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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, MARCH 26, 2009**

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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.)

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# JOURNAL OF THE SENATE

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SEVENTY-FOURTH CALENDAR DAY  
FORTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 26, 2009

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

Prayer was offered by Reverend Michael Crawford, pastor of the Faith Baptist Church in Fort Dodge, Iowa, and an Army Chaplain and Captain in the Iowa Army National Guard. He was the guest of Senator Beall.

The Journal of Wednesday, March 25, 2009, was approved.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 18](#).

### [Senate Resolution 18](#)

On motion of Senator Wilhelm, [Senate Resolution 18](#), a resolution designating March 2009 as Iowa Women's History Month, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm moved the adoption of [Senate Resolution 18](#), which motion prevailed by a voice vote.

## SPECIAL GUESTS

In celebration of Women's History Month, Senators Reynolds and Wilhelm welcomed student winners of the 25th Annual "Write Women Back Into History" Essay Contest to the Senate chamber.

The contest is sponsored by the Iowa Commission on the Status of Women, the Iowa Department of Education, and the State Historical Society of Iowa.

Sixth and Seventh Grades:

First Place: Brandon Farr of Prairie Middle School in Cedar Rapids

Second Place: Madison Noble of Parkview Middle School in Ankeny

Third Place: Maddie Fields of Prairie Middle School in Cedar Rapids

Eighth and Ninth Grades:

First Place: Kelsiann Halbloom of West Marshall Middle School in State Center

Best Essay on Women in Science and Engineering for Sixth and Seventh Grades:

First Place: Aaron Christensen of Prairie Middle School in Cedar Rapids

Second Place: Morgan Exline of Prairie Middle School of Cedar Rapids

The Senate rose and expressed its welcome.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Bret Mills, the governor's appointee to be the Executive Director of the Iowa Finance Authority. He was the guest of Senator Dotzler and the committee on Ways and Means.

The Senate stood at ease at 9:00 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:00 a.m., President Pro Tempore Danielson presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Warnstadt, until he arrives, on request of Senator Stewart.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 456](#).

[Senate File 456](#)

On motion of Senator Hogg, [Senate File 456](#), a bill for an act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Hogg offered amendment [S-3144](#), filed by him on March 24, 2009, to page 1 of the bill, and moved its adoption.

Amendment [S-3144](#) was adopted by a voice vote.

Senator Hogg 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. 456](#)), the vote was:

Yeas, 49:

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	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Warnstadt

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

UNFINISHED BUSINESS  
(Deferred March 19, 2009)

**Senate File 432**

The Senate resumed consideration of **Senate File 432**, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties, deferred March 19, 2009.

Senator Olive offered amendment **S-3154**, filed by him from the floor to pages 2, 5, 8, 11, and 17 of the bill, and moved its adoption.

Amendment **S-3154** was adopted by a voice vote.

Senator Kibbie 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. 432**), the vote was:

Yeas, 43:

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

Nays, 6:

Bolkcom	Hatch	McCoy
Dotzler	Jochum	Quirnbach

Absent, 1:

Warnstadt

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 432** and **456** be **immediately messaged** to the House.

#### 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 26, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 481](#), a bill for an act providing an excess weight allowance for special trucks hauling distillers grains.

Read first time and referred to committee on **Transportation**.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:20 a.m. until 1:00 p.m., Monday, March 30, 2009.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Joseph Beason—For achieving the rank of Eagle Scout, Troop 127. Senator Hahn (3/26/09).

Aaron Christensen—First Place Winner for “Best Essay on Women in Science and Engineering” for 6<sup>th</sup> and 7<sup>th</sup> grades. Senator Dvorsky (3/26/09).

Morgan Exline—Second Place Winner for “Best Essay on Women in Science and Engineering” for 6<sup>th</sup> and 7<sup>th</sup> grades. Senator Dandekar (3/26/09).

Brandon Farr—First Place Winner of the “Write Women Back Into History” contest. Senator Dvorsky (3/26/09).

Maddie Fields—Third Place Winner of the “Write Women Back Into History” contest. Senator Horn (3/26/09).

Kelsiann Halbloom—First Place Winner of the “Write Women Back Into History” contest for 8<sup>th</sup> and 9<sup>th</sup> grades. Senator Sodders (3/26/09).

Madison Noble—Second Place Winner of the “Write Women Back Into History” contest. Senator Noble (3/26/09).

Matt Sanford, New Hampton—For achieving the rank of Eagle Scout, Troop 48. Senator Wilhelm (3/26/09).

Tom Sanford, New Hampton—For achieving the rank of Eagle Scout, Troop 48. Senator Wilhelm (3/26/09).

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** Thursday, March 26, 2009, 12:10 p.m.

**Members Present:** Fraise, Chair; Olive, Vice Chair; Johnson, Ranking Member; Appel, Behn, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, Seng, and Sodders.

**Members Absent:** None.

**Committee Business:** Passed [HF 710](#). Approved governor’s appointments.

**Adjourned:** 12:15 p.m.

**COMMERCE**

**Convened:** Thursday, March 26, 2009, 2:05 p.m.

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

**Members Absent:** Warnstadt, Chair; and Wieck, Ranking Member (both excused).

**Committee Business:** Passed [HF 723](#).

**Adjourned:** 2:10 p.m.

**NATURAL RESOURCES**

**Convened:** Thursday, March 26, 2009, 1:05 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:** Considered [HF 722](#) and governor's appointments.

**Adjourned:** 1:30 p.m.

**REBUILD IOWA**

**Convened:** Thursday, March 26, 2009, 3:20 p.m.

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

**Members Absent:** Houser (excused).

**Committee Business:** Passed HFs 705 and 759.

**Adjourned:** 4:00 p.m.

**WAYS AND MEANS**

**Convened:** Wednesday, March 25, 2009, 4:05 p.m.

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

**Members Absent:** Dandekar (excused).

**Committee Business:** Passed [SF 378](#), [SF 388](#), and [HF 684](#). Approved SSBs 1190, 1211, and 1307.

**Adjourned:** 5:30 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** Thursday, March 26, 2009, 10:40 a.m.

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

**Members Absent:** None.

**Committee Business:** Approved LSB 1000JA, as amended.

**Adjourned:** 12:10 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** Wednesday, March 25, 2009, 10:30 a.m.

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

**Members Absent:** Houser (excused).

**Committee Business:** Discussed appropriations bill draft.

**Adjourned:** 11:30 a.m.

#### **ALSO:**

**Convened:** Thursday, March 26, 2009, 10:50 a.m.

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

**Members Absent:** None.

**Committee Business:** Discussed and voted on proposed budget.

**Adjourned:** 11:20 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** Tuesday, March 24, 2009, 10:15 a.m.

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

**Members Absent:** None.

**Committee Business:** Budget shell discussion.

**Adjourned:** 11:00 a.m.

**ALSO:**

**Convened:** Wednesday, March 25, 2009, 10:20 a.m.

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

**Members Absent:** None.

**Committee Business:** Budget appropriations.

**Adjourned:** 11:05 a.m.

### INTRODUCTION OF RESOLUTIONS

[Senate Resolution 19](#), by Kibbie, Gronstal, and McKinley, a resolution to protect and preserve the battleship USS Iowa.

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

[Senate Resolution 20](#), by Schmitz, Hatch, Ragan, Seymour, and Hartsuch, a resolution expressing support for improved adolescent health.

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

### INTRODUCTION OF BILLS

[Senate File 461](#), by committee on Ways and Means, a bill for an act repealing the authorization to use local sales and services tax revenue to fund urban renewal projects and including an effective date provision.

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

[Senate File 462](#), by McKinley, a bill for an act restricting certain expenditures by the general assembly.

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

[Senate File 463](#), by committee on Ways and Means, a bill for an act modifying provisions relating to the regulation of delayed deposit service businesses, making penalties applicable, and providing an effective date.

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

#### SUBCOMMITTEE ASSIGNMENTS

##### [Senate File 460](#)

WAYS AND MEANS: Hogg, Chair; Dotzler and Ward

##### [House File 503](#)

VETERANS AFFAIRS: Kibbie, Chair; Seymour and Warnstadt

##### [House File 703](#)

EDUCATION: Schmitz, Chair; Appel and Boettger

##### [House File 762](#)

JUDICIARY: Kreiman, Chair; Noble and Sodders

#### FINAL COMMITTEE REPORTS OF BILL ACTION

##### AGRICULTURE

**Bill Title:** [HOUSE FILE 710 \(HSB 148\)](#), a bill for an act relating to the agricultural development authority, by providing for the reporting of its operations.

**Recommendation:** DO PASS.

**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.

##### COMMERCE

**Bill Title:** [HOUSE FILE 723 \(HSB 151\)](#), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities act; insurance division; articles of incorporation filing

requirements; viatical settlements contracts; life insurance companies and associations; long-term care insurance; long-term care asset disregard incentives; insurance other than life; insurance guaranty association; county mutual insurance associations; state mutual insurance associations; consolidation, merger, and reinsurance; and cemetery and funeral merchandise and funeral services; and providing for an immediate effective date and retroactive applicability.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Heckroth, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 2: Warnstadt and Wieck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### NATURAL RESOURCES

**Bill Title:** [HOUSE FILE 722 \(HSB 136\)](#), a bill for an act relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, establishing an upland game bird study advisory committee, making penalties applicable, and providing an immediate effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Dearden, Hancock, Hahn, Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### WAYS AND MEANS

**Bill Title:** [SENATE FILE 461 \(SSB 1211\)](#), a bill for an act repealing the authorization to use local sales and services tax revenue to fund urban renewal projects and including an effective date provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Bolkcom, McCoy, Dotzler, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 5: Zaun, Bartz, Feenstra, Hamerlinck, and Ward. Absent, 1: Dandekar.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### ALSO:

**Bill Title:** \*[SENATE FILE 463 \(SSB 1307\)](#), a bill for an act modifying provisions relating to the regulation of delayed deposit service businesses, making penalties applicable, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Bolkcom, McCoy, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, 2: Zaun and Bartz. Absent, 1: Dandekar.

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

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

#### AGRICULTURE

Benjamin Jung – Grape and Wine Development Commission

Jean Eells – State Soil Conservation Committee

Sherman Lundy – State Soil Conservation Committee

James Tobin – State Soil Conservation Committee

#### ENVIRONMENT AND ENERGY INDEPENDENCE

Dale Cochran – Environmental Protection Commission

Shearon Elderkin – Environmental Protection Commission

David Petty – Environmental Protection Commission

Martin Stimson – Environmental Protection Commission

Douglas Beech – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Kenneth Pangburn – Renewable Fuel Infrastructure Board

Brian Wiegert – Renewable Fuel Infrastructure Board

#### HUMAN RESOURCES

Paula Hohensee – Child Advocacy Board

Ronald Stehl – Child Welfare Advisory Committee

Frank Strong – Prevention of Disabilities Policy Council

Sally Stutsman – Council on Human Services

Roberta Yoder – Council on Human Services

Craig Wood – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Freeman Harper – Board of Sign Language Interpreters and Translitterators

Diana Kautzky – Board of Sign Language Interpreters and Translitterators

Cynthia Smith-Byer – Board of Sign Language Interpreters and Translitterators

Timothy Hungerford – Commission on Tobacco Use Prevention and Control

**JUDICIARY**

Mary Chapman – Iowa State Civil Rights Commission  
 Frederick Morain – Iowa State Civil Rights Commission  
 Nancy Witt – Iowa State Civil Rights Commission

David Erickson – Board of Corrections  
 Johnie Hammond – Board of Corrections  
 Pamela Dettmann – Iowa Drug Policy Advisory Council  
 Eric Snyder – Iowa Drug Policy Advisory Council

Steven Brody – State Judicial Nominating Commission  
 Margaret Redenbaugh – State Judicial Nominating Commission

Stephanie Netolicky – Commission on Judicial Qualifications  
 Henry Thomas – Commission on Judicial Qualifications

Randy Krukow – Iowa Law Enforcement Academy Council  
 Patty Link – Iowa Law Enforcement Academy Council

Nancy Boyd – Board of Parole  
 Walter Reed, Jr. – Board of Parole

**NATURAL RESOURCES**

William Bird – Natural Resource Commission  
 Richard Francisco – Natural Resource Commission

**WAYS AND MEANS**

Darlys Baum – Iowa Finance Authority  
 Carmela Brown – Iowa Finance Authority

Michael Milligan – State Board of Tax Review

**AMENDMENTS FILED**

<a href="#">S-3154</a>	<a href="#">S.F. 432</a>	Rich Olive
<a href="#">S-3155</a>	<a href="#">H.F. 758</a>	David Johnson