

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 6, 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

EIGHTY-FIFTH CALENDAR DAY
FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 6, 2009

The Senate met in regular session at 1:04 p.m., President Kibbie presiding.

Prayer was offered by Father Paul Strittmater of Saint Patrick's Catholic Church in Dunlap, Iowa. He was the guest of Senator Seymour.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hannah Fordyce.

The Journal of Thursday, April 2, 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 April 2, 2009, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 43](#), a bill for an act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions.

[Senate File 176](#), a bill for an act allowing the waiver of certain administrative penalties for late annual reports concerning cemetery and funeral merchandise, and funeral services, upon a showing of good cause or financial hardship and providing an immediate effective date.

[Senate File 289](#), a bill for an act relating to loan forgiveness under the jumpstart housing assistance program.

[Senate File 355](#), a bill for an act relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates.

[Senate File 366](#), a bill for an act relating to the emancipation of a minor and family in need of assistance proceedings.

[Senate File 405](#), a bill for an act providing for the disposal of dead animal bodies by persons practicing veterinary medicine.

[Senate File 407](#), a bill for an act relating to the rights and responsibilities of Iowa veterans home members.

[Senate File 420](#), a bill for an act concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

[Senate File 440](#), a bill for an act relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits.

[Senate File 445](#), a bill for an act relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program.

[Senate File 447](#), a bill for an act concerning off-premises consumption of resealed bottles of wine.

ALSO: That the House has on April 2, 2009, **amended and passed** the following bills in which the concurrence of the Senate is asked:

[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. ([S-3186](#))

[Senate File 336](#), a bill for an act providing for waivers of certain community attraction and tourism program requirements and including an effective date provision. ([S-3187](#))

[Senate File 356](#), a bill for an act relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national. ([S-3188](#))

[Senate File 377](#), a bill for an act relating to the prescription drug donation repository program. ([S-3189](#))

[Senate File 379](#), a bill for an act relating to the use of insurance loss history in the issuance of dramshop liability insurance. ([S-3190](#))

[Senate File 419](#), a bill for an act relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates. ([S-3192](#))

[Senate File 423](#), a bill for an act providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment, and providing an effective date. ([S-3191](#))

SPECIAL GUESTS

Senator Feenstra introduced to the Senate chamber the Orange City Tulip Time Queen Juliana Pennings and her court: Kim De Jong, Carissa Cleveringa, Kelci Mulder and Karina Smit.

The Senate rose and expressed its welcome.

The Senate stood at ease at 1:13 p.m. until the fall of the gavel for the purpose of party caucuses.

RECONVENED

The Senate reconvened at 3:02 p.m., President Pro Tempore Danielson presiding.

RECESS

On motion of Senator Courtney, the Senate recessed at 3:03 p.m. until 4:00 p.m.

APPENDIX—1**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:

AUDITOR OF STATE

Single Audit Report for Fiscal Year Ended June 30, 2008, pursuant to Iowa Code section 11.27. Report received on April 6, 2009.

CERTIFICATES OF RECOGNITION

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

Elisabeth Bermel, Muscatine—For being selected to perform at All-State Speech. Senator Hahn (4/6/09).

Vicki Connelly, Muscatine—For being named 2009 Iowa Elementary Principal of the Year. Senator Hahn (4/6/09).

Tom Diewold, Burlington—For celebrating his 80th birthday. Senator Courtney (4/6/09).

Ellen Franzenburg, Van Horne—For being selected as a World Food Prize intern in Taiwan. Senator Kapucian (4/6/09).

Laurelin Haas, Muscatine—For being selected to perform at All-State Speech. Senator Hahn (4/6/09).

Roland A. Hellwig, Keystone—For celebrating his 95th birthday. Senator Kapucian (4/6/09).

Anna Jones, Burlington—For celebrating her 90th birthday. Senator Courtney (4/6/09).

Emily Lofgren, Muscatine—For being selected to perform at All-State Speech. Senator Hahn (4/6/09).

Marshall Robert Moyer—For achieving the rank of Eagle Scout, Troop 40. Senator Courtney (4/6/09).

INTRODUCTION OF BILL

[Senate File 471](#), by committee on Appropriations, a bill for an act relating to the operation and purview of the office of energy independence, by transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority.

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

STUDY BILL RECEIVED

[SSB 1325](#) **Appropriations**

Relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa.

SUBCOMMITTEE ASSIGNMENT

[SSB 1325](#)

APPROPRIATIONS: McCoy, Chair; Dvorsky and Kettering

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: *[SENATE FILE 471](#) (formerly [SF 373](#)), a bill for an act relating to the operation and purview of the office of energy independence, by transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Dvorsky, McCoy, Appel, Bartz, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Boettger, Feenstra, Hahn, Hancock, Johnson, Kapucian, Noble, and Seymour. 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 Appropriations Committee on [Senate File 471](#), and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 4:14 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, until he arrives, on request of Senator McKinley.

HOUSE AMENDMENT CONSIDERED

[Senate File 186](#)

Senator Black called up for consideration [Senate File 186](#), a bill for an act concerning preferential hiring treatment by government for veterans, amended by the House in House amendment [S-3163](#), filed April 1, 2009.

Senator Black moved that the Senate concur in the House amendment.

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

Senator Black 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. 186](#)), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun

Dotzler	Houser	Reynolds
Dvorsky	Jochum	Rielly
Feenstra	Johnson	Schmitz

Nays, none.

Absent, 1:

Behn

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 116](#).

[Senate File 116](#)

On motion of Senator Quirnbach, [Senate File 116](#), a bill for an act providing that the casual sales exemption under the state sales tax does not apply to the sales of all-terrain vehicles, snowmobiles, off-road motorcycles, and off-road utility vehicles, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on [Senate File 116](#) be **deferred**.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 723, 720, and 710.

[House File 723](#)

On motion of Senator Heckroth, [House File 723](#), 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, with report of committee recommending passage, was taken up for consideration.

Senator Heckroth 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. 723](#)), the vote was:

Yeas, 48:

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

Nays, 1:

Kapucian

Absent, 1:

Behn

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

[House File 720](#)

On motion of Senator Courtney, [House File 720](#), a bill for an act relating to boiler and pressure vessel inspections and the boiler and

pressure vessel board that oversees the inspections, with report of committee recommending passage, was taken up for consideration.

Senator Courtney 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. 720](#)), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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

[House File 710](#)

On motion of Senator Courtney, [House File 710](#), a bill for an act relating to the agricultural development authority, by providing for the reporting of its operations, with report of committee recommending passage, was taken up for consideration.

Senator Courtney 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. 710](#)), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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 File 186](#) and **House Files 710, 720, and 723** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 705 and 672.

[House File 705](#)

On motion of Senator Heckroth, [House File 705](#), a bill for an act concerning community safe rooms and storm shelters in newly constructed public buildings, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Heckroth offered amendment [S-3156](#), filed by the committee on Rebuild Iowa on March 30, 2009, to page 1 and amending the title page of the bill, and moved its adoption.

Amendment [S-3156](#) was adopted by a voice vote.

Senator Heckroth 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. 705](#)), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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

[House File 672](#)

On motion of Senator Bolkcom, [House File 672](#), a bill for an act relating to individual development accounts available to certain persons with low income and providing effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

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?" ([H.F. 672](#)), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 470](#).

[Senate File 470](#)

On motion of Senator Schoenjahn, [Senate File 470](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates, was taken up for consideration.

Senator Schoenjahn offered amendment [S-3197](#), filed by him from the floor to pages 16, 24, 25, 27, and 29–31 of the bill, and moved its adoption.

Amendment [S-3197](#) was adopted by a voice vote.

Senator Zaun offered amendment [S-3195](#), filed by Senator Zaun, et al., from the floor to page 18 of the bill.

Senator Dvorsky raised the point of order that amendment [S-3195](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3195](#) out of order.

Senator Boettger offered amendment [S-3199](#), filed by Senator Boettger, et al., from the floor to page 19 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3199](#) be adopted?” ([S.F. 470](#)) the vote was:

Yeas, 18:

Bartz	Hartsuch	Kettering	Seymour
Boettger	Hogg	McKinley	Wieck
Feenstra	Houser	Noble	Zaun
Hahn	Johnson	Olive	
Hamerlinck	Kapucian	Reynolds	

Nays, 31:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	Kreiman	Sodders
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hancock	Quirnbach	Ward

Dandekar	Hatch	Ragan	Warnstadt
Danielson	Heckroth	Rielly	Wilhelm
Dearden	Horn	Schmitz	

Absent, 1:

Behn

Amendment [S-3199](#) lost.

Senator Johnson offered amendment [S-3196](#), filed by Senator Johnson, et al., from the floor to pages 22, 27, and 34 and amending the title page of the bill.

Senator Schoenjahn raised the point of order that amendment [S-3196](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3196](#) out of order.

Senator Feenstra offered amendment [S-3202](#), filed by him from the floor to pages 22, 27, and 34 and amending the title page of the bill.

Senator Schoenjahn raised the point of order that amendment [S-3202](#) was not germane to the bill.

The Chair ruled the point not well-taken and amendment [S-3202](#) in order.

Senator Feenstra moved the adoption of amendment [S-3202](#).

A record roll call was requested.

On the question "Shall amendment [S-3202](#) be adopted?" ([S.F. 470](#)) the vote was:

Yeas, 17:

Bartz	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	
Hamerlinck	Kettering	Ward	

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, 1:

Behn

Amendment [S-3202](#) lost.

Senator Feenstra withdrew amendment [S-3198](#), filed by him from the floor to page 34 and amending the title page of the bill.

Senator Johnson offered amendment [S-3203](#), filed by Senators Johnson and Feenstra from the floor to page 34 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3203](#) be adopted?” ([S.F. 470](#)) the vote was:

Yeas, 23:

Bartz	Hancock	Johnson	Reynolds
Boettger	Hartsuch	Kapucian	Seymour
Dandekar	Heckroth	Kettering	Ward
Feenstra	Hogg	Kibbie	Wieck
Hahn	Houser	McKinley	Zaun
Hamerlinck	Jochum	Noble	

Nays, 26:

Appel	Dotzler	McCoy	Seng
Beall	Dvorsky	Olive	Sodders
Black	Fraise	Quirnbach	Stewart
Bolkcom	Gronstal	Ragan	Warnstadt

Courtney	Hatch	Rielly	Wilhelm
Danielson	Horn	Schmitz	
Dearden	Kreiman	Schoenjahn	

Absent, 1:

Behn

Amendment [S-3203](#) lost.

Senator Hamerlinck offered amendment [S-3201](#), filed by him from the floor to page 34 and amending the title page of the bill.

Senator Danielson raised the point of order that amendment [S-3201](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3201](#) out of order.

Senator Boettger offered amendment [S-3204](#), filed by her from the floor to page 34 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3204](#) be adopted?” ([S.F. 470](#)) the vote was:

Yeas, 18:

Bartz	Hartsuch	Kibbie	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	
Hamerlinck	Kettering	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart

Dandekar	Hatch	Quirnbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Absent, 1:

Behn

Amendment [S-3204](#) lost.

Senator Schoenjahn 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. 470](#)), the vote was:

Yeas, 31:

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

Nays, 18:

Bartz	Hartsuch	Kreiman	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	
Hamerlinck	Kettering	Seymour	

Absent, 1:

Behn

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 File 470](#) and **House Files 672** and **705** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 671, 670, 562, 552, 505, and 481.

[House File 671](#)

On motion of Senator Hancock, [House File 671](#), a bill for an act providing volunteer emergency services providers protection from employment termination, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hancock offered amendment [S-3148](#), filed by the committee on Judiciary on March 25, 2009, to pages 1 and 2 and amending the title page of the bill.

Senator Hancock offered amendment [S-3169](#), filed by him on April 1, 2009, to pages 1 and 2 of amendment [S-3148](#), and moved its adoption.

Amendment [S-3169](#) was adopted by a voice vote.

Senator Hancock moved the adoption of amendment [S-3148](#), as amended.

Amendment [S-3148](#), as amended, was adopted by a voice vote.

With the adoption of amendment [S-3148](#), the Chair ruled amendment [S-3129](#), filed by Senator Hancock on March 23, 2009, to pages 1 and 2 and amending the title page of the bill, out of order.

Senator Hancock 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. 671](#)), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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

[House File 670](#)

On motion of Senator Dearden, [House File 670](#), a bill for an act relating to absentee voting by requiring the counting of absentee ballots to begin the day before the general election, with report of committee recommending passage, was taken up for consideration.

Senator Dearden offered amendment [S-3158](#), filed by him on March 30, 2009, to page 1 and amending the title page of the bill, and moved its adoption.

Amendment [S-3158](#) was adopted by a voice vote.

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

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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

[House File 562](#)

On motion of Senator Quirmbach, [House File 562](#), a bill for an act relating to the council on human services and the state child care advisory council, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach offered amendment [S-3193](#), filed by Senators Quirmbach and Bartz from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment [S-3193](#) was adopted by a voice vote.

Senator Quirmbach 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. 562](#)), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	Quirmbach	Wilhelm

Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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

[House File 552](#)

On motion of Senator Heckroth, [House File 552](#), a bill for an act concerning the appointment of airport commissioners, with report of committee recommending passage, was taken up for consideration.

Senator Heckroth 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. 552](#)), the vote was:

Yeas, 45:

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

Nays, 4:

Feenstra Hamerlinck Hartsuch Reynolds

Absent, 1:

Behn

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

[House File 505](#)

On motion of Senator Sodders, [House File 505](#), a bill for an act requiring record checks for persons who are prospective or current volunteers for the Iowa veterans home, with report of committee recommending passage, was taken up for consideration.

Senator Sodders 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. 505](#)), the vote was:

Yeas, 49:

Appel	Fraise	Kapucian	Schoenjahn
Bartz	Gronstal	Kettering	Seng
Beall	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	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Behn

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

[House File 481](#)

On motion of Senator Rielly, [House File 481](#), a bill for an act providing an excess weight allowance for special trucks hauling distillers grains, with report of committee recommending passage, was taken up for consideration.

Senator Rielly 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. 481](#)), the vote was:

Yeas, 48:

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

Nays, 1:

Dearden

Absent, 1:

Behn

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 Files 481, 505, 552, 562, 670, and 671** be **immediately messaged** to the House.

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 6, 2009, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 152](#), a bill for an act relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law.

[Senate File 322](#), a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, fees for new vehicle registrations, and property taxes and including a retroactive applicability date provision.

[Senate File 372](#), a bill for an act requesting the establishment of a telecommunications regulation interim study committee.

ALSO: That the House has on April 6, 2009, **amended and passed** the following bills in which the concurrence of the Senate is asked:

[Senate File 323](#), a bill for an act relating to the provision of health records of a child in foster care to the foster care provider. ([S-3205](#))

[Senate File 374](#), a bill for an act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable. ([S-3206](#))

[Senate File 437](#), a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records. ([S-3207](#))

ALSO: That the House on April 6, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

House File 788, a bill for an act concerning alcohol beverage control, relating to minors and public intoxication or possession of alcohol and 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 and attached to **similar Senate File 395**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:17 p.m. until 9:15 a.m., Tuesday, April 7, 2009.

APPENDIX—2

CERTIFICATE OF RECOGNITION

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

Fred and Verena Kramer, Stacyville—For celebrating their 50th wedding anniversary. Senator Ragan (4/6/09).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Monday, April 06, 2009, 3:10 p.m.

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

Members Absent: Bolkom (excused).

Committee Business: Approved [SSB 1323](#).

Adjourned: 3:40 p.m.

INTRODUCTION OF BILL

[Senate File 472](#), by committee on Appropriations, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date.

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

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: [SENATE FILE 472 \(SSB 1323\)](#), a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dvorsky, McCoy, Appel, 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, 1: Bolkecom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 364](#), the following correction was made:

1. Page 8, line 1: "recision" spelled as "rescision" in underscored text.

MICHAEL E. MARSHALL
Secretary of the Senate

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 April, 2009:

Senate Files 49, 207, and 268.

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 6th day of April, 2009:

Senate Files 112, 150, 253, 364, and 365.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 2, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 154](#) – Relating to the authorized uses of local exchange service information by specified individuals and entities.

[Senate File 199](#) – Relating to the uniform athlete agents Act and providing remedies and penalties.

[Senate File 311](#) – Relating to the regulation of the business of debt management and making penalties applicable.

[Senate File 320](#) – Relating to charitable trusts by providing for filing documents with the attorney general and providing for the attorney general's investigative authority.

ALSO: A communication was received announcing that on April 3, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 159](#) – Relating to electrician licensure by modifying existing provisions and specifying new classifications.

[Senate File 280](#) – Relating to disaster emergency assistance immunity.

[Senate File 446](#) – Relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

ALSO: A communication was received announcing that on April 6, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 49](#) – Relating to the administration of campaign disclosure laws.

[Senate File 207](#) – Relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

[Senate File 268](#) – Providing for the award of local watershed improvement grants.

AMENDMENTS FILED

S-3186	S.F. 151	House
S-3187	S.F. 336	House
S-3188	S.F. 356	House
S-3189	S.F. 377	House
S-3190	S.F. 379	House
S-3191	S.F. 423	House

<u>S-3192</u>	<u>S.F.</u>	<u>419</u>	House
<u>S-3193</u>	<u>H.F.</u>	<u>562</u>	Herman C. Quirmbach
			Merlin Bartz
<u>S-3194</u>	<u>S.F.</u>	<u>471</u>	Robert M. Hogg
<u>S-3195</u>	<u>S.F.</u>	<u>470</u>	Brad Zaun
			Larry Noble
			David Johnson
			Merlin Bartz
			David Hartsuch
			Nancy J. Boettger
			James A. Seymour
			Shawn Hamerlinck
			Hubert Houser
			James F. Hahn
			Randy Feenstra
			Steve Kettering
			Paul McKinley
			Jerry Behn
			Pat Ward
			Ron Wieck
			Tim L. Kapucian
			Kim Reynolds
<u>S-3196</u>	<u>S.F.</u>	<u>470</u>	David Johnson
			Steve Kettering
			Nancy J. Boettger
			Paul McKinley
			Pat Ward
			Ron Wieck
			Tim L. Kapucian
<u>S-3197</u>	<u>S.F.</u>	<u>470</u>	Brian Schoenjahn
<u>S-3198</u>	<u>S.F.</u>	<u>470</u>	Randy Feenstra
<u>S-3199</u>	<u>S.F.</u>	<u>470</u>	Nancy J. Boettger
			James A. Seymour
			Hubert Houser
			James F. Hahn
<u>S-3200</u>	<u>H.F.</u>	<u>759</u>	Pam Jochum
			Robert M. Hogg
<u>S-3201</u>	<u>S.F.</u>	<u>470</u>	Shawn Hamerlinck
<u>S-3202</u>	<u>S.F.</u>	<u>470</u>	Randy Feenstra
<u>S-3203</u>	<u>S.F.</u>	<u>470</u>	David Johnson
			Randy Feenstra

<u>S-3204</u>	<u>S.F. 470</u>	Nancy J. Boettger
<u>S-3205</u>	<u>S.F. 323</u>	House
<u>S-3206</u>	<u>S.F. 374</u>	House
<u>S-3207</u>	<u>S.F. 437</u>	House