

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 24, 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

FORTY-FOURTH CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 24, 2009

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by Reverend Scott Lothe, pastor of the United Methodist Church in Marshalltown, Iowa. He was the guest of Senator Sodders.

The Journal of Monday, February 23, 2009, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:22 a.m. until 5:15 p.m.

APPENDIX—1

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Ambrose and Dorothy Roling, Preston—For celebrating their 65th wedding anniversary. Senator Hamerlinck (2/24/09).

REPORTS OF COMMITTEE MEETINGS

ENVIRONMENT AND ENERGY INDEPENDENCE

Convened: Tuesday, February 24, 2009, 3:05 p.m.

Members Present: Black, Chair; Hogg, Vice Chair; Behn, Ranking Member; Bolkcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm.

Members Absent: None.

Committee Business: Passed [SF 46](#), as amended, and [HF 281](#).

Adjourned: 3:15 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, February 19, 2009, 10:40 a.m.

Members Present: Olive, Chair; Courtney, Vice Chair; Ward, Ranking Member; Sodders and Wieck.

Members Absent: None.

Committee Business: Discussion with the Director of Criminal Investigation.

Adjourned: 11:05 a.m.

LABOR AND BUSINESS RELATIONS

Convened: Monday, February 16, 2009, 4:35 p.m.

Members Present: Courtney, Chair; Jochum, Vice Chair; Ward, Ranking Member; Dearden, Dotzler, Hatch, Horn, Houser, Wieck, and Zaun.

Members Absent: Gronstal (excused).

Committee Business: Approved governor's appointees. Presentation by Iowa Workforce Development.

Adjourned: 5:00 p.m.

NATURAL RESOURCES

Convened: Tuesday, February 17, 2009, 4:00 p.m.

Members Present: Dearden, Chair; Hancock, Vice Chair; Hahn, Ranking Member; Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, and Seng.

Members Absent: Schoenjahn (excused).

Committee Business: Approved [SSB 1174](#).

Adjourned: 4:15 p.m.

REBUILD IOWA

Convened: Tuesday, February 24, 2009, 1:10 p.m.

Members Present: Hogg, Chair; Heckroth, Vice Chair; Hamerlinck, Ranking Member; Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart.

Members Absent: None.

Committee Business: Presentations by nonprofit organizations.

Adjourned: 2:00 p.m.

STATE GOVERNMENT

Convened: Monday, February 23, 2009, 3:05 p.m.

Members Present: Appel, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck.

Members Absent: None.

Committee Business: Passed [SF 61](#) without recommendation and passed [SF 90](#). Approved SSBs 1102 and 1130 without recommendation and approved [SSB 1128](#).

Adjourned: 4:00 p.m.

VETERANS AFFAIRS

Convened: Tuesday, February 17, 2009, 1:05 p.m.

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

Members Absent: Seymour, Ranking Member (excused).

Committee Business: Presentation by the Gold Star Museum. Approved [SSB 1148](#).

Adjourned: 1:45 p.m.

ALSO:

Convened: Tuesday, February 24, 2009, 1:05 p.m.

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

Members Absent: Black and Danielson (both excused).

Committee Business: Passed [SF 86](#), as amended. Approved SSBs 1005, as amended, and 1169.

Adjourned: 1:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, February 12, 2009, 10:20 a.m.

Members Present: Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; Houser and Wilhelm.

Members Absent: None.

Committee Business: Presentation by the U.S. Department of Agriculture.

Adjourned: 11:10 a.m.

ALSO:

Convened: Tuesday, February 24, 2009, 10:15 a.m.

Members Present: Seng, Chair; Hahn, Ranking Member; Houser and Wilhelm.

Members Absent: Black, Vice Chair (excused).

Committee Business: Presentation by the Iowa State University College of Veterinary Medicine.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, February 12, 2009, 10:20 a.m.

Members Present: Dotzler, Chair; Heckroth, Vice Chair; Kapucian, Ranking Member; Dandekar and Reynolds.

Members Absent: None.

Committee Business: Presentation by the Department of Economic Development.

Adjourned: 11:20 a.m.

ALSO:

Convened: Tuesday, February 17, 2009, 10:10 a.m.

Members Present: Dotzler, Chair; Heckroth, Vice Chair; Kapucian, Ranking Member; Dandekar and Reynolds.

Members Absent: None.

Committee Business: Presentations by the Department of Cultural Affairs and the Public Employment Relations Board.

Adjourned: 11:00 a.m.

ALSO:

Convened: Thursday, February 19, 2009, 10:35 a.m.

Members Present: Dotzler, Chair; Heckroth, Vice Chair; Kapucian, Ranking Member; Dandekar and Reynolds.

Members Absent: None.

Committee Business: Presentation by the University of Northern Iowa on the effects of the governor's budget recommendations for FY 2009 and FY 2010.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, February 24, 2009, 10:10 a.m.

Members Present: Schoenjahn, Chair; Quirnbach, Vice Chair; Boettger, Ranking Member; Feenstra and Horn.

Members Absent: None.

Committee Business: Presentations by the Department for the Blind and Iowa Vocational Rehabilitation Services.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, February 12, 2009, 10:20 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; and Schmitz.

Members Absent: Hartsuch (excused).

Committee Business: Presentations by the Department of Human Services and the Department of Elder Affairs.

Adjourned: 11:25 a.m.

ALSO:

Convened: Tuesday, February 24, 2009, 10:10 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Hartsuch and Schmitz.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Federal stimulus updates from the Department of Human Services, the Department of Public Health, and the Department of Elder Affairs.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, February 24, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Questions and answers with the State Court Administrator.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Thursday, February 12, 2009, 10:10 a.m.

Members Present: Seymour, Ranking Member; Beall and Hamerlinck.

Members Absent: McCoy, Chair; and Warnstadt, Vice Chair (both excused).

Committee Business: Presentations by the Des Moines Area Regional Transit Authority and the Department of Commerce.

Adjourned: 11:10 a.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 5, by committee on Judiciary, a joint resolution proposing an amendment to the Constitution of the State of Iowa eliminating a requirement that a criminal offense, where the maximum permissible penalty does not exceed thirty days of imprisonment, be prosecuted on information under oath.

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

INTRODUCTION OF BILLS

[Senate File 219](#), by Johnson, a bill for an act abolishing county compensation boards.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 220](#), by Bolkcom, a bill for an act relating to lead wheel weights and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Environment and Energy Independence**.

[Senate File 221](#), by Kreiman, a bill for an act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 222](#), by Danielson, a bill for an act relating to the state building code and local building regulations by requiring certain newly constructed residential buildings to include a storm shelter.

Read first time under Rule 28 and referred to committee on **Rebuild Iowa**.

[Senate File 223](#), by Danielson, a bill for an act providing an income tax credit for certain contributions to postsecondary education institutions and including a retroactive applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 224](#), by committee on State Government, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

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

[Senate File 225](#), by committee on State Government, a bill for an act allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system.

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

[Senate File 226](#), by committee on State Government a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters.

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

[Senate File 227](#), by committee on State Government, a bill for an act relating to an agreement among the states to elect the president by national popular vote and providing an effective date.

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

[Senate File 228](#), by Beall, a bill for an act relating to the construction and maintenance of walkways in rail yards and providing a penalty.

Read first time under Rule 28 and referred to committee on **Transportation**.

[Senate File 229](#), by committee on Judiciary, a bill for an act relating to elections or appointments to a county magistrate appointing commission.

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

[Senate File 230](#), by Seymour, a bill for an act relating to rules applicable to sanitary disposal projects.

Read first time under Rule 28 and referred to committee on **Environment and Energy Independence**.

[Senate File 231](#), by committee on Human Resources, a bill for an act relating to reimbursing nonparticipating providers under the IowaCare program and creating a nonparticipating provider reimbursement fund.

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

STUDY BILLS RECEIVED

[SSB 1248](#) **Rebuild Iowa**

Relating to home improvement contractor surety bonds.

[SSB 1249](#) **Commerce**

Relating to acceptance and recognition of the national criminal history record check required of applicants for certain real estate licenses.

[SSB 1250](#) **Commerce**

Providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date.

[SSB 1251](#) **Economic Growth**

Relating to the availability of and eligibility for investment tax credits, eliminating the venture capital investment tax credit, and including retroactive applicability and other applicability date provisions.

[SSB 1252](#) **State Government**

Establishing a special wine festival permit and providing a fee.

[SSB 1253](#) **Judiciary**

Relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, public intoxication testing, operating a vehicle, motorboat, or sailboat while intoxicated testing, interception of

communications, and peace officers acting with federal agents, and providing penalties.

[SSB 1254](#) Environment and Energy Independence

Providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment, and providing an effective date.

[SSB 1255](#) Human Resources

Requiring a circulating nurse to be present in operating rooms during surgical procedures and providing an effective date.

[SSB 1256](#) Rebuild Iowa

Providing for the establishment of a municipal energy enterprise under specified circumstances.

[SSB 1257](#) Commerce

Concerning tax-sheltered investment contracts and including an effective date.

[SSB 1258](#) Commerce

Concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 18](#)

TRANSPORTATION: Dandekar, Chair; Hancock and Reynolds

[Senate File 59](#)

TRANSPORTATION: Hancock, Chair; Dandekar and Hahn

[Senate File 68](#)

TRANSPORTATION: Hancock, Chair; Dandekar and Noble

[Senate File 201](#)

JUDICIARY: Kreiman, Chair; Fraise and Kettering

[Senate File 202](#)

HUMAN RESOURCES: Bolkcom, Chair; Bartz and Hatch

[Senate File 211](#)

WAYS AND MEANS: Seng, Chair; Quirnbach and Zaun

[Senate File 213](#)

HUMAN RESOURCES: Hatch, Chair; Bartz and Bolkcom

[Senate File 214](#)

WAYS AND MEANS: Hogg, Chair; Houser and Wilhelm

[Senate File 219](#)

LOCAL GOVERNMENT: Quirnbach, Chair; Houser and Rielly

[Senate File 220](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Stewart, Chair; Hancock and Reynolds

[Senate File 222](#)

REBUILD IOWA: Heckroth, Chair; Appel and Feenstra

[SSB 1248](#)

REBUILD IOWA: Dandekar, Chair; Hamerlinck and Stewart

[SSB 1249](#)

COMMERCE: Warnstadt, Chair; Behn and Heckroth

[SSB 1250](#)

COMMERCE: Heckroth, Chair; Dandekar and Wieck

[SSB 1251](#)

ECONOMIC GROWTH: Beall, Chair; Houser and Wilhelm

[SSB 1252](#)

STATE GOVERNMENT: Black, Chair; Dearden and Seymour

[SSB 1253](#)

JUDICIARY: Fraise, Chair; Kreiman and Noble

[SSB 1254](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Rielly and Reynolds

[SSB 1255](#)

HUMAN RESOURCES: Bolkcom, Chair; Hartsuch and Wilhelm

[SSB 1256](#)

REBUILD IOWA: Hogg, Chair; Dvorsky and Hamerlinck

[SSB 1257](#)

COMMERCE: Olive, Chair; Courtney and Ward

[SSB 1258](#)

COMMERCE: Dandekar, Chair; Behn and Rielly

FINAL COMMITTEE REPORTS OF BILL ACTION

ENVIRONMENT AND ENERGY INDEPENDENCE

Bill Title: [SENATE FILE 175](#), a bill for an act relating to a sales and use tax exemption on environmental test laboratory services.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Black, Hogg, Behn, Bolkcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 281](#) ([HSB 123](#)), a bill for an act relating to the administration of the Iowa water pollution control works and drinking water facilities financing program.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Black, Hogg, Behn, Bolkcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: *[SENATE FILE 231](#) (formerly [SF 38](#)), a bill for an act relating to reimbursing nonparticipating providers under the IowaCare program and creating a nonparticipating provider reimbursement fund.

Recommendation: APPROVED COMMITTEE BILL.

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.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on [Senate File 231](#), and they were attached to the committee report.

JUDICIARY

Bill Title: *[SENATE JOINT RESOLUTION 5 \(SSB 1081\)](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa eliminating a requirement that a criminal offense, where the maximum permissible penalty does not exceed thirty days of imprisonment, be prosecuted on information under oath.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate Joint Resolution 5](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 229 \(SSB 1098\)](#), a bill for an act relating to elections or appointments to a county magistrate appointing commission.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 229](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: [SENATE FILE 224 \(SSB 1102\)](#), or an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10 Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, and Sodders. Nays, 5: Feenstra, Behn, Hartsuch, Seymour, and Wieck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 225](#) (formerly [SF 90](#)), a bill for an act allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 226](#) (formerly [SF 61](#)), a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 227 \(SSB 1128\)](#), a bill for an act relating to an agreement among the states to elect the president by national popular vote and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Appel, Kibbie, Courtney, Danielson, Dearden, Hatch, Jochum, and Sodders. Nays, 7: Feenstra, Behn, Black, Hartsuch, Horn, Seymour, and Wieck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EVENING SESSION

The Senate reconvened at 5:28 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED

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 February 24, 2009, **adopted** the following resolution in which the concurrence of the House was asked:

[Senate Concurrent Resolution 2](#), a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-third general assembly.

The Senate stood at ease at 5:30 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 6:07 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 218, 217, and 151.

[Senate File 218](#)

On motion of Senator Schmitz, [Senate File 218](#), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

Senator Bartz offered amendment [S-3031](#), filed by him from the floor to page 1 of the bill.

Senator Gronstal raised the point of order that amendment [S-3031](#) was not germane to the bill and was out of order because it violates Iowa Code section 257.8(1), which restricts the subject matter of this bill.

The Chair ruled the point well-taken, amendment [S-3031](#) did not comply with the statutory restriction and therefore was out of order.

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. 218](#)), 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 was agreed to.

[Senate File 217](#)

On motion of Senator Schmitz, [Senate File 217](#), a bill for an act providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

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. 217](#)), 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 was agreed to.

[Senate File 151](#)

On motion of Senator Danielson, [Senate File 151](#), a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund, was taken up for consideration.

Senator Danielson offered amendment [S-3027](#), filed by Senator Rielly, et al., from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment [S-3027](#) was adopted by a voice vote.

Senator Danielson 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. 151](#)), 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.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 151, 217, and 218** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:43 p.m. until 9:00 a.m., Wednesday, February 25, 2009.

APPENDIX—2

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Marilyn Reyes, Davenport—For celebrating her 90th birthday. Senator Seng (2/24/09).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, February 24, 2009, 5:05 p.m.

Members Present: Warnstadt, Chair; Heckroth, Vice Chair; Wieck, Ranking Member; Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward.

Members Absent: None.

Committee Business: Passed [SF 63](#). Approved governor's appointee.

Adjourned: 5:20 p.m.

ECONOMIC GROWTH

Convened: Tuesday, February 24, 2009, 4:10 p.m.

Members Present: Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm.

Members Absent: None.

Committee Business: Approved [SSB 1087](#), as amended. Presentation by Iowa State University Research and Economic Development.

Adjourned: 4:55 p.m.

NATURAL RESOURCES

Convened: Tuesday, February 24, 2009, 4:05 p.m.

Members Present: Dearden, Chair; Hancock, Vice Chair; Hahn, Ranking Member; Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng.

Members Absent: None.

Committee Business: Presentation by the Deer Advisory Committee.

Adjourned: 4:35 p.m.

INTRODUCTION OF RESOLUTION

[Senate Joint Resolution 6](#), by Zaun, Ward, Reynolds, Kapucian, Behn, McKinley, Kettering, Johnson, Wieck, and Feenstra, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the sessions of the General Assembly.

Read first time under Rule 28 and referred to committee on **State Government**.

INTRODUCTION OF BILLS

[Senate File 232](#), by Zaun, Ward, Reynolds, Kapucian, Behn, McKinley, Kettering, Johnson, Bartz, Hartsuch, Seymour, Hamerlinck, Boettger, Wieck, Feenstra, and Hahn, a bill for an act requiring drug testing for persons applying or receiving state assistance.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 233](#), by Johnson, Zaun, Feenstra, Boettger, Behn, Kettering, Reynolds, Kapucian, Seymour, and Wieck, a bill for an act relating to the determination of when life begins and acknowledging the rights, privileges, and immunities of an unborn child.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 234](#), by Johnson, Bartz, Kettering, McKinley, Behn, Kapucian, Reynolds, Seymour, Wieck, Hamerlinck, and Boettger, a bill for an act establishing a resident pheasant hunting season on certain public lands and providing a penalty.

Read first time under Rule 28 and referred to committee on **Natural Resources**.

[Senate File 235](#), by Hancock, a bill for an act providing for the powers and duties of the Iowa soybean association's board of directors.

Read first time under Rule 28 and referred to committee on **Agriculture**.

[Senate File 236](#), by committee on Human Resources, a bill for an act relating to psychiatric medical institution for children services and providing an effective date.

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

[Senate File 237](#), by committee on Judiciary, a bill for an act relating to pseudoephedrine product sales by pharmacies and retailers, and providing penalties and contingent applicability.

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

[Senate File 238](#), by Kibbie, a bill for an act relating to the sale of energy by specified alternate energy production facilities and the rates applicable to such sales.

Read first time under Rule 28 and referred to committee on **Environment and Energy Independence**.

[Senate File 239](#), by Warnstadt, a bill for an act relating to the ballots used for voting at the commissioner's office or at a satellite absentee voting station.

Read first time under Rule 28 and referred to committee on **State Government**.

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: *[SENATE FILE 236 \(SSB 1200\)](#), a bill for an act relating to psychiatric medical institution for children services and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. 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 Human Resources Committee on [Senate File 236](#), and they were attached to the committee report.

JUDICIARY

Bill Title: *[SENATE FILE 237](#) (formerly [SF 104](#)), a bill for an act relating to pseudoephedrine product sales by pharmacies and retailers, and providing penalties and contingent applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun. Nays, 1: Quirmbach. 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 Judiciary Committee on [Senate File 237](#), and they were attached to the committee report.

BILL 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 bill has 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 24th day of February, 2009:

[Senate File 82](#).

MICHAEL E. MARSHALL
Secretary of the Senate

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 24, 2009, to investigate the appointment and reappointment of the following appointees:

COMMERCE

As the Commissioner of Insurance:

SUSAN E. VOSS – Warnstadt, Chair; Heckroth and Wieck

LABOR AND BUSINESS RELATIONS

As the Commissioner of Workers' Compensation:

CHRISTOPHER GODFREY – Courtney, Chair; Dearden and Ward

STATE GOVERNMENT

As the Chief Executive Officer of the Iowa Lottery Authority:

TERRY RICH – Horn, Chair; Black and Seymour

WAYS AND MEANS

As the Executive Director of the Iowa Finance Authority:

BRET MILLS – Dotzler, Chair; Dandekar and Feenstra

VETERANS AFFAIRS

As the Adjutant General of the State of Iowa:

TIMOTHY ORR – Beall, Chair; Kibbie and Seymour

**GOVERNOR'S APPOINTEE PLACED ON
EN BLOC CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

COMMERCE

Susan E. Voss – Commissioner of Insurance

AMENDMENTS FILED

| | | |
|-------------------------------|---------------------------------|-------------------|
| <u>S-3026</u> | <u>S.F. 49</u> | John P. Kibbie |
| <u>S-3027</u> | <u>S.F. 151</u> | Tom Rielly |
| | | Daryl Beall |
| | | Swati A. Dandekar |
| | | Jeff Danielson |
| <u>S-3028</u> | <u>S.F. 117</u> | Gene Fraise |
| <u>S-3029</u> | <u>S.F. 117</u> | Merlin Bartz |
| <u>S-3030</u> | <u>S.F. 117</u> | Matt McCoy |
| <u>S-3031</u> | <u>S.F. 218</u> | Merlin Bartz |
| <u>S-3032</u> | <u>S.F. 81</u> | David Johnson |

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|---------------|-------------|------------|------------------|
| <u>S-3033</u> | <u>S.F.</u> | <u>81</u> | David Johnson |
| <u>S-3034</u> | <u>S.F.</u> | <u>81</u> | David Johnson |
| <u>S-3035</u> | <u>S.F.</u> | <u>81</u> | David Johnson |
| <u>S-3036</u> | <u>S.F.</u> | <u>117</u> | Kim Reynolds |
| <u>S-3037</u> | <u>S.F.</u> | <u>118</u> | Keith A. Kreiman |