

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 12, 2009

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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	Quirnbach	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	Quirnbach	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, Bolkom, 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, Quirnbach, 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: Bolcom, Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirnbach, 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, Soddors, 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, Quirnbach, Soddors, 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, Quirnbach, 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, Quirnbach, 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, Bolkom, Dotzler, Hatch, Kreiman, Quirnbach, 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, Quirnbach, Schoenjahn, Soddors, 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.