

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 1, 2009

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 1, 2009

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by Reverend John Seitz, pastor of the Antioch Christian Church in Marion, Iowa. He was the guest of Senator Hogg.

The Journal of Tuesday, March 31, 2009, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 31, 2009, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 360](#), a bill for an act relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.

[Senate File 449](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions.

ALSO: That the House has on March 31, 2009, **amended and passed** the following bills in which the concurrence of the Senate is asked:

[Senate File 186](#), a bill for an act concerning preferential hiring treatment by government for veterans. ([S-3163](#))

[Senate File 254](#), a bill for an act requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs. ([S-3164](#))

[Senate File 291](#), a bill for an act providing for the recognition and promotion of certified retirement communities. ([S-3165](#))

[Senate File 339](#), a bill for an act relating to wastewater treatment. ([S-3166](#))

[Senate File 436](#), a bill for an act relating to observers at satellite absentee voting stations. ([S-3167](#))

[Senate File 441](#), a bill for an act relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions. ([S-3168](#))

SPECIAL GUESTS

Senator McKinley introduced to the Senate chamber the 74th Annual Pella Tulip Festival Queen Morgan Kuiper and her court: Leah Dykstra, Karlie Monsma, Amelia Tripp, and Rachel Van Gorp.

Queen Kuiper presented President Kibbie a package of the famous Pella Dutch pastries and invited the Senate chamber to attend the Tulip Time Festival in Pella on May 7, 8, and 9, 2009.

The Queen, her attendants, and their parents distributed pastries to the senators and staff.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House Concurrent Resolution 7](#).

House Concurrent Resolution 7

On motion of Senator Gronstal, [House Concurrent Resolution 7](#), a concurrent resolution relating to Pioneer Lawmakers, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of [House Concurrent Resolution 7](#), which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House Concurrent Resolution 7](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until 1:45 p.m.

RECONVENED

The Senate reconvened at 1:50 p.m., President Kibbie presiding.

COMMITTEE FROM THE HOUSE

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

The Senate proceeded to the House chamber, in accordance with [House Concurrent Resolution 7](#), in columns of two led by the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION
PIONEER LAWMAKERS

Sixtieth Biennial Session
House Chamber

In accordance with [House Concurrent Resolution 7](#), duly adopted, the joint convention was called to order at 2:00 p.m., President Kibbie presiding.

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

Senator Gronstal moved that a committee of eight be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed by a voice vote, and the President appointed as such committee Senators Dvorsky, Stewart, Noble, and Ward on the part of the Senate and Representatives Cohoon, Lensing, Wagner, and Deyoe on the part of the House.

The committee escorted the Pioneer Lawmakers to seats in the House chamber.

President Kibbie presented the Honorable Jeff Danielson, President Pro Tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Kibbie presented the Honorable Pat Murphy, Speaker of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House.

President Kibbie presented the Honorable Dennis Cohoon, member of the Senate and President of the Pioneer Lawmakers Association, who responded to the welcome.

Senator Connolly announced the following 1989 class of Pioneer Lawmakers: Mark Hagerla, Kay Hedge, Paul Pate, Elaine Szymoniak, Maggie Tinsman, Brad Banks, Bill Brand, Joel Brown, Dave Hibbard, Glenn Jesse, Robert Kistler, Jim Lykam, Dolores Mertz, Joyce Nielson, Mark Shearer, Greg Spenner, and Bill Trent.

Honorary members of the 2009 class were the following: Maynard Boatwright, Suki Cell, John Flannery, Marv Hollingshead, Joe Kelly, and Bill Krieg.

Representative Cohoon presented O. Kay Henderson, Radio Iowa reporter, who addressed the joint convention:

Thank you, Representative Cohoon.

Pioneer lawmakers, members of the 83rd General Assembly, legislative staff, clerks and guests. Thank you for your welcome.

Representative Cohoon cornered me back in the House lounge a few weeks ago about this speaking gig. I asked Representative Cohoon when this event would be held. He told me April 1st and you know what immediately ran through my mind.

Cohoon quickly assured me this is no April Fool's Day joke.

I then asked Representative Cohoon what he wanted the speech to be about. He said: "About 10 or 15 minutes...Just don't go on and on and on."

I don't plan to go on and on and on, but I am going to go back – all the way back to 1989.

It was a momentous year in world history and worthy of a little review.

- Apartheid was being ushered out in South Africa.
- Pro-democracy protesters in Tiananmen Square were beaten back by the communists – as many of us watched on television.
- The Berlin Wall came down.

Back on the home front:

- The first episodes of "Seinfeld" and "The Simpsons" aired in 1989.
- The Rolling Stones set out on their first "Steel Wheels" tour.
- The B-52s sang about a Love Shack.
- And Cher was suggesting we "Turn Back Time" – way before Senator Jack Kibbie ever suggested it.

Two decades ago, I was a 24-year-old statehouse reporter working for Radio Iowa. That may sound young, but let me remind you that two decades ago Representatives Pat Grassley and Matt Windschitl were in kindergarten.

These folks sitting in front of us today were among the newbies, the rookies, "The Class of 1989." They arrived at the statehouse on Monday, January 9 – dressed in their first-day-of-session clothes.

Democrats were in control. There were 61 Democrats in the House and 30 Democrats in the Senate.

Don Avenson of Oelwein was the House Speaker. Some called him "the lead sled dog." I sat in the Law Library this week, reading through the House and Senate Journals from 1989. I read Avenson's opening day speech and it occurred to me that Barack Obama may have read it, too. As you may recall, Obama said this in a speech to supporters last year: "We are the ones we've been waiting for."

Avenson had almost copyrighted the sentiment two decades earlier. Back in 1989, Avenson said: "We have met Iowa's leaders and they are us."

The list of legislation which cleared the 1989 legislature is long. The General Assembly voted to establish a state minimum wage that was higher than the national

minimum wage. Governor Terry Branstad surprised his fellow Republicans and signed it into law.

The 1989 Iowa Legislature established the Resource Enhancement and Protection Act – REAP. They really loved the environment, so much so that the House Rules were changed and Styrofoam cups were banned from the floor.

But the issue which received the most public attention that year was riverboat gambling. Yes, 1989 is the year the Iowa legislature voted to legalize gambling on boats that cruised the state's rivers. Governor Branstad signed the bill into law and the floating casinos opened their doors on April 1st, 1990.

But just a year earlier, in 1989, the riverboat gambling bill hit a lot of waves – and sunk a couple of times – before it made it through the House and Senate.

First, the House debated the bill for seven-and-a-half hours. The votes were cast. The bill failed. It soon resurfaced, though, and passed the House on a 51 to 47 vote.

A short while later in this precarious process, a group of reporters stood around Senator Wally Horn. Horn was the floor manger of the riverboat gambling bill. A reporter asked Horn if he had the votes to pass the bill.

Here is Horn's answer: "Well, I can tell you I've got 26 "yes" votes and 24 "no" votes – and two people are still undecided."

Horn may have been closer on that math that we thought, though, as when the bill first came up for debate in the senate, it failed.

Then, a senator from Wauke – a Methodist! – switched his vote and helped pass the bill.

But passing the bill wasn't easy even when the votes were there. It was a long debate, mainly due to the Herculean effort of Senator William Dieleman, a staunch gambling foe. At one point during debate in the wee hours of the morning, Senator Dick Drake of Muscatine yelled: "Point of order."

Drake had his foot up on his senate desk chair. His elbow was resting on his knee. He was sort of leaning over his microphone. Drake croaked into the microphone: "How long are you going to keep us here, Senator Dieleman?"

Dieleman kept on, but one local senator missed much of the floor show. Senator George Kinley, who lived on the south side of Des Moines, went home that night and got a good night's sleep. He got up early, showered and suited up. Kinley arrived back at the statehouse in the early morning light – fresh as a daisy and ready to vote for the riverboat gambling bill – when that vote finally came.

On another occasion – the old-timers around this place aren't quite sure it was in 1989, but it's a good story so I'm going to tell it – two Democratic staff members in the Iowa Senate had to go to church on a Sunday morning to round up a senator. The "yes" vote of Senator Joe Coleman of Fort Dodge was needed to pass one of the final bills pending in the session. Theresa Kehoe and Debbie O'Leary were dispatched by Senate Majority Leader Bill Hutchins to find Coleman and they did. They found Senator Coleman standing in the communion line at one of the Catholic churches in town. The two women grabbed Coleman by the elbows and steered him out of church and back here to the statehouse.

There's another story to tell, featuring John Connors. Connors was in the speaker's chair and it was near the end of the session. The House was voting on some long-forgotten bill and a legislator who ended up serving just the one term in the House was standing with his hand in the air, indicating he was voting yes. Connors motioned to Joe O'Hern, the chief clerk. "Who is that?" Connors asked. There were three legislators who looked an awful lot alike. O'Hern said he didn't know who it was. So, this is what Connors announced: "The gentleman in the back of the room votes aye."

There are a million stories to tell about this place and that year. The 1989 legislature dared to take on the "fourth rail" in Iowa politics: small schools.

Lawmakers passed an “open enrollment” bill which allowed parents to enroll their children in a neighboring school if they were unhappy with the district in which they lived. And legislators back in 1989 started the process of ending those “phantom students.” No, kids, that’s not a ghost story, but an honest-to-goodness term that was uttered almost as much as the phrase “federal deductibility” has been uttered here this year.

The 1989 legislature passed an increase in the gas tax. They passed a “comparable worth” bill which said women and men in state government should be paid the same salary when they’re doing the same job.

Because of my job, back in 1989 I got to sleep on the floor underneath the press bench here in the House. That’s because the House started its last “day” early on Friday morning and ended that “day” on Sunday.

In his closing remarks that year – on Sunday, May 7th, 1989 – House Speaker Don Avenson had a list of words to describe legislators’ work product: “Epic, trailblazing, foresighted, Ben Hurian, George Pattonish.”

Avenson went on to say he was always amazed that, in his words, “farmers, workers, lawyers, teachers and small business people can end up doing what (YOU) do every year. Coming from a hundred different locations and a hundred different family backgrounds,” in the end, Avenson said, the Iowa legislature always seems to end up with something of which they can be proud.

And I have now “ended up with something” that’s about 10 or 15 minutes long. Thank you for the kind invitation to speak with you today. From this member of “The Class of 1985” – best wishes to “The Class of 1989.”

Representative McCarthy moved that the joint convention be dissolved.

The motion prevailed by a voice vote.

The Senate returned to the Senate chamber.

RECESS

On motion of Senator Ragan, the Senate recessed at 3:15 p.m. until 4:30 p.m.

RECONVENED

The Senate reconvened at 4:32 p.m., President Kibbie presiding.

The Senate stood at ease at 4:33 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:05 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Olive asked and received unanimous consent to take up for consideration [Senate File 467](#).

[Senate File 467](#)

On motion of Senator Seng, [Senate File 467](#), a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, was taken up for consideration.

Senator Seng offered amendment [S-3172](#), filed by him from the floor to pages 5 and 13 and amending the title page of the bill.

Senator Bartz called for the following division of amendment [S-3172](#):

Division [S-3172A](#): Page 1, lines 2–17; and
Division [S-3172B](#): Page 1, lines 18–50 and Page 2, lines 1–38.

Senator Seng moved the adoption of division [S-3172A](#).

A record roll call was requested.

On the question “Shall division [S-3172A](#) be adopted?” ([S.F. 467](#)) the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 19:

Bartz	Hamerlinck	Kapucian	Seymour
Behn	Hancock	Kettering	Ward

Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun
Hahn	Johnson	Reynolds	

Absent, none.

Division [S-3172A](#) was adopted.

Senator Seng moved the adoption of division [S-3172B](#).

Division [S-3172B](#) was adopted by a voice vote.

Senator Sodders withdrew amendment [S-3171](#), filed by him from the floor to page 13 of the bill.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 467](#)), the vote was:

Yeas, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirnbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 467](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 458](#).

[Senate File 458](#)

On motion of Senator Wilhelm, [Senate File 458](#), a bill for an act authorizing cities to establish storm water drainage system utility districts for purposes of special assessments, was taken up for consideration.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 458](#)), the vote was:

Yeas, 32:

Appel	Dvorsky	Jochum	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Noble	Stewart
Danielson	Heckroth	Quirnbach	Ward
Dearden	Hogg	Ragan	Warnstadt
Dotzler	Horn	Rielly	Wilhelm

Nays, 18:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Wieck

Boettger	Hartsuch	McKinley	Zaun
Dandekar	Houser	Olive	
Feenstra	Johnson	Reynolds	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 687 and 311.

House File 687

On motion of Senator Schmitz, **House File 687**, a bill for an act relating to certain reporting requirements or actions required of the department of education, school districts, accredited nonpublic schools, and community colleges, with report of committee recommending passage, was taken up for consideration.

Senator Boettger offered amendment **S-3173**, filed by her from the floor to pages 1 and 3 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment **S-3173** be adopted?" (**H.F. 687**) the vote was:

Yeas, 19:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Warnstadt
Boettger	Houser	Noble	Wieck
Feenstra	Johnson	Reynolds	Zaun
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng

Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirnbach	Wilhelm
Dearden	Hogg	Ragan	

Absent, none.

Amendment [S-3173](#) lost.

Senator Ward offered amendment [S-3174](#), filed by her from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3174](#) be adopted?” ([H.F. 687](#)) the vote was:

Yeas, 22:

Appel	Hahn	Kettering	Seymour
Bartz	Hamerlinck	Kreiman	Ward
Behn	Hartsuch	McCoy	Wieck
Boettger	Houser	McKinley	Zaun
Dotzler	Johnson	Noble	
Feenstra	Kapucian	Reynolds	

Nays, 28:

Beall	Dvorsky	Horn	Schmitz
Black	Fraise	Jochum	Schoenjahn
Bolkcom	Gronstal	Kibbie	Seng
Courtney	Hancock	Olive	Sodders
Dandekar	Hatch	Quirnbach	Stewart
Danielson	Heckroth	Ragan	Warnstadt
Dearden	Hogg	Rielly	Wilhelm

Absent, none.

Amendment [S-3174](#) lost.

Senator Schmitz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 687](#)), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Johnson	Seng
Bolkcom	Gronstal	Kibbie	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirnbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Nays, 19:

Bartz	Hamerlinck	Kreiman	Seymour
Behn	Hartsuch	McCoy	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Kapucian	Noble	Zaun
Hahn	Kettering	Reynolds	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

[House File 311](#)

On motion of Senator Rielly, [House File 311](#), a bill for an act requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Rielly offered amendment [S-3124](#), filed by the committee on Commerce on March 19, 2009, to pages 1 and 2 of the bill, and moved its adoption.

Amendment [S-3124](#) was adopted by a voice vote.

Senator Rielly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 311](#)), the vote was:

Yeas, 40:

Appel	Dvorsky	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kibbie	Seng
Black	Hancock	Kreiman	Seymour
Bolkcom	Hatch	McCoy	Sodders
Courtney	Heckroth	Noble	Stewart
Dandekar	Hogg	Olive	Ward
Danielson	Horn	Quirnbach	Warnstadt
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Rielly	Zaun

Nays, 10:

Behn	Hahn	Kettering	Wieck
Boettger	Hamerlinck	McKinley	
Feenstra	Hartsuch	Reynolds	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 458](#) and **House Files 311** and **687** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Martin Stimson as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on February 10, 2009, found on page 276 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Seymour
Black	Hamerlinck	Kreiman	Sodders
Boettger	Hancock	McCoy	Stewart
Bolkcom	Hartsuch	McKinley	Ward
Courtney	Hatch	Noble	Warnstadt
Dandekar	Heckroth	Olive	Wieck
Danielson	Hogg	Quirnbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Judy Jeffrey as Director of the Department of Education, placed on the Individual Confirmation Calendar on March 25, 2009, found on page 849 of the Senate Journal.

Senator Schmitz moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 36:

Appel	Dotzler	Houser	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Johnson	Schoenjahn
Boettger	Gronstal	Kibbie	Seng
Bolkcom	Hancock	Kreiman	Seymour
Courtney	Hatch	McCoy	Sodders

Dandekar	Heckroth	Olive	Stewart
Danielson	Hogg	Quirnbach	Warnstadt
Dearden	Horn	Ragan	Wilhelm

Nays, 14:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Feenstra	Kapucian	Reynolds	
Hahn	Kettering	Ward	

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Eugene Ver Steeg as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on February 10, 2009, found on page 276 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Seymour
Black	Hamerlinck	Kreiman	Sodders
Boettger	Hancock	McCoy	Stewart
Bolkcom	Hartsuch	McKinley	Ward
Courtney	Hatch	Noble	Warnstadt
Dandekar	Heckroth	Olive	Wieck
Danielson	Hogg	Quirnbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Dale Cochran as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on March 30, 2009, found on page 892 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hancock	McCoy	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirnbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, 1:

Hamerlinck

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:16 p.m. until 8:45 a.m., Thursday, April 2, 2009.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF REVENUE

Iowa Historic Preservation and Cultural and Entertainment District Tax Credit Program Evaluation Study, pursuant to Iowa Code section 404A.5. Report received on March 31, 2009.

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: Wednesday, April 1, 2009, 1:30 p.m.

Members Present: Kreiman, Chair; Hogg, Vice Chair; Kettering, Ranking Member; Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun.

Members Absent: None.

Committee Business: Passed [HF 762](#).

Adjourned: 1:35 p.m.

TRANSPORTATION

Convened: Wednesday, April 1, 2009, 1:15 p.m.

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

Members Absent: Kapucian and Zaun (both excused).

Committee Business: Considered [HF 481](#).

Adjourned: 1:30 p.m.

VETERANS AFFAIRS

Convened: Wednesday, April 1, 2009, 1:05 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Sodders.

Members Absent: Wieck (excused).

Committee Business: Passed HF 321, 503, 505, and 706.

Adjourned: 1:15 p.m.

WAYS AND MEANS

Convened: Wednesday, April 1, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Passed [SF 116](#). Approved [SSB 1317](#).

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, March 31, 2009, 10:00 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; Fraise and Zaun.

Members Absent: None.

Committee Business: Voted on LSB 1005JA Justice System and LSB 1006JA Judicial Branch appropriation.

Adjourned: 12:10 p.m.

INTRODUCTION OF BILLS

[Senate File 468](#), by committee on Ways and Means, a bill for an act relating to the individual income tax by providing for reduced tax rates, the elimination of federal deductibility, increasing the credits for elderly and blind individuals, increasing the amount of the earned income tax credit, and adjusting the eligibility for the child and

dependent care tax credit and early childhood development tax credit and including a retroactive applicability date provision.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

[Senate File 469](#), by committee on Appropriations, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters.

Read first time under Rule 28 and **placed on Appropriations calendar.**

STUDY BILLS RECEIVED

[SSB 1322](#) **Appropriations**

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates.

[SSB 1323](#) **Appropriations**

Relating to and making appropriations to the judicial branch, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

[SSB 1322](#)

APPROPRIATIONS: Schoenjahn, Chair; Boettger and Dvorsky

[SSB 1323](#)

APPROPRIATIONS: Hancock, Chair; Dvorsky and Noble

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *[SENATE FILE 469 \(SSB 1318\)](#), a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 8: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, and Noble. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on [Senate File 469](#), and they were attached to the committee report.

JUDICIARY

Bill Title: [HOUSE FILE 762](#) (formerly [HF 470](#)), a bill for an act relating to reserve certified peace officers and training requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: [HOUSE FILE 481](#) (formerly [HF 77](#)), a bill for an act providing an excess weight allowance for special trucks hauling distillers grains.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, McCoy, Reynolds, and Warnstadt. Nays, none. Absent, 2: Kapucian and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: [HOUSE FILE 321 \(HSB 10\)](#), a bill for an act exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Beall, Warnstadt, Seymour, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Soddors. Nays, none. Absent, 2: Black and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 503 \(HSB 65\)](#), a bill for an act concerning the definition of veteran and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Soddors. Nays, none. Absent, 1: Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 505 \(HSB 129\)](#), a bill for an act requiring record checks for persons who are prospective or current volunteers for the Iowa veterans home.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Soddors. Nays, none. Absent, 1: Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 706](#) (formerly [HF 251](#)), a bill for an act relating to and publicizing mortgage foreclosure and real estate obligation protections for members of the national guard, and the reserve or regular component of the armed forces of the United States in active duty service, and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Soddors. Nays, none. Absent, 1: Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: [SENATE FILE 116](#), a bill for an act providing that the casual sales exemption under the state sales tax does not apply to the sales of all-terrain vehicles, snowmobiles, off-road motorcycles, and off-road utility vehicles.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Bolkcom, McCoy, Dandekar, Dotzler, Hogg, Jochum, Quirnbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 6: Zaun, Bartz, Feenstra, Hamerlinck, Houser, and Ward. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 468 \(SSB 1317\)](#), a bill for an act relating to the individual income tax by providing for reduced tax rates, the elimination of federal deductibility, increasing the credits for elderly and blind individuals, increasing the amount of the earned income tax credit, and adjusting the eligibility for the child and dependent care tax credit and early childhood development tax credit and including a retroactive applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Bolkcom, McCoy, Dandekar, Dotzler, Hogg, Jochum, Quirnbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 6: Zaun, Bartz, Feenstra, Hamerlinck, Houser, and Ward. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on [Senate File 468](#), and they were attached to the committee report.

AMENDMENTS FILED

S-3163	S.F. 186	House
S-3164	S.F. 254	House
S-3165	S.F. 291	House
S-3166	S.F. 339	House
S-3167	S.F. 436	House
S-3168	S.F. 441	House
S-3169	H.F. 671	Tom Hancock
S-3170	H.F. 580	Amanda Ragan
S-3171	S.F. 467	Steven J. Soddors
S-3172	S.F. 467	Joe M. Seng
S-3173	H.F. 687	Nancy Boettger
S-3174	H.F. 687	Pat Ward
S-3175	S.F. 465	Herman C. Quirnbach

JOINT MEMORIAL SERVICE
EIGHTY-THIRD GENERAL ASSEMBLY
SENATE CHAMBER
WEDNESDAY, APRIL 1, 2009

PROGRAM

Senator John P. Kibbie, Presiding

Prelude.....Ruth Cooperrider
“Precious Lord”.....Memorial Choir
Invocation.....Senate President John P. Kibbie

MEMORIALS

Readers: Senator Fraise, Senator Hogg, Senator Johnson,
Senator Beall

Hon. Benda (S)	Hon. Drake (S)	Hon. Larson (S)	Hon. Merritt (S)
Hon. Craft (S)	Hon. Ely, Jr. (S/H)	Hon. Lundby (S/H)	Hon. Norpel (S/H)
Hon. Doyle (S/H)	Hon. Gaudineer (S/H)	Hon. McCartney (S/H)	Hon. Nurse (S)
Hon. Vest (S)			

“Peace Like a River”.....Memorial Choir

MEMORIALS

Readers: Representative T. Taylor, Speaker Murphy,
Representative Pettengill, Representative Winckler,
Representative Drake

Hon. Bennett (H)	Hon. Corey (H)	Hon. Hanrahan (H)	Hon. Nagle (H)
Hon. Conn (H)	Hon. Dunlap (H)	Hon. Holmes (H)	Hon. Rex (H)
Hon. Connors (H)	Hon. Finch (H)	Hon. Lageschulte (H)	Hon. Thomson (H)

Responsorial Reading.....Led by Sen. Kibbie
“I’ll Fly Away”.....Memorial Choir

* Senate – (S) and House – (H)

IN MEMORIAM**SERVED IN THE SENATE**

Honorable Kenneth J. Benda (Poweshiek): 60th, 60th X, 61st, 62nd, 63rd General Assemblies (1963-1970)

Honorable Rolf Vaughn Craft (Winneshiok): 67th, 67th X, 68th, 69th, 69th X, 69th XX General Assemblies (1977-1982)

Honorable Thomas C. Larson (Taylor): 55th, 56th General Assemblies (1953-1956)

Honorable Milo H. Merritt (Mitchell): 66th, 67th, 67th X General Assemblies (1975-1978)

Honorable H. Kenneth Nurse (Harrison): 61st, 62nd General Assemblies (1965-1968)

Honorable Alan W. Vest (Sac): 54th, 55th, 56th, 57th General Assemblies (1951-1958)

SERVED IN THE SENATE AND THE HOUSE OF REPRESENTATIVES

Honorable Donald V. Doyle (Woodbury): 57th, 58th, 61st, 63rd, 64th, 65th, 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 72nd X, 72nd XX, 73rd General Assemblies (1957-1990)

Honorable Richard F. Drake (Muscatine): 63rd, 64th, 65th, 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 72nd X, 72nd XX, 73rd, 74th, 74th X, 74th XX, 75th, 76th, 77th, 78th, 79th, 79th X, 79th XX, 79th XXX, 79th XXXX, 80th, 80th X General Assemblies (1970-2004)

Honorable John M. Ely, Jr. (Linn): 59th, 60th, 60th X, 61st, 62nd General Assemblies (1961-1968)

Honorable Lee H. Gaudineer (Polk): 61st, 62nd, 63rd, 64th General Assemblies (1965-1972)

Honorable Mary Adelaide Lundby (Linn): 72nd, 72nd X, 72nd XX, 73rd, 74th, 74th X, 74th XX, 75th, 76th, 77th, 78th, 79th, 79th X, 79th XX, 79th XXX, 79th XXXX, 80th, 80th X, 80th XX, 81st, 81st X, 82nd General Assemblies (1987-2008)

Honorable Ralph F. McCartney (Floyd): 62nd, 63rd, 65th General Assemblies (1967-1974)

Honorable Richard J. Norpel (Jackson): 64th, 65th, 66th General Assemblies (1971-1976)

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable Vernon Bennett (Polk): 62nd, 63rd, 64th General Assemblies (1967-1972)

Honorable Blythe C. Conn (Des Moines): 56th General Assembly (1955-1956)

Honorable John H. Connors (Polk): 65th, 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 72nd X, 72nd XX, 73rd, 74th, 74th X, 74th XX, 75th, 76th, 77th, 78th, 79th, 79th X, 79th XX, 80th, 80th X, 80th XX General Assemblies (1973-2004)

Honorable Virgil Corey (Louisa): 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd General Assemblies (1979-1988)

Honorable Norman P. Dunlap (Story): 65th General Assembly (1973-1974)

Honorable Barbara A. Finch (Story): 79th, 79th X, 79th XX General Assemblies (2001-2002)

Honorable Raymond J. Hanrahan (Polk): 59th General Assembly (1961-1962)

Honorable John A. Holmes (Jones): 61st General Assembly (1965-1966)

Honorable Raymond A. Lageschulte (Bremer): 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 73rd, 74th, 75th General Assemblies (1975-1992)

Honorable Daniel L. Nagle (Scott): 61st General Assembly (1965-1966)

Honorable Clyde J. Rex (Hamilton): 63rd, 64th General Assemblies (1969-1972)

Honorable Rosemary Thomson (Linn): 76th, 77th, 78th General Assemblies (1995-2001)

Senate Memorial Committee

Senator Gene Fraise, Chair
 Senator Nancy Boettger
 Senator Wally Horn
 Senator Larry Noble
 Senator Becky Schmitz
 Senator Pat Ward

House Memorial Committee

Representative Vicki Lensing, Chair
 Representative Dave Deyoe
 Representative Dolores Mertz
 Representative Nick Wagner

Candlelighters

Senator Swati Dandekar
 Senator Larry Noble
 Representative Dolores Mertz
 Representative Renee Schulte

Hosts

Senator Nancy Boettger
 Senator Wally Horn
 Representative Ralph Watts
 Representative Dave Deyoe
 Representative Roger Wendt
 Representative Bruce Hunter
 Representative Mary Mascher
 Representative Mary Gaskill
 Representative Marcy Frevert
 Representative Nick Wagner

Host Helpers

Phyllis Peterson
 Dave Boettger