

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 5, 2009

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JOURNAL OF THE SENATE

FIFTY-THIRD CALENDAR DAY
THIRTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 5, 2009

The Senate met in regular session at 8:46 a.m., President Kibbie presiding.

Prayer was offered by Bishop Richard Pates of the Des Moines Diocese of the Catholic Church in Des Moines, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, March 4, 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 4, 2009, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 177](#), a bill for an act relating to requirements for school districts providing transportation to students participating in open enrollment.

[Senate File 204](#), a bill for an act relating to the department of elder affairs and services provided to older Iowans.

ALSO: That the House has on March 4, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 381](#), a bill for an act relating to the practice of pharmacy by establishing a registration program for pharmacy support persons and regulating the internet sale of prescription products, including a program of registration of pharmacy internet

sites, making penalties applicable, and establishing a general definition for the term “internet site”.

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

SPECIAL GUESTS

Senator Beall introduced to the Senate chamber the Consul General of Thailand, Narong Sasitorn, accompanied by his wife, Chantana. Senator Beall, along with the International Relations committee, presented them with gifts.

Consul General Sasitorn addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 13](#).

[Senate Resolution 13](#)

On motion of Senator Hatch, [Senate Resolution 13](#), a resolution encouraging a federal state collaboration to achieve quality, affordable health care for all, with report of committee recommending passage, was taken up for consideration.

Senator Hatch moved the adoption of [Senate Resolution 13](#), which motion prevailed by a voice vote.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:11 a.m. until 3:00 p.m.

APPENDIX—1**REPORTS OF COMMITTEE MEETINGS****ENVIRONMENT AND ENERGY INDEPENDENCE**

Convened: Thursday, March 5, 2009, 12:20 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 172](#), as amended, and approved SSBs 1262 and 1273, both as amended.

Adjourned: 12:50 p.m.

JUDICIARY

Convened: Wednesday, March 4, 2009, 4:05 p.m.

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

Members Absent: Soddors (excused).

Committee Business: Passed [SF 221](#) and approved SSBs 1216, 1244, 1253, and 1287.

Adjourned: 4:50 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, March 5, 2009, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Iowa Public Employees Retirement System.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, March 5, 2009, 10:25 a.m.

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

Members Absent: Quirnbach, Vice Chair; and Feenstra (both excused).

Committee Business: Presentation by the State Library, the Cedar Rapids Community School District, and the Iowa State Education Association.

Adjourned: 11:45 a.m.

INTRODUCTION OF BILLS

[Senate File 333](#), by Hahn, a bill for an act enhancing the criminal penalty for committing an assault to further the commission of a theft from a retailer.

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

[Senate File 334](#), by Gronstal, a bill for an act relating to the legislative committees charged with providing government oversight.

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

[Senate File 335](#), by Seymour, a bill for an act relating to permit fees for the diversion, storage, and withdrawal of water.

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

[Senate File 336](#), by committee on Rebuild Iowa, a bill for an act providing for waivers of certain community attraction and tourism program requirements and including an effective date provision.

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

[Senate File 337](#), by Zaun, Johnson, Kettering, Hamerlinck, Reynolds, Ward, Seymour, Noble, Houser, Hahn, Behn, Boettger, Feenstra McKinley, Wieck, Bartz, Hartsuch, and Kapucian, a bill for an act relating to public employers providing office space to employee organizations.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

[Senate File 338](#), by committee on Natural Resources, a bill for an act establishing an upland game bird study advisory committee, establishing the deer study advisory committee, and providing an immediate effective date.

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

[Senate File 339](#), by committee on Environment and Energy Independence, a bill for an act relating to wastewater treatment.

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

[Senate File 340](#), by committee on Judiciary, a bill for an act relating to the federal Adam Walsh Child Protection and Safety Act.

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

[Senate File 341](#), by committee on State Government, a bill for an act requiring that a person assisting another person with a disability by controlling an assistive animal be allowed to accompany the person with the disability and the assistive animal.

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

[Senate File 342](#), by committee on Agriculture, 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 **placed on calendar**.

[Senate File 343](#), by committee on Local Government, a bill for an act relating to local regulation of certain lawn applications.

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

SUBCOMMITTEE ASSIGNMENTS

[Senate File 206](#)

WAYS AND MEANS: Dotzler, Chair; Jochum and Zaun

[Senate File 317](#)

COMMERCE: Rielly, Chair; Hartsuch and Warnstadt

[Senate File 323](#)

HUMAN RESOURCES: Kreiman, Chair; Hartsuch and Ragan

[Senate File 324](#)

TRANSPORTATION: Hancock, Chair; Dandekar and Reynolds

[Senate File 325](#)

WAYS AND MEANS: Bolkcom, Chair; Hamerlinck and Quirnbach

[Senate File 327](#)

LOCAL GOVERNMENT: Beall, Chair; Houser and McCoy

[Senate File 329](#)

STATE GOVERNMENT: Horn, Chair; Feenstra and Hatch

[Senate File 330](#)

STATE GOVERNMENT: Horn, Chair; Hatch and Seymour

[Senate File 332](#)

COMMERCE: Heckroth, Chair; Behn and Warnstadt

[House File 381](#)

HUMAN RESOURCES: Kreiman, Chair; Hartsuch and Hatch

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: [SENATE FILE 342](#) (formerly [SF 235](#)), a bill for an act providing for the powers and duties of the Iowa soybean association's board of directors.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Fraise, Olive, Johnson, Appel, Behn, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, Seng, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ENVIRONMENT AND ENERGY INDEPENDENCE

Bill Title: *[SENATE FILE 339](#) ([SSB 1234](#)), a bill for an act relating to wastewater treatment.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Black, Hogg, Behn, Bolcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, 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 Environment and Energy Independence Committee on [Senate File 339](#), and they were attached to the committee report.

JUDICIARY

Bill Title: [SENATE FILE 340](#) ([SSB 1287](#)), a bill for an act relating to the federal Adam Walsh Child Protection and Safety Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Sodders.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: *[SENATE FILE 343](#) ([SSB 1213](#)), a bill for an act relating to local regulation of certain lawn applications.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Quirmbach, Beall, Kapucian, Kreiman, Olive, Rielly, and Schoenjahn. Nays, 3: Reynolds, Hamerlinck, and Houser. Absent, 1: McCoy.

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 Local Government Committee on [Senate File 343](#), and they were attached to the committee report.

NATURAL RESOURCES

Bill Title: *[SENATE FILE 338 \(SSB 1235\)](#), a bill for an act establishing an upland game bird study advisory committee, establishing the deer study advisory committee, and providing an immediate effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dearden, Hancock, Hahn, Bartz, Black, Bolkom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng. 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 Natural Resources Committee on [Senate File 338](#), and they were attached to the committee report.

REBUILD IOWA

Bill Title: *[SENATE FILE 336 \(SSB 1259\)](#), a bill for an act providing for waivers of certain community attraction and tourism program requirements and including an effective date provision.

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 336](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: [SENATE FILE 341](#) (formerly [SF 247](#)), a bill for an act requiring that a person assisting another person with a disability by controlling an assistive animal be allowed to accompany the person with the disability and the assistive animal.

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.

AFTERNOON SESSION

The Senate reconvened at 2:59 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 5, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 321, 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.

Read first time and referred to committee on **Veterans Affairs**.

The Senate stood at ease at 3:00 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:38 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser, Johnson, McKinley, and Zaun, until they return, on request of Senator Kettering.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 241, 236, 229, and 231.

Senate File 241

On motion of Senator Beall, **Senate File 241**, a bill for an act correcting references in the Code relating to the United States department of veterans affairs, was taken up for consideration.

Senator Beall 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. 241](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

[Senate File 236](#)

On motion of Senator Bolkcom, [Senate File 236](#), a bill for an act relating to psychiatric medical institution for children services and providing an effective date, was taken up for consideration.

Senator Bolkcom withdrew amendment [S-3047](#), filed by him on February 26, 2009, to page 2 of the bill.

Senator Bolkcom offered amendment [S-3058](#), filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment [S-3058](#) was adopted by a voice vote.

Senator Bolkcom 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. 236](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

[Senate File 229](#)

On motion of Senator Kreiman, [Senate File 229](#), a bill for an act relating to elections or appointments to a county magistrate appointing commission, was taken up for consideration.

Senator Kreiman 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. 229](#)), the vote was:

Yeas, 46:

Appel	Dvorsky	Jochum	Schmitz
Bartz	Feenstra	Kapucian	Schoenjahn
Beall	Fraise	Kettering	Seng

Behn	Gronstal	Kibbie	Seymour
Black	Hahn	Kreiman	Sodders
Boettger	Hamerlinck	McCoy	Stewart
Bolkcom	Hancock	Noble	Ward
Courtney	Hartsuch	Olive	Warnstadt
Dandekar	Hatch	Quirnbach	Wieck
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Reynolds	
Dotzler	Horn	Rielly	

Nays, none.

Absent, 4:

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

[Senate File 231](#)

On motion of Senator Wilhelm, [Senate File 231](#), a bill for an act relating to reimbursing nonparticipating providers under the IowaCare program and creating a nonparticipating provider reimbursement fund, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on [Senate File 231](#) be **deferred**.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 414](#).

[House File 414](#)

On motion of Senator Dvorsky, [House File 414](#), 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, with report of committee recommending passage, was taken up for consideration.

Senator Kettering offered amendment [S-3060](#), filed by him from the floor to page 16 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3060](#) be adopted?” ([H.F. 414](#)), the vote was:

Yeas, 15:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McCoy	Ward
Boettger	Hartsuch	Noble	Wieck
Feenstra	Kapucian	Reynolds	

Nays, 31:

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

Absent, 4:

Houser	Johnson	McKinley	Zaun
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Amendment [S-3060](#) lost.

Senator Kettering offered amendment [S-3059](#), filed by him from the floor to page 17 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3059](#) be adopted?” ([H.F. 414](#)), the vote was:

Yeas, 14:

Bartz	Hahn	Kettering	Ward
Behn	Hamerlinck	Noble	Wieck
Boettger	Hartsuch	Reynolds	
Feenstra	Kapucian	Seymour	

Nays, 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

Absent, 4:

Houser	Johnson	McKinley	Zaun
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Amendment [S-3059](#) lost.

Senator Kettering offered amendment [S-3061](#), filed by him from the floor to page 17 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3061](#) be adopted?” ([H.F. 414](#)), the vote was:

Yeas, 15:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Ward
Boettger	Hancock	Noble	Wieck
Feenstra	Hartsuch	Reynolds	

Nays, 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	

Absent, 4:

Houser	Johnson	McKinley	Zaun
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Amendment [S-3061](#) lost.

Senator Bartz offered amendment [S-3057](#), filed by Senators Bartz and Kettering from the floor to page 18 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3057](#) be adopted?” ([H.F. 414](#)), the vote was:

Yeas, 15:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	McCoy	Ward
Boettger	Hartsuch	Noble	Wieck
Feenstra	Kapucian	Reynolds	

Nays, 31:

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

Absent, 4:

Houser	Johnson	McKinley	Zaun
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Amendment [S-3057](#) lost.

Senator Dvorsky 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. 414](#)), 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, 14:

Bartz	Hahn	Kettering	Ward
Behn	Hamerlinck	Noble	Wieck
Boettger	Hartsuch	Reynolds	
Feenstra	Kapucian	Seymour	

Absent, 4:

Houser	Johnson	McKinley	Zaun
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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 229, 236, and 241** and [House File 414](#) be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 225 and 209 and [House File 233](#).

[Senate File 225](#)

On motion of Senator Danielson, [Senate File 225](#), 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, was taken up for consideration.

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. 225](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

[Senate File 209](#)

On motion of Senator Quirnbach, [Senate File 209](#), a bill for an act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage, was taken up for consideration.

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. 209](#)), the vote was:

Yeas, 46:

Appel	Dvorsky	Jochum	Schmitz
Bartz	Feenstra	Kapucian	Schoenjahn
Beall	Fraise	Kettering	Seng
Behn	Gronstal	Kibbie	Seymour
Black	Hahn	Kreiman	Sodders
Boettger	Hamerlinck	McCoy	Stewart

Bolkcom	Hancock	Noble	Ward
Courtney	Hartsuch	Olive	Warnstadt
Dandekar	Hatch	Quirnbach	Wieck
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Reynolds	
Dotzler	Horn	Rielly	

Nays, none.

Absent, 4:

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

[House File 233](#)

On motion of Senator Wilhelm, [House File 233](#), a bill for an act relating to the disposition of school property 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. 233](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Houser Johnson McKinley Zaun

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 209** and **225** and **House File 233** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Horn called up the appointment of Terry Rich as CEO of the Iowa Lottery Authority, placed on the Individual Confirmation Calendar on Wednesday, February 25, 2009, found on page 427 of the Senate Journal.

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

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

Yeas, 46:

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

Nays, none.

Absent, 4:

Houser Johnson McKinley Zaun

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 Black called up the appointment of Cecelia Schroeder as a member of the Commission of Veterans Affairs, placed on the Individual Confirmation Calendar on Monday, February 23, 2009, found on page 383 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, 46:

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

Nays, none.

Absent, 4:

Houser Johnson McKinley Zaun

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 4:44 p.m. until 1:00 p.m., Monday, March 9, 2009.

APPENDIX—2

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Wednesday, March 4, 2009, 5:05 p.m.

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

Members Absent: None.

Committee Business: Approved [SSB 1274](#), as amended.

Adjourned: 5:45 p.m.

COMMERCE

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

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

Members Absent: Courtney (excused).

Committee Business: Passed [SF 275](#) and approved SSBs 1183 and 1258.

Adjourned: 2:35 p.m.

ECONOMIC GROWTH

Convened: Thursday, March 5, 2009, 1:10 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 1251](#).

Adjourned: 1:20 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, March 5, 2009, 10:25 a.m.

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

Members Absent: Courtney, Vice Chair (excused).

Committee Business: Presentation by the Iowa Grants Management Coordinator.

Adjourned: 11:20 a.m.

NATURAL RESOURCES

Convened: Thursday, March 5, 2009, 1:00 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: Approved SSBs 1157 and 1159.

Adjourned: 1:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, March 5, 2009, 10:20 a.m.

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

Members Absent: None.

Committee Business: Discussed FY 2010 budget.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, March 5, 2009, 10:15 a.m.

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

Members Absent: None.

Committee Business: Reviewed budget proposals.

Adjourned: 11:05 a.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 15](#), by McCoy, a resolution honoring Rich Eychaner for over three decades of public service.

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

INTRODUCTION OF BILLS

[Senate File 344](#), by committee on Economic Growth, a bill for an act relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

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

[Senate File 345](#), by Soddors, a bill for an act providing for certain witness information in the minutes of evidence filed with a trial information or indictment and providing an effective date.

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

[Senate File 346](#), by McCoy, a bill for an act providing for the sale of Iowa communications network assets, providing for related technical and substantive changes, and providing an effective date.

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

[Senate File 347](#), by McCoy, a bill for an act relating to specified types of business solicitations, providing an exception from applicability of certain requirements for sales conducted by mail, the telephone, or the internet.

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

[Senate File 348](#), by McCoy, a bill for an act prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

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

[Senate File 349](#), by McCoy, a bill for an act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and requiring the department to provide certain data in bulk form to certain persons, and making a penalty applicable.

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

[Senate File 350](#), by Dandekar, a bill for an act concerning driver education instruction by a teaching parent.

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

[Senate File 351](#), by Dandekar, a bill for an act relating to the issuance of a one-year, nonrenewable alternative teaching license by the board of educational examiners to authorize a person to teach mathematics or science at the middle and secondary school levels.

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

[Senate File 352](#), by McCoy, a bill for an act enhancing the criminal penalty for an assault on a transit employee.

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

[Senate File 353](#), by McCoy, a bill for an act creating a religious freedom and civil marriage protection Act, providing a repeal, and providing effective dates.

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

[Senate File 354](#), by McCoy, a bill for an act eliminating the inheritance tax on property passing to siblings of the decedent and including an applicability date provision.

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

STUDY BILLS RECEIVED

[SSB 1288](#) **Rules and Administration**

Relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, and including effective date and applicability provisions.

[SSB 1289](#) **Rebuild Iowa**

Relating to flooding by creating an Iowa flood center, allocating duties between the Iowa flood center and the water resources coordinating council, and making appropriations.

[SSB 1290](#) **State Government**

Concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

[SSB 1291](#) **Rebuild Iowa**

Relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, authorizing counties to issue bonds for road repair projects, amending provisions related to state

and local bonding authority and contract letting requirements, exempting certain bond proceeds and interest from state income taxation, and amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

[SSB 1288](#)

RULES AND ADMINISTRATION: Gronstal, Chair; Kettering and Ragan

[SSB 1289](#)

REBUILD IOWA: Hogg, Chair; Appel, Dandekar, Dvorsky, Feenstra, Hahn, Hamerlinck, Heckroth, Horn, Houser, Jochum, Reynolds, and Stewart

[SSB 1290](#)

STATE GOVERNMENT: Black, Chair; Dearden and Feenstra

[SSB 1291](#)

REBUILD IOWA: Hogg, Chair; Hamerlinck and Heckroth

FINAL COMMITTEE REPORT OF BILL ACTION

ECONOMIC GROWTH

Bill Title: *[SENATE FILE 344 \(SSB 1241\)](#), a bill for an act relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, 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 Economic Growth Committee on [Senate File 344](#), and they were attached to the committee report.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 5, 2009, the Governor approved and transmitted to the Secretary of State the following bill:

[Senate File 101](#) – Establishing a shaken baby syndrome prevention program in the department of public health.

AMENDMENTS FILED

S-3057	H.F. 414	Merlin Bartz Steve Kettering
S-3058	S.F. 236	Joe Bolkcom
S-3059	H.F. 414	Steve Kettering
S-3060	H.F. 414	Steve Kettering
S-3061	H.F. 414	Steve Kettering
S-3062	S.F. 231	Merlin Bartz
S-3063	S.F. 289	Robert M. Hogg