and administration committee, the house administration and rules committee, and the legislative council may review all positions in the legislative branch to assure conformity to comparable

worth.
BE IT FURTHER RESOLVED, That a senator or representative may employ a secretary who in the judgment of the senator or representative employing such person, possesses the necessary skills to perform the duties such senator or representative shall designate, under the administrative direction, as appropriate, of the secretary of the senate or the chief clerk of the house.
Each standing committee chairperson, ethics committee chairperson, and each appropriations subcommittee chairperson shall designate a secretary who is competent to perform the following duties:

Page 15

prepare committee minutes, committee reports, type committee correspondence, maintain committee records, and otherwise assist the committee. Such duties shall be performed in accordance with standards which shall be provided by the secretary of the senate and chief clerk of the house. In making the designation, chairpersons shall consider persons for possible designation as the secretary to the committee in the following order:
First: The secretary to the chairperson.
Second: The secretary to the committee's vice-chairperson.
Third: The secretary to any other member of the committee.
Fourth: The secretary to any other member in the same house as the committee.
BE IT FURTHER RESOLVED, That a Legal Counsel II shall be a person who has graduated from an accredited school of law and is admitted to practice in Iowa as an Attorney and Counselor at Law and possesses either a Masters of Law degree or has at least two years of legal experience after admission to practice.
A Legal Counsel I shall be a person who has graduated from an accredited school of law and is admitted to practice in Iowa as an Attorney and Counselor at Law.
BE IT FURTHER RESOLVED, That employees of the general assembly may be eligible for either:
a) increases in salary grade or step based on evaluation of their job performance and

Page 16

recommendations of their administrative officers, subject to approval of the senate committee on rules and administration or the house committee on

administration and rules, as appropriate or

b) mobility within a pay grade at the discretion of the chief clerk of the house upon recommendation by the employee's division supervisor on the part of the house, and the discretion of the employee's division supervisor on the part of the senate, subject to the approval of the house committee on administration and rules or the senate committee on rules and administration, as appropriate — either in accord with a flexible pay plan approved by the senate rules and administration committee or the house administration and rules committee, or in accord with the following schedule:

(1) Progression from step "1" to "2" for a newly hired employee — six months of actual employment.

(2) Progression from step "1" to "2" following promotion within a job series — twelve months of actual employment in that position.

(3) Progression from step "2" to "3", and step "3" to "4", and step "4" to "5", and step "5" to "6", and step "6" to "7" — twelve months of actual employment at the lower step.

BE IT FURTHER RESOLVED, That in addition to the steps provided in the preceding paragraph, that secretaries to senators and representatives who were employees of the senate or house of representatives during any general assembly prior to January 9, 1989,

Page 17

and who have received certification for passing a typing and shorthand performance examination shall be eligible for two additional steps.

BE IT FURTHER RESOLVED, That in addition to the steps provided in the preceding paragraph, that secretaries to senators and representatives shall be eligible for a maximum of three additional grades beyond grade 15, in any combination, as provided in this paragraph:

1. One additional grade for a secretary to a standing committee chair, ethics committee chair or appropriations subcommittee chair who is not the designated committee secretary.

2. One additional grade for a secretary to a vice-chairperson or ranking member of a standing committee, ethics committee or appropriations subcommittee.

3. One additional grade for a secretary to the chairperson of the chaplain's committee.

4. Two additional grades for a secretary to an assistant floor leader or speaker pro tempore or president pro tempore.

5. One additional grade for a designated committee

secretary who is also the designated committee secretary for an additional standing committee, ethics committee, or appropriations subcommittee.

BE IT FURTHER RESOLVED, That in the event the secretary to the chairperson of the chaplain's committee is the secretary to the president, president pro tempore, speaker, speaker pro tempore, or the majority or minority leader, such secretary shall

Page 18

receive one additional step.

BE IT FURTHER RESOLVED, That the entrance salary for employees of the general assembly shall be at step 1 in the grade of the position held. Such employee may be hired above the entrance step if possessing outstanding and unusual experience for the position. Such employee who is hired above the entrance step shall be mobile above that step in the same period of time as other employees in that same step. An officer or employee who is moved to another position may be considered for partial or full credit for their experience in the former position in determining the step in the new grade.

The entry level for the position of research analyst shall be Legislative Research Analyst, unless extraordinary conditions justify increasing that entry level.

BE IT FURTHER RESOLVED, That a pay increase for employees of one step within the pay grade for the position may be made for exceptionally meritorious service in addition to step increases provided for in this resolution, at the discretion of the chief clerk upon recommendation by the employee's division supervisor on the part of the house, and upon recommendation by the employee's division supervisor on the part of the senate, and the approval of the senate committee on rules and administration or the house committee on administration and rules. Exceptionally meritorious service pay increases shall be governed by the following:

Page 19

a. The employee must have served in the position for at least twelve months;

b. Written justification, setting forth in detail the nature of the exceptionally meritorious service rendered, must be submitted to the senate rules and administration committee or house administration and rules committee and approved in advance of granting the pay increase;

c. No more than one exceptionally meritorious service pay increase may be granted in any twelve-month period.

d. Such meritorious service pay increase shall not be granted beyond the seven-step maximum for that position.

BE IT FURTHER RESOLVED, That the senate rules and administration committee and the house administration and rules committee shall both hire officers and employees for their respective bodies and fill any vacancies which may occur, to be effective at such time as they shall set. The committee shall report the names of those it has hired for the positions specified in this resolution or the filling of any vacancies on the next legislative day or, if such action is during the interim, on the first day the senate or house shall convene. Any action by the senate or house to amend or disapprove a report or a portion of a report shall be effective the day after the action.

The chief clerk of the house shall submit to the house committee on administration and rules and the

Page 20

secretary of the senate shall submit to the senate committee on rules and administration the list of names, or amendments thereto, of employee classifications and recommended pay step for each officer and employee. Such list shall include recommendations for the pay step for all employees. Each respective committee shall approve or amend the list of recommended classifications and pay steps and publish said list in the journal.

BE IT FURTHER RESOLVED, That permanent employees of the general assembly shall receive vacation allowances, sick leave, health and accident insurance, life insurance, and disability income insurance as are comparably provided for full-time permanent state employees. The computations shall be maintained by the finance officers in each house and coordinated with the department of administrative services.

BE IT FURTHER RESOLVED, That should any employee have a grievance, the grievance shall be resolved as provided by procedures determined by the senate rules and administration committee for senate employees or the house administration and rules committee for house employees.

BE IT FURTHER RESOLVED, That the legislative council take action to provide the same compensation and benefits to all legislative central staff agency employees for the ~~eighty-second~~ eighty-third general

assembly as is provided by this resolution. The director of each legislative central staff agency shall report to the chief clerk of the house and the

Page 21

secretary of the senate the list of approved positions for their agencies and the names, grades and steps of each employee. Such lists shall be published in the journals of the house and the senate within two weeks after the adoption of this resolution by both houses.

BE IT FURTHER RESOLVED, That the compensation of chaplains officiating at the opening of the daily sessions of the house of representatives and the senate of the ~~eighty-second~~ eighty-third general assembly be fixed at ten dollars for each house of the general assembly, and that mileage to and from the State Capitol for chaplains be fixed at the rate established for members of the general assembly.

SENATE RESOLUTIONS

Senate Resolution 4: filed January 21, 2009; adopted by the Senate on January 27, 2009.

SENATE RESOLUTION 4

By: Committee On Ethics

SUCCESSOR TO SSB 1018

A resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-third General Assembly.

BE IT RESOLVED BY THE SENATE, That the Senate Code of Ethics for the ~~Eighty-second~~ Eighty-third General Assembly shall be amended to read as follows:

SENATE CODE OF ETHICS

PREAMBLE. Every legislator owes a duty to uphold the integrity and honor of the general assembly, to encourage respect for the law and for the general assembly and the members thereof, and to observe the legislative code of ethics.

In doing so, members of the senate have a duty to conduct themselves so as to reflect credit on the general assembly, and to inspire the confidence, respect, and trust of the public, and to strive to avoid both unethical and illegal conduct and the appearance of unethical and illegal conduct.

Recognizing that service in the Iowa general assembly is a part-time endeavor and that members of the general assembly are honorable individuals who are

active in the affairs of their localities and elsewhere and that it is necessary that they maintain a livelihood and source of income apart from their legislative compensation, the following rules are adopted pursuant to section 68B.31, to assist the

Page 2

members in the conduct of their legislative affairs.

1. ECONOMIC INTEREST OF SENATOR. Taking into account that legislative service is part-time, a senator shall not accept economic or investment opportunity, under circumstances where the senator knows, or should know, that there is a reasonable possibility that the opportunity is being afforded the senator with intent to influence the senator's conduct in the performance of official duties.

2. DIVESTITURE. Where a senator learns that an economic or investment opportunity previously accepted was offered with the intent of influencing the senator's conduct in the performance of official duties, the senator shall take steps to divest that senator of that investment or economic opportunity, and shall report the facts of the situation to the senate ethics committee.

3. CHARGES FOR SERVICES. A senator shall not charge to or accept from a person, corporation, partnership, or association known to have a legislative interest a price, fee, compensation, or other consideration for the sale or lease of any property or the furnishing of services which is in excess of that which the senator would charge another.

4. USE OF CONFIDENTIAL INFORMATION. A senator in order to further the senator's own economic or other interests, or those of any other person, shall not disclose or use confidential information acquired in the course of official duties.

5. HONORARIA. A senator shall not accept an

Page 3

honorarium from a restricted donor for a speech, writing for publication, or other similar activity, except as otherwise provided in section 68B.23.

6. EMPLOYMENT. A senator shall not accept employment, either directly or indirectly, from a political action committee. A senator may accept employment from a political party, but shall disclose the employment relationship in writing to the secretary of the senate within ten days after the beginning of each legislative session. If a senator accepts employment from a political party during a

legislative session, the senator shall disclose the employment relationship within ten days after acceptance of the employment.

For the purpose of this rule, a political action committee means a committee, but not a candidate's committee, which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than seven hundred fifty dollars in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office or to expressly advocate the passage or defeat of a ballot issue or influencing legislative action, or an association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional organization which makes contributions in the aggregate of more than seven hundred fifty dollars in any one calendar year to expressly advocate the nomination, election, or defeat

Page 4

of a candidate for public office or ballot issue or influencing legislative action.

7. ECONOMIC INTERESTS OF LOBBYIST. With the exception of exercising unfettered discretion in supporting or refusing to support proposed legislation, a senator shall not take action intended to affect the economic interests of a lobbyist or citizen supporting or opposing proposed legislation.

8. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A senator may appear before a governmental agency or board in any representation case, except that the senator shall not act as a lobbyist. Whenever a senator appears before a governmental agency or board, the senator shall carefully avoid all conduct which might in any way lead members of the general public to conclude that the senator is using the senator's official position to further the senator's professional success or personal financial interest.

9. CONFLICTS OF INTERESTS. In order to permit the general assembly to function effectively, a senator will sometimes be required to vote on bills and participate in committee work which will affect the senator's employment and other monetary interests. In making a decision relative to the senator's activity on given bills or committee work which are subject to the code, the following factors shall be considered:

a. Whether a substantial threat to the senator's independence of judgment has been created by the conflict situation.

b. The effect of the senator's participation on

Page 5

public confidence in the integrity of the legislature.

c. The need for the senator's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature.

A senator with a conflict of interest may participate in floor debate if prior to debate the senator indicates the conflict of interest.

10. GIFTS. Except as otherwise provided in section 68B.22, a senator, or that person's immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor.

11. DISCLOSURE REQUIRED. Each senator shall file with the secretary of the senate within ten days after the adoption of the code of ethics by the senate, and within ten days after the convening of the second session of the general assembly, a statement under section 68B.35 on forms provided by the secretary of the senate setting forth the following information:

The nature of each business in which the senator is engaged and the nature of the business of each company in which the senator has a financial interest. A senator shall not be required to file a report or be assumed to have a financial interest if the annual income derived from the investment in stocks, bonds, bills, notes, mortgages, or other securities offered for sale through recognized financial brokers is less than one thousand dollars.

Disclosures required under this rule shall be as of

Page 6

the date filed unless provided to the contrary, and shall be amended to include interests and changes encompassed by this rule that occur while the general assembly is in session. All filings under this rule shall be open to public inspection in the office of the secretary of the senate at all reasonable times.

The secretary of the senate shall inform the ethics committee of the statements which are filed and shall report to the ethics committee the names of any senators who appear not to have filed complete statements. The chairperson of the ethics committee shall request in writing that a senator who has failed to complete the report or appears to have filed an incomplete report do so within five days, and, upon the failure of the senator to comply, the ethics committee shall require the senator to appear before the committee.

12. STATUTORY VIOLATIONS. Members of the general assembly are urged to familiarize themselves with chapters 68B, 721, and 722.

13. CHARGE ACCOUNTS. Senators shall not charge any amount or item to any charge account to be paid for by any lobbyist or any client the lobbyist represents.

14. TRAVEL EXPENSES. A senator shall not charge to the state of Iowa amounts for travel and expenses unless the senator actually has incurred those mileage and expense costs. Senators shall not file the vouchers for weekly mileage reimbursement required by section 2.10, subsection 1, unless the travel was

Page 7

actually incurred at commensurate expense to the senator.

15. COMPLAINTS. Complaints or charges against any senator or any lobbyist shall be in writing, made under oath, and filed with the secretary of the senate or the chairperson of the ethics committee. If filed with the secretary of the senate, the secretary shall immediately advise the chairperson of the ethics committee of the receipt of the complaint.

Complaint forms shall be available from the secretary of the senate, or the chairperson of the ethics committee, but a complaint shall not be rejected for failure to use an approved form if the complaint substantially complies with senate requirements.

A complainant may submit exhibits and affidavits attached to the complaint.

16. FILING OF COMPLAINTS.

a. Persons entitled. Complaints may be filed by any person believing that a senator or lobbyist has violated the senate ethics code, the senate rules governing lobbyists, or chapter 68B of the Iowa Code. A violation of the criminal law may be considered to be a violation of this code of ethics if the violation constitutes a serious misdemeanor or greater, or a repetitive and flagrant violation of the law.

b. Committee complaint. The ethics committee may, upon its own motion, initiate a complaint, investigation, or disciplinary action.

c. Timeliness of filing. A complaint will be

Page 8

considered to be timely filed if it is filed within three years of the occurrence of the alleged violation of the ethics code.

17. PERMANENT RECORD. The secretary of the senate shall maintain a permanent record of all complaints filed, evidence received by the committee, and any transcripts or other recordings made of committee proceedings, including a separate card file containing the date filed, name and address of the complainant, name and address of the respondent, a brief statement of the charges made, and ultimate disposition of the complaint. The secretary shall keep each such complaint confidential until public disclosure is made by the ethics committee.

18. PREHEARING PROCEDURE.

a. Defective complaint. Upon receipt of a complaint, the chairperson and ranking member of the ethics committee shall determine whether the complaint substantially complies with the requirements of this code of ethics and section 68B.31, subsection 6. If the complaint does not substantially comply with the requirements for formal sufficiency under the code of ethics, the complaint may be returned to the complainant with a statement that the complaint is not in compliance with the code and a copy of the code. If the complainant fails to amend the complaint to comply with the code within a reasonable time, the chair and ranking member may dismiss the complaint with prejudice for failure to prosecute.

b. Service of complaint on respondent. Upon

Page 9

receipt of any complaint substantially complying with the requirements of this code of ethics, the chairperson of the ethics committee shall cause a copy of the complaint and any supporting information to be delivered promptly to the respondent, requesting a written response to be filed within ten days. The response may do any of the following:

(1) Admit or deny the allegation or allegations.

(2) Object that the allegation fails to allege a violation of chapter 68B or the code of ethics.

(3) Object to the jurisdiction of the committee.

(4) Request a more specific statement of the allegation or allegations.

c. Objection to member. In addition to the items which may be included in a response pursuant to paragraph "b", the response may also include an objection to the participation of any member of the committee in the consideration of the allegation or allegations on the grounds that the member cannot render an impartial and unbiased decision.

d. Extension of time. At the request of the respondent and upon a showing of good cause, the

committee, or the chairperson and ranking member, may extend the time for response, not to exceed ten additional days.

e. Confidentiality. If a complaint is not otherwise made public, the members of the committee shall treat the complaint and all supporting information as confidential until the written response is received from the respondent.

Page 10

f. Communications with ethics committee. After a complaint has been filed or an investigation has been initiated, a party to the complaint or investigation shall not communicate, or cause another to communicate, as to the merits of the complaint or investigation with a member of the committee, except under the following circumstances:

(1) During the course of any meetings or other official proceedings of the committee regarding the complaint or investigation.

(2) In writing, if a copy of the writing is delivered to the adverse party or the designated representative for the adverse party.

(3) Orally, if adequate prior notice of the communication is given to the adverse party or the designated representative for the adverse party.

(4) As otherwise authorized by statute, the senate code of ethics, the senate rules governing lobbyists, or vote of the committee.

g. Scheduling hearing. Upon receipt of the response, the committee shall schedule a public meeting to review the complaint and available information, and shall:

(1) Notify the complainant that no further action will be taken, unless further substantiating information is produced, or

(2) Dismiss the complaint for failure to meet the statutory and code of ethics requirements for valid complaints, or

(3) Request that the chief justice of the supreme

Page 11

court appoint an independent special counsel to conduct an investigation of the complaint and supporting information, to make a determination of probable cause, and to report the findings to the committee, which shall be received within a reasonable time.

h. Public hearing. If independent special counsel is appointed, upon receipt of the report of

independent special counsel's findings, the committee shall schedule a public meeting to review the report and shall do either of the following:

(1) Cause the complaint to be scheduled for a public hearing.

(2) Dismiss the complaint based upon a determination by independent special counsel and the committee that insufficient evidence exists to support a finding of probable cause.

19. HEARING PROCEDURE.

a. Notice of hearing. If the committee causes a complaint to be scheduled for a public hearing, notice of the hearing date and time shall be given to the complainant and respondent in writing, and of the respondent's right to appear in person, be represented by legal counsel, present statements and evidence, and examine and cross-examine witnesses. The committee shall not be bound by formal rules of evidence, but shall receive relevant evidence, subject to limitations on repetitiveness. Any evidence taken shall be under oath.

b. Subpoena power. The committee may require, by

Page 12

subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and any other things it deems necessary to the conduct of the inquiry.

c. Ex post facto. An investigation shall not be undertaken by the committee of a violation of a law, rule, or standard of conduct that is not in effect at the time of violation.

d. Disqualification of member. Members of the committee may disqualify themselves from participating in any investigation of the conduct of another person upon submission of a written statement that the member cannot render an impartial and unbiased decision in a case. A member may also be disqualified by a unanimous vote of the remaining eligible members of the committee.

A member of the committee is ineligible to participate in committee meetings, as a member of the committee, in any proceeding relating to the member's own official conduct.

If a member of the committee is disqualified or ineligible to act, the majority or minority leader who appointed the member shall appoint a replacement member to serve as a member of the committee during the period of disqualification or ineligibility.

e. Hearing. At the hearing, the chairperson shall

open the hearing by stating the charges, the purpose of the hearing, and its scope. The burden of proof rests upon the complainant to establish the facts as

Page 13

alleged, by clear and convincing evidence. However, questioning of witnesses shall be conducted by the members of the committee, by independent special counsel, or by a senator. The chairperson shall also permit questioning by legal counsel representing the complainant or respondent.

The chairperson or other member of the committee presiding at a hearing shall rule upon procedural questions or any question of admissibility of evidence presented to the committee. Rulings may be reversed by a majority vote of the committee members present.

The committee may continue the hearing to a future date if necessary for appropriate reasons or purposes.

f. Committee action. Upon receipt of all relevant evidence and arguments, the committee shall consider the same and recommend to the senate:

(1) That the complaint be dismissed, or

(2) That the senator or lobbyist be censured or reprimanded, and recommend the appropriate form of censure or reprimand, or

(3) Any other appropriate sanction, including suspension or expulsion from membership in the senate, or suspension of lobbying privileges.

g. Disposition resolution. By appropriate resolution, the senate may amend, adopt, or reject the report of the ethics committee, including the committee's recommendations regarding disciplinary action.

20. COMMITTEE AUTHORIZED TO MEET. The senate ethics committee is authorized to meet at the

Page 14

discretion of the chairperson to conduct hearings and other business that properly may come before it. If the committee submits a report seeking senate action against a senator or lobbyist after the second regular session of a general assembly has adjourned sine die, the report shall be submitted to and considered by the subsequent general assembly. However, the report may be submitted to and considered during any special session which may take place after the second regular session of a general assembly has adjourned sine die, but before the convening of the next general assembly.

~~20A.~~ 21. ADVISORY OPINIONS.

a. Requests for formal opinions. A request for a

formal advisory opinion may be filed by any person who is subject to the authority of the ethics committee. The ethics committee may also issue a formal advisory opinion on its own motion, without having previously received a formal request for an opinion, on any issue that is within the jurisdiction of the committee. Requests shall be filed with either the secretary of the senate or the chairperson of the ethics committee.

b. Form and contents of requests. A request for a formal advisory opinion shall be in writing and may pertain to any subject matter that is related to the application of the senate code of ethics, the senate rules governing lobbyists, or chapter 68B of the Code to any person who is subject to the authority of the ethics committee. Requests shall contain one or more specific questions and shall relate either to future conduct or be stated in the hypothetical. A request

Page 15

for an advisory opinion shall not specifically name any individual or contain any other specific identifying information, unless the request relates to the requester's own conduct. However, any request may contain information which identifies the kind of individual who may be affected by the subject matter of the request. Examples of this latter kind of identifying information may include references to conduct of a category of individuals, such as but not limited to conduct of legislators, legislative staff, or lobbyists.

c. Confidentiality of formal requests and opinions. Requests for formal opinions are not confidential and any deliberations of the committee regarding a request for a formal opinion shall be public. Opinions issued in response to requests for formal opinions are not confidential, shall be in writing, and shall be placed on file in the office of the secretary of the senate. Persons requesting formal opinions shall personally receive a copy of the written formal opinion that is issued in response to the request.

~~20B.~~ 22. CALCULATION OF TIME — DAYS. For purposes of these rules, unless the context otherwise requires, the word "day" or "days" shall mean a calendar day except that if the day is the last day of a specific time period and falls upon a Saturday, Sunday, or legal holiday, the time prescribed shall be extended so as to include the whole of the next day in which the offices of the senate and the general

Page 16

assembly are open for official business.

~~21.~~ 23. COMPLAINT FILING FORM. The following form shall be used to file a complaint under these rules:

THE SENATE
Ethics Complaint Form

Re: _____ (Senator/Lobbyist), of _____, Iowa.

I, _____ (Complainant), residing at _____, in the City of _____, State of _____, hereby complain that _____ (Senator/Lobbyist), whose address is _____, has violated the Senate Code of Ethics or Senate Rules Governing Lobbyists in that:

(Explain the basis for the complaint here. Use additional pages, if necessary.)

Under penalty of perjury, I certify that the above complaint is true and correct as I verily believe.

_____
Signature of Complainant

SUBSCRIBED AND AFFIRMED to before me this _____ day of _____, _____.

_____
Notary Public in and for the
State of _____

~~22.~~ 24. COMPLAINT NOTICE FORM. The following form shall be used for notice of a complaint under these rules:

STATE OF IOWA

Page 17

THE SENATE

COMMITTEE ON ETHICS)
IOWA STATE SENATE)
)
On The Complaint Of) NOTICE OF COMPLAINT
)
_____)
)
And Involving)
)
_____)
)
TO _____,

Senator or Lobbyist named above:

You are hereby notified that there is now on file with the Secretary of the Senate, State Capitol, Des Moines, Iowa, a complaint which alleges that you have

committed a violation of the Senate's Code of Ethics or Senate Rules Governing Lobbyists.

A copy of the complaint and the Senate rules for processing the same are attached hereto and made a part of this notice.

You are further notified and requested to file your written answer to the complaint within ten days of the date upon which the notice was caused to be delivered to you, (date) _____, _____. Your answer is to be filed with the Secretary of the Senate, State Capitol, Des Moines, Iowa.

Dated this _____ day of _____, _____.

_____

Chair, Senate Ethics Committee,
or Secretary of the Senate

~~23.~~ 25. HEARING NOTICE FORM. The following form shall be used for notice of a hearing under these rules:

STATE OF IOWA
THE SENATE

COMMITTEE ON ETHICS)
IOWA STATE SENATE)
)
On The Complaint Of) NOTICE OF HEARING
)
_____)
)
And Involving)
)
_____)
)

TO _____,

Senator or Lobbyist named above:

You are hereby notified that there is now on file with the Secretary of the Senate, State Capitol, Des Moines, Iowa, a complaint which alleges that you have committed a violation of the Senate's Code of Ethics or Senate Rules Governing Lobbyists.

A copy of the complaint and the Senate rules for processing the same are attached hereto and made a part of this notice.

You are further notified that, after preliminary review, the committee has caused a public hearing to be scheduled on (date)_____, _____, at (hour) _____ (a.m.) (p.m.), in Room ____, State Capitol, Des Moines, Iowa.

At the hearing, you will have the right to appear in person, be represented by legal counsel at your own expense, present statements and evidence, and examine and cross-examine witnesses. The committee shall not be bound by formal rules of evidence, but shall receive relevant evidence, subject to limitations on repetitiveness. Any evidence taken shall be under oath.

The committee may continue the hearing to a future date if necessary for appropriate reasons or purposes.

You are further notified that the committee will receive such evidence and take such action as warranted by the evidence.

Dated this _____ day of _____, _____.

_____

Chair, Senate Ethics Committee,
or Secretary of the Senate

~~24.~~ 26. PERSONAL FINANCIAL DISCLOSURE FORM. The following form shall be used for disclosure of economic interests under these rules and section 68B.35:

STATEMENT OF ECONOMIC INTERESTS

Name: _____
(Last) (First) (Middle Initial)

Address: _____
(Street Address, Apt.# — P.O. Box)

_____
(City) (State) (Zip)

Phone: (Home) ___-___-_____ (Business) ___-___-_____

****

a. Please list each business, occupation, or profession in which you are engaged. In listing the business, occupation, or profession, it is not necessary that your employer or the name of the business be listed, although all businesses, occupations, or professions must be listed, regardless of the amount of income derived or time spent participating in the activity. (Examples of types of businesses, occupations, or professions that may be listed: teacher, lawyer, legislator, real estate agent, insurance adjuster, salesperson....)

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

b. Please list the nature of each of the businesses, occupations, or professions which you listed in paragraph “a”, above, unless the nature of

the business, occupation, or profession is already apparent from the information indicated above. The descriptions in this paragraph should correspond by number to the numbers for each of the businesses, occupations, or professions listed in paragraph "a". (Examples: If you indicated, for example, that you were a salesperson in subparagraph (1) of paragraph "a", you should list in subparagraph (1) of this

Page 21

paragraph the types of goods or services sold in this item. If you indicated that you were a teacher in subparagraph (2) of paragraph "a", you should indicate in subparagraph (2) of this paragraph the type of school or institution in which you provide instruction or whether the instruction is provided on a private basis. If you indicated that you were a lawyer in subparagraph (3) of paragraph "a", you should indicate your areas of practice and whether you are in private, corporate, or government practice in subparagraph (3) of this paragraph. If you indicated in subparagraph (4) of paragraph "a" that you were a consultant, in subparagraph (4) of this paragraph you should indicate the kind of services provided and types of clients served.)

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

c. Please list each source, by general description, from which you receive, or which generates, more than one thousand dollars in gross annual income in the categories listed below. For purposes of this item, a source produces gross annual income if the revenue produced by the source is subject to federal or state income taxes. In completing this item, it is not necessary to list the name of the company, business, financial institution, corporation, partnership, or other entity which

Page 22

constitutes the source of the income and the amount or value of the holding should not be listed.

(1) Securities (Here for example, you need not state that you own X number of shares of any specific company by brand or corporate name, or that the stock is of a certain value, but may instead state that you possess stock in a company and indicate the nature of the company's business.):

_____
_____
_____
_____
_____

(2) Instruments of Financial Institutions (You need not indicate, for example, in which institutions you hold certificates of deposit that produce annual income over the one thousand dollar threshold, but simply listing the nature of the institution will suffice, e.g., bank, credit union, or savings and loan association.):

_____
_____
_____
_____
_____

(3) Trusts (The name of the particular trust need not be listed. However, if the income is received from a charitable trust/foundation, such as the Pugh Charitable Trust, in the form of a grant, the fact that the trust is a charitable trust should be noted

Page 23

here.):

_____
_____
_____
_____
_____

(4) Real Estate (When listing real estate, it is not necessary to list the location of the property, but the general nature of the real estate interest should be indicated, e.g., residential leasehold interest or farm leasehold interest.):

_____
_____
_____
_____
_____

(5) Retirement Systems (When listing retirement benefits, it is not necessary to list the name of the particular pension system or company, but rather the type of benefit should be listed, e.g., health benefits, life insurance benefits, private pension, or government pension.):

_____
_____
_____
_____
_____

(6) Other Income Categories Specified in State or Federal Income Tax Regulations (List description of other sources of income producing over one thousand

Page 24

dollars in annual income not previously reported above, but which must be reported for income tax purposes.):

_____

_____

_____

_____

_____

_____

_____ _____

(Signature of filer) (Date)

Senate Resolution 6: filed January 28, 2009; adopted by the Senate on February 26, 2009.

SENATE RESOLUTION 6

By: Committee On Ethics

(SUCCESSOR TO SSB 1017)

A resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-third General Assembly.

BE IT RESOLVED BY THE SENATE, That the Senate Rules Governing Lobbyists for the ~~Eighty-second~~ Eighty-third General Assembly shall be as follows:

SENATE RULES GOVERNING LOBBYISTS

1. DEFINITIONS. As used in these rules, "client", "gift", "honoraria" or "honorarium", "immediate family member", and "lobbyist" have the meaning provided in chapter 68B. As used in these rules, the term "political action committee" means a committee, but not a candidate's committee, which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than seven hundred fifty dollars in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office or to expressly advocate the passage or defeat of a ballot issue or influencing legislative action, or an association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional or other organization which makes contributions in the aggregate of more than seven hundred fifty dollars in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office or to expressly advocate the passage or defeat of a ballot issue or influencing legislative action.

2. APPLICABILITY. These rules are only applicable to lobbying activities involving the Iowa general assembly.

3. REGISTRATION REQUIRED. All lobbyists shall, on or before the day their lobbying activity begins, register in the manner provided under section 68B.36 by filing a completed

Page 2

lobbyist's registration form with the person or persons designated by the chief clerk of the house and the secretary of the senate to receive lobbyist registration statements. Lobbyist registration forms shall be available in the office of the chief clerk of the house and the secretary of the senate. In addition, the lobbyist shall file with the secretary of the senate a statement of the general subjects of legislation in which the lobbyist is or may be interested, the numbers of the bills and resolutions and the bill number of study bills (if known) which will be lobbied, whether the lobbyist intends to lobby for or against each bill, resolution, or study bill (if known), and on whose behalf the lobbyist is lobbying the bill, resolution, or study bill.

Any change in or addition to the foregoing information shall be registered with the person or persons designated by the chief clerk of the house and the secretary of the senate to receive lobbyist registration statements within ten days after the change or addition is known to the lobbyist.

Registration expires upon the commencement of the next regular session of the general assembly, except that the secretary of the senate may adopt and implement a reasonable preregistration procedure in advance of each regular session during which persons may register for that session and the following legislative interim.

4. CANCELLATION OF REGISTRATION. If a lobbyist's service on behalf of a particular employer, client, or cause is concluded prior to the end of the calendar year, the lobbyist may cancel the registration on appropriate forms supplied by the secretary of the senate. Upon cancellation of registration, a lobbyist is prohibited from engaging in any lobbying activity on behalf of that particular employer, client, or cause until reregistering and complying with these rules. A lobbyist's registration is valid for only one session of a general assembly.

5. AMENDMENT OF REGISTRATION. If a registered lobbyist

Page 3

represents more than one employer, client, or cause and the lobbyist's services are concluded on behalf of a particular employer, client, or cause after the lobbyist registers but before the first day of the next legislative session, the lobbyist shall file an amendment to the lobbyist's registration indicating which employer, client, or cause is no

longer represented by the lobbyist and the date upon which the representation concluded.

If a lobbyist is retained by one or more additional employers, clients, or causes after the lobbyist registers but before the first day of the next legislative session, the lobbyist shall file an amendment to the lobbyist's registration indicating the employer, client, or cause to be added and the date upon which the representation begins.

Amendments to a lobbyist's registration regarding changes which occur during the time that the general assembly is in session shall be filed within one working day after the date upon which the change in the lobbyist's representation becomes effective.

6. PUBLIC ACCESS. All information filed by a lobbyist or a client of a lobbyist under chapter 68B of the Code is a public record and open to public inspection at any reasonable time.

7. LOBBYIST AND CLIENT REPORTING. Each lobbyist registered with the senate and each lobbyist's client shall file the reports required under sections 68B.37 and 68B.38 with the secretary of the senate.

For purposes of this rule, and the reports required under sections 68B.37 and 68B.38, "services enumerated under section 68B.2, subsection 13, paragraph "a"" and "lobbying purposes" include, but are not limited to, the following:

a. Time spent by the lobbyist at the state capitol building commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house

and senate.

b. Time spent by the lobbyist attending meetings or hearings which results in the lobbyist communicating with members of the general assembly or legislative employees about current or proposed legislation.

c. Time spent by the lobbyist researching and drafting proposed legislation with the intent to submit the legislation to a member of the general assembly or a legislative employee.

d. Time spent by the lobbyist actually communicating with members of the general assembly and legislative employees about current or proposed legislation.

7A. ELECTRONIC FILING. A lobbyist or client of a lobbyist required to file information with the secretary of the senate pursuant to rules 3, 4, 5, and 7 is encouraged to make such filings in an electronic format as directed by the secretary of the senate. The committee on ethics may direct the secretary of the senate to mandate electronic filing requirements for lobbyists and clients of lobbyists beginning for the 2010 legislative session.

8. GOVERNMENT OFFICIALS. All federal, state, and local

officials or employees representing their departments, commissions, boards, or agencies shall present to the secretary of the senate a letter of authorization from their department or agency heads prior to the commencement of their lobbying. The lobbyist registration statement of these officials and employees shall not be deemed complete until the letter of authorization is attached. Federal, state, and local officials who wish to lobby in opposition to their departments, commissions, boards, or agencies must indicate such on their lobbyist registration statements.

9. CHARGE ACCOUNTS AND LOANS. Lobbyists and the organizations they represent shall not allow any senators to charge any amounts or items to any charge account to be paid for by those lobbyists or by the organizations they represent. A lobbyist shall not make a loan to a senator unless the loan

Page 5

is made in the ordinary course of business, the lobbyist is in the business of making loans, and the terms and conditions of the loan are the same or substantially similar to the finance charges and loan terms that are available to members of the general public.

10. OFFERS OF ECONOMIC OPPORTUNITY. A lobbyist, an employer of a lobbyist, or a political action committee shall not offer economic or investment opportunity or promise of employment to any senator with intent to influence the senator's conduct in the performance of official duties.

A lobbyist shall not take action intended to negatively affect the economic interests of a senator.

For purposes of this rule, supporting or opposing a candidate for office or supporting or opposing a bill, amendment, or resolution shall not be considered to be action intended to negatively affect the economic interests of a senator.

11. MEMBERSHIP CONTRIBUTIONS. A lobbyist, or employer of a lobbyist, shall not pay for membership in or contributions to clubs or organizations on behalf of a senator.

12. ACCESS TO SENATE FLOOR. Lobbyists shall not be permitted on the floor of the senate while the senate is in session. Elected state officials, except the governor, lieutenant governor, and the members of the house of representatives, shall not be permitted on the floor of the senate while the senate is in session to encourage the passage, defeat, or modification of legislation.

13. EFFECTIVE PERIOD. These rules governing lobbyists shall be in effect throughout the calendar year, whether or not the general assembly is in session.

14. GIFTS. A lobbyist or the client of a lobbyist shall not, directly or indirectly, offer or make a gift or a series of gifts to a senator, except as otherwise provided in section

68B.22.
15. HONORARIA. A lobbyist or client of a lobbyist shall

Page 6

not give an honorarium to a member or employee of the senate, except as otherwise provided in section 68B.23.
16. COMPLAINTS. Rules 15 through ~~23~~ 25 of the sente code of ethics apply to complaints and procedures regarding violations of these rules.

Senate Resolution 7: filed January 28, 2009; adopted by the Senate on January 29, 2009.

SENATE RESOLUTION 7
By: DOTZLER, COURTNEY, and DVORSKY
A resolution to recognize the Iowa Small Business Development Centers and honor 2008 award winners Sally Nichols and John Lohman.
WHEREAS, since 1981, the Iowa Small Business Development Centers have provided expert and confidential business counseling services and training workshops to entrepreneurs in all 99 Iowa counties; and
WHEREAS, the Iowa Small Business Development Centers provide a wide variety of services to foster the growth of Iowa business, including one-to-one professional business counseling; learning opportunities — workshops, courses and classes, internet-based learning, telephone and e-based contact, and print and electronic materials; resource connections — financing sources, state and federal programs, associations, databases, local and regional programs, host institutions, and communities; and specialty programs and assistance — business succession, market research, strategic planning, MyEntreNet, introduction to international business, and community building; and
WHEREAS, the Iowa Small Business Development Centers have announced the 2008 award winners for its two special entrepreneur of the year awards; and
WHEREAS, Sally Nichols is the 2008 Deb Dalziel Woman Entrepreneur Achievement Award winner, an award which honors an Iowa woman entrepreneur who has

Page 2

significantly changed or improved her life and the lives of others; and
WHEREAS, John Lohman has been selected to receive the Neal Smith Entrepreneur of the Year Award, an

award named in honor of the long-serving Iowa congressman, given to an Iowa entrepreneur who has been in business a minimum of three years and has been significantly assisted by an Iowa Small Business Development Center; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate honors award winners Sally Nichols and John Lohman and congratulates them on their success, and recognizes and expresses its thanks to the Iowa Small Business Development Centers for their ongoing work in making Iowa a better place to live and work.

Senate Resolution 8: filed January 29, 2009; adopted by the Senate on February 4, 2009.

SENATE RESOLUTION 8

By: Committee On Rules and Administration

A Senate Resolution relating to permanent rules of the senate for the ~~eighty-second~~ eighty-third general assmbly.

BE IT RESOLVED BY THE SENATE, That the permanent rules of the senate for the ~~eighty-second~~ eighty-third general assembly be as follows:

RULES OF THE SENATE

Rule 1

Quorum

A constitutional majority shall constitute a quorum of the senate. Any senator may insist a quorum be present.

Rule 2

Adoption and Amendment of Rules

Whenever the senate is operating under temporary rules, the rules may be amended or repealed, or permanent rules may be adopted, by a constitutional majority of the senators. After adoption of permanent rules of the senate during any general assembly, the rules may be amended or repealed by a constitutional majority of the senators voting on a simple resolution.

Rule 3

Rules of Parliamentary Procedure

In cases not covered by senate rules or joint rules, Mason's Manual of Legislative Procedure shall govern.

Rule 4

Sessions of the General Assembly

The election of officers, organization, hiring and compensation of employees, and committees of the senate shall carry over from the first to the second

regular sessions and to any extraordinary sessions of the same general assembly.

All bills and resolutions introduced in the first regular session of a general assembly which are not withdrawn, lost, or indefinitely postponed shall carry over into the second regular session and to any extraordinary session of the same general assembly. Appointments received from the governor for senate confirmation during any session of a general assembly shall be acted upon prior to adjournment of that session as provided by section 2.32 of the Code. Except as provided by this rule, upon the adjournment of the first regular session and any extraordinary session, each bill or resolution shall be automatically referred back to the committee to which it was originally assigned. The secretary of the senate shall publish in the Journal a list of the bills returned to committee under this rule. Within seven days after the first committee meeting after the convening of the second regular session, committees shall either authorize the chair to refer such bills and resolutions to a subcommittee for consideration, indefinitely postpone further consideration of such bills, or report them out to the floor and place them on the calendar. If the subcommittee is different than that appointed during the first session, the committee chair shall report to the senate the bill or

resolution number and the names of the subcommittee members.

Bills and resolutions which have been voted upon on final passage by either house in any session shall remain on the calendar in the same status as at the end of the session at any subsequent regular or extraordinary session.

Rule 5

Regular Order of Daily Business

The following order shall govern, subject to any special order:

1. Correction of the journal.
2. Senators to be excused.
3. Communications to the Senate.
4. Introduction of bills and resolutions.
5. Consideration of senate calendar.

Rule 6

Senate Calendar

1. Each legislative day the secretary of the senate shall prepare a listing of bills to be known as the "Senate Calendar".
2. The senate calendar may contain a listing under

the category "Special Order" which shall be placed at the head of the calendar. Bills in such category shall be those which are specifically set for debate by the majority leader with the consent of the senate on a certain date and time. Bills shall be listed by the secretary in numerical order.

3. The senate calendar shall include separate listings for any bills and resolutions in the

Page 4

following categories:

a. Conference Committee Report

b. Bills in Conference Committee

c. House Amendment to Senate Amendment to House File

d. House Refuses to Concur in Senate Amendment to House File

e. Senate Files Amended by the House

f. Unfinished Business

g. Motions to Reconsider

h. Administrative Rules Nullification Resolutions

i. Veto Messages from the Governor

4. The secretary shall list bills and resolutions in the above categories in numerical order. Upon their first publication in the calendar, bills and resolutions in the above categories may be called up for debate at any time by the majority leader. Motions to reconsider shall be called up as provided by Rule 24.

5. The senate calendar shall include a listing of senate appropriations committee bills and bills reported out by the senate appropriations committee. The list shall be known as the "Appropriations Calendar". The secretary shall list the bills in numerical order. Upon their first publication in the calendar, bills on the appropriations calendar may be called up for debate at any time by the majority leader provided they are eligible under Rule 8.

6. The senate calendar shall include a listing of bills which pertain to the levy, assessment or

Page 5

collection of taxes sponsored by or initially assigned to and reported out by the senate ways and means committee. The list shall be known as the "Ways and Means Calendar". The secretary shall list the bills in numerical order. Upon their first publication in the calendar, bills on the ways and means calendar may be called up for debate at any time by the majority leader provided they are eligible under Rule 8.

7. The senate calendar shall include a list of bills and resolutions, known as the "Regular Calendar", which shall consist of bills and resolutions reported out by a senate committee. The bills and resolutions reported out each day shall be listed in numerical order. Priority shall be given to senate over house bills and resolutions. Upon their first publication in the calendar, bills on the regular calendar may be called up for debate at any time by the majority leader, provided they are eligible under Rule 8.

A bill reported out of committee which is subsequently referred to the ways and means or appropriations committee and then reported out of that committee, shall be returned to the regular calendar in numerical order.

8. The senate calendar shall include a listing of the governor's appointees to state boards, commissions, and other offices requiring senate confirmation. This listing shall be known as the "Confirmation Calendar". Names on the confirmation calendar may be called up for confirmation at any time

Page 6

by the majority leader provided they are eligible under rule 59.

9. The majority leader, or in the absence of the majority leader the assistant majority leaders, may select from among the bills on the previous legislative day's Senate calendar and from the bills selected create a new listing which shall be known as the "Debate Calendar". The debate calendar shall list bills as the majority leader expects to take them up. A bill or resolution on the debate calendar may be debated only when eligible under Rule 8.

10. The majority leader, or in the absence of the majority leader the assistant majority leaders, may create a list of bills or resolutions about which no controversy is believed to exist which shall be known as the "Proposed Noncontroversial Calendar". Bills or resolutions included on this listing may be debated at any time upon being called up for debate by the majority leader. Any bill or resolution which appeared on the previous day's Senate calendar may be placed by any senator on the proposed noncontroversial calendar, which shall be published. Any bill or resolution on the proposed noncontroversial calendar shall be stricken from the list if any senator files a written objection with the secretary of the senate on the first or second legislative day after it appears on the proposed noncontroversial calendar. Any bill

stricken from the proposed noncontroversial calendar shall be returned to its former place on the Senate calendar. The secretary shall prepare the

Page 7

noncontroversial calendar which shall consist of all bills or resolutions on the proposed noncontroversial calendar to which no objection was received.

11. If the senate shall not be in session on a day assigned in paragraphs nine and ten for action upon a calendar, such assigned action shall occur on the next succeeding legislative day.

12. On any bill called up for debate from any calendar, debate may continue from day to day until it is adopted, fails, or is postponed or deferred. If further debate is postponed or deferred without a time to continue being set, except for bills on the debate calendar, the bill shall be listed as unfinished business. Bills which are returned to the committee of first referral or to a different committee after being considered by the senate and classified as unfinished business shall be returned to the unfinished business calendar by that committee when the bill is reported out of committee. The unfinished business date on the calendar shall be the date on which the bill was returned to committee. Bills on the debate calendar upon which further debate is postponed or deferred without a time to continue being set shall return to the regular calendar.

Rule 7

Steering Committee

The senate may authorize the appointment of a steering committee. The majority leader shall appoint the majority party members to the steering committee. The minority leader shall appoint the minority party

Page 8

members to the steering committee. The function of the steering committee shall be to create its own calendar from the bills and resolutions on the regular calendar. Bills and resolutions on the steering committee calendar shall have priority over bills and resolutions on all other calendars, except the appropriations calendar.

Rule 8

When Eligible for Consideration

Bills, resolutions, and appointments shall be eligible for consideration by the senate as follows:

1. An appointment by the governor which requires senate confirmation shall be eligible on the

legislative day after it is first printed in the senate calendar as provided by Rule 59.

2. A house or individually sponsored bill or resolution reported out by a committee shall be eligible on the legislative day after it is first printed in the senate calendar.

3. A committee bill or resolution sponsored by the appropriations committee shall be eligible on the legislative day after it is first printed in the senate calendar.

4. Any committee bill or resolution, other than a bill or resolution sponsored by the appropriations committee, shall be eligible on the third legislative day it is printed in the senate calendar.

5. A bill that has been reported out to the senate calendar, referred to a different committee and reported out by that committee is eligible for

Page 9

consideration by the senate on the day it would have been eligible under subsection 2, 3, or 4, whichever is applicable, as if the bill had been printed in the calendar after having been reported out by the first committee.

6. Any bill or resolution placed on the steering committee calendar is eligible for consideration on the day of its placement on that calendar.

When a bill or resolution on the calendar is not yet eligible, the date when it will become eligible shall be printed in the calendar.

Rule 9

Debate and Decorum

Before addressing the senate, the senator shall request recognition by depressing the "speak" device and, when recognized, rise and respectfully address the chair.

The senator shall confine all remarks to the question under debate and shall avoid discussing personalities or implication of improper motives. No questions except by the senator recognized shall be entertained after a senator is recognized to give final remarks.

Rule 10

Point of Personal Privilege

A point of personal privilege shall only be recognized when there is no motion pending or other business being considered by the senate. Points of personal privilege shall not be in order during the time when appropriation subcommittees are scheduled to

Page 10

meet. Senators speaking on a point of personal privilege shall be limited to ten minutes.

Rule 11

Introduction and Presentation of Guests

Only former members of the senate and former and present members of Congress shall be presented to the senate, except that the president of the senate may present a visitor whose presence is of special significance to the senate. The presence of school groups accompanied by school officials shall be announced by the president of the senate and shall be recorded in the journal upon written request of a member of the senate.

Rule 12

Form and Withdrawal of Motions, Amendments and Signatures

Motions need not be in writing unless required by the president or by the senate. No motion requires a second. Any amendment, motion (including a motion to reconsider), or resolution may be withdrawn by the mover if it has not been amended by the senate and if no amendment is pending. All amendments to bills, resolutions, and reports shall be in writing and filed before being acted upon by the senate.

No amendment, resolution, bill, or conference committee report shall be considered by the senate without a copy of the amendment, resolution, bill, or conference committee report being on the desks of the entire membership of the senate prior to consideration. However, after the fourteenth week of the first session and the twelfth week of the second

Page 11

session, amendments and senate resolutions may be considered by the senate without a copy of the amendment or senate resolution being on the desks of the entire membership of the senate if a copy of the amendment or senate resolution is made available to the entire membership of the senate electronically. Such consideration shall be deferred until a copy of the amendment or senate resolution is on the desks of the entire membership of the senate upon the request of any senator.

All amendments, reports, petitions or other documents requiring a signature shall have the name ~~typed~~ printed under the place for the signature. Once a signature is affixed and the document containing the signature filed with the recording clerk in the well, that signature shall not be removed.

When an amendment to a main amendment is filed that

would negate the effect of the main amendment and thereby leave the bill unchanged, the presiding officer shall have the authority to declare the amendment to the main amendment out of order, subject to an appeal to the full senate.

When a house amendment to a senate file is before the senate, an amendment to the house amendment shall be considered an amendment in the first degree.

Regardless of its origin, an amendment in the third degree shall be ruled out of order.

When a ruling on germaneness is issued by the presiding officer, it shall be accompanied by an explanation of the ruling.

Page 12

Rule 13

Order and Precedence of Motions and Amendments

When a question is under debate, no motion shall be received but to adjourn, to recess, questions of privilege, to lay on the table, for the previous question, to postpone to a day certain, to refer, to amend, to postpone indefinitely, to defer, or incidental motions. A substitute is not in order unless it is in the form of a motion to substitute. Such motions shall have precedence in the order in which they are named. No motion to postpone to a day certain, to refer, or postpone indefinitely, being decided, shall be again allowed on the same day with regard to the same question. A motion to strike out the enacting clause of a bill shall have precedence over all amendments and, if carried, shall be considered equivalent to the rejection of the bill.

A motion to strike everything after the enacting clause has precedence over a committee amendment and all other amendments except one to strike the enacting clause. A committee amendment has precedence over all other amendments except as provided in this rule.

A motion to rerefer a bill to committee may specify when the committee shall report the bill to the senate. If the motion is adopted in such form, the committee must report the bill by the date and time specified with or without recommendation or the bill shall automatically be returned to the calendar. When the bill is returned to the calendar, it shall occupy the same position it occupied at the time the bill was

Page 13

rereferred to the committee. If the committee to which the bill is rereferred submits an amendment in its report, that committee amendment shall take

precedence over other amendments except if that committee amendment is in conflict with amendments previously adopted, the committee amendment shall not be considered until consideration of motions to reconsider the previously adopted amendments result in removing the conflict. A committee may not file an amendment to a bill unless the bill is in the committee's possession.

Rule 14

MOTIONS BEFORE THE SENATE

Motions before the senate shall be displayed on the electronic voting system display boards.

Rule 15

Nondebatable Motions

The following motions are not debatable:

Adjourn

Recess

Call of the Senate

Lay on Table or Take from Table

Previous Question

Reconsider vote by which bill was placed on last reading.

A Motion to Reconsider and Lay the Motion to Reconsider on the Table (Double-barreled Motion).

Rule 16

Division of the Question

Any senator may call for a division of a question, which shall be divided if it includes propositions so

Page 14

distinct that if one is taken away, a substantive proposition shall remain in a technically proper form for the decision of the senate. A motion to strike out and insert is indivisible; but a motion to strike out, if lost, shall not preclude amendments to the matter attempted to be stricken or a motion to strike out and insert.

Rule 17

The Previous Question

The previous question shall be in this form: "Shall debate be closed on the pending question?" A motion for the previous question may be adopted by a majority of the senators present and voting. Its effect shall be to put an end to debate and bring the senate to a direct vote upon the pending question. However, any senator who has not previously spoken on the pending question and who, after the main question is taken up and before the motion for the previous question has been made, requested recognition by depressing the "speak" device may speak no longer than five minutes on the pending question. If action on the pending question continues into another

legislative day or is deferred, the previous question shall apply and the requests to be recognized shall be honored.

When the motion applies to an amendment, the senator proposing the amendment shall have five minutes to close debate on the amendment.

The senator handling the measure under consideration shall have ten minutes to close debate

Page 15

on the main question.

Rule 18

Call of the Senate

Ten senators may file in writing a call of the senate on any single item of legislative business. A call of the senate requires the presence of every senator and is in order at any time prior to the vote being announced by the president. The sergeant-at-arms shall return promptly all absent senators. Debate on the item may continue while absent senators are returning, but no vote on the item is in order on it until all have returned. Adoption of a motion to recess or adjourn to a specific time will not lift the call. The call may be lifted, or a senator may be excused from the call without lifting the call, by a vote of a constitutional majority of the senators. Those senators excused prior to the filing of the call are excused from the call.

Rule 19

Committee of the Whole

The senate may resolve itself into a committee of the whole senate when it wishes to permit more free and informal discussion. Persons other than senators may appear and present information.

Any senator may move "that the senate now resolve itself into a committee of the whole to consider" a stated subject.

The president of the senate shall be chair of the committee of the whole unless otherwise ordered by the senate.

Page 16

The procedure in committee of the whole is subject to the rules of the senate. The previous question and the motion to reconsider shall be in order.

The committee of the whole cannot take any final action and its power is limited to recommendation to the senate. The proceedings of the committee of the whole, including any roll call vote, shall be printed in the journal.

Any senator may at any time, except while voting or while a senator has the floor, move that "the committee rise" which is equivalent to a motion to adjourn.

After adoption of the motion to rise, the chair may report to the senate in the same manner as other committee reports are given.

Rule 20

Last Reading and Passage of Bills

When a motion to place a bill on its last reading is lost, the same motion shall be in order at any later time. After the last reading of a bill, no amendment shall be received. The vote on final passage shall be taken immediately without debate.

Rule 21

Engrossment of Bills

An engrossment is a proofreading and verification in order to be certain that a bill before the senate is identical with the original bill as introduced with all amendments which have been adopted correctly inserted.

In an engrossed bill, all obvious typographical,

Page 17

spelling or other clerical errors are corrected and section or paragraph numbers and internal references are changed as required to conform the original bill to any amendments which have been adopted. All such corrections or changes shall be reported in the journal by the secretary of the senate. The engrossed bill shall be placed in the bill file with the original bill and amendments.

Rule 22

Manner of Voting

On voice vote, the question shall be distinctly put in this form: "Those in favor of (the question) say "aye"." "Those opposed to (the question) say "no"."

A non-record or record roll call vote may be requested by any senator or ordered by the president any time before the results are announced. A non-record roll call shall be requested by asking for a "division". A record roll call shall be requested by asking for a "record". Upon request for a non-record or record roll call vote, the president shall announce that such a non-record or record roll call vote has been requested and shall state the question to be put to the senate. The president then shall direct the secretary of the senate to receive the votes.

Senators present may cast their votes, either by operating the voting mechanism located at their

assigned desk or by signaling the president if they are unable to vote at their assigned desk. The president shall enter the votes of senators signaling

Page 18

their votes.

After sufficient time has elapsed for all senators present to record their votes, the president shall direct the secretary of the senate to close the voting system. The president shall still enter the senators' votes at any time prior to directing the secretary of the senate to lock the voting system. The president shall then immediately announce the vote.

During a non-record or record roll call vote, both individual votes and vote totals shall be indicated openly on the display boards. On non-record roll calls, only vote totals shall be printed in the journal.

In the event the electronic voting system is not in operating order, the president shall direct the secretary of the senate to take the non-record or record roll call by calling the names of the senators in alphabetical order.

Rule 23

Duty of Voting

Every senator present when a question is put shall vote "aye", "no" or "present" unless previously excused by the senate. Upon demand being made by any senator, the secretary of the senate shall call in alphabetical order the names of the senators not voting or voting "present". Those senators called shall vote "aye" or "no" unless the senator states a personal interest in the question or concludes that he or she should not vote under the senate code of ethics.

Page 19

Rule 24

Reconsideration

When a main motion has been decided by the senate, any senator having voted on the prevailing side may move to reconsider the vote on the same or next legislative day. Motions to reconsider the vote on a bill or resolution shall be in writing and filed with the secretary of the senate.

Notwithstanding any time limitations applicable to motions to reconsider main motions, a motion to reconsider the vote on an amendment may be made at any time before final disposition of the motion to be amended. Such motion shall be in writing and filed

with the secretary of the senate. A motion to reconsider an amendment to a main motion shall be taken up for consideration only prior to the disposition of the main motion or upon reconsideration of the main motion.

A constitutional majority by a record roll call is necessary to reconsider a bill or joint resolution. During three legislative days from the date the motion to reconsider a bill or resolution is filed, only the mover may call it up. Thereafter, any senator may call up the motion. If a date for adjournment has been set by resolution of the senate, any senator may call up a motion to reconsider at any time within three days prior to the date set for adjournment.

If the motion to reconsider a bill or resolution prevails, motions to reconsider amendments thereto shall be in order and shall be disposed of without

Page 20

delay.

A motion that any action taken by the senate be reconsidered and the motion to reconsider be laid upon the table shall be a single and indivisible motion, known as the double-barreled motion, which, if carried, shall have the effect of preventing reconsideration unless a motion to take from the table prevails. A constitutional majority is necessary for the double-barreled motion to prevail on a bill or joint resolution. The double-barreled motion can only be made from the floor after the vote is announced and the member who moved the final reading shall have priority in making it.

A motion to reconsider and lay on the table shall have priority over a motion to reconsider if they are both filed on the same legislative day.

In the event that a motion to reconsider is pending at the end of the first session or any extraordinary session of any general assembly, or the general assembly adjourns sine die, and the motion has not been voted upon by the senate, it shall be determined to have failed.

Rule 25

Suspension of Rules and Taking from Table

No standing rule or rules incorporated by reference under Rule 3 or order of the senate shall be rescinded or suspended, nor shall any matter, tabled upon motion, be taken up, except by an affirmative vote of a constitutional majority of the senate.

INTRODUCTION AND FORM OF BILLS

Page 21

Rule 26

Time and Method of Introducing Bills and Amendments

All bills to be introduced in the senate shall be typed in proper form by the legislative services agency and shall be filed with the recording clerk.

All amendments shall be typed in proper form and filed with the recording clerk not later than 4:30 p.m., or adjournment, whichever is later, in order to be listed in the following day's clip sheet.

An "impact amendment" is an amendment which reasonably could have an annual effect of at least one hundred thousand dollars or a combined total effect within five years after enactment of five hundred thousand dollars or more on the aggregate revenues, expenditures or fiscal liability of the state or its subdivisions.

An impact amendment to a bill which has been on the special order calendar for at least three full legislative days prior to its consideration shall not be taken up by the senate unless:

1) a fiscal note is attached, and the amendment is filed at least one legislative day prior to the date set for consideration of the bill; or

2) the amendment is an appropriation or other measure where the total effect is stated in dollar amounts.

Rule 27

Limit on Introduction of Bills

No bill or joint resolution, except bills and joint resolutions cosponsored by the majority and minority

Page 22

floor leaders, or companion bills and joint resolutions sponsored by the majority floor leaders of both houses, shall be introduced in the senate after 4:30 p.m. on Friday of the sixth week of the first regular session of a general assembly unless a formal request for drafting the bill has been filed with the legislative services agency before that time. After adjournment of the first regular session, bills may be prefiled at any time before the convening of the second regular session. No bill shall be introduced after 4:30 p.m. on Friday of the second week of the second regular session of a general assembly unless a formal request for drafting the bill has been filed with the legislative services agency before that time. However, standing committees may introduce bills and joint resolutions at any time. A bill which relates to departmental rules sponsored by the administrative

rules review committee and approved by a majority of the members of the committee in each house may be introduced at any time and must be referred to a standing committee which must take action on the bill within three weeks. Senate and concurrent resolutions may be introduced at any time.

No bill, joint resolution, concurrent resolution or senate resolution shall be introduced at any extraordinary session unless sponsored by a standing committee, the majority and minority floor leaders, or the committee of the whole.

Rule 28

Introduction, Reading and Form of Bills and Resolutions

Page 23

Every senate bill and resolution shall be introduced by one or more senators or by any standing committee of the senate and shall at once be given its first reading.

If the senate is in session when a bill or resolution is introduced, the first reading shall consist of reading its file number, the title and sponsor of the bill. If the senate is not in session but a journal is published for the day, the first reading shall consist of a journal entry of the bill's file number, title, sponsor and the notation "Read first time under Rule 28.".

Any bill or resolution approved for introduction by a standing committee during an interim period between sessions of one General Assembly shall be introduced without further action by the committee at the next succeeding regular session of the same General Assembly and placed immediately upon the regular calendar.

Every bill and resolution referred to committee shall have received two readings before its passage.

The subject of every bill shall be expressed in its title.

Rule 29

Explanations

No bill, except appropriation committee bills and simple or concurrent resolutions, shall be introduced unless a concise and accurate explanation is attached. The chief sponsor or a committee to which the bill has been referred may add a revised explanation at any

Page 24

time before the last reading, and it shall be included in the daily clip sheet.

Rule 30

Resolutions

A "senate resolution" is a resolution acted upon only by the senate which ~~expresses sentiment or is used for~~ relates to an accomplishment of national or international status; the dedication of a day by a statewide or national group; the one hundredth, one hundred twenty-fifth, or one hundred fiftieth anniversary of a local government or organization; the recognition of state ties to other governments; the retirement of a senator or long-time senate employee; or to the appointment of special committees within the senate. A senate resolution requires the affirmative vote of a majority of the senators present and voting. A senate resolution shall be filed with the secretary of the senate. A senate resolution shall be printed in the bound journal after its adoption and in the daily journal upon written request to the secretary of the senate by the sponsor of the resolution. Other expressions of sentiment or recognition may be made with the issuance of a certificate of recognition.

Rule 31

Nullification Resolutions

A nullification resolution may be introduced by a standing committee, the administrative rules review committee, or any member of the senate. A nullification resolution introduced by the administrative rules review committee or a member of

the senate shall be referred to the same standing committee it would be referred to if it was a bill.

Any nullification resolution may be referred to the administrative rules review committee by a majority vote of the standing committee which introduced it or to which it was referred. The administrative rules review committee may seek an agreement with the affected administrative agency wherein the agency agrees to voluntarily rescind or modify a rule or rules relating to the subject matter of the nullification resolution. An agreement to voluntarily rescind or modify an administrative agency rule shall be in writing and signed by the chief administrative officer of the administrative agency and a majority of the administrative rules review committee members of each house and shall be placed on file in the offices of the chief clerk of the house, the secretary of the senate and the secretary of state. If an agreement is not reached, or the nullification resolution is not approved by a majority of the administrative rules review committee members of each house, within two

weeks of the date the resolution is referred to the administrative rules review committee, the resolution shall be placed on the calendar. If the nullification resolution is approved by the administrative rules review committee it shall be placed on the calendar. A nullification resolution is subject to a motion to withdraw the nullification resolution as provided in rule 42.

A nullification resolution is debatable, but cannot

Page 26

be amended on the floor of the senate.

Rule 32

Resolutions, Applicable Rules

All rules applicable to bills shall apply to resolutions, except as otherwise provided in the rules.

Rule 33

Study Bills

1. A study bill is any matter which a senator wishes to have considered by a standing committee or appropriations subcommittee for introduction as a committee bill or resolution. The term "study bill" includes "proposed bills" provided for in Rule 37 and departmental requests prefiled in the manner specified in section 2.16 of the Code.

2. A study bill shall bear the name of the member who wishes to have the bill considered. A study bill proposed by a state agency shall bear the name of the agency. A committee chair may submit a study bill in the name of that committee.

3. Upon first receiving a study bill from a senator, a committee chairperson shall submit three copies to the secretary of the senate. Study bills received in the secretary of the senate's office before 3:00 p.m. shall be filed, numbered, and reported in the journal for that day. Study bills received in the secretary of the senate's office after 3:00 p.m. shall be filed, numbered, and reported in the journal for the subsequent day. The secretary shall number such bills in consecutive order. The

Page 27

secretary shall maintain a record of all study bills and their assigned number. Committee records shall refer to study bills by the number assigned by the secretary.

4. The secretary shall file a report in the journal of each study bill received. The report shall show the study bill number, its title or subject

matter and the committee which is considering it. If a study bill is referred to a subcommittee, then the committee chairperson shall report in the journal the names of the subcommittee members to which it is assigned.

5. If a committee bill or resolution is introduced which was not previously the subject of a study bill in the sponsoring committee, the majority leader may re-refer the bill back to the committee.

6. A study bill not prepared by the legislative services agency may be submitted to a standing committee, but shall not be considered by the full committee unless reviewed and typed in proper form by the legislative services agency.

COMMITTEES AND COMMITMENT

Rule 34

Committee Appointments

Committee appointments shall be made by the majority leader for majority party members, after consultation with the president, and by the minority leader for minority party members, after consultation with the president. No senator shall serve on more than six standing committees. The majority leader,

Page 28

after consultation with the president, shall designate the chairperson and vice-chairperson of each standing committee. The minority leader, after consultation with the president, shall designate the ranking member of each standing committee from the minority membership of that committee.

Rule 35

Standing Committees

The names of the standing committees of the senate shall be:

Agriculture
Appropriations
Commerce
Economic growth
Education
<u>Environment/Energy Independence</u>
Government oversight
Human resources
Judiciary
Labor & Business Relations
Local government
Natural resources~~ & Environment~~
<u>Rebuild Iowa</u>
Rules and administration
State government
Transportation

Veterans Affairs
Ways and means

Rule 36

Committee on Rules and Administration

Page 29

The committee on rules and administration shall recommend rules and rule changes to the senate, shall hire senate employees, shall recommend salary scales for all senate employees, and shall oversee senate budget and administration matters.

The committee on rules and administration will select, for senate approval, an individual to serve as secretary of the senate.

Upon authorization being given by the committee on rules and administration, the minority party members of the committee will select, for senate approval, an individual to serve as assistant parliamentarian.

The committee shall have the following standing subcommittees:

1. Joint Rules
2. Senate Rules
3. Administrative Services
4. Caucus Services.

The majority leader shall serve as chair of the rules and administration committee and as chair of the standing subcommittee on caucus services. The president of the senate shall serve as vice-chair of the rules and administration committee, and as chair of the subcommittee on administrative services.

Rule 37

Appropriations Committee

The appropriations committee shall receive bills committed to it and shall assign each to one of the appropriations subcommittees.

The appropriations subcommittees shall be named:

Page 30

Administration & Regulation
Agriculture and Natural Resources
Economic Development
Education
Health and Human Services
Justice System
Transportation, Infrastructure & Capitals

The appropriations subcommittees shall receive bills assigned to them or may originate proposed bills within the subcommittee's jurisdiction as defined by the appropriations committee for consideration by the appropriations committee. Each subcommittee may

submit amendments to bills together with the subcommittee's recommended action to the appropriations committee.

If a bill or proposed bill is submitted to the appropriations committee by an appropriations subcommittee the appropriations committee may:

1. report the bill or approve the proposed bill for introduction by the appropriations committee;

2. report the bill with any appropriations committee-approved amendments incorporated;

3. draft a new bill for sponsorship by the appropriations committee and report it; or

4. re-refer it together with the appropriations committee's objections to the appropriations subcommittee from which it was originally referred or which originated the draft bill.

The appropriations committee and subcommittees may meet jointly with the appropriations committee of the

Page 31

house of representatives.

Rule 38

First Reading and Commitment

Upon the first reading of an individual bill or resolution, or a house committee bill or resolution, the president shall refer the bill or resolution to an appropriate standing committee unless otherwise ordered by the senate. If the bill or resolution is a senate committee bill or resolution, the president shall place it on the calendar after its first reading. If the subject of the bill or resolution is not germane to the title of the committee presenting it, the president of the senate may refer it to a committee deemed appropriate.

All bills carrying an appropriation for any purpose or involving the expenditure of state funds shall be referred to the committee on appropriations.

All bills pertaining to the levy, assessment or collection of taxes or fees shall be referred to the committee on ways and means.

Any bill which provides for a new state board, commission, agency or department or makes separate or autonomous an existing state board, commission, agency or department, shall be referred to the committee on state government. If the bill or resolution is so referred after being sponsored or reported out by another committee, and if the committee on state government does not report out the bill or resolution within ten legislative days after referral, the bill or resolution shall automatically be restored to the

Page 32

calendar with the same priority it had immediately before referral.

This rule shall also apply when such provisions are added to a bill or resolution by amendment adopted by the senate.

Rule 39

Rules for Standing Committees

The following rules shall govern all standing committees of the senate. Any committee may adopt additional rules which are consistent with these rules:

1. A majority of the members shall constitute a quorum.

2. The chair of a committee shall refer each bill and resolution to a subcommittee within seven days after the bill or resolution has been referred to the committee. The chair may appoint subcommittees for study of bills and resolutions without calling a meeting of the committee, but the subcommittee must be announced at the next meeting of the committee. No bill or resolution shall be reported out of a committee until the next meeting after the subcommittee is announced, except that the chair of the appropriations committee may make the announcement of the assignment to a subcommittee by placing a notice in the journal. Any bill so assigned by the appropriations committee chair shall be eligible for consideration by the committee upon report of the subcommittee but not sooner than three legislative days following the publication of the announcement in

Page 33

the journal.

When a bill or resolution has been assigned to a subcommittee, the chair shall report to the senate the bill or resolution number and the names of the subcommittee members and such reports shall be reported in the journal. Subcommittee assignments shall be reported to the journal daily. Reports filed before 3:00 p.m. shall be printed in the journal for that day; reports filed after 3:00 p.m. shall be printed in the journal for the subsequent day.

Where standing subcommittees of any committee have been named, the names of the members and the title of the subcommittee shall be published once and thereafter publication of assignments may be made by indicating the title of the subcommittee.

3. No bill or resolution shall be considered by a committee until it has been referred to a subcommittee

and the subcommittee has made its report unless otherwise ordered by a majority of the members.

4. The rules adopted by a committee, including subsections 2, 3, 9, 10, 11, and 12 of this rule, may be suspended by an affirmative vote of a majority of the members of the committee.

5. The affirmative vote of a majority of the members of a committee is needed to sponsor a committee bill or resolution or to report a bill or resolution out for passage.

6. The vote on all bills and resolutions shall be by roll call unless a short-form vote is unanimously agreed to by the committee. A record shall be kept by

Page 34

the secretary.

7. No committee, except a conference committee or the steering committee, is authorized to meet when the senate is in session.

8. A subcommittee shall not report a bill to the committee unless the bill has been typed into proper form by the legislative services agency.

9. A bill or resolution shall not be voted upon the same day a public hearing called under subsection 10 is held on that bill or resolution.

10. Public hearings may be called at the discretion of the chair. The chair shall call a public hearing upon the written request of one-half the membership of the committee. The chair shall set the time and place of the public hearing.

11. A subcommittee chair must notify the committee chair not later than one legislative day prior to bringing the bill or resolution before the committee. The committee cannot vote on a bill or resolution for at least one full day following the receipt of the subcommittee report by the chairperson.

12. A motion proposing action on a bill or resolution that has been defeated by a committee shall not be voted upon again at the same meeting of the committee.

13. Committee meetings shall be open.

Rule 40

Voting in Committee

All committee meetings shall be open at all times. Voting by secret ballot is prohibited. Roll call

Page 35

votes shall be taken in each committee when final action on any bill or resolution is voted, unless a short-form vote is unanimously agreed to by the

committee. A roll call vote also shall be taken in each committee at the request of a member upon any amendment or motion. All results shall be entered in the minutes which shall be public records. Records of these votes shall be made available by the chair or the committee secretary at any time. This rule also applies to the steering committee and appropriations subcommittees.

The committee shall not authorize the introduction of a committee bill or resolution until the members have received final copies of the bill or resolution with amendments or changes incorporated, and typed into proper form by the legislative services agency. The committee may, by unanimous consent, dispense with this requirement and instruct the legislative services agency to file a report with the committee members detailing the amendments or changes and this report shall become a part of the committee report.

Rule 41

Announcement of Committee Meetings

It shall be in order for the chair of any committee to announce to the senate the time and place of committee meetings. The announcement shall include a proposed agenda for the meeting. The sergeant-at-arms shall post at the rear of the chamber the daily schedule of committee meetings.

Rule 42

Page 36

Withdrawal of Bills and Resolutions from Committee

The secretary of the senate shall note on each bill and resolution the date of its reference to committee. No bill or resolution shall be withdrawn from any committee within fifteen legislative days after the bill or resolution has been referred to the committee and thereafter only upon written petition for the withdrawal of such bill or resolution signed by a constitutional majority of the senators, except as provided in Rule 38. Only senators may circulate such a petition.

Rule 43

Committee Reports

All committees shall file a report of committee meetings. Such reports shall contain the following information:

a. The time the meeting convened;

b. Those senators who were present and absent at the time the meeting convened, as well as the time any senator, who was not present at the time the meeting convened, arrives for the meeting;

c. The vote on any bill or resolution reported out

of the committee for floor action;
d. The title of the bill;
e. The file number of the bill or resolution (if known);
f. Whether the committee recommends that the bill or resolution be passed, amended and passed, indefinitely postponed, or considered without committee recommendation;

Page 37

g. An indication of other bills or matters discussed;
h. Such other matters as the committee chair shall direct; and
i. The time the meeting adjourned.
No committee report shall be read, but all committee reports shall be printed in the journal. Upon printing, all committee reports shall then stand approved unless the senate directs otherwise.

Rule 44

Bills or Resolutions Recommended for Indefinite Postponement

No senate bill or resolution recommended for indefinite postponement shall be considered in the absence of the chief sponsor or, if a house bill or resolution, in the absence of the senator representing the district in which the sponsor resides. When a question is postponed indefinitely, it shall not be again acted upon during that session of the general assembly.

GENERAL RULES

Rule 45

Access to Senate Chamber and Decorum

The persons who shall have access to the senate chamber, and the times access shall be available, and the rules governing activities in the chamber and other areas controlled by the senate shall be as prescribed by the rules and administration committee pursuant to a written policy adopted by the committee and filed with the secretary of the senate.

Rule 46

Page 38

Legislative Interns and Aides

Legislative interns for senators shall be allowed on the floor of the senate in accordance with Rule 45; provided that each intern first has obtained a name badge from the secretary of the senate. The secretary of the senate shall issue an appropriate badge to all interns for senators.

~~In addition, those persons designated as "aides to~~

~~senators" shall be allowed on the floor of the senate. The secretary of the senate shall issue an appropriate badge for such individuals.~~

Rule 47

Clearing of Lobby and Gallery

In case of disturbance or disorderly conduct in the lobby or gallery, the presiding officer may order it cleared.

Rule 48

Presentation of Petitions

Each petition shall contain a brief statement of its subject matter and the name of the senator presenting it. Petitions shall be filed with the secretary of the senate and noted in the journal.

Rule 49

Distribution of Printed Material

No general distribution of printed material in the senate shall be allowed unless authorized by the secretary of the senate or by a senator.

Rule 50

Concerning the Printing of Papers

Any paper, other than that contemplated by Section

Page 39

10, Article III of the Constitution of the State of Iowa, presented to the senate may, with the consent of a constitutional majority, be printed in the journal.

Rule 51

Reprinting of Documents

When any bill has been substantially amended by the senate, the secretary of the senate shall order the bill reprinted on paper of a different color. All adopted amendments inserting new material shall be distinguishable.

The secretary of the senate may order the printing of a reasonable number of additional copies of bills, resolutions, amendments or journals.

OFFICERS AND EMPLOYEES

Rule 52

Duties of the President

The senate shall elect, from its membership, a president. The president shall call the senate to order at the hour to which the senate is adjourned. Unless otherwise ordered by the senate, the president shall proceed with the regular order of daily business. The president shall preserve order and decorum and decide all questions of order and corrections to the journal, subject to an appeal to the senate. The president shall direct voting as provided in rule 22. When a ruling on germaneness is issued by the presiding officer, it shall be

accompanied by an explanation of the ruling. The president of the senate shall be the chair of the committee of the whole unless otherwise ordered by the

Page 40

senate, under rule 19.

Upon the first reading of an individual bill or resolution, or a house committee bill or resolution, the president shall refer the bill or resolution to the appropriate standing committee unless otherwise ordered by the senate. If the bill or resolution is a senate committee bill or resolution, the president shall place it on the calendar after its first reading. If the subject of the bill or resolution is not germane to the title of the committee presenting it, the president of the senate may refer it to the appropriate committee.

The president shall sign legislative enactments upon their enrolling.

The president of the senate shall serve as a member of the legislative council and the senate rules and administration committee. The president shall serve on the rules and administration committee as chair of the standing subcommittee designated to supervise the secretary of the senate and other employees of the administrative services division of the senate.

Rule 53

The President Pro Tempore

The senate shall elect, from its membership, a president pro tempore. When the president is absent, the president pro tempore shall preside, except when the chair is filled by temporary appointment by the president or the majority leader.

The president pro tempore, when presiding, shall perform duties as prescribed in rule 52, paragraphs 1

Page 41

and 2.

The president pro tempore shall serve as a member of the legislative council and as a member of the senate committee on rules and administration.

Rule 54

Secretary of the Senate

The secretary of the senate shall be an officer of the senate and shall:

1. Serve as chief administrative officer of the senate.

2. Have charge of the secretary's desk.

3. Be responsible for the custody and safekeeping of all bills, resolutions, and amendments filed,

except while they are in the custody of a committee.
4. Have charge of the daily journal.
5. Have control of all rooms assigned for the use of the senate.
6. Keep a detailed record of senate action on all bills and resolutions.
7. Insert adopted amendments into bills before transmittal to the house of representatives and prior to final enrollment.
8. Prescribe the duties of and supervise all senate employees.
9. Authorize all expenditures of funds within the senate budget.
The secretary of the senate shall also act as senate parliamentarian and shall:
1. Advise the presiding officer of the senate about parliamentary procedures during deliberations of

Page 42

the senate.
2. Perform other duties as prescribed by the committee on rules and administration.
3. Process the handling of amendments when filed and during the floor consideration of bills.

Rule 55

Legal Counsel

The legal counsel shall be a contractual employee of the senate and shall:
1. Serve as attorney and counselor for the senate.
2. At the request of the majority and minority leaders, research any legal issue in which the senate has an interest. However, the legal counsel shall not issue nor venture any opinions on unresolved questions of law unless permitted by both the majority and minority leaders.

Rule 56

Sergeant-at-Arms

The sergeant-at-arms shall be an employee of the senate and shall:
1. Wear the appropriate badge of his or her office.
2. Attend the senate during its sessions.
3. Aid in the enforcement of order under the direction of the president of the senate and the secretary of the senate.
4. Execute the commands of the senate.
5. See that no unauthorized person disturbs the contents of the senators' desks.
6. Supervise the doorkeepers, the assistant

Page 43

sergeant-at-arms, and pages.

7. Announce all delegations from the governor or house.

8. Supervise the seating of visitors and press representatives.

Rule 57

Senate Secretaries

Every senator shall be permitted to employ for each session of a general assembly a personally selected secretary.

Rule 58

Use of Electronic Voting System

Any officer or employee of the senate, other than a duly elected member of the senate, who operates the electronic voting machine mechanism located at the desk of said member of the senate shall be subject to immediate termination from employment. The provisions of this paragraph only shall apply during the taking of a record or non-record roll call vote utilizing the electronic voting system.

CONFIRMATION OF APPOINTMENTS

Rule 59

Appointments

The secretary of the senate shall:

a. send, to each appointee submitted by the governor for senate confirmation, a copy of a senate questionnaire as approved by the rules and administration committee;

b. receive completed questionnaires from appointees and forward copies of the completed

Page 44

questionnaires to appropriate committee members;

c. maintain "Confirmation Calendar" categories on the senate calendar as directed under this rule, senate rule 6, and by the committee on rules and administration. No appointee shall be listed as eligible on the confirmation calendar until the secretary has received the appointee's completed senate questionnaire.

As soon as possible after the convening of a session, and again within one week following March 15, the secretary of the senate shall publish in the senate journal the names of all nominees submitted for confirmation. The secretary of the senate shall maintain a file of all appointments received from the governor for confirmation. The file shall contain a description of the duties and the compensation for each nominee. The file shall show the date an

appointment was received from the governor, the date the appointment was published in the journal, whether the nominee has been introduced, whether a committee report has been filed, when the senate questionnaire was sent to the appointee, and shall include a copy of the appointee's completed senate questionnaire, upon receipt.

INVESTIGATING COMMITTEES. All appointments received from the governor shall be referred to the rules and administration committee by the secretary of the senate on the same day they are published in the senate journal. The rules and administration committee shall establish an en bloc confirmation

Page 45

calendar which must be filed with the secretary of the senate. Within three (3) legislative days after receiving an appointment, the committee shall either place a nominee on the en bloc confirmation calendar or assign the nominee to an appropriate standing committee for further investigation, publishing notice of such assignment in the senate journal for the next legislative day. If the rules and administration committee fails to take action on a nominee within the three days, the nominee shall automatically be placed on the en bloc confirmation calendar.

Within the three (3) legislative days after an appointment has been referred to the rules and administration committee, any ten senators may require that the nominee be assigned to an appropriate standing committee by filing a written, signed request therefor with the chairperson of the rules and administration committee. The committee chair shall refer the appointment to a subcommittee within one (1) legislative day after a standing committee receives an appointment for further investigation, publishing notice of such assignment in the senate journal for the next legislative day. Within ten (10) legislative days after a standing committee receives an appointment for further investigation the subcommittee shall file its report with the standing committee.

Within fourteen (14) legislative days after a standing committee receives an appointment for further investigation, the committee shall conduct an investigation of the nominee and file its report

Page 46

thereon with the secretary of the senate, who shall then place the nominee on the en bloc calendar or individual confirmation calendar as directed by the

committee. The failure of a committee to file its report within the prescribed time means that the nominee is to be automatically placed, without recommendation, upon the individual confirmation calendar.

Any individual nominated to head a department or agency of state government, whose appointment is subject to senate confirmation, must be introduced to the full senate prior to a vote on confirmation of the nominee. Additionally, any five (5) senators may request that any nominee be introduced to the senate by filing a written request with the secretary of the senate within ten (10) legislative days of the nominee's name appearing in the journal. Any individual nominated to a position requiring senate confirmation may request to be introduced to the full senate by notifying the secretary of the senate at least one (1) legislative day in advance of the nominee's appearance. If an individual is nominated both to fill a vacancy for an unexpired term and is also nominated for reappointment to that position during the same session, a single introduction is sufficient for eligibility for confirmation to both terms.

HEARINGS. Any member of a committee investigating an appointment may, within five (5) legislative days after the committee receives the appointment, obtain

Page 47

a hearing with the nominee by filing a written request with the secretary of the senate who shall forward it to the chair of the standing committee and the chair of the subcommittee. Notice of the hearing shall be published in the journal at least two (2) legislative days prior to the hearing. At the hearing, which shall be before the subcommittee, the nominee may be questioned as to his or her qualifications to fulfill the office to which nominated and further questioned as to his or her viewpoints on issues facing the office to which nominated. Any senator may at the discretion of the chair of the subcommittee be permitted to submit oral questions. The public may, at the discretion of the investigating committee, be permitted to submit oral or written statements as to the qualifications of the nominee.

Also, within five (5) legislative days after the subcommittee receives an appointment for investigation, any senator may submit written questions to be answered by the nominee prior to consideration of the nominee's confirmation by the senate.

INFORMATIONAL MEETINGS. After a nominee has been placed on the calendar and prior to the vote on confirmation, any senator may request an informational meeting on the nomination which shall be held before the subcommittee.

VOTING ON CONFIRMATIONS. Upon the motion of the majority leader or his or her designee, the nominees on the en bloc confirmation calendar shall be

Page 48

confirmed en bloc by the affirmative vote of two-thirds of the members elected to the senate. The journal shall reflect a single roll call accompanied by a statement of the names of those individuals subject to the en bloc confirmation vote.

Prior to an en bloc vote, any senator may request, either in writing or from the floor, an individual vote on any nominee on the en bloc confirmation calendar. The senate shall vote separately on the nominee.

Nominees on the individual confirmation calendar shall be confirmed by a two-thirds vote; however, the senate shall take a separate roll call on each nominee, unless by unanimous consent, it determines to take one vote on all nominees under consideration. In any case, the journal shall reflect a single roll call vote for each nominee.

If an individual is nominated both to fill a vacancy for an unexpired term and is also nominated for reappointment to that position, and such appointment and reappointment appear on the senate calendar as eligible at the same time, a single vote is sufficient for confirmation to both terms.

Rule 60

Time of Committee Passage and Consideration of Bills

1. This rule does not apply to concurrent or simple resolutions, joint resolutions nullifying administrative rules, senate confirmations, bills embodying redistricting plans prepared by the legislative services agency pursuant to chapter 42, or

Page 49

bills passed by both houses in different forms. Subsection 2 of this rule does not apply to appropriations bills, ways and means bills, legalizing acts, administrative rules review committee bills, bills sponsored by standing committees in response to a referral from the president of the senate or the speaker of the house of representatives relating to an administrative rule whose effective date has been

delayed until the adjournment of the next regular session of the general assembly by the administrative rules review committee, bills cosponsored by the majority and minority floor leaders of the senate, bills in conference committee, and companion bills sponsored by the majority floor leaders of both houses after consultation with the respective minority floor leaders. For the purposes of this rule, a joint resolution is considered as a bill. To be considered an appropriations or ways and means bill for the purposes of this rule, the appropriations committee or the ways and means committee must either be the sponsor of the bill or the committee of first referral in the senate.

2. To be placed on the calendar in the senate a senate bill must be first reported out of a standing committee by Friday of the ~~10th~~ 9th week of the first session and the ~~6th~~ 8th week of the second session. A house bill must be first reported out of a standing committee by Friday of the 13th week of the first session and the ~~9th~~ 11th week of the second session to be placed on the senate calendar.

Page 50

3. During the 11th week of the first session and the ~~7th~~ 9th week of the second session, the senate shall consider only bills originating in the senate and unfinished business. During the 14th week of the first session and the ~~10th~~ 12th week of the second session, the senate shall consider only bills originating in the house and unfinished business. Beginning with the 15th week of the first session and the ~~11th~~ 13th week of the second session, the senate shall consider only bills passed by both houses, bills exempt from subsection 2 and unfinished business.

4. A motion to reconsider filed and not disposed of on an action taken on a bill or resolution which is subject to a deadline under this rule may be called up at any time before or after the day of the deadline by the person filing the motion or after the deadline by the majority floor leader, notwithstanding any other rule to the contrary.

BE IT FURTHER RESOLVED, That should a system of deadlines for the time of committee passage and consideration of bills be adopted by joint action of the senate and house at any time during the ~~eighty-second~~ eighty-third general assembly, those provisions shall supersede the provisions of rule 60.

Senate Resolution 13: filed March 3, 2009; adopted by the Senate on March 5, 2009.

SENATE RESOLUTION 13

By: Hatch, Horn, Bolkcom, Ragan, McCoy, Appel, Danielson, Quirmbach, Jochum, Olive, Schoenjahn, Heckroth, Beall, Sodders, Schmitz, Dotzler, Gronstal, Dvorsky, Warnstadt, Wilhelm, Seng, Dearden, Black, Stewart, Courtney, Kibbie, Fraise, Kreiman, Hogg, and Dandekar

A resolution encouraging a federal state collaboration to achieve quality, affordable health care for all.

WHEREAS, the United States is facing a worsening health care crisis of ever-higher costs, inconsistent quality, and lack of access to necessary coverage and medical care for tens of millions of uninsured and underinsured residents; and

WHEREAS, reforming the United States' health care system to achieve a high-performing, affordable, and quality system covering all residents is central to a sustainable economic recovery and the health and financial security of all residents, businesses, and governments; and

WHEREAS, reform of the United States' health care system is a paramount and immediate priority for President Barack Obama, his administration, and the 111th Congress; and

WHEREAS, each state has unique economic, social, geographic, and demographic factors that must be accommodated to reach quality and affordable health care for all; and

WHEREAS, states play a vital role in health care for tens of millions of Americans by administering and

Page 2

funding public programs such as Medicaid and the State Children's Health Insurance Program (SCHIP) that improve access to quality and affordable health care; and

WHEREAS, states can help improve health care for all residents of the United States by using public programs and regulatory power to influence, guide, and direct the broader health care system toward improved and less costly care; and

WHEREAS, the federal government looks to states for guidance in improving health care, and federal health care reform is informed by state initiatives; and

WHEREAS, since the current health care system is unsustainable and the cost of doing nothing would be far greater than the cost of health care reform; and

WHEREAS, all states and the federal government share a common mission to protect and provide for the general welfare of all the people of the United States; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Iowa Senate urges both state governments and the federal government to collaborate with one another to reach the goal of providing quality and affordable health care to all Americans; and

BE IT FURTHER RESOLVED, That each state exercise its inherent responsibility to assist in providing access to quality health care; and

BE IT FURTHER RESOLVED, That all of the following guiding principles be incorporated into a national health care policy:

Page 3

1. Stabilize financing through payment reform.

a. Implement a patient-centered medical home. This practice emphasizes reimbursement of services based on patient needs, with effective financial incentives for coordinated care among multispecialties.

b. Prioritize payments for primary and preventive care. This prioritization will steer patients to cost-effective treatments that promote wellness and health. Equally important is to end Medicare's regional reimbursement discrimination, whereby states receive considerably more or less for the same procedure based upon geographic location.

c. Support value-based purchasing efforts. Value-based purchasing uses transparent quality and cost data and patient incentives to steer care toward high-quality, cost-effective providers.

d. Restructure national financing for long-term care. As baby boomers age, long-term care needs will skyrocket. A comprehensive financing strategy that takes into account states' financial capabilities is critical.

2. Improve cost containment policies.

a. Advance cost containment strategies. To ensure a financially stable system, national standards for cost containment should be advanced in areas such as chronic care management and medical homes, pay for performance, electronic health records, administrative efficiency, public health measures, drug and medical device negotiations, and sunshine laws to increase

Page 4

transparency of financial arrangements among industry stakeholders.

b. Establish national electronic medical record standards. National standards should be established for the states controlling the use and distribution of electronic medical records.

c. Provide financial and technical assistance for the creation and utilization of electronic medical records. Modernizing medical records using current technology will improve care and lower costs.

d. Facilitate the confidential sharing of patient data within and across state borders. A national interoperational standard will allow providers to access patient records anywhere.

3. Increase access to affordable health insurance coverage.

a. Expand coverage to everyone. Using private market and publicly financed plans, affordable coverage must be guaranteed to every resident. Total health care costs for individuals, families, and employers must be limited to an affordable percentage of household income or payroll.

b. Allow for greater flexibility in state regulation of federal Employee Retirement Income Security Act (ERISA)-regulated insurance plans. ERISA precludes effective state oversight of self-insured employer-offered insurance coverage. This unintended consequence of ERISA distorts policy and interferes with a state's ability to provide for consistency in coverage.

Page 5

c. Eliminate preexisting conditions exemptions and require guaranteed issue of insurance. Permitting insurers to reject applicants based on health status leaves those who most need coverage without any affordable options, defeating the purpose of health insurance.

d. Strengthen the health care safety net. Increase the investments in public programs administered by states and the federal government, such as Medicaid, community health centers, and SCHIP.

e. Support state innovation by creating robust national standards that serve to raise the floor for state action, rather than limit state efforts to achieve the goal of quality and affordable health care for all.

f. Invest in increasing the number of primary care providers, midlevel practitioners, direct care

workers, and laboratory and community health workers.
g. Carefully monitor the supply of specialists. Certain specialists are in short supply, and policymakers need to be attentive to these shortages.
4. Increase quality.
a. Develop evidence-based standards using robust clinical and cost comparative-effectiveness findings. Care options need to take into account both effectiveness and price. Comparative-effectiveness research that evaluates treatments in terms of efficacy and price will allow for the greatest value in health improvement.
b. Require the use of informed, shared decision

Page 6

making between the provider and patient. Patients need to bring their preferences and values to the medical decision-making process, just as providers bring their experience and knowledge of medicine. Informed joint decision making has been shown to improve outcomes and increase patient and family satisfaction.
c. Eliminate disparities and inequality. Numerous social factors lead to widespread racial and ethnic disparities in health care. The health care system needs to systematically address these disparities if the promise of health care for all is to be honored.
d. Invest in proven prevention programs and health promotion activities. Public health activities such as promoting healthy behaviors and teaching disease management can improve overall health and lower costs.
e. Reduce unwarranted variation in care. Wide variations in care, not matched by improved health outcomes, show that much superfluous care is being provided. Rooting out unnecessary care will both improve health and save money.
f. Demand more effective public quality reporting by all providers. Reporting allows consumers to choose high-quality providers and encourages providers to improve care; and
BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to:
President Barack Obama; Vice President Joe Biden; Speaker of the United States House of Representatives, Nancy Pelosi; the Secretary of Health and Human

Page 7

Services; Senator Edward Kennedy, Chair, Senate Health, Education, Labor and Pensions Committee; Representative Henry Waxman, Chair, Oversight and

Government Reform; Senator Max Baucus, Chair, Senate Finance Committee; Senator Harry Reid, Senate Majority Leader; Representative Steny Hoyer, House Majority Leader; Senator Mitch McConnell, Senate Minority Leader; Representative John Boehner, House Minority Leader; the members of Iowa's congressional delegation; Iowa Governor Chet Culver; and Dr. Jeanne Lambrew, Deputy Director, White House Task Force on Health Care Reform.

Senate Resolution 18: filed March 25, 2009; adopted by the Senate on March 26, 2009.

SENATE RESOLUTION 18
By: Wilhelm

A resolution designating March 2009 as Iowa Women's History Month.

WHEREAS, Iowa women of every race, class, and ethnic background have made historic contributions to the growth and strength of our state and nation in countless recorded and unrecorded ways, including through the struggle for women's rights; and

WHEREAS, Iowa women have played and continue to play a critical economic, cultural, and social role by constituting a significant portion of the labor force working inside and outside the home despite being underpaid; and

WHEREAS, Iowa women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our state and nation; and

WHEREAS, Iowa women and men ratified the amendment to the Iowa Constitution, declaring that "All men and women are, by nature, free and equal, and have certain inalienable rights"; and

WHEREAS, Iowa women have been leaders in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, the peace movement, and the women's suffrage movement, which created a more fair and just society for all people; and

WHEREAS, despite these contributions, and those of women throughout the world, the role of women has been consistently overlooked and undervalued, in the

Page 2

literature, teaching, and study of history; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate designates the month of March 2009 as Iowa Women's History Month and invites the citizens of Iowa to

continue to uncover, recognize, and honor the roles women have played throughout history.

Senate Resolution 19: filed March 26, 2009; adopted by the Senate on April 25, 2009.

SENATE RESOLUTION 19

By: Kibbie, Gronstal, and McKinley

A resolution to protect and preserve the battleship USS Iowa.

WHEREAS, in the late 1930s grave threats emerged to America's seapower, as the Nazis began construction of the 50,000-ton Bismarck and the Empire of Japan began construction of a 71,000-ton leviathan, the Yamato; and

WHEREAS, America countered those threats with the 45,000-ton "Iowa" class of fast battleships, the ultimate in the evolution of the capital ship and also its last hurrah; and

WHEREAS, BB-61, the USS Iowa, was built when a generation of Americans, including many Iowans, united in an enormous mission — to stop the forces of tyranny in World War II; and

WHEREAS, the battleship was completed in 1943, serving our nation for over five decades in almost every major deployment of our armed services, and was President Franklin D. Roosevelt's personal battleship, outfitted with a Presidential cabin; and

WHEREAS, the USS Iowa completed her World War II service in the Pacific theater anchored in Tokyo Bay as part of the Japanese surrender ceremonies in 1945, and later served in the Korean War; and

WHEREAS, the USS Iowa earned nine battle stars for World War II service and two for Korean War service; and

WHEREAS, the venerable ship was decommissioned for

Page 2

the last time in 1990 and is currently berthed with the National Defense Reserve Fleet at Suisun Bay, near San Francisco, California; and

WHEREAS, the State of Iowa has formally expressed its support for the preservation of the USS Iowa, and the Iowa and California congressional delegations have worked to assure that the USS Iowa is placed at a location that is in the best interest of our nation; and

WHEREAS, the U.S. Department of the Navy has declared the proposal of Historic Ships Memorial at Pacific Square, a nonprofit corporation, to berth the

USS Iowa in the San Francisco Bay Area at historic Mare Island, Vallejo, California, to be the sole remaining viable bid for preserving the USS Iowa as a museum and memorial; and

WHEREAS, former Governors Robert D. Ray and Terry E. Branstad and former Governor and current United States Secretary of Agriculture Thomas J. Vilsack serve as honorary chairpersons of efforts to preserve the USS Iowa as a national museum and memorial, truly a source of pride for all Iowans; and

WHEREAS, those efforts include restoration of the USS Iowa and future service as an educational museum and tourist attraction, and perhaps, with her many facilities still intact, service as an emergency response center; and

WHEREAS, the restoration and preservation of the USS Iowa will honor all veterans of the State of Iowa, inspire youth, and educate the public; NOW THEREFORE

Page 3

BE IT RESOLVED BY THE SENATE, That the Senate supports current efforts to restore and preserve the USS Iowa as a museum ship and a living memorial to all those who served on her, and urges all Iowans to join in these efforts.

Senate Resolution 21: filed April 9, 2009; adopted by the Senate on April 20, 2009.

SENATE RESOLUTION 21

By: Johnson

A resolution to honor the city of Everly, Iowa, on the occasion of its quasquicentennial.

WHEREAS, Everly, Iowa, nestled in the northwest corner of Clay County, is home to almost 700 Iowans; and

WHEREAS, Everly is believed to be named after a Chicago, Milwaukee & St. Paul Railroad conductor or a surveyor when it was surveyed and platted in 1884, originally being called Clark; and

WHEREAS, Everly is the proud home of the 1939 Cattlefeeders state baseball champions and the 1966 Cattlefeeders state girls' basketball champions; and

WHEREAS, today Everly remains a bustling community with a vibrant main street, manufacturing industry, a library, school, parks, and all the amenities that make small town life a pleasure; and

WHEREAS, on July 17, 18, and 19, 2009, Everly will celebrate its quasquicentennial, featuring a parade, a rodeo, a band, a carnival, local tours, and numerous

events promising three days of fun; NOW THEREFORE,
BE IT RESOLVED BY THE SENATE, That the Senate recognizes the city of Everly on the occasion of its quasquicentennial and invites all Iowans to make this three-day celebration a part of their 2009 summer plans.

Senate Resolution 24: filed April 21, 2009; adopted by the Senate on April 22, 2009.

SENATE RESOLUTION 24
By: Committee on Rules and Administration
A resolution to welcome the President of the United States to the State of Iowa as part of the 2009 celebration of Earth Day.
WHEREAS, April 22, 2009, marks two important events in Iowa, Earth Day 2009 and a visit by the President of the United States; and
WHEREAS, for almost 40 years April 22 has been recognized as a day to draw attention to environmental issues, from recycling efforts in our communities to the worldwide threat of global warming; and
WHEREAS, Iowans have long been at the forefront of Earth Day efforts, restoring wetlands and long-lost prairies, protecting water resources, and curbing pollution; and
WHEREAS, Iowa is now a pioneer in its efforts to develop and promote clean, wind-powered electric generation, with Iowa now ranked second in the nation in total wind energy production, producing 11 percent of the nation's wind energy; and
WHEREAS, these efforts are the result of carefully crafted bipartisan policies to encourage wind energy production and use, even now lawmakers have approved legislation that will encourage the production of more wind energy through the use of existing production tax credits; and
WHEREAS, the growth in wind energy plays an important role in rebuilding the nation's economy by creating jobs related to the construction of wind

Page 2

farms and the manufacturing and repair of the turbines that are used in those wind farms; and
WHEREAS, initiatives to encourage the production of alternative, Iowa-grown energy strengthen national security by reducing our dependence on foreign oil; and
WHEREAS, Iowa's efforts parallel the President's own dedication to an energy policy that includes

promoting clean energy, creating millions of new jobs, and addressing climate change; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate on behalf of all Iowans welcomes the President of the United States to Iowa, the heartland of our great nation, and joins with him in the 2009 celebration of Earth Day.

MEMORIALS

IN MEMORIAM

SENATORS

Kenneth J. Benda ..... November 9, 1918 – September 30, 2007

Rolf Vaughn Craft. ..... November 1, 1937 – January 9, 2009

Donald V. Doyle ..... January 13, 1925 – June 4, 2007

Richard F. Drake..... September 28, 1927 – January 26, 2008

John M. Ely, Jr..... February 17, 1919 – March 30, 2007

Lee H. Gaudineer, Jr. ..... March 10, 1932 – July 16, 2008

Thomas C. Larson. ..... March 2, 1909 – May 5, 2007

Mary Adelaide Lundby. ..... February 2, 1948 – January 17, 2009

Ralph F. McCartney..... December 11, 1924 – March 10, 2007

Milo H. Merritt. ..... January 3, 1915 – January 8, 2009

Richard J. Norpel, Sr. ..... June 24, 1918– May 24, 2007

H. Kenneth Nurse. ..... December 13, 1918 – August 8, 2008

Alan W. Vest. ..... February 25, 1911 – July 6, 2007

Kenneth J. Benda

Kenneth J. Benda was born on November 9, 1918, in rural Brooklyn, Iowa, to James and Rose Posekany Benda. He passed away on September 30, 2007, at the age of 88. He is survived by his wife Lucille; his daughter Barbara Benda Jenkins of Amherst, Massachusetts; his son Jim Benda of Des Moines; and his granddaughter Eve Davey and great-granddaughter Althea Davey, both of Bozeman, Montana.

Benda was raised on the family farm and attended Jefferson Township Country School #4 near his home. He graduated from Hartwick High School in 1936. He received his bachelor's of science degree in forestry from Iowa State University in 1940. He married Lucille Roudabush in Lancaster, Missouri, on July 5, 1941.

After graduation from Iowa State University, Benda worked for the Tennessee Valley Authority until December 1942. He then attended Columbia University where he became a naval officer. He served his country as a lieutenant in the United States Navy during World War II, stationed on the U.S.S. Sangamon in the Pacific theater.

After World War II, Benda entered the banking field working at the Hartwick State Bank. He purchased a controlling share of the bank in 1954. He retired as bank president in 1991 and continued to serve on the Hartwick State Bank board of directors until his death. During his career in banking, he also served two terms as a state senator.

Benda was active in his community. He was on the local school board and the town council and was a member of the American Legion, Lions Club, Masons, and Poweshiek County Conservation Board. His accomplishments include serving as the Iowa department commander of the American Legion, Iowa Commerce Commission chairperson, and president of the Independent Bankers Association of America. He received many awards during his lifetime, but he was most proud of the plaque from Gamma Sigma Delta, the Honor Society of Agriculture at Iowa State University.

Benda was a Poweshiek County Republican. He was elected to the Iowa Senate in November 1962. He served during the 60th, 61st, 62nd, and 63rd General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Kenneth J. Benda, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

TIM KAPUCIAN
PAUL McKINLEY
TOM RIELLY
Committee

Rolf Vaughn Craft

Rolf Vaughn Craft was born November 1, 1937, in Waterloo, Iowa, to Margaret and Vaughn Craft. He passed away on January 9, 2009 at the age of 71. He is survived by his wife, Sondra; a son Erik and his wife Julie; a son Andrew, a daughter Heidi and her husband James, son Brent and his wife Karen and daughter Emily. Grandchildren, Elizabeth, Melanie, Philip, Bailey, Mathew, Chris, Britany, Michael, Mylik and Trent; and one sister, Marianne Craft Norton.

Craft graduated from Hudson High School and earned a Ph.D. in agricultural economics at Iowa State University. He served in the Army Reserves.

Craft taught economics at Luther College, was the dean of business at The Seibens School of Business, was director of the Ronald Reagan leadership Program at Eureka College, and held the James Leach Chair in finance and economics at Wartburg College.

Craft was elected to the Iowa Senate in 1977 serving the Northeast District including Winneshiek County. He also served as chair of the Ways and Means committee. He served as Iowa Republican chairperson and was a member of the Republican National Committee.

Craft was a member of the Decorah Lutheran Church, Iowa Farm Bureau, Rotary, Winneshiek County Pork Producers, Winneshiek County Cattleman's Association, American Economic Association and American Agricultural Economic Association.

He actively participated in three research studies at Mayo Clinic in the last couple of years in the fight against melanoma.

Craft was a Winneshiek County Republican. He was elected to the Iowa Senate in 1977. He served the 67th, 67th X, 68th, 69th, 69th X, and 69th XX General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Rolf Vaughn Craft, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

MERLIN BARTZ
TIM KAPUCIAN
MARY JO WILHELM
Committee

Donald V. Doyle

Donald V. Doyle was born on January 13, 1925, in Sioux City, Iowa, to William and Nellie Sparby Doyle. He passed away on June 4, 2007, at the age of 82. He is survived by his wife Janet "Jan"; two daughters, Dawn Doyle Stewart and her husband Bryan of Sioux City, and Shannon Bathurst and her husband Rob of Bismarck, North Dakota; seven grandchildren; and two great-grandchildren.

Doyle attended public schools in Sioux City and graduated from Sioux City Central High School. He served in the United States Army Air Corps in the Chinese-Burma theater during World War II. Doyle studied engineering at Colorado A & M and at the University of Colorado. He received his bachelor's degree from Morningside College, his law degree from the University of South Dakota, and his juris doctorate from Morningside College. He later attended the University of Iowa to study nuclear science. He married Jan Holtz on August 7, 1963. Doyle was a Sioux City attorney for more than five decades.

Doyle was elected to the Iowa House of Representatives in 1956. He served nine terms in the House and three terms in the Senate. He was interested in education and law enforcement and served on the Senate Judiciary Committee. He was considered an authority on the prison system, and he toured nationally to share that experience. He was a chair of the Law and Justice Committee for the National Conference of State Legislatures. He also served as commissioner of the Commission on Accreditation for Law Enforcement Agencies.

Doyle was a member of the Sioux City and Iowa Bar Associations and the Delta Theta Phi legal fraternity. He was a lifetime member the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans. He served three terms as a national judge advocate and as commander of the Iowa CIB Veterans Association. He was also active with the Civil Defense as a ham radio operator. He was interested in electronics and was known as a "gadget man." He loved a challenge, never gave up, and always spoke his mind.

Doyle was a Woodbury County Democrat. He was in the Iowa Legislature during the 57th, 58th, 61st, and 63rd through 74th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Donald V. Doyle, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

MICHAEL E. GRONSTAL
STEVE WARNSTADT
RON WIECK
Committee

Richard F. Drake

Richard F. Drake was born on September 28, 1927, in Muscatine, Iowa, to Frank and Gladys Young Drake. He passed away on January 26, 2008, at the age of 80. He is survived by his wife, Shirley Jean; daughter Cheryll Hadley of Wilton, Connecticut; son Rick Drake and his wife Willa of Muscatine; six grandchildren; nine great-grandchildren; and one great-great-grandchild.

Drake graduated from Muscatine High School in 1945. He attended Iowa State University, where he was a member of the Sigma Chi fraternity. He graduated from the United States Naval Academy in Annapolis, Maryland, in 1950. Drake married Shirley Jean Henke in Muscatine in 1950.

Drake was a lieutenant commander in the United States Navy and served his country during World War II and the Korean Conflict. He was the commanding officer of the U.S.S. Crow and chief of navigations on the U.S.S. Oriskany. Friends and colleagues called him "The Commander" in honor of his service to our country. After nine years of active duty, Drake returned to Iowa.

Drake took care of the family farm for many years. During this time, he served in the Iowa Legislature. He was elected to the House of Representatives in November 1968. He served as a state representative for eight years and then was elected to the Senate. He served as a senator for 28 years. His distinguished career included many years as chairperson of the Senate Transportation Committee. He was instrumental in the passage of important transportation legislation, and his knowledge regarding such issues was widely recognized and appreciated throughout the state. He served as a member of the Senate Ethics Committee and was on numerous other Senate committees, as he unselfishly gave of his time and efforts to provide beneficial programs for the citizens of Iowa.

Drake was a member of the American Legion, Veterans of Foreign Wars, Elks, KAABA Shrine of Davenport, Masons, Rotary, Farm Bureau, and Grace Lutheran Church. He received many awards for his lifetime of service to community and country.

Drake was a Muscatine County Republican. He served in the Iowa House of Representatives from 1969–1976 during the 63rd–66th General Assemblies. He served in the Iowa Senate from 1977–2004 during the 67th–80th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Richard F. Drake, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

THOMAS G. COURTNEY
JAMES F. HAHN
DAVID HARTSUCH
Committee

John M. Ely, Jr.

John M. Ely, Jr., was born on February 17, 1919, in Cedar Rapids, Iowa, to John Montague Ely, Sr., and Laurel Sullivan Ely. He passed away on March 30, 2007, at the age of 88. He is survived by his wife, Shirley "Polly"; sons John M. Ely, III, and his wife Connie of Anamosa, and Nathaniel W. Ely of Madison, Wisconsin; daughter, Martha Ely Goralka and her husband Joseph of Antioch, California; two foster children, Charles M. Hudson of Iowa City and John Thomas of Tucson, Arizona; five grandchildren; and twelve great-grandchildren.

Ely was of the fourth generation of pioneer stock, who in 1844 settled on the site of what was to become the city of Cedar Rapids. He attended the Cedar Rapids public schools and graduated from Franklin High School in Cedar Rapids. He attended Coe College and the University of Iowa and graduated from Princeton University in 1941. He married Shirley Ward on June 20, 1942, in Worcester, Massachusetts. Ely served in the Merchant Marine from 1942 to 1945. He and Shirley returned to Cedar Rapids, where Ely worked as a purchasing agent for the Quaker Oats Company until his retirement in 1984.

Ely was interested in local, national, and international political and social issues. He was a lifelong civil rights activist and a dedicated humanitarian. While serving in the Iowa Legislature from 1961 to 1968, he sponsored the bill to repeal the death penalty and co-sponsored the fair housing bill in Iowa. He worked on many civil liberties issues and was instrumental in establishing the Iowa Civil Rights Commission.

Ely was active in many civic committees and organizations. He served on the boards of Planned Parenthood and the Visiting Nurses Association and was president of the Oak Hill Cemetery Board. He was active in the United Nations Association, the Hawkeye Chapter of the Iowa Civil Liberties Union, the Iowa Railroad Passengers Association, and the YMCA. He was a member of the Cedar Rapids Rotary, the NAACP, the Peoples Unitarian-Universalist Church, and the Interreligious Council of Linn County. He was an advocate for world peace, social justice, equality, and diversity.

Ely was a Linn County Democrat. He served in the Iowa House of Representatives from 1961–1964 during the 59th and 60th General Assemblies. He served in the Iowa Senate from 1965–1969 during the 61st and 62nd General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable John M. Ely, Jr., the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

ROBERT M. HOGG
WALLY E. HORN
DAVID JOHNSON
Committee

Lee H. Gaudineer, Jr.

Lee H. Gaudineer, Jr., was born on March 10, 1932, in Des Moines, Iowa, to Lee H. Gaudineer, Sr., and Mildred Wallick Gaudineer. He passed away on July 16, 2008, at the age of 76. He is survived by his wife, Ellen, of Des Moines; two daughters, Kimber Foshe and her husband, Ken, of Johnston, and Kathi Slaughter and her husband, Tom, of Des Moines; two sons, Kevin and his wife, Karen, and Daran and his wife, Dionne, all of Des Moines; nine grandchildren; and several step-grandchildren, nieces, and nephews.

Gaudineer graduated from Lincoln High School in Des Moines. He earned his B.A. from Grinnell College in 1957, his J.D. from Drake University in 1958, and his LL.M. from the University of Missouri in 1967. Gaudineer served in the armed forces for three years during the Korean Conflict. He married Pearl Ann Swindler of Des Moines in 1961 and was widowed in 1981. He married Ellen Brune in 1990.

Gaudineer was admitted into the bar in 1958. He served both as an assistant county attorney for Polk County and as an assistant city attorney for the city of Des Moines. He also served as a staff member of the Legislative Research Bureau and was a lawyer in private practice. Gaudineer was elected to the Iowa Legislature in November 1964. After serving one term in the Iowa House, he was elected to the Iowa Senate. Two years later, he won his bid for reelection. He served as the Minority Floor Leader during his final term before retiring in 1972 to resume his law practice.

Gaudineer partnered with Ray Austin to establish the law firm of Austin and Gaudineer, which later merged with other local law firms to become Gaudineer, Comito, and George. He was a member of the Polk County, Iowa State, and American Bar Associations. He was a lecturer at the Drake University College of Law.

Gaudineer was a Polk County Democrat. He was member of the Iowa House from 1965–1966 during the 61st General Assembly and a member of the Iowa Senate from 1967–1972 during the 62nd, 63rd, and 64th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Lee H. Gaudineer, Jr., the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

DICK L. DEARDEN
MATT McCOY
PAT WARD
Committee

Thomas C. Larson

Thomas C. Larson was born March 2, 1909 east of Conway in Taylor County, Iowa to Lewis and Nora Larson. He passed away on May 5, 2007 at the age of 98. He is survived by his wife Irma Larson, two daughters, Marilyn Frueh and husband Gary of Katy, Texas; and Martha Hern and husband Larry of Broken Arrow, Oklahoma; a step-son, Keane Thummel and wife Susan of Clarinda; eight grandchildren; eight great-grandchildren; five step-grandchildren and three step-great-grandchildren.

Larson graduated from Conway High School with the Class of 1927. He then attended Iowa State University obtaining an Associate Degree in Animal Husbandry. After college, he returned to Taylor County to begin his career in farming. He was a progressive steward of the land, he readily adopted new techniques such as terracing and tiling which were not common at the time.

Larson was united in marriage to Althea King in 1933. To this union four children were born, a son and three daughters. After fifty-five years of marriage, Althea passed away in 1988. He then married Irma Thummel and they resided in Bedford.

Larson was a devoted servant to his community. Larson was a County Supervisor in the 1940's and 1950's. He was instrumental in ensuring that the rural roads were graded and graveled. He also served as chairman of the County Board of Education. He was a member of the United Methodist Church.

Larson was a lifelong resident of Taylor County, becoming a charter member of the Taylor County Historical Society. He was a well-read man, who kept up on current events, sports and politics with a special interest in history. He enjoyed traveling throughout the world.

Larson was a Taylor County Republican. He was elected to the Iowa Senate in 1953. He served the 55th and 56th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Thomas C. Larson, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

NANCY BOETTGER
HUBERT HOUSER
HERMAN QUIRMBACH
Committee

Mary Adelaide Lundby

Mary A. Lundby was born February 2, 1948 in Carroll, Iowa to Elizabeth and Edward Hoehl. She passed away on January 17, 2009 at the age of 60. She is survived by her husband Michael; her son, Daniel Lundby of New York City; her mother, Elizabeth Hoehl; her sisters, Margaret Hoehl, Susan Hoehl and Paula Jensen; her brother, David Hoehl; and her mother-in-law, Mildred Lundby as well as many nieces, nephews and cousins.

Lundby graduated from Carroll Kuemper Catholic High School. In 1971 she graduated from Upper Iowa University majoring in Political Science and History.

Lundby was united in marriage to Michael at St. Lawrence Catholic Church in Carroll, Iowa. They made their home in Marion, where they raised their son, Daniel.

Lundby was elected to the House of Representatives in 1987. She served as Speaker pro Tempore from 1992 – 1994. She was elected to the Iowa Senate in 1995 serving as Minority Leader from 2006-2007 and as Co-Majority Leader in 2006.

Lundby served on several committees in the Iowa Senate – the Government Oversight committee; the Natural Resources and Environment committee; and the Rules and Administration committee.

Lundby also served as the co-chair of the Linn county Republican party, as a member of the Linn County Republican Central Committee, and as staff assistant to then-senator Roger Jepsen prior to her election to the Iowa House of Representatives.

Lundby was an advocate for issues concerning children, families, the environment and conservation. She loved being a legislator and was happy to have been given the privilege of serving the people of Marion, Linn County and the state of Iowa.

Lundby was a Linn County Republican. She served in the 72nd, 72nd X, 72nd XX, 73rd, 74th, 74th X, 74th XX, 75th, 76th, 77th, 78th, 79th, 79th X, 79th XX, 79th XXX, 79th XXXX, 80th, 80th X, 80th XX, 81st, 81st X, and 82nd General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Mary A. Lundby, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of her service to the State and tenders its sympathy and kindest regards to the members of her family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

SWATI DANDEKAR
DAVID JOHNSON
JAMES HAHN
Committee

Ralph F. McCartney

Ralph F. McCartney was born on December 11, 1924, in Charles City, Iowa, to Ralph C. and Helen Farnham McCartney. He passed away on March 10, 2007, at the age of 82. He is survived by his wife, Rhoda; two sons, Ralph and his wife, Lise, of Washington, D.C., and David and his partner, James Petersen, of Iowa City; one daughter, Julia Deutchman and her husband, Leonard, of Philadelphia, Pennsylvania; and one granddaughter, Sarah Deutchman of Scranton, Pennsylvania.

McCartney graduated from Charles City High School in 1942. From 1943 to 1945, during World War II, he served in the United States Army's 89th Division. He attended Iowa State University and Cornell University. He received his law degree from the University of Michigan in 1950.

McCartney married Rhoda Mae Huxsol on June 25, 1950, in Charles City, Iowa. For two years, he was a member of the Heuber and Miller law firm in Des Moines. In 1952, he and Rhoda returned to Charles City where he cofounded the Frye and McCartney law firm, a position he held for 26 years.

McCartney was elected to the Iowa House of Representatives in 1966. He served two terms in the House and was Majority Leader during his second term. He was a member of the Iowa Senate during 1973 and 1974. In December 1978, he was appointed a district court judge. He was named a chief judge for the Second Judicial District in 1987 and senior judge of the State Court of Appeals in 1992.

McCartney was a member of the Iowa Judges Association; the Twelfth Judicial District Bar, Iowa State Bar, and American Bar Associations; and the American Judicature Society. In 1995, he received the prestigious Award of Merit from the Iowa Judges Association.

McCartney served on the State Board of Regents from 1970–1972. He was a member of many community organizations including the Masonic Lodge #141 and Consistory, American Legion, Veterans of Foreign Wars, Lions Club, Floyd County Historical Society, Charles City Art Association, and the First Congregational Church. He served on the board of directors for the Lincoln Club, United Fund, Salvation Army, and Charles City YMCA.

McCartney was a Floyd County Republican. He served in the Iowa Legislature during the 62nd, 63rd, and 65th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Ralph F. McCartney, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

MERLIN BARTZ
DAVID JOHNSON
AMANDA RAGAN
Committee

Milo H. Merritt

Milo H. Merritt was born January 3, 1915 in Allerton, Iowa to William Floyd Merritt and Ina Mae (Kimple) Merritt. He passed away on January 8, 2009 at the age of 94. He is survived by two daughters: Phyllis Beamer and husband John of Des Moines and Janet McGovern and her husband Terry of Riceville; a son, Bruce Merritt and his wife Kathy of Massilon, Ohio; 11 grandchildren and 27 great-grandchildren.

Merritt graduated from Strawberry Point High School. He then hitch-hiked to California and attended San Bernardino Junior College while earning room and board at an uncles ranch. After college, he hitch-hiked back to Iowa to help out on another uncle's farm.

Merritt was united in marriage to Marjorie L. Eckenrod in the Little Brown Church in Nashua, Iowa. They celebrated their 70th wedding anniversary one month before Marjorie died on December 21, 2007.

Merritt moved to California where he worked for Lockheed Aircraft in the Experimental Engineering Department for eight years, until moving back to Iowa. Milo farmed in Osage and the David/Little Cedar areas before moving into Osage where he sold real estate.

Merritt served on the Education Committee and Labor Industrial Relations Committee. He also served as chair of the Ethics Committee, and was co-chair of the County Government Committee and Claims Budget Sub-Committee.

Merritt was a Osage County Republican. He was elected to the Iowa Senate in 1975. He served the 66th, 67th and 67th Extra General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Milo H. Merritt, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

MERLIN BARTZ
WILLIAM HECKROTH
AMANDA RAGAN
Committee

Richard J. Norpel, Sr.

Richard J. Norpel, Sr., was born on June 24, 1918, in Bellevue, Iowa, to Charles and Laura Meier Norpel. He passed away on May 24, 2007, at the age of 88. He is survived by his six children: Charles Norpel of Maquoketa; Mary Norpel of Dubuque; Richard Norpel, Jr., and his wife Diane, Stephen Norpel and his wife Elizabeth, Suzanne Fondell and her husband Charles, all of Bellevue; and Laura Norpel of North Liberty. He is also survived by nine grandchildren; 21 great-grandchildren; and a brother, Norbert C., and his wife, Louise, of Des Moines.

Norpel was a graduate of St. Joseph High School in Bellevue. He married Janaan Lewis on February 23, 1943, in New Albany, Indiana. He was a World War II veteran, serving with the 124th Horse Cavalry in the India-Burma-China theater. He was the recipient of a Bronze Star.

Norpel owned and operated Norpel's Market and the Bellevue Hotel Corporation. He operated Norpel's Insurance Company and was an agent with the Hoff Auction/ Real Estate Agency. He served in the Iowa Legislature from 1971 through 1976, representing Delaware, Dubuque, Jackson, and Jones counties. As a legislator, he was instrumental in the appropriation of funds for the Dubuque-Wisconsin Mississippi River Bridge.

Norpel was an active member of his community serving on many boards and commissions. He was a member of the Jackson County Board of Supervisors, Jackson County Board of Health, Jackson County Conservation Board, Iowa Mississippi Parkway Commission, Seventh Judicial District Correctional Agency, Sixth District Elected Officers Association, Bellevue City Council, Bellevue American Legion, VFW, Knights of Columbus, Jaycees, Farm Bureau, and Izaak Walton League.

Norpel enjoyed his children, grandchildren, and great-grandchildren. He was a Chicago Cubs and Iowa Hawkeyes fan, and he loved to fish.

Norpel was a Jackson County Democrat. He served in the Iowa House of Representatives during the 64th and 65th General Assemblies from 1971–1974 and in the Iowa Senate during the 66th General Assembly from 1975–1976.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Richard J. Norpel, Sr., the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

JAMES F. HAHN
TOM HANCOCK
ROGER STEWART
Committee

H. Kenneth Nurse

H. Kenneth Nurse was born on December 13, 1918, in Dunlap, Iowa, to Howard and Greta Green Nurse. He passed away on August 8, 2008, at the age of 89. He is survived by his wife, Elaine; a son Dennis and his wife Denise of Hartley; a daughter Linda Peters of Mitchell, South Dakota; two step-daughters, Sharon Michailidis and her husband, Bill, of Sioux Falls, South Dakota, and Pam Mears and her husband, Grant, of Sioux City, Iowa; five grandchildren; seven step-grandchildren; seven great-grandchildren; five step-great-grandchildren; and two sisters, Doris Kella and her husband, Melvin, of Sidney, Nebraska, and Margaret Plotz of Orange City, Iowa.

Nurse graduated from Dunlap High School. From 1939 to 1941, he worked for an aircraft company in New York, Ohio, Missouri, and Nebraska. He returned to Iowa and was united in marriage to Della Wadsworth in Omaha, Nebraska, in 1942. He then farmed near Dunlap for a period of time before enrolling in college. He attended Morningside College and Iowa State University. He graduated from Iowa State University in 1947 with a degree in vocational education.

From 1947 until 1977, Nurse taught vocational agriculture at the Hartley High School and was a self-employed contractor. In addition, he taught veterans-on-farm training in O'Brien County. Ken married Elaine Blake in 1966 at Hartley, where they lived until moving to Spencer in 1977. During his years in Hartley, he ran for the Iowa Senate and was elected in November 1964 to represent Dickinson, O'Brien, and Osceola counties.

Nurse was a member of Grace United Methodist Church in Spencer. He was the administrator of the Moose Lodge in Spencer, secretary for the "Lewis and Clark" Moose Legion, and legislation relations chair for Iowa and eastern Nebraska. He was a member of the Masons, the Shriners, and the Kiwanis organizations.

Nurse was an O'Brien County Democrat. He served one term in the Iowa Senate from 1965–1968 during the 61st and 62nd General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable H. Kenneth Nurse, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

DAVID JOHNSON
JOHN P. KIBBIE
STEVE WARNSTADT
Committee

Alan W. Vest

Alan W. Vest was born on February 25, 1911, in Chicago Illinois, to Peter and Martha Davis Vest. He passed away on July 6, 2007, at the age of 96. He is survived by his wife, Pearl; daughter Carolyn Jons and her husband, Chuck, of Ames, Iowa; five grandchildren; and nine great-grandchildren.

Vest moved with his family to Sioux Falls, South Dakota, when he was in the third grade. He graduated from Sioux Falls High School, Augustana College, and the University of South Dakota Law School. He began his career practicing law in Geddes, South Dakota. In Geddes, he met third grade teacher Pearl Mogck, and they were married on June 22, 1939. They settled in Sac City, Iowa, where Vest launched an active law practice and served three terms as Sac County attorney. He practiced law for 62 years, retiring in 1996 at the age of 85.

Vest served in the United States Army during World War II. He was the chief prosecutor of the military court in Bremen, Germany, and was involved in the de-Nazification effort. The goal of this effort was to remove people from positions of influence so the Nazi philosophy would not rise again. This experience deepened his commitment to democracy, individual freedom, and free enterprise.

After serving in World War II, Vest became active in politics and served two terms as a state senator representing Carroll, Greene, and Sac counties. In 1955 he received the Des Moines Press and Radio Award for the outstanding member of the Iowa Senate. In 1957 he was elected President Pro Tempore by the members of the Senate.

During his 67 years in Sac City, Vest was active in the Methodist church, Kiwanis Club, American Legion, Masonic Lodge, Iowa State Bar Association, and Republican Party. He helped establish Loring Hospital and various recreational trails in Sac County and served on the Board of Trustees of Buena Vista College in Storm Lake.

Vest lived a life of service. He was a family man who was devoted to his wife, children, and grandchildren. He was a lifelong learner and an "early adaptor." He was fascinated by technology and other changes over his 96-year lifetime, and optimistic about the future.

Vest was a Sac County Republican. He was elected to the Iowa Senate in November 1950 and served for eight years during the 54th, 55th, 56th, and 57th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Alan W. Vest, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

DARYL BEALL
STEVE KETTERING
JAMES A. SEYMOUR
Committee

JOURNAL INDEX

ADDRESSES TO SENATE — *See also* GUESTS; JOINT CONVENTIONS
Democratic floor leader, Michael Gronstal — 4
President of the Senate, John Kibbie —1
Republican floor leader, Paul McKinley — 2

ADJOURNMENT SINE DIE
Regular session — 1273

AGRICULTURE, COMMITTEE ON
Appointees, investigation of — 180, 193, 283, 685, 721, 876
Appointments to — 21
Bills and resolutions introduced — 363, 463, 523, 602, 603, 639
Bills referred to — 20, 58, 106, 163, 315, 405, 463, 482, 483, 499, 547, 701
Committee meeting reports — 81, 162, 225, 278, 338, 418, 505, 587, 870
Committee reports — 367, 466, 525, 605, 641, 874
Study bills — 147
Subcommittee assignments — 83, 112, 149, 177, 346, 485, 501, 565, 781

AMENDMENTS — *See also individual committees and senators; bill histories in Index volume*
Filed by House — *See* HOUSE AMENDMENTS IN SENATE
Printout of all amendments filed — 1289–1870
Ruled out of order — *See also* POINTS OF ORDER:
Senate File 81 — 413
Senate File 117 — 442
Senate File 178 — 1151
Senate File 187 — 618
Senate File 435 — 817
Senate File 437 — 1070
Senate File 464 — 1107
Senate File 470 — 1173
Senate File 475 — 1159
Senate File 478 — 1230
House File 671 — 969
House File 809 — 1132
House File 822 — 1260

APPEL, STACI — Senator, 37th District; Assistant Majority Leader, Democrat
Amendments filed — 269, 518, 851, 990, 1007
Amendments offered — 269, 990
Bills introduced — 82, 142–144, 228, 252, 261, 302, 303, 341, 343, 482, 601
Certificates of recognition — 95, 208

APPEL — continued
Conference committee appointments & reports — 1187, 1214
Presiding at session — 1057
Resolutions introduced — 201, 499, 780
Senate committee appointments — 24

APPOINTEES
Accountancy Examining Board:
Boyington, Vicky — 178, 182, 195, 232, 246, 676, 688, 726, 850, 999
Lodden, Telford — 676, 688, 726, 850, 853
Thompson, Tommy — 676, 688, 726, 850, 853
Adjutant General, State of Iowa:
Orr, Timothy — 383, 384, 408, 597, 808, 820
Administrative Services, Director of Dept. of:
Walton, Raymond — 677, 688, 726, 733, 849, 882
African-Americans, Commission on the Status of:
Walker, A'Lisa — 178, 182, 195, 232, 246, 677, 688, 726, 850, 853
Alcoholic Beverages Commission:
Clayton, James — 677, 689, 726, 850, 853
Architectural Examining Board:
Bassler, Bruce — 677, 689, 726, 850, 897
Green, Martha — 677, 689, 726, 850, 853
Asian and Pacific Islander Heritage, Commission on Status of Iowans of:
Sayavong, George — 179, 181, 194, 244, 247
Athletic Training Board:
deferrals — 691, 692
Autism Council, Iowa:
Byers, Katherine — 178, 181, 193, 244, 246
Cobbs, Joshua — 178, 181, 193, 244, 246
Gatrost, Keith — 178, 181, 193, 293, 296
Hamdan-Allen, Ghada — 178, 181, 193, 293, 468
Kohles, John — 178, 181, 193, 244, 246
Muller, Steven — 178, 181, 193, 244, 246
Parker, Pamela — 178, 181, 193, 244, 246
Percival, Mary — 178, 181, 193, 244, 799
Sharpe, Danielle — 178, 181, 193, 244, 246
Stineman, Barbara — 178, 181, 193, 244, 246
Wadle, Charles — 178, 181, 193, 293, 296
Westhoff, Patrick — 178, 181, 194, 293, 296
Young, Cathy — 178, 181, 194, 293, 296
deferral — 468
Banking, Superintendent of:
Gronstal, Thomas — 677, 685, 721, 776, 878, 897
Barbering, Board of:
Ortiz, Tammy — 677, 689, 726, 850, 853
Reif, Rhonda — 677, 689, 726, 850, 853

Behavioral Science, Board of:
Harkness, Daniel — 178, 181, 194, 293, 296
Marshall, Lonnie — 677, 686, 723, 840, 853
O'Rourke, Barbara — 677, 686, 723, 840, 853
deferral — 692
Blind, Commission for the:
Hagemoser, Steven — 178, 181, 194, 293, 296, 677, 689, 726, 850, 853
Boiler and Pressure Vessel Board:
Brecke, Robert — 677, 689, 727, 804, 821
Fehr, Timothy — 677, 689, 727, 804, 1040
Iles, Amy — 677, 689, 727, 804, 879
Capital Investment Board, Iowa:
Rogers, Daniel — 677, 685, 721, 840, 854
Child Advocacy Board:
DeHart, Joseph — 677, 686, 723, 840, 854
Hohensee, Paula — 677, 686, 723, 876, 879
Isaacson, Michael — 677, 687, 723, 840, 854
Kaminsky, Katherine — 677, 687, 723, 840, 854
Child Welfare Advisory Committee:
Estle, George — 677, 687, 723, 840, 854
Landsman, Miriam — 677, 687, 723, 840, 999
McAleer, Jean — 677, 687, 723, 840, 854
Stehl, Ronald — 677, 687, 723, 876, 879
VanNingen, David — 677, 687, 723, 840, 854
Chiropractic, Board of:
Calisesi, John — 678, 689, 727, 804, 821
Powell, Michael — 678, 689, 727, 804, 821
Tate, Sharon — 678, 689, 727, 804, 821
City Development Board:
Brown, Barbara — 678, 688, 725, 849, 854
Howe, Jay — 678, 688, 725, 849, 879
Civil Rights Commission, State:
Chapman, Mary — 678, 687, 725, 877, 879
Morain, Frederick — 678, 687, 725, 877, 946
Witt, Nancy — 678, 687, 725, 877, 879
deferral — 692
Community Action Agencies, Commission on:
Amos, Amber — 678, 689, 727, 804, 1097
Lindeen, Marc — 678, 689, 727, 804, 821
Wilburn, Ross — 678, 689, 727, 804, 879
Comprehensive Petroleum Underground Storage Tank Fund Board:
Beech, Douglas — 682, 686, 723, 876, 946
deferral — 693
Corrections, Board of:
Erickson, David — 678, 688, 725, 877, 880
Hammond, Johnie — 678, 688, 725, 877, 880

APPOINTEES — continued
Cosmetology Arts and Sciences, Board of:
Talbott, Jerry — 678, 689, 727, 804, 821
County Finance Committee:
Copeland, Carol — 678, 688, 726, 849, 897
Swanson, Kay — 678, 688, 726, 849, 880
Credit Union Review Board:
Cale, Dave — 678, 685, 721, 776, 799
Dolan, Denise — 678, 685, 721, 839, 854
Marcsisak, Timothy — 678, 685, 721, 776, 799
Deaf, Commission on the:
Cordero, August — 678, 689, 727, 805, 1040
Legg, Theresa — 678, 689, 727, 805, 821
Dentistry, Board of:
Beasler, Marijo — 678, 689, 727, 805, 821
Roth, Gary — 678, 689, 727, 805, 821
deferral — 692
Dietetics, Board of:
Johnson, Janet — 178, 182, 195, 232, 246
Reams, Susan — 678, 689, 727, 805, 821
Taylor, Jonathan — 678, 689, 727, 805, 897
Drug Policy Advisory Council:
Dettmann, Pamela — 679, 688, 725, 877, 999
Lorenzen, David — 178, 181, 194, 244, 246
Snyder, Eric — 679, 688, 725, 877, 880
Economic Development Board, Iowa:
Bickel, John — 178, 180, 193, 276, 296
Educational Examiners, Board of:
Almanza, Julio — 679, 686, 722, 849, 854
Cecak, Elizabeth — 679, 686, 722, 804, 821
Ortiz, Oscar — 679, 686, 722, 849, 854
Smith, Beverly — 679, 686, 722, 804, 1040
Stevens, Laura — 178, 181, 193, 206, 246
Trueg, Carol — 679, 686, 722, 804, 821
Wortmann, Richard — 679, 686, 722, 849, 854
Education, Director of the Department of:
Jeffrey, Judy — 679, 686, 722, 808, 849, 921
Elder Affairs, Commission of:
Ernst, Daniel — 679, 687, 724, 840, 854
Leu, Frank — 178, 181, 194, 244, 246, 679, 687, 724, 840, 854
Petersen, Kenneth — 679, 687, 724, 840, 854
Electrical Examining Board:
Kenkel, James — 179, 182, 195, 232, 246
Perley, Kevin — 679, 689, 727, 805, 821
Quirk, Duane — 679, 689, 727, 805, 821
Van Wart, Rodrick — 679, 689, 727, 805, 821

Elevator Safety Board:
Kesterson, Kristine — 679, 689, 727, 805, 821
McConkey, Jennifer — 679, 689, 727, 805, 821
Sims, Wayne — 679, 689, 727, 805, 821
Emergency Response Commission, Iowa:
Bell, Julie — 679, 689, 728, 805, 854
Butler, Terry — 679, 689, 728, 805, 822
Empowerment Board, Iowa:
Carman, Christopher — 679, 686, 722, 804, 822
Kimball, Amy — 679, 686, 722, 804, 897
Krueger, Ruth — 679, 686, 722, 849, 946
Macek, Marguerite — 679, 686, 722, 849, 854
McCoy Davis, Judy — 679, 686, 722, 804, 854
Peters, Douglas — 679, 686, 722, 804, 897
Ritchie, Patty — 679, 686, 722, 804, 880
Ryba, Cathy — 679, 686, 722, 804, 822
Vogeler, Daniel — 679, 686, 722, 849, 854
deferrals — 692
Engineering and Land Surveying Examining Board:
Ohde, Ruth — 179, 182, 195, 232, 246
VanBuskirk, Christy — 679, 689, 728, 805, 822
Walton, Marlee — 179, 182, 195, 232, 246, 679, 689, 728, 805, 880
Environmental Protection Commission:
Cochran, Dale — 679, 686, 723, 876, 892, 923
Elderkin, Shearon — 179, 182, 195, 276, 679, 686, 723, 876, 892, 1000, 1090
Petty, David — 680, 686, 723, 876, 897
Stimson, Martin — 179, 182, 195, 276, 680, 686, 723, 876, 920
Ver Steeg, Eugene — 179, 182, 195, 276, 922
deferral — 692
Ethics and Campaign Disclosure Board, Iowa:
Albert, James — 680, 689, 728, 805, 854
Zafar, Saima — 680, 689, 728, 805, 822
Finance Authority, Executive Director of Iowa:
Mills, Bret — 383, 384, 408, 731, 866, 883
Finance Authority, Iowa:
Baum, Darlys — 179, 183, 196, 283, 296, 680, 691, 730, 877, 880
Brown, Carmela — 680, 691, 730, 877, 880
Johnson, Wilfred — 179, 183, 196, 283, 296
Generation Iowa Commission:
Gronstal, Kate — 680, 690, 728, 805, 854
Grover, Jodi — 680, 690, 728, 805, 822
Hinzman, Sarah — 179, 182, 195, 233, 247
Judisch, Rachel — 680, 690, 728, 805, 880
Raker, Erik — 680, 690, 728, 805, 999
Ramirez, Claudia — 680, 690, 728, 805, 1040

APPOINTEES — continued
Grape and Wine Development Commission:
Jung, Benjamin — 684, 685, 721, 876, 897
Wersen, Sharman — 180, 193, 283, 296
Great Places Board, Iowa:
Brennan, Scott — 680, 685, 722, 840, 854
Hart, Quentin — 680, 685, 722, 840, 999
Vargas, Rita — 680, 685, 722, 840, 854
deferral — 692
Health Facilities Council:
Beauman, Cynthia — 680, 687, 724, 840, 854
Healthy and Well Kids in Iowa (hawk-i) Board:
Salter, Susan — 680, 687, 724, 840, 854
Spencer, Selden — 680, 687, 724, 840, 854
Hearing Aid Dispensers, Board of:
Walters, Dorothy — 680, 690, 728, 805, 822
Higher Education Loan Authority, Iowa:
Barnum, Dennis — 680, 686, 722, 804, 822
Hartung, John — 680, 686, 722, 804, 946
Human Rights, Director of the Department of:
Daniels, Preston — 680, 690, 728, 777, 803, 819
Human Services, Council on:
Stutsman, Sally — 680, 687, 724, 876, 880
Yoder, Roberta — 680, 687, 724, 876, 897
deferral — 692
Human Services, Director of the Department of:
Gessow, Eugene — 179, 181, 194, 293, 1096
Insurance, Commissioner of:
Voss, Susan — 383, 384, 407, 408, 475
Interior Design Examining Board:
Fowles, Dorothy — 179, 182, 195, 233, 247
Swaim Herman, Sara — 680, 690, 728, 805, 897
Triplett, Tom — 680, 690, 728, 805, 999
Voorhees, Jennifer — 680, 690, 728, 805, 822
IOWAccess Advisory Council:
Nyberg, Randall — 179, 182, 195, 233, 247
IPERS, Investment Board of:
Creighton, David — 680, 690, 728, 805, 822
Judicial Nominating Commission, State:
Brody, Steven — 681, 688, 725, 877, 880
Redenbaugh, Margaret — 681, 688, 725, 877, 897
Judicial Qualifications, Commission on:
Netolicky, Stephanie — 681, 688, 725, 877, 880
Thomas, Henry — 681, 688, 725, 877, 880

Landscape Architectural Examining Board:
Adams, Tim — 681, 690, 728, 805, 999
Fjare, David — 681, 690, 728, 805, 822
Latino Affairs, Administrator of Division of:
deferral — 693
Law Enforcement Academy Council, Iowa:
Krukow, Randy — 681, 688, 725, 877, 880
Link, Patty — 681, 688, 725, 877, 946
Lottery Authority CEO:
Rich, Terry — 383, 384, 408, 427, 538
Management, Director of Department of:
deferral — 693
Medicine, Board of:
Haberman, Analisa — 681, 690, 728, 805, 822
Mian, Ambreen — 681, 690, 728, 805, 880
Shirazi, Siroos — 681, 690, 728, 805, 822
Mental Health and Developmental Disabilities Commission:
Broderick, Neil — 681, 687, 724, 840, 880
Heikes, Janice — 681, 687, 724, 840, 880
Kaestner, Cindy — 681, 687, 724, 840, 855
Langston, Linda — 681, 687, 724, 840, 855
Wood, Craig — 681, 687, 724, 876, 880
Mental Health Risk Pool Board:
Larkin, Rick — 681, 688, 726, 849, 855
Nielsen, Andrew — 681, 688, 726, 849, 855
Todd, Raymond — 681, 688, 726, 849, 1040
Young-Streit, Linda — 681, 688, 726, 849, 897
Mortuary Science, Board of:
Hawn, Bradley — 681, 690, 729, 805, 822
Johnson, Paul — 681, 690, 729, 805, 822
Native American Affairs, Commission on:
Allen, Judy — 179, 182, 195, 233, 247
Apala-Cuevas, Vicky — 179, 182, 195, 233, 247
Coulter, Joe — 179, 182, 195, 233, 247
Essman Mahoney, Theresa — 179, 182, 196, 233, 247
Jewett, John — 179, 182, 196, 283, 296
Lasley, Larry — 179, 182, 196, 283, 296
Leduc, George — 179, 182, 196, 283, 296
Mackey, Karen — 179, 182, 196, 233, 247
Phillips, Franklin — 179, 182, 196, 233, 247
Sisson, Greer — 179, 182, 196, 233, 247
Yellowbank, Judy — 179, 182, 196, 233, 247
Natural Resources Commission:
Bird, William — 681, 688, 726, 877, 880
Francisco, Richard — 681, 688, 726, 877, 880
Kircher, Tammi — 179, 182, 195, 218, 247

APPOINTEES — continued
Nursing, Board of:
Boyd, Connie — 681, 690, 729, 805, 822
Nursing Home Administrators, Board of:
Herrera, Patrice — 681, 690, 729, 806, 822
Larmore, Daniel — 681, 690, 729, 806, 822
Skogstrom, Joan — 681, 690, 729, 806, 897
Svejda, Michael — 681, 690, 729, 806, 822
deferral — 693
Optometry, Board of:
Ohlson, Michael — 682, 690, 729, 806, 822
Washburn, Barbara — 682, 690, 729, 806, 822
Parole, Board of:
Boyd, Nancy — 682, 688, 725, 877, 881
Reed, Walter — 682, 688, 725, 877, 946
Pharmacy, Board of:
Anliker, Mark — 682, 690, 729, 806, 822
Frey, Susan — 682, 690, 729, 806, 822
Physical & Occupational Therapy, Board of:
McNurlen, Helen — 682, 690, 729, 806, 822
Physician Assistants, Board of:
Olson, John — 682, 690, 729, 806, 823
Swanson, Mara — 682, 690, 729, 806, 946
Weishaar, Patricia — 682, 690, 729, 806, 946
Plumbing and Mechanical Systems Examining Board:
Broerman, Patricia — 179, 181, 194, 318, 355
Crane, Carol — 179, 181, 194, 318, 355
Day, Thomas — 179, 181, 194, 318, 355
Gage, Mickey — 180, 181, 194, 318, 355, 682, 688, 725, 804, 823
Hagedorn, Jane — 180, 181, 194, 318, 355
Masters, Ronald — 180, 181, 194, 318, 355
Molden, Dennis — 180, 181, 194, 318, 355, 682, 688, 725, 803, 826
Salsman, Susan — 180, 181, 194, 318, 355, 682, 688, 725, 804, 823
Thomas, Charles — 180, 181, 194, 318, 355
Podiatry, Board of:
Dayton, Paul — 180, 182, 196, 233, 247
Kadel, Kelly — 682, 690, 729, 806, 881
Maher, Bridget — 682, 690, 729, 806, 823
Power Fund Board, Iowa:
Hemken, Peter — 682, 685, 722, 840, 855
LaSeur, Carrie — 682, 685, 722, 839, 1096
Norton, Mary — 682, 685, 722, 840, 855
Prevention of Disabilities Policy Council:
Atchison, Christopher — 678, 687, 724, 840, 854
Jones, Cheryll — 180, 181, 194, 244, 247, 678, 687, 724, 840, 854

Schroeder, Diane — 678, 687, 724, 840, 854
Strong, Frank — 678, 687, 724, 876, 880
Property Assessment Appeal Board:
deferrals — 693
Psychology, Board of:
Dilley, John — 682, 690, 729, 806, 881
Langley, Ronelle — 682, 690, 729, 806, 823
Singh, Darshan — 180, 182, 196, 233, 247
Public Defender, State:
deferral — 693
Racing and Gaming Commission, State:
Hayes, Paul — 180, 182, 196, 233, 247
Rivera-Harrison, Andrea — 682, 691, 729, 806, 855
Urban, Toni — 682, 691, 729, 806, 897
Real Estate Appraiser Examining Board:
Ballard, Maxine — 682, 691, 730, 806, 823
Larson, John — 682, 691, 730, 806, 855
Zwanziger, Judith — 682, 691, 730, 806, 855
Real Estate Commission:
Dawley, Laurie — 683, 691, 730, 806, 823
Robert, Richard — 683, 691, 730, 806, 823
Rebuild Iowa Office, Executive Director of:
Dardis, Ron — 426, 427, 468, 634, 799
Regents, State Board of:
Downer, Robert — 683, 686, 722, 804, 823
Harkin, Ruth — 683, 686, 723, 804, 823
Johnson, Greta — 180, 181, 193, 206, 247, 683, 686, 723, 804, 855
Renewable Fuel Infrastructure Board:
Pangburn, Kenneth — 683, 686, 723, 876, 881
Wiegert, Brian — 683, 686, 723, 876, 881
deferral — 694
Renewable Fuels and Coproducts Advisory Committee:
deferrals — 693, 694
Respiratory Care, Board of:
Lee, Arlene — 683, 691, 730, 806, 823
Zeman, Robert — 683, 691, 730, 806, 823
School Budget Review Committee:
Babcock, Jane — 683, 686, 723, 804, 823
Sign Language Interpreters and Transliterators, Board of:
Harper, Freeman — 683, 687, 724, 876, 881
Kautzky, Diana — 683, 687, 724, 876, 881
Smith-Byer, Cynthia — 683, 687, 724, 876, 881
Welsch, Brent — 683, 687, 724, 840, 855

APPOINTEES — continued
Small Business Advisory Council:
Dalton, Bryan — 683, 685, 722, 840, 898
Petro, James — 683, 685, 722, 840, 855
deferral — 694
Social Work, Board of:
Stout, David — 683, 691, 730, 806, 823
Tasler, Mary — 683, 691, 730, 806, 946
Soil Conservation Committee, State:
Eells, Jean — 683, 685, 721, 876, 881
Lundy, Sherman — 683, 685, 721, 876, 881
Tobin, James — 683, 685, 721, 876, 881
Speech Pathology & Audiology, Board of:
Schuttinga, Jon — 683, 691, 730, 806, 898
Vilda, Rebecca — 683, 691, 730, 806, 823
deferral — 694
Tax Review, State Board of:
Milligan, Michael — 683, 691, 730, 877, 881
Technology Governance Board:
Leatherwood, Susan — 683, 686, 723, 804, 823
Title Guaranty Division Board:
Reilly, Timothy — 683, 685, 721, 776, 799
Tobacco Use Prevention and Control, Commission on:
Hungerford, Timothy — 684, 687, 724, 876, 881
Russell, Bobby — 684, 687, 724, 840, 855
deferral — 694
Transportation Commission, State:
Blouin, Michael — 684, 691, 730, 841, 855
Miles, Loree — 684, 691, 730, 841, 855
Utilities Board:
Tanner, Krista — 684, 685, 721, 839, 855
Utilities Board, Chair of:
Berntsen, Robert — 598, 684, 685, 721, 839, 855
Veterans Affairs, Commission of:
Jacobus, Todd — 180, 182, 196, 369, 475
McMartin, Darlene — 180, 182, 196, 369, 475
Schroeder, Cecelia — 180, 182, 196, 383, 539
Veterans Home, Commandant of:
deferral — 695
Veterinary Medicine, Iowa Board of:
Cooper, Rick — 684, 691, 730, 806, 855
Duffy, Anne — 684, 691, 730, 806, 855
Vision Iowa Board:
Bailey, Regenia — 684, 691, 730, 806, 855
Greiner, Ernest — 684, 691, 730, 806, 823

Reece, Cathy — 684, 691, 730, 806, 823
Yanney, Charese — 684, 691, 730, 806, 823
Workers' Compensation Commissioner:
Godfrey, Christopher — 383, 384, 408, 427, 883

APPOINTMENTS BY GOVERNOR
Deferrals — 691–695
En Bloc Confirmation Calendar:
Confirmation — 246, 247, 296, 355, 473, 798, 821–823, 853–855, 879–881, 897, 898, 946, 999, 1040, 1097
Placement on — 206, 218, 232, 233, 244, 276, 283, 293, 318, 369, 408, 776, 804–806, 839–841, 849, 850, 876, 877
Failure to confirm — 1091, 1096, 1097
Individual Confirmation Calendar:
Confirmation — 538, 539, 799, 819, 820, 826, 882, 883, 920–923
Placement on by senators — 892
Placement on by standing committees — 276, 293, 383, 427, 468, 597, 731, 803, 839, 849
Investigating committees — *See individual committees*
Referral to standing committees — 180–183, 193–196, 685–691
Submission by governor — 178–180, 383, 426, 676–684
Withdrawals — 468

APPROPRIATIONS, COMMITTEE ON
Appointments to — 21
Appointments to subcommittees — 23, 24
Bills and resolutions introduced by — 580, 780, 904, 926, 949, 955, 977, 1005, 1032, 1049–1051
Bills referred to — 20, 142, 143, 161, 175, 219, 260, 289, 375, 447, 458, 493, 547, 585, 608, 772, 777, 780, 879, 1009, 1058, 1139, 1248, 1259, 1277
Committee meeting reports — 95, 157, 162, 495, 540, 626, 736, 948, 976, 1005, 1031, 1047, 1048, 1075, 1154, 1274
Committee reports — 165, 501, 581, 642, 781, 905, 927, 949, 955, 977, 1006, 1033, 1052, 1053, 1076, 1183, 1257, 1264
Study bills — 106, 176, 345, 365, 423, 484, 485, 513, 630, 719, 774, 836, 888, 904, 926, 949, 955, 1051, 1052
Subcommittee assignments — 106, 107, 158, 165, 191, 230, 264, 305, 347, 366, 424, 425, 449, 465, 485, 486, 515, 594, 630, 720, 737, 781, 801, 813, 814, 846, 888, 889, 904, 905, 926, 949, 955, 1052, 1275
Subcommittee meeting reports:
Administration and Regulation — 115, 187, 209, 238, 258, 287, 313, 373, 420, 444, 497, 521, 812, 845, 872
Agriculture and Natural Resources — 116, 187, 238, 249, 258, 313, 361, 388, 462, 541, 655, 813, 872
Economic Development — 249, 250, 259, 388, 389, 497, 508, 561, 813, 872, 873

APPROPRIATIONS SUBCOMMITTEE MEETINGS — continued
Education — 116, 140, 187, 239, 259, 288, 313, 362, 389, 444, 498, 522, 656, 736, 896, 904
Health and Human Services — 200, 201, 210, 239, 259, 313, 362, 389, 462, 498, 589, 948, 1154
Justice System — 116, 140, 188, 210, 239, 259, 288, 314, 362, 390, 445, 498, 541, 813, 846, 896, 925
Transportation, Infrastructure, and Capitals — 210, 239, 250, 251, 288, 340, 362, 390, 478, 498, 589

ASSISTANT DEMOCRATIC LEADERS
Appel, Staci — Senator, 37th District
Bolkcom, Joe — Senator, 39th District
Courtney, Thomas — Senator, 44th District
Dotzler, William — Senator, 11th District
Hatch, Jack — Senator, 33rd District
Heckroth, Bill — Senator, 9th District
Ragan, Amanda — Senator, 7th District

ASSISTANT REPUBLICAN LEADERS
Boettger, Nancy — Senator, 29th District
Johnson, David — Senator, 3rd District
Kettering, Steve — Senator, 26th District
Ward, Pat — Senator, 30th District
Zaun, Brad — Senator, 32nd District

BARTZ, MERLIN — Senator, 6th District; Republican
Amendments filed — 152, 169, 350, 400, 408, 432, 503, 534, 546, 652, 695, 731, 732, 795, 807, 964, 971, 1006, 1024, 1068, 1083, 1120, 1134, 1166, 1168, 1227, 1228, 1235
Amendments offered — 152, 169, 400, 442, 455, 534, 618, 795, 1024, 1083, 1166, 1168, 1228
Amendments withdrawn — 769, 785
Bills introduced — 211, 226, 228, 279, 301, 304, 405, 482, 512, 523
Certificates of recognition — 655, 773
Explanations of votes — 369, 453
Resolutions introduced — 780
Senate committee appointments — 24

BEALL, DARYL — Senator, 25th District; Democrat
Amendments filed — 402, 851, 1006, 1237, 1260
Amendments withdrawn — 1260
Bills introduced — 19, 82, 127, 142–144, 228, 240, 252, 343, 392, 482, 590
Certificates of recognition — 124, 208, 224, 225, 359, 360, 461, 495, 586, 587, 699, 778, 833, 1047, 1140, 1191

Presentations — 494, 520
Resolutions introduced — 201, 479, 499, 780
Senate committee appointments — 24

BEHN, JERRY — Senator, 24th District; Republican
Amendments filed — 651, 695, 964, 1068, 1087–1089, 1093, 1120, 1129, 1134, 1227, 1235
Amendments offered — 1088, 1089, 1112
Bills introduced — 226, 228, 301, 302, 304, 375, 405, 464, 523, 699, 1005
Certificates of recognition — 300, 360
Resolutions introduced — 780
Senate committee appointments — 25

BILLS — *See also* RESOLUTIONS; *for complete bill histories, see Index volume*
Approved (signed by governor) — 206, 309, 469, 493, 546, 584, 676, 775, 839, 848, 849, 978, 1034, 1056, 1119, 1155, 1184, 1211, 1244, 1245, 1279–1283
Companion bills received and attached — 161, 320, 352, 752
Item veto messages — 1283–1288
Placement on Unfinished Business Calendar — 772, 1058, 1139
Referred to committee — *See individual committees*
Sent to governor — 205, 308, 407, 468, 503, 651, 676, 803, 839, 892, 906, 977, 978, 1034, 1077, 1093, 1118, 1141, 1155, 1184, 1192, 1211, 1275, 1279
Similar bills received and attached — 504, 599, 635, 734, 809, 976, 1058, 1143, 1150, 1157
Substitutions — 323, 352, 616, 755, 762, 771, 831, 1002, 1151, 1163
Withdrawals — 325, 353, 576, 617, 756, 763, 828, 831, 1003, 1111, 1152, 1175

BLACK, DENNIS H. — Senator, 21st District; Democrat
Amendments filed — 652, 828, 851, 1007, 1240
Amendments offered — 828
Bills introduced — 142–144, 212, 228, 252, 280, 315, 342, 343, 374, 446, 482, 483
Conference committee appointments & reports — 1188, 1197
Presentations — 1080
Recognition by fellow senators — 811
Resolutions introduced — 201, 479, 499, 780
Senate committee appointments — 25

BOARDS — *See* APPOINTEES; COMMUNICATIONS

BOETTGER, NANCY — Senator, 29th District; Assistant Minority Leader, Republican
Amendments filed — 651, 710, 711, 917, 964, 965, 967, 1006, 1087, 1119, 1120, 1129, 1131, 1134, 1170, 1173, 1235
Amendments offered — 358, 710, 711, 917, 964, 967, 1131, 1135, 1170
Amendments withdrawn — 785
Bills introduced — 164, 188, 211, 226, 228, 301, 303, 304, 375, 405, 512, 523, 1005
Certificates of recognition — 137, 138, 235, 236, 256, 338, 417, 505, 586, 719, 833, 1075, 1153, 1274
Conference committee appointments & reports — 1187
Resolutions introduced — 479, 780
Senate committee appointments — 25

BOLKCOM, JOE — Senator, 39th District, Assistant Majority Leader, Democrat
Amendments filed — 154, 469, 529, 670, 740, 851, 1007, 1035, 1133, 1237, 1241, 1260
Amendments offered — 154, 529, 670, 740, 1133
Amendments withdrawn — 529, 740
Bills introduced — 82, 97, 110, 126, 141–144, 228, 252, 261, 275, 302, 314, 315, 341–343, 374, 375, 391, 481, 482, 500, 512, 846
Conference committee appointments & reports — 1195, 1208
Resolutions introduced — 140, 201, 499, 589, 780, 1076
Senate committee appointments — 25

BUDGET MESSAGE
Delivery by Governor Chet Culver — 49

CERTIFICATES OF RECOGNITION — *See individual senators*

CERTIFICATION OF ELECTION
State senators — 7, 8

CHIEF JUSTICE OF SUPREME COURT, The Honorable Marsha Ternus
Condition of the Iowa Judiciary Message — 67

COMMERCE, COMMITTEE ON
Amendments filed — 775
Appointees, investigation of — 384, 407, 408, 685, 721, 776, 839
Appointments to — 21
Bills and resolutions introduced — 289, 340, 422, 479, 500, 562, 579, 580, 593, 602, 603, 656
Bills referred to — 19, 97, 143, 144, 245, 314, 315, 342, 352, 374, 421, 422, 464, 510, 512, 542, 543, 592, 600, 735, 782, 809, 1059, 1150

Committee meeting reports — 56, 115, 273, 311, 404, 461, 506, 540, 588, 774, 833, 871
Committee reports — 291, 318, 347, 425, 486, 487, 502, 567, 581, 582, 595, 606, 657, 775, 837, 874
Study bills — 63, 64, 117, 147, 176, 190, 203, 229, 262, 280, 305, 393, 394, 465, 500
Subcommittee assignments — 59–61, 119, 120, 149, 150, 158, 159, 165, 191, 204, 231, 264, 265, 282, 306, 378, 379, 395, 396, 448, 449, 465, 501, 524, 581, 604, 641, 737, 781, 836

COMMISSIONS — *See* APPOINTEES; COMMUNICATIONS

COMMITTEE ASSIGNMENTS — *See also individual committees*
Senators — 24–32

COMMITTEE MEETING REPORTS
Agriculture — 81, 162, 225, 278, 338, 418, 505, 587, 870
Appropriations — 95, 157, 162, 495, 540, 626, 736, 948, 976, 1005, 1031, 1047, 1048, 1075, 1154, 1274
Appropriations subcommittees:
Administration & Regulation — 115, 187, 209, 238, 258, 287, 313, 373, 420, 444, 497, 521, 812, 845, 872
Agriculture & Natural Resources — 116, 187, 238, 249, 258, 313, 361, 388, 462, 541, 655, 813, 872
Economic Development — 249, 250, 259, 388, 389, 497, 508, 561, 813, 872, 873
Education — 116, 140, 187, 239, 259, 288, 313, 362, 389, 444, 498, 522, 656, 736, 896, 904
Health & Human Services — 200, 201, 210, 239, 259, 313, 362, 389, 462, 498, 589, 948, 1154
Justice System — 116, 140, 188, 210, 239, 259, 288, 314, 362, 390, 445, 498, 541, 813, 846, 896, 925
Transportation, Infrastructure, & Capitals — 210, 239, 250, 251, 288, 340, 362, 390, 478, 498, 589
Commerce — 56, 115, 273, 311, 404, 461, 506, 540, 588, 774, 833, 871
Economic Growth — 57, 109, 138, 186, 208, 236, 257, 285, 338, 360, 404, 461, 506, 540, 655, 833
Education — 81, 124, 173, 199, 225, 257, 278, 311, 338, 372, 418, 477, 506, 627, 779, 844
Environment and Energy Independence — 38, 158, 208, 236, 257, 300, 360, 385, 521, 621, 699, 886
Ethics — 138
Government Oversight — 257, 273, 274, 285, 312, 386, 461, 477, 506, 541, 673, 774, 1048

COMMITTEE MEETING REPORTS — continued
Human Resources — 95, 124, 174, 209, 236, 285, 286, 360, 361, 372, 478, 507, 578, 600, 636, 801, 857
Judiciary — 104, 124, 209, 237, 286, 312, 339, 372, 444, 495, 521, 621, 857, 924
Labor and Business Relations — 286, 386, 418, 478, 507, 601, 779
Local Government — 104, 105, 125, 200, 237, 418, 507, 811, 844
Natural Resources — 57, 109, 138, 186, 209, 258, 287, 386, 404, 508, 541, 871
Rebuild Iowa — 96, 125, 139, 186, 225, 274, 287, 312, 386, 462, 496, 588, 673, 834, 871
Rules and Administration — 38, 96, 174, 187, 237, 301, 373, 419, 508, 627, 655, 845, 896, 1154, 1182, 1274
State Government — 101, 105, 200, 226, 249, 278, 312, 387, 419, 444, 508, 627, 636, 811, 845, 886, 903
Transportation — 57, 139, 174, 226, 237, 287, 339, 419, 496, 588, 601, 628, 834, 857, 924
Veterans Affairs — 96, 105, 139, 278, 361, 387, 462, 496, 588, 674, 812, 834, 886, 925
Ways and Means — 38, 125, 238, 274, 339, 419, 496, 628, 719, 812, 871, 925, 1032, 1048, 1075, 1182, 1274

COMMITTEE REPORTS
Agriculture — 367, 466, 525, 605, 641, 874
Appropriations — 165, 501, 581, 642, 781, 905, 927, 949, 955, 977, 1006, 1033, 1052, 1053, 1076, 1183, 1257, 1264
Commerce — 291, 318, 347, 425, 486, 487, 502, 567, 581, 582, 595, 606, 657, 775, 837, 874
Economic Growth — 205, 242, 282, 348, 380, 487, 502, 515, 545, 567
Education — 177, 192, 318, 348, 380, 381, 425, 466, 567, 568, 630, 642, 847
Environment and Energy Independence — 381, 396, 449, 515, 525, 568, 582, 631, 643, 889
Ethics — 112, 165
Government Oversight — 1053
Human Resources — 217, 306, 307, 367, 382, 397, 406, 516, 596, 631, 632, 643, 644, 801, 802, 858, 859
Judiciary — 113, 150, 217, 218, 231, 242, 243, 255, 292, 307, 348, 349, 367, 368, 382, 397, 407, 466, 488, 516, 525, 569, 570, 583, 632, 644–646, 658, 675, 859–861, 927
Labor and Business Relations — 307, 368, 450, 517, 570, 632, 782
Local Government — 131, 450, 488, 489, 525, 583, 646–648, 861
Natural Resources — 113, 349, 526, 584, 597, 875
Rebuild Iowa — 130, 166, 489, 490, 502, 526, 570, 571, 584, 889
Rules and Administration — 39, 42, 99, 177, 180, 192, 308, 384, 427, 517, 633, 648, 685, 848, 905, 1144, 1183, 1254

State Government — 150, 151, 218, 232, 266, 275, 308, 398, 399, 426, 450, 467, 490–492, 526, 648, 649, 862, 890, 905
Transportation — 243, 292, 492, 572, 607, 650, 862, 927
Veterans Affairs — 232, 292, 349, 368, 369, 426, 451, 493, 607, 650, 700, 802, 928
Ways and Means — 131, 426, 517, 788, 837, 838, 863, 875, 890, 891, 929, 1033, 1054, 1055, 1140, 1183, 1255

COMMITTEES, SPECIAL
Chaplains — 16
Conference — *See* CONFERENCE COMMITTEES
Credentials — 7
Mileage — 16, 44

COMMUNICATIONS RECEIVED
Administrative Services, Department of — 32, 198, 235
Agriculture and Land Stewardship, Department of — 36
Alcoholic Beverages Division (Department of Commerce) — 36
Attorney General — 37
Auditor of State — 32, 954
Banking Division (Department of Commerce) — 37, 94
Blind, Department for the — 371, 1004
Capital Investment Corporation — 162
Child Advocacy Board — 811
Child Care Advisory Council — 32
Citizens' Aide/Ombudsman — 32, 452, 1191
College Student Aid Commission — 32
Commerce, Department of — 36, 37, 94
Corrections, Department of — 32
County Engineers Association Service Bureau — 114
Credit Union Division (Department of Commerce) — 37
Drug Control Policy, Office of — 33, 778
Economic Development, Department of — 33, 198
Education, Department of — 33, 37, 94, 100, 371, 885
Elder Affairs, Department of — 33, 94, 114
Ethics & Campaign Disclosure Board — 37
Higher Education Loan Authority — 33
Homeland Security and Emergency Management — 81
Human Rights, Department of — 123, 337
Human Services, Department of — 33, 34, 37, 81, 94, 198, 248, 299, 778
Institute for Tomorrow's Workforce — 95
Insurance Division (Department of Commerce) — 94
Iowa Communications Network — 37
Iowa Public Employees' Retirement System — 35, 37
Iowa Student Loan — 94

COMMUNICATIONS — continued
Judicial Branch — 198
Justice, Department of — 34
Legislative Service Agency — 428, 429
Library, State — 37
Management, Department of — 34
Municipal Fire and Police Retirement System of Iowa — 34
National Guard, Iowa — 37
Natural Resources, Department of — 34, 35, 94, 123, 198
Parole, Board of — 37
Public Health, Department of — 35, 885, 1191
Public Safety, Department of — 35, 185
Racing & Gaming Commission — 417
Regents, Board of — 35, 37, 95, 100, 371, 811
Revenue, Department of — 35, 115, 123, 198, 207, 885, 924
Schools Joint Investment Trust — 35
Tax Review, Board of — 115
Technology Governance Board — 36
Telecommunications & Technology Commission — 36
Tobacco Settlement Authority — 495
Transportation, Department of — 36, 95, 100, 109, 123, 198, 199
Utilities Board — 36, 37
Veterans Affairs, Department of — 36, 37, 101
Veterans Home — 56
Vocational Rehabilitation Services Division (Dept. of Education) — 37
Women, Commission on Status of — 224
Workforce Development — 37, 109, 1092

COMPANION BILLS — *See Senate and House Companion Bills, listed in bill history section of Index volume*

CONCURRENCE OF THE SENATE — *See* HOUSE AMENDMENTS IN SENATE

CONDITION OF THE IOWA JUDICIARY MESSAGE
Delivery by Chief Justice Marsha Ternus — 67

CONDITION OF THE IOWA NATIONAL GUARD ADDRESS
Delivery by Major General Ron Dardis — 327

CONDITION OF THE STATE AND BUDGET MESSAGE
Delivery by Governor Chet Culver — 49

CONFERENCE COMMITTEES
Senate File 224 — 1187, 1214, 1871
Senate File 389 — 1204, 1220, 1871

Senate File 437 — 1188, 1197, 1198, 1872
Senate File 457 — 1195, 1207, 1208, 1873
Senate File 470 — 1187, 1216, 1876
House File 671 — 1146, 1200

CONFIRMATION OF APPOINTEES — *See* APPOINTMENTS BY GOVERNOR

COURTNEY, THOMAS G. — Senator, 44th District; Majority Whip, Democrat
Amendments filed — 651, 851, 1007, 1239, 1240, 1241
Amendments offered — 1239
Bills introduced — 82, 97, 142–144, 228, 302, 446, 482
Certificates of recognition — 56, 104, 137, 138, 208, 249, 299, 300, 371, 372, 477, 561, 626, 778, 779, 895, 954, 955, 1075, 1153
Presiding at session of senate — 100
Resolutions introduced — 175, 201, 499, 780, 1093
Senate committee appointments — 25

DANDEKAR, SWATI A. — Senator, 18th District; Democrat
Amendments filed — 402, 597, 652, 1114, 1115, 1230, 1240
Amendments offered — 612, 1115, 1230
Amendments withdrawn — 765
Bills introduced — 82, 142–144, 228, 543
Certificates of recognition — 626, 870
Resolutions introduced — 201, 499, 780
Senate committee appointments — 25

DANIELSON, JEFF — Senator, 10th District; President Pro Tem, Democrat
Amendments filed — 402, 651, 828, 851, 1002, 1007, 1128, 1156, 1258
Amendments offered — 402, 828, 851, 1002, 1128, 1166
Bills introduced — 82, 126, 127, 141, 143, 144, 211, 227, 228, 252, 260, 302, 343, 374, 391, 464, 482, 592
Conference committee appointments & reports — 1146, 1187, 1200, 1214
Election and oath of office — 10
Presentations — 1147
Resolutions introduced — 201, 499, 780
Senate committee appointments — 26

DEARDEN, DICK L. — Senator, 34th District
Amendments filed — 432, 651, 793, 851, 892, 1007, 1230, 1234
Amendments offered — 762, 793, 970, 1230, 1234
Bills introduced — 82, 110, 142–144, 228, 302, 341, 446, 482
Resolutions introduced — 201, 499, 780
Senate committee appointments — 26

DEFERRAL OF APPOINTMENTS — *See* GOVERNOR

DOTZLER, WILLIAM A., JR. — Senator, 11th District; Assistant Majority Leader, Democrat
Amendments filed — 652, 770, 791, 797, 851, 1007, 1035, 1061, 1085, 1189, 1237, 1241, 1258, 1260
Amendments offered — 770, 791, 797, 1061, 1085, 1189, 1237, 1258
Bills introduced — 126, 127, 142–144, 228, 252, 302, 341, 343, 482, 483, 601, 602
Certificates of recognition — 137, 337, 338, 505, 600, 895, 1092
Presentations — 184, 321
Resolutions introduced — 175, 201, 499, 780
Senate committee appointments — 26

DVORSKY, ROBERT E. — Senator, 15th District; Democrat
Amendments filed — 851, 1007, 1227, 1231, 1260, 1265
Amendments offered — 1227, 1231, 1265
Bills introduced — 143, 228, 240, 252, 302, 374, 482
Certificates of recognition — 162, 225, 359, 360, 773, 870, 1139, 1140
Resolutions introduced — 140, 175, 201, 499, 780
Senate committee appointments — 26

ECONOMIC GROWTH, COMMITTEE ON
Appointees, investigation of — 180, 193, 276, 685, 721, 722, 839, 840
Appointments to — 21
Bills and resolutions introduced — 201, 240, 279, 343, 374, 483, 500, 512, 542, 564
Bills referred to — 158, 228, 260, 314, 590, 780
Committee meeting reports — 57, 109, 138, 186, 208, 236, 257, 285, 338, 360, 404, 461, 506, 540, 655, 833
Committee reports — 205, 242, 282, 348, 380, 487, 502, 515, 545, 567
Study bills — 89, 118, 119, 189, 241, 254, 377, 393
Subcommittee assignments — 85, 120, 164, 191, 242, 254, 255, 281, 346, 379, 395, 594, 813

EDUCATION, COMMITTEE ON
Appointees, investigation of — 181, 193, 206, 686, 722, 723, 804, 849
Appointments to — 21
Bills and resolutions introduced — 189, 315, 340, 376, 463, 562, 563, 629, 641
Bills referred to — 58, 82, 127, 164, 175, 188, 211, 228, 252, 303, 320, 421, 446, 464, 509, 511, 543, 590, 591, 599, 602, 628, 734, 843, 847
Committee meeting reports — 81, 124, 173, 199, 225, 257, 278, 311, 338, 372, 418, 477, 506, 627, 779, 844
Committee reports — 177, 192, 318, 348, 380, 381, 425, 466, 567, 568, 630, 642, 847
Study bills — 62, 63, 145, 253, 281, 305, 377, 513

Subcommittee assignments — 60, 83, 98, 148, 191, 230, 242, 255, 264, 282, 306, 346, 365, 379, 424, 465, 485, 514, 515, 581, 604, 657, 675, 874

EMPLOYEES OF SENATE
Appointments — 11–14
Oaths of office — 6, 9, 10, 13, 14, 16
Pages — 15, 16
Pay grades and steps — 39–44

EN BLOC CONFIRMATION CALENDAR — *See* APPOINTMENTS BY GOVERNOR

ENGROSSMENT AND ENROLLMENT OF BILLS, CORRECTIONS
Senate File 142 — 1183
Senate File 241 — 782
Senate File 340 — 1278
Senate File 344 — 1278
Senate File 355 — 1077
Senate File 364 — 977
Senate File 376 — 1278
Senate File 433 — 1278
Senate File 446 — 896
Senate File 449 — 1278
Senate File 472 — 1278
Senate File 477 — 1278
Senate File 478 — 1278

ENVIRONMENT AND ENERGY INDEPENDENCE, COMMITTEE ON
Appointees, investigation of — 686, 723, 876
Appointments to — 22
Bills and resolutions introduced — 374, 376, 447, 512, 523, 563, 564, 579, 629, 637, 640
Bills referred to — 117, 141, 189, 202, 212, 261, 315, 341, 351, 391, 392, 406, 446, 500, 509, 522, 579, 592, 593, 599, 1059, 1277
Committee meeting reports — 38, 158, 208, 236, 257, 300, 360, 385, 521, 621, 699, 886
Committee reports — 381, 396, 449, 515, 525, 568, 582, 631, 643, 889
Study bills — 147, 214, 263, 264, 364, 365, 394, 423, 484
Subcommittee assignments — 148, 150, 215–217, 264–266, 291, 346, 365, 366, 395, 396, 424, 425, 486, 501, 514, 565, 566, 675

ETHICS, COMMITTEE ON
Appointments to — 22
Bills and resolutions introduced — 110, 163
Committee meeting reports — 138

ETHICS COMMITTEE — continued
Committee reports — 112, 165
Study bills — 63
Subcommittee assignments — 60

EXPLANATIONS OF VOTES — *See individual senators*

FEENSTRA, RANDY — Senator, 2nd District; Republican
Amendments filed — 153, 169, 652, 964–966, 1022, 1043, 1045, 1087, 1119, 1134, 1233–1236, 1239
Amendments offered — 153, 169, 965, 1022, 1045, 1233–1235, 1239
Amendments withdrawn — 966
Bills introduced — 188, 226, 228, 301, 304, 364, 375, 405, 509, 523, 1005
Certificates of recognition — 299, 300, 310, 1153
Conference committee appointments & reports — 1187
Presentations — 953
Resolutions introduced — 780
Senate committee appointments — 26

FRAISE, GENE — Senator, 46th District; Democrat
Amendments filed — 384, 408, 584, 652, 851, 1007, 1240, 1241
Amendments offered — 434, 455, 616, 1240
Bills introduced — 143, 144, 228, 252, 302, 341, 482
Resolutions introduced — 201, 499, 780
Senate committee appointments — 26

GENERAL ASSEMBLY — *See* JOINT CONVENTIONS

GOVERNMENT OVERSIGHT, COMMITTEE ON
Appointments to — 22
Bills and resolutions introduced — 1051
Committee meeting reports — 257, 273, 274, 285, 312, 386, 461, 477, 506, 541, 673, 774, 1048
Committee reports — 1053
Study bills — 1006
Subcommittee assignments — 1006

GOVERNOR, Chet Culver
Appointments by — 178–180, 383, 426, 676–684
Bills signed by — 206, 309, 469, 493, 546, 584, 676, 775, 839, 848, 849, 978, 1034, 1056, 1119, 1155, 1184, 1211, 1244, 1245, 1279–1283
Condition of the State and Budget Message — 49
Deferral of appointments — 468, 691–695
Item veto messages — 1283–1288

GRONSTAL, MICHAEL E. — Senator, 50th District; Majority Leader, Democrat
Address to the Senate — 4
Amendments filed — 713, 851, 1228, 1241, 1260, 1265
Amendments offered — 713, 1228, 1260, 1265
Bills introduced — 82, 142, 143, 228, 252, 302, 522, 1049
Certificates of recognition — 311, 371
Conference committee appointments & reports — 1204, 1220
Petitions presented — 802
Presentations — 9, 122
Presiding at session of senate — 1186
Resolutions introduced — 47, 96, 201, 499, 873
Senate committee appointments — 26

GUESTS
Senator Beall introduced the consul general of Canada — 494
Senator Beall introduced the consul general of Thailand — 520
Senator Black introduced Asian visitors and May-May Ng of West Des Moines — 1080
Senator Danielson introduced former senator Gene Glenn — 1147
Senator Dotzler introduced winners of entrepreneur awards — 184
Senator Dotzler introduced poet laureate Mary Swander — 321
Senator Feenstra introduced representatives of Orange City tulip festival — 953
Senator Gronstal welcomed former Lt. Gov. Jo Ann Zimmerman — 9
Senator Gronstal introduced his daughter Kate — 122
Senator Kibbie welcomed U.S. Rep. Leonard Boswell — 6
Senator Kibbie welcomed former senator Neal Schuerer — 10
Senator Kibbie welcomed former senators Frank Wood and Pat Deluhery — 635
Senator Kibbie introduced former senator William Fink — 698
Senator Kibbie introduced former senator Richard Running — 708
Senator Kibbie introduced former senator Norman Rodgers — 843
Senator Kibbie welcomed former senator Ken Veenstra — 985
Senator Kibbie welcomed U.S. Rep. Dave Loebsack — 1036
Senator Kibbie welcomed former senator Kitty Rehberg — 1063
Senator Kibbie welcomed former senator Stewart Iverson — 1158
Senator McKinley introduced representatives of Pella tulip festival — 908
Senators Reynolds and Wilhelm welcomed winners of "Write Women Back into History" contest — 865

HAHN, JAMES — Senator, 40th District; Republican
Amendments filed — 432, 710, 711, 936, 964, 1006, 1087, 1119, 1134, 1231, 1232, 1235, 1237, 1241
Amendments offered — 441, 936

HAHN — continued
Bills introduced — 175, 188, 211, 226, 228, 301, 304, 375, 405, 522, 523, 1005
Certificates of recognition — 417, 626, 655, 833, 870, 954, 955, 1005, 1047
Resolutions introduced — 780
Senate committee appointments — 27

HAMERLINCK, SHAWN — Senator, 42nd District; Republican
Amendments filed — 167, 169–172, 441, 651, 793, 852, 964, 967, 1021, 1043, 1087, 1107, 1112, 1114, 1119, 1129, 1130, 1134, 1231, 1232, 1235, 1236, 1238
Amendments offered — 167, 169–172, 441, 793, 852, 967, 1021, 1087, 1112, 1114, 1130, 1135, 1236, 1238
Bills introduced — 226, 228, 289, 301, 302, 304, 340, 375, 405, 511, 523, 593, 602, 1005
Certificates of recognition — 385, 600, 673, 778, 1244
Conference committee appointments & reports — 1188, 1195, 1197, 1208
Resolutions introduced — 780
Senate committee appointments — 27

HANCOCK, THOMAS — Senator, 16th District; Democrat
Amendments filed — 620, 651, 807, 929, 997, 1006, 1159
Amendments offered — 620, 969, 997, 1159
Bills introduced — 20, 59, 83, 144, 164, 228, 252, 279, 363, 405, 421, 422, 482, 579
Certificates of recognition — 248, 249, 903, 1191
Conference committee appointments & reports — 1146, 1200
Resolutions introduced — 201, 780
Senate committee appointments — 27

HARTSUCH, DAVID — Senator, 41st District; Republican
Amendments filed — 276, 710, 711, 749, 964, 1021, 1026, 1035, 1043, 1068, 1087, 1129, 1134, 1227
Amendments offered — 356, 1021, 1026, 1043, 1068, 1134, 1227
Bills introduced — 211, 226, 228, 301, 375, 405, 523, 1005
Conference committee appointments & reports — 1204, 1220
Resolutions introduced — 780, 873
Senate committee appointments — 27

HATCH, JACK — Senator, 33rd District; Assistant Majority Leader, Democrat
Amendments filed — 276, 651, 731, 739, 851, 1100, 1177, 1235, 1241
Amendments offered — 738–740, 1100, 1177, 1235
Bills introduced — 82, 110, 141–144, 202, 228, 252, 261, 375, 445
Conference committee appointments & reports — 1204, 1220
Resolutions introduced — 201, 499, 780, 873
Senate committee appointments — 27

HECKROTH, BILL — Senator, 9th District; Assistant Majority Leader, Democrat
Amendments filed — 309, 369, 731, 768, 851, 1241, 1258
Amendments offered — 411, 756, 768, 962, 1241
Amendments withdrawn — 411
Bills introduced — 57, 127, 142–144, 163, 228, 252, 343, 464, 482, 512
Certificates of recognition — 162, 371, 560, 699, 779
Conference committee appointments & reports — 1187, 1216
Resolutions introduced — 201, 499, 780
Senate committee appointments — 27

HOGG, ROB — Senator, 19th District; Democrat
Amendments filed — 546, 661, 732, 765, 767, 841, 851, 906, 938, 950, 979, 1006, 1063, 1073, 1161, 1162, 1174, 1228, 1260
Amendments offered — 555, 661, 753, 765, 767, 867, 938, 1022, 1063, 1073, 1161, 1162, 1174, 1228
Bills introduced — 142–144, 202, 212, 228, 374, 482
Conference committee appointments & reports — 1195, 1208
Presiding at session of senate — 1158
Resolutions introduced — 201, 499, 780
Senate committee appointments — 28

HORN, WALLY E. — Senator, 17th District; Democrat
Amendments filed — 651, 851, 1230
Bills introduced — 82, 142–144, 228, 252, 482
Certificates of recognition — 311, 870, 1092
Resolutions introduced — 201, 499, 780
Senate committee appointments — 28

HOUSE AMENDMENTS IN SENATE
Senate File 81, S–3214 — 1009; concurred — 1037
Senate File 137, S–3110 — 734; amended and concurred — 990
Senate File 151, S–3186 — 952; concurred — 1017
Senate File 186, S–3163 — 908; concurred — 957
Senate File 187, S–3160 — 894; concurred — 989
Senate File 224, S–3300 — 1157; refused to concur — 1176
Senate File 226, S–3215 — 1009; concurred — 1029
Senate File 236, S–3265 — 1095; concurred — 1126
Senate File 254, S–3164 — 908; concurred — 1001
Senate File 266, S–3136 — 809, 989
Senate File 279, S–3216 — 1009; concurred — 1010
Senate File 291, S–3165 — 908; concurred — 988
Senate File 304, S–3322 — 1213; concurred — 1218
Senate File 323, S–3205 — 975; refused to concur — 1085

HOUSE AMENDMENTS IN SENATE — continued
Senate File 336, S–3187 — 953; concurred — 1028
Senate File 339, S–3166 — 908; concurred — 986
Senate File 356, S–3188 — 953; concurred — 1015
Senate File 374, S–3206 — 975; concurred — 1072
Senate File 376, S–3359 — 1248; concurred — 1250
Senate File 377, S–3189 — 953; concurred — 1014
Senate File 379, S–3190 — 953; concurred — 1013
Senate File 380, S–3159 — 894; concurred — 985
Senate File 389, S–3296 — 1148; amended and concurred — 1179
Senate File 403, S–3244 — 1080; concurred — 1125
Senate File 415, S–3249 — 1080; concurred — 1124
Senate File 419, S–3192 — 953; concurred — 1021
Senate File 423, S–3191 — 953; concurred — 984
Senate File 432, S–3323 — 1214; concurred — 1219
Senate File 433, S–3266 — 1095; amended and concurred — 1190
Senate File 435, S–3235 — 1057; concurred — 1071
Senate File 436, S–3167 — 908; concurred — 983
Senate File 437, S–3207 — 975; amended and concurred — 1070
Senate File 441, S–3168 — 908; concurred — 982
Senate File 451, S–3295 — 1138; concurred — 1145
Senate File 452, S–3245 — 1080; concurred — 1123
Senate File 457, S–3246 — 1080; amended and concurred — 1161
Senate File 467, S–3237 — 1057; concurred — 1067
Senate File 469, S–3236 — 1058; concurred — 1065
Senate File 470, S–3268 — 1095, 1160; amended and concurred — 1173
Senate File 471, S–3360 — 1251; concurred — 1252
Senate File 472, S–3247 — 1080; concurred — 1122
Senate File 474, S–3326 — 1222; concurred — 1224
Senate File 475, S–3280 — 1103; amended and concurred — 1159
Senate File 477, S–3361 — 1252; concurred — 1253
Senate File 478, S–3374 — 1271; concurred — 1272
Senate File 483, S–3327 — 1225; concurred — 1226
Senate File 484, S–3321 — 1199; concurred — 1207
House File 759, S–3319 — 1199; concurred — 1210
House File 809, S–3318 — 1197; concurred — 1201
House File 811, S–3320 — 1199; concurred — 1205
House File 820, S–3373 — 1267; concurred — 1268
House File 822, S–3371 — 1262; concurred — 1263

HOUSER, HUBERT — Senator, 49th District; Republican
Amendments filed — 652, 964, 1006, 1134, 1235
Bills introduced — 188, 226, 228, 301, 482, 523
Senate committee appointments — 28

HUMAN RESOURCES, COMMITTEE ON
Amendments filed — 801
Appointees, investigation of — 181, 193, 194, 244, 293, 686, 687, 723, 724, 840, 876
Appointments to — 22
Bills and resolutions introduced — 213, 301, 364, 373, 393, 406, 510, 591, 592, 629, 637, 639
Bills referred to — 58, 59, 82, 110, 127, 141, 144, 202, 212, 261, 280, 294, 320, 341, 363, 364, 375, 405, 443, 463, 481, 482, 511, 520, 601, 602, 654, 697, 734, 782, 810, 1277
Committee meeting reports — 95, 124, 174, 209, 236, 285, 286, 360, 361, 372, 478, 507, 578, 600, 636, 801, 857
Committee reports — 217, 306, 307, 367, 382, 397, 406, 516, 596, 631, 632, 643, 644, 801, 802, 858, 859
Study bills — 61, 111, 128, 129, 145, 146, 190, 213, 229, 262, 281, 304, 394, 641
Subcommittee assignments — 59, 83, 84, 98, 112, 129, 130, 148, 149, 164, 192, 215, 216, 230, 231, 265, 281, 282, 305, 306, 378, 379, 395, 396, 424, 449, 485, 514, 524, 641, 657, 720, 774, 836

INDIVIDUAL CONFIRMATION CALENDAR — *See* APPOINTMENTS

INTRODUCTIONS — *See* GUESTS

INVESTIGATION OF APPOINTEES — *See* APPOINTEES; *individual committees*

ITEM VETO MESSAGES
Senate File 467 — 1283
Senate File 469 — 1284
Senate File 470 — 1285
Senate File 475 — 1286
Senate File 478 — 1287

JOCHUM, PAM — Senator, 14th District; Democrat
Amendments filed — 622, 705, 776, 851, 979, 1007, 1260
Amendments offered — 660, 705, 789, 993
Bills introduced — 82, 105, 142–144, 175, 228, 302, 303, 341, 420, 482
Certificates of recognition — 560, 561, 586, 587, 895, 1191
Resolutions introduced — 201, 499, 780
Senate committee appointments — 28

JOHNSON, DAVID — Senator, 3rd District; Assistant Minority Leader, Republican
Amendments filed — 408, 409, 412, 503, 652, 710, 711, 717, 864, 877, 964–966, 1068, 1087, 1094, 1100, 1120, 1129, 1134, 1229, 1233, 1236

JOHNSON — continued
Amendments offered — 411–413, 717, 965, 966, 1100, 1107, 1229, 1233, 1236
Amendments withdrawn — 1107
Bills introduced — 19, 20, 58, 175, 188, 189, 202, 228, 279, 301, 304, 364, 375, 391, 405, 509, 523, 592, 1005
Certificates of recognition — 157, 235, 236, 586, 587, 844
Conference committee appointments & reports — 1204, 1220
Resolutions introduced — 509, 1049
Senate committee appointments — 28

JOINT CONVENTIONS
Condition of the Iowa Judiciary Message — 65
Condition of the Iowa National Guard Message — 326
Condition of the State and Budget Message — 48
Pioneer Lawmakers program — 910

JUDICIARY, COMMITTEE ON
Amendments filed — 732, 859, 860
Appointees, investigation of — 181, 194, 244, 687, 688, 725, 877
Appointments to — 22
Bills and resolutions introduced — 110, 144, 212, 227, 240, 241, 251, 290, 302, 341, 342, 363, 373, 374, 390, 392, 406, 463, 480, 510, 523, 562–564, 580, 629, 637–640, 656, 674
Bills referred to — 59, 82, 83, 105, 127, 128, 163, 175, 189, 227, 252, 280, 320, 364, 391, 405, 522, 542, 543, 590, 697, 698, 701, 702, 810, 843, 856, 1005, 1059, 1277
Committee meeting reports — 104, 124, 209, 237, 286, 312, 339, 372, 444, 495, 521, 621, 857, 924
Committee reports — 113, 150, 217, 218, 231, 242, 243, 255, 292, 307, 348, 349, 367, 368, 382, 397, 407, 466, 488, 516, 525, 569, 570, 583, 632, 644–646, 658, 675, 859–861, 927
Study bills — 86–88, 101, 117, 118, 129, 146, 147, 176, 203, 204, 253, 254, 263, 290, 305, 316, 377, 393, 484, 485, 513, 565, 603
Subcommittee assignments — 84, 85, 102, 106, 107, 119, 120, 130, 148, 149, 164, 177, 191, 204, 205, 242, 254, 255, 264, 265, 291, 306, 317, 346, 379, 395, 396, 424, 448, 486, 514, 515, 565, 566, 594, 605, 720, 737, 836, 847, 874, 1006

KAPUCIAN, TIM L. — Senator, 20th District; Republican
Amendments filed — 472, 652, 710, 711, 935, 964, 965, 1068, 1087, 1093, 1108, 1119, 1134, 1240
Amendments offered — 935, 1087, 1108
Amendments withdrawn — 472, 1108
Bills introduced — 188, 226, 228, 301, 304, 375, 405, 446, 464, 523, 1005

Certificates of recognition — 360, 736, 895, 954, 1140, 1153
Resolutions introduced — 780
Senate committee appointments — 28

KETTERING, STEVE — Senator, 26th District; Minority Whip, Republican
Amendments filed — 155, 532–534, 652, 710, 711, 964, 965, 1021, 1043, 1068, 1087, 1120, 1129, 1134, 1177, 1203, 1231, 1232, 1237, 1241
Amendments offered — 155, 532, 533, 1177
Amendments withdrawn — 1021
Bills introduced — 58, 188, 228, 280, 301, 304, 341, 375, 405, 421, 446, 464, 499, 523
Conference committee appointments & reports — 1146, 1200
Resolutions introduced — 780
Senate committee appointments — 29

KIBBIE, JOHN P. — Senator, 4th District; President of Senate, Democrat
Address to Senate — 1
Amendments filed — 408, 851, 1006, 1034, 1094
Amendments offered — 415, 1044, 1088, 1114
Bills introduced — 58, 82, 117, 142–144, 164, 189, 202, 228, 251, 252, 260, 302, 341, 343, 374, 406, 482, 499
Certificates of recognition — 37, 124, 157, 235, 300
Conference committee appointments & reports — 1204, 1220
Election and oath of office — 9
Presentations — 6, 10, 635, 698, 708, 843, 985, 1036, 1063, 1158
Resolutions introduced — 47, 96, 201, 499, 509, 578, 780, 873
Senate committee appointments — 29

KREIMAN, KEITH A. — Senator, 47th District; Democrat
Amendments filed — 409, 518, 619, 651, 695, 709, 817, 851, 950, 1035, 1151, 1203, 1230, 1238, 1241
Amendments offered — 434, 619, 709, 744, 761, 817, 902, 1070, 1083, 1151, 1203, 1238, 1241
Amendments withdrawn — 709, 787, 817, 1230
Bills introduced — 142–144, 228, 252, 302, 314, 341, 375, 391, 463, 482
Conference committee appointments & reports — 1188, 1197
Resolutions introduced — 201, 499, 780
Senate committee appointments — 29

LABOR AND BUSINESS RELATIONS, COMMITTEE ON
Appointees, investigation of — 181, 194, 318, 384, 408, 427, 688, 725, 803, 804
Appointments to — 22
Bills and resolutions introduced — 302, 363, 447, 510, 562, 629
Bills referred to — 58, 110, 141, 302, 304, 523, 702, 1277

LABOR AND BUSINESS COMMITTEE — continued
Committee meeting reports — 286, 386, 418, 478, 507, 601, 779
Committee reports — 307, 368, 450, 517, 570, 632, 782
Study bills — 90, 91, 111, 146, 175, 176
Subcommittee assignments — 59, 86, 98, 112, 119, 149, 165, 306, 317, 720

LEGISLATIVE SERVICES AGENCY
Positions, steps, and pay grades — 428–431

LOCAL GOVERNMENT, COMMITTEE ON
Appointees, investigation of — 688, 725, 726, 849
Appointments to — 22
Bills and resolutions introduced — 128, 447, 481, 524, 580, 638–640
Bills referred to — 97, 111, 117, 141, 227, 261, 302, 369, 391, 420, 446, 483, 509, 512, 592, 599–601, 654, 782, 1059, 1277
Committee meeting reports — 104, 105, 125, 200, 237, 418, 507, 811, 844
Committee reports — 131, 450, 488, 489, 525, 583, 646–648, 861
Study bills — 229, 263, 316, 344, 377, 565, 593
Subcommittee assignments — 119, 129, 191, 231, 254, 265, 281, 316, 317, 346, 379, 395, 424, 449, 486, 501, 514, 524, 566, 595, 605, 675, 720, 814

MAJORITY LEADER, Senator Michael Gronstal — *See* GRONSTAL; *see also* ASSISTANT DEMOCRATIC LEADERS

McCOY, MATT — Senator, 31st District; Democrat
Amendments filed — 408, 615, 651, 740, 851, 950, 1222, 1258–1260
Amendments offered — 415, 615, 1069, 1222, 1258–1260
Amendments withdrawn — 1082
Bills introduced — 126, 142–144, 212, 228, 252, 302, 374, 482, 542–544
Conference committee appointments & reports — 1195, 1208
Resolutions introduced — 201, 499, 542, 780
Senate committee appointments — 29

McKINLEY, PAUL — Senator, 36th District; Minority Leader, Republican
Address to Senate — 2
Amendments filed — 469, 666, 964, 965, 1068, 1087, 1129, 1134, 1227, 1231, 1232, 1235
Amendments offered — 666, 715
Bills introduced — 126–128, 188, 211, 226, 228, 301, 302, 304, 363, 375, 405, 421, 509, 523, 590, 591, 603, 628, 780, 874
Presentations — 908
Resolutions introduced — 47, 96, 140, 780, 873
Senate committee appointments — 29

MEMORIALS
In Memoriam list — 931, 932
Joint Memorial Service — 930
Memorials — 1959–1973

MESSAGES — *See also* COMMUNICATIONS
Condition of the Iowa Judiciary Message — 65
Condition of the Iowa National Guard Message — 326
Condition of the State and Budget Message — 48
Item vetoes — 1283–1287

MILEAGE, COMMITTEE ON
Committee appointed — 16
Report — 44

MINORITY LEADER, Senator Paul McKinley — *See* McKINLEY; *see also* ASSISTANT REPUBLICAN LEADERS

MOTIONS TO RECONSIDER AND RULINGS
Confirmation of Eugene Gessow, Senator Gronstal — 1118; failed — 1277
Senate File 376, Senator Gronstal — 1270; withdrawn
Senate File 419, Senator Gronstal — 1034; withdrawn — 1138
Senate File 467, Senator Gronstal — 1077; withdrawn — 1269
Senate File 469, Senator Gronstal — 1077; withdrawn — 1269
Senate File 477, Senator Gronstal — 1270; withdrawn
House File 805, Senator Gronstal — 1056; withdrawn — 1269
House File 809, Senator Gronstal — 1140; prevailed — 1163
House File 809, S–3287, Senator Danielson — 1164; prevailed
House File 809, S–3290, Senator Boettger — 1164; prevailed
House File 809, S–3290, Senator Hancock — 1165; out of order
House File 809, Senator Gronstal — 1211; withdrawn — 1269
House File 811, Senator Gronstal — 1211; withdrawn — 1270
House File 822, Senator Gronstal — 1270; withdrawn

NATURAL RESOURCES, COMMITTEE ON
Appointees, investigation of — 182, 195, 218, 276, 688, 726, 877
Appointments to — 22
Bills and resolutions introduced — 342, 523, 579, 591
Bills referred to — 20, 82, 110, 127, 212, 405, 446, 464, 509, 603, 810, 1059
Committee meeting reports — 57, 109, 138, 186, 209, 258, 287, 386, 404, 508, 541, 871
Committee reports — 113, 349, 526, 584, 597, 875
Study bills — 97, 228, 229, 253, 365, 593
Subcommittee assignments — 83, 98, 119, 164, 215, 231, 255, 366, 424, 449, 514, 595, 630, 814

NOBLE, LARRY — Senator, 35th District; Republican
Amendments filed — 711, 964, 1087, 1120, 1129, 1134, 1235
Bills introduced — 128, 189, 226, 228, 301, 304, 375, 447, 523
Certificates of recognition — 870, 1092
Conference committee appointments & reports — 1146, 1200
Resolutions introduced — 780
Senate committee appointments — 29

OATHS OF OFFICE
Officers and employees of the Senate — 6, 13, 14, 16
Senators — 9, 10

OFFICERS AND EMPLOYEES OF SENATE
Employee classifications, grades, and steps — 39–44
Pages, appointments — 15, 16
Permanent officers, appointments— 11–13
Secretaries, appointments — 13, 14

OLIVE, RICH — Senator, 5th District; Democrat
Amendments filed — 584, 651, 695, 731, 868, 1007, 1035, 1070, 1078, 1093
Amendments offered — 792, 868, 1098
Amendments withdrawn — 1081
Bills introduced — 127, 142, 143, 228, 315, 341, 343, 422, 482, 512
Certificates of recognition — 337, 338, 578, 626
Conference committee appointments & reports — 1188, 1197
Presiding at session of Senate — 108
Resolutions introduced — 201, 499, 780
Senate committee appointments — 29

PAGES
Appointment of — 15, 16
Special presentation to — 1256

PETITIONS
Placed on file — 802

PIONEER LAWMAKERS ASSOCIATION OF IOWA
Address by Kay Henderson — 911
Joint convention — 910

POINTS OF ORDER AND RULINGS
Senate File 44, S–3004, Senator Bolkcom — 154; amendment out of order
Senate File 44, S–3006, Senator Bolkcom — 156; amendment out of order
Senate File 218, S–3031, Senator Gronstal — 400; amendment out of order

Senate File 416, S–3131, Senator Kreiman — 795; amendment in order
Senate File 419, S–3222, Senator Danielson — 1021; amendment out of order
Senate File 419, S–3229, Senator Danielson — 1021; amendment out of order
Senate File 464, S–3251, Senator Kreiman — 1089; amendment in order
Senate File 465, S–3175, Senator Kettering — 1083; amendment in order
Senate File 465, S–3257, Senator Gronstal — 1083; amendment out of order
Senate File 466, S–3218, Senator Hogg — 1023; amendment in order
Senate File 470, S–3195, Senator Dvorsky — 964; amendment out of order
Senate File 470, S–3196, Senator Schoenjahn — 965; amendment out of order
Senate File 470, S–3201, Senator Danielson — 967; amendment out of order
Senate File 470, S–3202, Senator Schoenjahn — 965; amendment in order
Senate File 476, S–3240, Senator Dvorsky — 1068; amendment out of order
Senate File 481, S–3291, Senator Dotzler — 1134; amendment out of order
House File 759, S–3200, Senator Reynolds — 993; amendment out of order
House File 805, S–3232, Senator McCoy — 1043; amendment out of order
House File 805, S–3234, Senator McCoy — 1045; amendment out of order

PRESENTATIONS — *See* ADDRESSES TO SENATE; GUESTS

PRESIDENT OF SENATE, Senator John Kibbie — *See* KIBBIE

PRESIDENT PRO TEMPORE OF SENATE, Senator Jeff Danielson — *See* DANIELSON

PRESS, MEMBERS OF
Assignment of desks in press gallery — 47

PROOF OF PUBLICATION
Senate Joint Resolution 2002, 82nd General Assembly — 46

QUIRMBACH, HERMAN C. — Senator, 23rd District; Democrat
Amendments filed — 469, 695, 731, 798, 825, 851, 864, 906, 929, 950, 971, 1007, 1093, 1240
Amendments offered — 471, 703, 798, 825, 899, 971, 1069, 1240
Amendments withdrawn — 1041
Bills introduced — 142–144, 252, 302, 341, 343, 482
Certificates of recognition — 773, 1139
Conference committee appointments & reports — 1187, 1216
Resolutions introduced — 201, 499, 780
Senate committee appointments — 29, 30

RAGAN, AMANDA — Senator, 7th District; Assistant Majority Leader, Democrat
Amendments filed — 851, 929, 1007, 1035, 1258, 1260
Amendments offered — 1038
Amendments withdrawn — 1038
Bills introduced — 58, 127, 142–144, 228, 252, 275, 341, 482, 512
Certificates of recognition — 235, 311, 371, 505, 586, 587, 773, 976, 1047
Resolutions introduced — 201, 499, 780, 873
Senate committee appointments — 30

REBUILD IOWA, COMMITTEE ON
Amendments filed — 889
Appointees, investigation of — 427, 468
Appointments to — 23
Bills and resolutions introduced — 126, 160, 479, 481, 500, 522, 563, 564, 580
Bills referred to — 343, 391, 701, 843
Committee meeting reports — 96, 125, 139, 186, 225, 274, 287, 312, 386, 462, 496, 588, 673, 834, 871
Committee reports — 130, 166, 489, 490, 502, 526, 570, 571, 584, 889
Study bills — 106, 112, 145, 280, 304, 344, 376, 393, 394, 422, 465, 544, 593, 594
Subcommittee assignments — 107, 112, 281, 306, 346, 347, 366, 379, 395, 396, 424, 449, 466, 545, 595, 720, 847

REPORTS RECEIVED — *See* COMMUNICATIONS

RESOLUTIONS — *See also Index volume for complete bill histories*
Printed after session — 1885–1958
Printed during session — 322, 609

REYNOLDS, KIM — Senator, 48th District; Republican
Amendments filed — 409, 432, 652, 710, 711, 817, 936, 964, 1035, 1042, 1068, 1087, 1107, 1113, 1119, 1129, 1134, 1235, 1240
Amendments offered — 454, 456, 936, 1042, 1107, 1113
Bills introduced — 188, 226, 228, 301, 304, 375, 405, 464, 523, 1005
Certificates of recognition — 137, 138
Conference committee appointments & reports — 1188, 1195, 1197, 1208
Presentations — 865
Resolutions introduced — 780
Senate committee appointments — 30

RIELLY, TOM — Senator, 38th District; Democrat
Amendments filed — 402, 695, 732, 764, 1007, 1178, 1237, 1240
Amendments offered — 764, 919, 1178

Bills introduced — 82, 143, 144, 228, 341, 343, 374, 375, 421, 446, 482, 510
Resolutions introduced — 201, 780
Senate committee appointments — 30

RULES AND ADMINISTRATION, COMMITTEE ON
Appointments to — 23
Bills and resolutions introduced — 188, 638, 1182
Bills referred to — 47, 96, 140, 175, 201, 284, 479, 499, 522, 542, 578, 589, 780, 846, 873, 874, 894, 1049, 1076, 1093
Committee meeting reports — 38, 96, 174, 187, 237, 301, 373, 419, 508, 627, 655, 845, 896, 1154, 1182, 1274
Committee reports — 39, 42, 99, 177, 180, 192, 308, 384, 427, 517, 633, 648, 685, 848, 905, 1144, 1183, 1254
Study bills — 544
Subcommittee assignments — 545

RULES OF SENATE
Rule 21 (Engrossment of Bills) — *See* SECRETARY OF SENATE, *subhead* Corrections in Engrossment
Temporary rules adopted — 6

SCHMITZ, BECKY — Senator, 45th District; Democrat
Amendments filed — 469, 651, 695, 732, 795, 851, 1007
Amendments offered — 790, 795
Bills introduced — 142–145, 252, 341, 343, 463, 482, 511
Certificates of recognition — 560, 895, 1092
Resolutions introduced — 140, 201, 499, 780, 873
Senate committee appointments — 30

SCHOENJAHN, BRIAN H. — Senator, 12th District; Democrat
Amendments filed — 651, 851, 964, 1094, 1160
Amendments offered — 964, 1109, 1160
Bills introduced — 111, 117, 127, 142–144, 228, 252, 341–343, 482, 509
Certificates of recognition — 56, 360, 560, 1075
Conference committee appointments & reports — 1187, 1216
Resolutions introduced — 201, 499, 780
Senate committee appointments — 30

SEATS
Assignment of seats in press gallery — 47
Selection by senators — 16–18

SECRETARY OF SENATE, Michael E. Marshall
Appointment and oath of office — 6
Communications received — *See* COMMUNICATIONS

SECRETARY OF SENATE — continued
Corrections in engrossment, Senate Rule 21:
Senate File 142 — 1183
Senate File 241 — 782
Senate File 340 — 1278
Senate File 344 — 1278
Senate File 355 — 1077
Senate File 364 — 977
Senate File 376 — 1278
Senate File 433 — 1278
Senate File 446 — 896
Senate File 449 — 1278
Senate File 472 — 1278
Senate File 477 — 1278
Senate File 478 — 1278
Proofs of publication — 46

SECRETARY OF STATE, Michael Mauro
Certification of election — 7
Communications from — 46

SENATE CONCURRENCE — *See* HOUSE AMENDMENTS IN SENATE

SENATE EMPLOYEES — *See* OFFICERS AND EMPLOYEES OF SENATE

SENATE INSISTING ON SENATE AMENDMENT
Senate File 389 — 1204
Senate File 437 — 1187
Senate File 457 — 1195
Senate File 470 — 1187
House File 671 — 1146

SENATE REFUSING TO CONCUR — *See* HOUSE AMENDMENTS IN SENATE

SENG, JOE M. — Senator, 43rd District; Democrat
Amendments filed — 717, 914, 1241
Amendments offered — 717, 914
Bills introduced — 106, 143, 163, 228, 463, 482
Certificates of recognition — 337, 403
Resolutions introduced — 201, 499, 780
Senate committee appointments — 30

SEYMOUR, JAMES A. — Senator, 28th District; Republican
Amendments filed — 652, 710, 711, 964, 1007, 1068, 1087, 1119, 1120, 1129, 1134

Amendments offered — 1135
Bills introduced — 188, 226, 228, 301, 304, 375, 392, 405, 464, 522, 523, 592
Certificates of recognition — 115, 199, 311, 417, 561, 586, 587, 626, 1047
Resolutions introduced — 780, 873
Senate committee appointments — 31

SODDERS, STEVEN J. — Senator, 22nd District; Democrat
Amendments filed — 708, 732, 749, 771, 776, 830, 851, 915, 1006, 1240, 1245
Amendments offered — 708, 749, 771, 786, 830, 851
Amendments withdrawn — 786, 851, 915
Bills introduced — 144, 226–228, 252, 302, 341, 343, 422, 447, 482, 511, 542
Certificates of recognition — 870
Conference committee appointments & reports — 1146, 1187, 1200, 1214
Resolutions introduced — 201, 499, 780
Senate committee appointments — 31

STANDING COMMITTEES — *See also individual committees*
Appointments — 21–23
Appropriations subcommittee appointments — 23, 24
Senators and respective committees — 24–32

STATE GOVERNMENT, COMMITTEE ON
Appointees, investigation of — 182, 195, 196, 232, 233, 283, 384, 408, 427, 688–691, 726–730, 803–806, 849, 850
Appointments to — 23
Bills and resolutions introduced — 141, 142, 212, 227, 261, 275, 303, 391, 392, 421, 447, 464, 480–484, 523, 637, 638, 640
Bills referred to — 143, 144, 164, 188, 211, 226, 240, 251, 252, 301–303, 314, 315, 341, 343, 375, 405, 406, 421, 422, 483, 512, 544, 590, 599, 654, 697, 701, 772, 810, 843, 847, 879, 895, 1059, 1277
Committee meeting reports — 101, 105, 200, 226, 249, 278, 312, 387, 419, 444, 508, 627, 636, 811, 845, 886, 903
Committee reports — 150, 151, 218, 232, 266, 275, 308, 398, 399, 426, 450, 467, 490–492, 526, 648, 649, 862, 890, 905
Study bills — 89, 90, 98, 119, 145, 176, 190, 213, 241, 281, 344, 345, 364, 365, 377, 393, 544, 630
Subcommittee assignments — 85, 86, 98, 121, 148, 149, 159, 164, 177, 191, 192, 215, 216, 241, 242, 264, 282, 316, 317, 345–347, 366, 367, 378, 379, 395, 424, 448, 501, 524, 545, 594, 630, 737, 836, 847, 888

STATE AND BUDGET MESSAGE
Delivery by Governor Chet Culver — 48

STEWART, ROGER — Senator, 13th District; Democrat
Amendments filed — 731, 1006, 1078, 1237
Bills introduced — 127, 142–144, 228, 252, 341, 343, 482
Certificates of recognition — 299
Resolutions introduced — 201, 499, 780
Senate committee appointments — 31

STUDY BILLS IN COMMITTEES
Agriculture — 147
Appropriations — 106, 176, 345, 365, 423, 484, 485, 513, 630, 719, 774, 836, 888, 904, 926, 949, 955, 1051, 1052
Commerce — 63, 64, 117, 147, 176, 190, 203, 229, 262, 280, 305, 393, 394, 465, 500
Economic Growth — 89, 118, 119, 189, 241, 254, 377, 393
Education — 62, 63, 145, 253, 281, 305, 377, 513
Environment and Energy Independence — 147, 214, 263, 264, 364, 365, 394, 423, 484
Ethics — 63
Government Oversight — 1006
Human Resources — 61, 111, 128, 129, 145, 146, 190, 213, 229, 262, 281, 304, 394, 641
Judiciary — 86–88, 101, 117, 118, 129, 146, 147, 176, 203, 204, 253, 254, 263, 290, 305, 316, 377, 393, 484, 485, 513, 565, 603
Labor and Business Relations — 90, 91, 111, 146, 175, 176
Local Government — 229, 263, 316, 344, 377, 565, 593
Natural Resources — 97, 228, 229, 253, 365, 593
Rebuild Iowa — 106, 112, 145, 280, 304, 344, 376, 393, 394, 422, 465, 544, 593, 594
Rules and Administration — 544
State Government — 89, 90, 98, 119, 145, 176, 190, 213, 241, 281, 344, 345, 364, 365, 377, 393, 544, 630
Transportation — 241, 254, 262, 423
Veterans Affairs — 61, 62, 89, 97, 106, 111, 213, 214, 253, 280, 423, 594
Ways and Means — 203, 263, 305, 604, 674, 774, 781, 846, 887, 888, 904, 1032

SUBCOMMITTEES
Appropriations subcommittee members — 23, 24
Bills assigned to subcommittees — *See individual committees*
Investigation of governor's appointments — *See* APPOINTEES

SUBSTITUTION OF BILLS — *See* BILLS

SUPREME COURT OF IOWA
Condition of Iowa Judiciary Message, The Honorable Marsha Ternus — 67

TRANSPORTATION, COMMITTEE ON
Appointees, investigation of — 691, 730, 841
Appointments to — 23
Bills and resolutions introduced — 240, 290, 480, 562, 603, 636
Bills referred to — 83, 126, 143, 163, 260, 275, 279, 343, 392, 464, 482, 499, 511, 543, 810, 869, 1059
Committee meeting reports — 57, 139, 174, 226, 237, 287, 339, 419, 496, 588, 601, 628, 834, 857, 924
Committee reports — 243, 292, 492, 572, 607, 650, 862, 927
Study bills — 241, 254, 262, 423
Subcommittee assignments — 148, 242, 255, 265, 291, 365, 366, 394, 424, 425, 501, 524, 566, 836

UNFINISHED BUSINESS CALENDAR
Bills placed on — 772, 1058, 1139

VETERANS AFFAIRS, COMMITTEE ON
Appointees, investigation of — 182, 196, 369, 383, 384, 408, 597
Appointments to — 23
Bills and resolutions introduced — 227, 289, 342, 420, 445, 479, 482, 603, 640, 699
Bills referred to — 202, 228, 260, 295, 342, 422, 446, 528, 697, 734, 842, 933
Committee meeting reports — 96, 105, 139, 278, 361, 387, 462, 496, 588, 674, 812, 834, 886, 925
Committee reports — 232, 292, 349, 368, 369, 426, 451, 493, 607, 650, 700, 802, 928
Study bills — 61, 62, 89, 97, 106, 111, 213, 214, 253, 280, 423, 594
Subcommittee assignments — 59, 85, 98, 107, 112, 216, 241, 254, 264, 281, 282, 306, 366, 424, 448, 449, 566, 595, 720, 781, 874

WARD, PAT — Senator, 30th District; Assistant Minority Leader, Republican
Amendments filed — 154, 297, 652, 711, 918, 964, 965, 1025, 1068, 1087, 1120, 1129, 1134, 1203, 1230, 1241
Amendments offered — 154, 297, 918, 1025, 1129
Bills introduced — 188, 226, 228, 301, 375, 405, 523
Senate committee appointments — 31

WARNSTADT, STEVE — Senator, 1st District; Democrat
Amendments filed — 695, 851, 1203, 1260
Amendments offered — 760
Bills introduced — 127, 158, 202, 212, 228, 279, 406, 482, 512
Certificates of recognition — 773
Resolutions introduced — 201, 499, 780
Senate committee appointments — 31

WAYS AND MEANS, COMMITTEE ON
Appointees, investigation of — 183, 196, 283, 384, 408, 691, 730, 731, 877
Appointments to — 23
Bills and resolutions introduced — 128, 511, 835, 873, 874, 887, 925, 1049–1051
Bills referred to — 19, 82, 122, 126, 144, 145, 202, 211, 240, 252, 279, 289, 304, 340, 341, 343, 351, 363, 375, 391, 410, 421, 445, 511, 544, 547, 608, 628, 635, 654, 656, 698, 699, 777, 780, 846, 879, 1104, 1138, 1148, 1200, 1277
Committee meeting reports — 38, 125, 238, 274, 339, 419, 496, 628, 719, 812, 871, 925, 1032, 1048, 1075, 1182, 1274
Committee reports — 131, 426, 517, 788, 837, 838, 863, 875, 890, 891, 929, 1033, 1054, 1055, 1140, 1183, 1255
Study bills — 203, 263, 305, 604, 674, 774, 781, 846, 887, 888, 904, 1032
Subcommittee assignments — 98, 204, 230, 264, 265, 306, 378, 379, 395, 448, 449, 524, 566, 604, 605, 657, 675, 737, 781, 847, 874, 888, 905, 1032, 1118

WIECK, RON — Senator, 27th District; Republican
Amendments filed — 651, 964, 965, 1025, 1068, 1087, 1108, 1120, 1129, 1134, 1227, 1233, 1235, 1240, 1241
Amendments offered — 1025, 1108
Bills introduced — 188, 226, 228, 301, 341, 405, 523
Conference committee appointments & reports — 1187
Resolutions introduced — 780
Senate committee appointments — 31

WILHELM, MARY JO — Senator, 8th District; Democrat
Amendments filed — 651, 851
Bills introduced — 127, 142–144, 228, 252, 482, 512
Certificates of recognition — 95, 337, 417, 586, 870, 948, 1191
Presentations — 865
Resolutions introduced — 201, 499, 780, 846
Senate committee appointments — 31

WITHDRAWAL OF BILLS — *See* BILLS

"WRITE WOMEN BACK INTO HISTORY" ESSAY CONTEST
Winners introduced — 866

ZAUN, BRAD — Senator, 32nd District; Assistant Minority Leader, Republican
Amendments filed — 154–156, 168, 432, 613, 652, 745, 792, 829, 945, 950, 964, 1023, 1025, 1043, 1068, 1087, 1120, 1127–1130, 1134, 1167, 1170, 1231, 1232, 1235, 1241

Amendments offered — 154–156, 168, 456, 613, 745, 792, 829, 945, 964, 1023, 1025, 1127–1130, 1167, 1231, 1232, 1241
Amendments withdrawn — 1129, 1170
Bills introduced — 188, 211, 228, 252, 260, 301, 302, 304, 375, 405, 421, 422, 446, 464, 523, 590, 656, 1005
Certificates of recognition — 104
Conference committee appointments & reports — 1187
Resolutions introduced — 780
Senate committee appointments — 32