

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MARCH 23, 2009

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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, Soddors, 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, Quirnbach, 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 | Quirnbach | 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 | Soddors |
| Boettger | Hancock | McCoy | Stewart |
| Bolkcom | Hartsuch | McKinley | Warnstadt |
| Courtney | Hatch | Noble | Wieck |
| Dandekar | Heckroth | Olive | Wilhelm |
| Danielson | Hogg | Quirnbach | 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 | Quirnbach | 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 | Quirnbach | 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: Bolcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirnbach, 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 | Quirnbach | 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 | Quirnbach | 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 | Quirnbach | 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 | Quirnbach | 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 | Quirnbach | 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 | Quirnbach | 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 | Quirnbach | 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 Quirnbach, [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 Quirnbach 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 Quirnbach 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 | Quirnbach | 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 | Quirnbach | 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 | Quirnbach | 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, Quirnbach, 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, Quirnbach, 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, Soddors, 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 Cepak – 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. Quirnbach |
| S-3135 | H.F. 45 | Human Resources |