

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 3, 2009

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JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 3, 2009

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Father Walter Helms, pastor of the St. Thomas More Catholic Church in Iowa City, Iowa. He was the guest of Senator Dvorsky.

The Journal of Monday, March 2, 2009, was approved.

SPECIAL GUESTS

Senator Beall introduced to the Senate chamber the Consul General of Canada, Martin Loken, accompanied by the Honorary Consul General, Roger Lande from Muscatine, Iowa.

Consul General Loken addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:03 a.m. until 8:45 a.m., Wednesday, March 4, 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:

TOBACCO SETTLEMENT AUTHORITY

TSA Annual Report for FY 2008, pursuant to Iowa Code section 12E.15. Report received on March 3, 2009.

CERTIFICATE OF RECOGNITION

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

His Excellency Martin Loken, Consul General of Canada—Recognizing him as a distinguished guest of the people of Iowa, thanking him for his address to the Senate, and proclaiming him an Honorary Iowan. Senator Beall (3/3/09).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, March 3, 2009, 12:05 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

Members Absent: None.

Committee Business: Passed [HF 414](#).

Adjourned: 12:40 p.m.

JUDICIARY

Convened: Monday, March 2, 2009, 5:05 p.m.

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

Members Absent: None

Committee Business: Approved SSBs 1026, 1137, and 1202.

Adjourned: 5:45 p.m.

REBUILD IOWA

Convened: Tuesday, March 3, 2009, 1:05 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: Discussed SSBs 1239, 1259, and 1270.

Adjourned: 1:55 p.m.

TRANSPORTATION

Convened: Monday, March 2, 2009, 3:05 p.m.

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

Members Absent: McCoy (excused).

Committee Business: Presentation by the Department of Transportation.

Adjourned: 4:05 p.m.

VETERANS AFFAIRS

Convened: Tuesday, March 3, 2009, 1:05 p.m.

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

Members Absent: None.

Committee Business: Passed [SF 250](#). Presentation by the State Public Policy Group.

Adjourned: 1:45 p.m.

WAYS AND MEANS

Convened: Tuesday, March 3, 2009, 2:05 p.m.

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

Members Absent: None.

Committee Business: Approved [SSB 1134](#). Presentation by the Legislative Services Agency.

Adjourned: 2:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, March 3, 2009, 10:20 a.m.

Members Present: Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; Behn and Kreiman.

Members Absent: None.

Committee Business: Presentation by the Rebuild Iowa Office.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

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

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

Members Absent: None.

Committee Business: Presentations by Iowa State University, the Institute for Physical Research and Technology, the Iowa Small Business Development Program, and the Grow Iowa Values Fund.

Adjourned: 11:20 a.m.

ALSO:

Convened: Thursday, February 26, 2009, 10:20 a.m.

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

Members Absent: None.

Committee Business: Presentations by the University of Iowa.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, March 3, 2009, 10:20 a.m.

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

Members Absent: None.

Committee Business: Presentations by the University of Iowa, Iowa State University, the University of Northern Iowa, the Iowa School for the Deaf, and the Iowa Braille and Sight Saving School.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, March 3, 2009, 10:20 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Nursing Facility Accountability Measures Workgroup.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, March 3, 2009, 10:20 a.m.

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

Members Absent: Hogg, Vice Chair (excused).

Committee Business: Discussed the justice system budget.

Adjourned: 10:40 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE AND CAPITALS**

Convened: Tuesday, March 3, 2009, 10:20 a.m.

Members Present: McCoy, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Beall and Hamerlinck.

Members Absent: None.

Committee Business: Discussed LSB 1008JA.501 and draft of DOT appropriations bill.

Adjourned: 11:00 a.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 13](#), by Hatch, Horn, Bolkcom, Ragan, McCoy, Appel, Danielson, Quirnbach, Jochum, Olive, Schoenjahn, Heckroth, Beall, Soddors, Schmitz, Dotzler, Gronstal, Dvorsky, Warnstadt, Wilhelm, Seng, Dearden, Black, Stewart, Courtney, Kibbie, Fraise, Kreiman, Hogg, and Dandekar, a resolution encouraging a federal state collaboration to achieve quality, affordable health care for all.

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

INTRODUCTION OF BILLS

[Senate File 306](#), by Kettering, a bill for an act increasing the speed limit on certain primary roads.

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

[Senate File 307](#), by Kibbie, a bill for an act regulating animal feeding operations, and making penalties applicable.

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

[Senate File 308](#), by Kibbie, a bill for an act relating to the regulation of animal feeding operations, and providing for penalties.

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

[Senate File 309](#), by committee on Economic Growth, a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs.

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

[Senate File 310](#), by committee on Rebuild Iowa, a bill for an act creating a disaster assistance loan and credit guarantee program and fund, making appropriations, and providing an effective date.

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

[Senate File 311](#), by committee on Commerce, a bill for an act relating to the regulation of the business of debt management and making penalties applicable.

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

[Senate File 312](#), by Bolckcom, a bill for an act relating to radon information disclosures in residential real property transactions and making a penalty applicable.

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

STUDY BILL RECEIVED

[SSB 1281](#) **Commerce**

Establishing an energy independence transmission franchise process which may be used under specified circumstances.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 230](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Reynolds, Chair; Black and Bolkcom

[Senate File 259](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Bolkcom, Chair; Hartsuch and Hogg

[Senate File 272](#)

TRANSPORTATION: Kapucian, Chair; Danielson and Hancock

[Senate File 294](#)

TRANSPORTATION: Beall, Chair; Heckroth and Kapucian

[Senate File 300](#)

LOCAL GOVERNMENT: McCoy, Chair; Hamerlinck and Rielly

[Senate File 303](#)

STATE GOVERNMENT: Soddors, Chair; Behn and Jochum

[Senate File 307](#)

AGRICULTURE: Kibbie, Chair; Kapucian and Olive

[Senate File 308](#)

AGRICULTURE: Kibbie, Chair; Kapucian and Olive

[SSB 1281](#)

COMMERCE: Dandekar, Chair; Heckroth and Wieck

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: [HOUSE FILE 414 \(HSB 212\)](#), a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions.

Recommendation: DO PASS.

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.

COMMERCE

Bill Title: *[SENATE FILE 311 \(SSB 1163\)](#), a bill for an act relating to the regulation of the business of debt management and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. 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 Commerce Committee on [Senate File 311](#), and they were attached to the committee report.

ECONOMIC GROWTH

Bill Title: *[SENATE FILE 309 \(SSB 1086\)](#), a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm. Nays, none. Absent, 1: Hatch.

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 Economic Growth Committee on [Senate File 309](#), and they were attached to the committee report.

REBUILD IOWA

Bill Title: *[SENATE FILE 310 \(SSB 1100\)](#), a bill for an act creating a disaster assistance loan and credit guarantee program and fund, making appropriations, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart. 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 Rebuild Iowa Committee on [Senate File 310](#), and they were attached to the committee report.

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 3rd day of March, 2009:

Senate Files 51, 52, and 101.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-3053	S.F. 187	Merlin Bartz
S-3054	S.F. 282	David Johnson