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**STATE OF IOWA**

**Senate Journal**

**MONDAY, MARCH 30, 2009**

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# JOURNAL OF THE SENATE

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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	Quirnbach	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	Quirnbach	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	Quirnbach	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; Bolcom, 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 Soddors.

**Members Absent:** Behn, Hartsuch, and Wieck (all excused).

**Committee Business:** Discussed HF's 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 Soddors.

**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; Bolcom and Zaun

**SSB 1317**

WAYS AND MEANS: Bolcom, Chair; Quirnbach 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, Quirnbach, 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, Quirnbach, 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, Quirnbach, 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

<a href="#">S-3156</a>	<a href="#">H.F. 705</a>	Rebuild Iowa
<a href="#">S-3157</a>	<a href="#">H.F. 759</a>	Rebuild Iowa
<a href="#">S-3158</a>	<a href="#">H.F. 670</a>	Dick L. Dearden