

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 20, 2009

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JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 20, 2009

The Senate met in regular session at 10:07 a.m., President Kibbie presiding.

Prayer was offered by Reverend Jim Magelson, pastor of the Trinity Lutheran Church in Mason City, Iowa. He was the guest of Senator Ragan.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Sabrina Larson.

The Journal of Thursday, April 16, 2009, was approved.

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 April 16, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 777](#), a bill for an act relating to open records and public meetings, including the creation of the open meetings, public records, and privacy advisory committee.

Read first time and attached to **similar** [Senate File 282](#).

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:09 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:12 a.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 21](#), a resolution to honor the city of Everly, Iowa, on the occasion of its quasiquicentennial.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 21](#).

[Senate Resolution 21](#)

On motion of Senator Johnson, [Senate Resolution 21](#), a resolution to honor the city of Everly, Iowa, on the occasion of its quasiquicentennial, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of [Senate Resolution 21](#), which motion prevailed by a voice vote.

The Senate stood at ease at 10:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:16 a.m., President Pro Tempore Danielson presiding.

HOUSE AMENDMENT CONSIDERED

[Senate File 451](#)

Senator Kibbie called up for consideration [Senate File 451](#), a bill for an act relating to the definition of resident for purposes of tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges, amended by the House in House amendment [S-3295](#), filed April 16, 2009.

President Kibbie moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

President Kibbie moved that the bill, as amended by the House and concurred in by the Senate, 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. 451](#)), 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, as amended, was agreed to.

SENATE INSISTS

[House File 671](#)

Senator Hancock called up for consideration [House File 671](#), a bill for an act providing volunteer emergency services providers protection from employment termination, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [House File 671](#) on the part of the Senate: Senators Hancock, Chair; Danielson, Kettering, Noble, and Soddors.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 278](#).

[House File 278](#)

On motion of Senator Dearden, [House File 278](#), a bill for an act requiring notification of occupancy rates for certain premises licensed to permit on-premises consumption of alcohol, with report of committee recommending passage, was taken up for consideration.

Senator Dearden 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. 278](#)), the vote was:

Yeas, 39:

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

Nays, 11:

Bartz	Hamerlinck	Kapucian	Reynolds
Behn	Hartsuch	Kettering	Zaun
Feenstra	Johnson	Noble	

Absent, none.

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

SPECIAL GUEST

Senator Danielson introduced to the Senate chamber the Honorable Gene Glenn, former member of the Senate from Wapello County, Ottumwa, Iowa.

The Senate rose and expressed its welcome.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 451](#) and **House Files 278** and **671** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:34 a.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:04 p.m., President Kibbie presiding.

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 April 20, 2009, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 481](#), 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.

ALSO: That the House has on April 20, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 389](#), a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates. ([S-3296](#))

ALSO: That the House has on April 20, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 824](#), a bill for an act relating to providing sales, use, and property tax exemptions and sales tax refunds for certain data processing businesses and including an applicability date provision.

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 810](#).

House File 810

On motion of Senator Hogg, [House File 810](#), a bill for an act providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

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?" ([H.F. 810](#)), 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 [House File 810](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:10 p.m. until 4:00 p.m.

RECONVENED

The Senate reconvened at 4:31 p.m., President Kibbie presiding.

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 April 20, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 629](#), a bill for an act relating to cemeteries, the classification of pioneer cemeteries, and claims of adverse possession concerning cemeteries or pioneer cemeteries.

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

[House File 712](#), a bill for an act relating to a private right of action for certain consumer fraud violations and including an applicability provision.

Read first time and attached to **similar** [Senate File 178](#).

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 178](#).

[Senate File 178](#)

On motion of Senator Kreiman, [Senate File 178](#), a bill for an act relating to a private cause of action for certain consumer fraud violations, placed on the Unfinished Business Calendar on April 10, 2009, was taken up for consideration.

The Senate stood at ease at 4:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:12 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Behn and Hartsuch, until they return, on request of Senator Kettering.

Senator Kreiman offered amendment [S-3298](#), filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-3298](#) was adopted by a voice vote.

With the adoption of amendment [S-3298](#), the Chair ruled amendment [S-3076](#), filed by Senator Hancock, et al., on March 16, 2009, to page 1 of the bill, out of order.

Senator Kreiman asked and received unanimous consent that [House File 712](#) be **substituted** for [Senate File 178](#).

[House File 712](#)

On motion of Senator Kreiman, [House File 712](#), a bill for an act relating to a private cause of action for certain consumer fraud violations, with report of committee recommending passage, 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?" ([H.F. 712](#)), the vote was:

Yeas, 48:

Appel	Feenstra	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	McKinley	Stewart

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

Nays, none.

Absent, 2:

Behn Hartsuch

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

WITHDRAWN

Senator Kreiman asked and received unanimous consent that [Senate File 178](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 712](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:20 p.m. until 10:00 a.m., Tuesday, April 21, 2009.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Eighth grade students from St. Ansgar Middle School. Senator Bartz.

CERTIFICATES OF RECOGNITION

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

Frances and Berdell Aldrich, Garwin—For celebrating their 65th wedding anniversary. Senator Kapucian (4/20/09).

Walt Brice, Burlington—For celebrating his 80th birthday. Senator Courtney (4/20/09).

David and Judith Hanks, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (4/20/09).

James and Cleo Hunter, Scranton—For celebrating their 70th wedding anniversary. Senator Boettger (4/20/09).

Alex Lee Leeper—For achieving the rank of Eagle Scout, Troop 70. Senator Boettger (4/20/09).

Ray and Agnes Pottebaum, Anita—For celebrating their 50th wedding anniversary. Senator Boettger (4/20/09).

Robert Tillmann, Burlington—For celebrating his 75th birthday. Senator Courtney (4/20/09).

Andrew Wesley Walker, Hawarden—For achieving the rank of Eagle Scout, Troop 209. Senator Feenstra (4/20/09).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Monday, April 20, 2009, 1:15 p.m.

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

Members Absent: Hatch (excused).

Committee Business: Passed [HF 817](#).

Adjourned: 1:40 p.m.

RULES AND ADMINISTRATION

Convened: Monday, April 20, 2009, 10:10 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed [SR 21](#).

Adjourned: 10:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Monday, April 6, 2009, 9:05 a.m.

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

Members Absent: Hartsuch (excused).

Committee Business: Adopt budget spreadsheet and bill.

Adjourned: 10:00 a.m.

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 17th day of April, 2009:

Senate Files 289, 339, 420, and 447.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 17, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 81](#) – Relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

[Senate File 279](#) – Providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date.

[Senate File 441](#) – Relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions.

[Senate File 445](#) – Relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program.

ALSO: A communication was received announcing that on April 20, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 339](#) – Relating to wastewater treatment.

[Senate File 420](#) – Concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

[Senate File 447](#) – Concerning off-premises consumption of resealed bottles of wine.

AMENDMENTS FILED

S-3296	S.F. 389	House
S-3297	S.F. 475	Jeff Danielson
S-3298	S.F. 178	Keith A. Kreiman
S-3299	H.F. 809	Jeff Danielson