

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 31, 2009

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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; Quirnbach, 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	Quirnbach	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 Quirnbach, [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 Quirnbach 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 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. 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	Quirnbach	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	Quirnbach	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	Quirnbach	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	Quirnbach	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	Quirnbach	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 Soddors (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, Quirnbach, 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 Soddors.

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

<u>S-3159</u>	<u>S.F.</u>	<u>380</u>	House
<u>S-3160</u>	<u>S.F.</u>	<u>187</u>	House
<u>S-3161</u>	<u>S.F.</u>	<u>457</u>	Robert M. Hogg
<u>S-3162</u>	<u>H.F.</u>	<u>571</u>	Herman C. Quirnbach