

**PROOF**

---

---

**STATE OF IOWA**

**Senate Journal**

**TUESDAY, APRIL 7, 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-SIXTH CALENDAR DAY  
FIFTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 7, 2009

The Senate met in regular session at 9:22 a.m., President Kibbie presiding.

Prayer was offered by Reverend Dennis Platt, pastor of the Cedar Falls Church of Christ in Cedar Falls, Iowa. He was the guest of Senator Danielson.

The Journal of Monday, April 6, 2009, was approved.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 9:32 a.m. until 11:00 a.m.

## RECONVENED

The Senate reconvened at 11:12 a.m., President Kibbie presiding.

The Senate stood at ease at 11:13 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:50 a.m., President Kibbie presiding.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 11:51 a.m. until 1:00 p.m.

## AFTERNOON SESSION

The Senate reconvened at 1:09 p.m., President Kibbie presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Behn, until he arrives, on request of Senator Kettering; and Senator Danielson, until he arrives, on request of Senator Ragan.

## HOUSE AMENDMENT CONSIDERED

[Senate File 441](#)

Senator Quirnbach called up for consideration [Senate File 441](#), a bill for an act relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions, amended by the House in House amendment [S-3168](#), filed April 1, 2009.

Senator Quirnbach 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 Quirnbach 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. 441](#)), the vote was:

Yeas, 47:

Appel	Fraise	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Black	Hancock	Kreiman	Seymour
Boettger	Hartsuch	McCoy	Sodders
Bolkcom	Hatch	McKinley	Stewart
Courtney	Heckroth	Noble	Ward
Dandekar	Hogg	Olive	Warnstadt

Dearden	Horn	Quirnbach	Wieck
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun
Feenstra	Johnson	Rielly	

Nays, 1:

Hamerlinck

Absent, 2:

Behn                      Danielson

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

#### HOUSE AMENDMENT CONSIDERED

#### [Senate File 436](#)

Senator Beall called up for consideration [Senate File 436](#), a bill for an act relating to observers at satellite absentee voting stations, amended by the House in House amendment [S-3167](#), filed April 1, 2009.

Senator Beall 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 Beall 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. 436](#)), 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
Dearden	Hogg	Olive	Warnstadt
Dotzler	Horn	Quirnbach	Wieck
Dvorsky	Houser	Ragan	Wilhelm
Feenstra	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Behn                      Danielson

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

#### HOUSE AMENDMENT CONSIDERED

#### [Senate File 423](#)

Senator Hancock called up for consideration [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, amended by the House in House amendment [S-3191](#), filed April 6, 2009.

Senator Hancock 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 Hancock 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. 423](#)), 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
Dearden	Hogg	Olive	Warnstadt
Dotzler	Horn	Quirnbach	Wieck
Dvorsky	Houser	Ragan	Wilhelm
Feenstra	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Behn                      Danielson

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

#### SPECIAL GUEST

President Kibbie welcomed to the Senate chamber the Honorable Ken Veenstra, former member of the Senate from Sioux County, Orange City, Iowa.

The Senate rose and expressed its welcome.

#### HOUSE AMENDMENT CONSIDERED

#### [Senate File 380](#)

Senator Fraise called up for consideration [Senate File 380](#), a bill for an act relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties, amended by the House in House amendment [S-3159](#), filed March 31, 2009.

Senator Fraise 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 Fraise 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. 380](#)), 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 AMENDMENT CONSIDERED

#### [Senate File 339](#)

Senator Rielly called up for consideration [Senate File 339](#), a bill for an act relating to wastewater treatment, amended by the House in House amendment [S-3166](#), filed April 1, 2009.

Senator Rielly 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 Rielly 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. 339](#)), 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 Files 339, 380, 423, 436, and 441** be **immediately messaged** to the House.

#### HOUSE AMENDMENT CONSIDERED

#### [Senate File 291](#)

Senator Beall called up for consideration [Senate File 291](#), a bill for an act providing for the recognition and promotion of certified retirement communities, amended by the House in House amendment [S-3165](#), filed April 1, 2009.



Senator Beall 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 Beall 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. 291](#)), the vote was:

Yeas, 35:

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

Nays, 14:

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

Absent, 1:

Behn

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

## HOUSE AMENDMENT CONSIDERED

[Senate File 266](#)

Senator Beall called up for consideration [Senate File 266](#), a bill for an act relating to publication of property assessment equalization orders, amended by the House in House amendment [S-3136](#), filed March 24, 2009.

Senator Beall asked and received unanimous consent that action on amendment [S-3136](#) and [Senate File 266](#) be **deferred**.

## HOUSE AMENDMENT CONSIDERED

[Senate File 187](#)

Senator Dearden called up for consideration [Senate File 187](#), a bill for an act providing for the issuance of special deer hunting licenses to residents who are nonambulatory, amended by the House in House amendment [S-3160](#), filed March 31, 2009.

Senator Dearden 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 Dearden 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. 187](#)), 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 AMENDMENT CONSIDERED

#### [Senate File 137](#)

Senator Appel called up for consideration [Senate File 137](#), a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy, amended by the House in House amendment [S-3110](#), filed March 19, 2009.

Senator Appel offered amendment [S-3210](#), filed by her from the floor to page 1 of amendment [S-3110](#), and moved its adoption.

Amendment [S-3210](#) was adopted by a voice vote.

Senator Appel moved that the Senate concur in the House amendment, as amended.

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

Senator Appel moved that the bill, as amended by the House, further amended 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. 137](#)), 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, 17:

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

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  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 762](#).

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

On motion of Senator Kreiman, [House File 762](#), a bill for an act relating to reserve certified peace officers and training requirements, 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. 762](#)), 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 Files 137, 187, and 291** and [House File 762](#) 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 759, 708, 707, and 697.

#### [House File 759](#)

On motion of Senator Jochum, [House File 759](#), a bill for an act requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Jochum offered amendment [S-3157](#), filed by the committee on Rebuild Iowa on March 30, 2009, to page 1 of the bill, and moved its adoption.

Amendment [S-3157](#) was adopted by a voice vote.

Senator Jochum offered amendment [S-3200](#), filed by Senators Jochum and Hogg on April 6, 2009, to page 1 and amending the title page of the bill.

Senator Reynolds raised the point of order that amendment [S-3200](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3200](#) out of order.

Senator Hogg asked and received unanimous consent that action on [House File 759](#) be **deferred**.

### [House File 708](#)

On motion of Senator Jochum, [House File 708](#), a bill for an act relating to absentee ballots delivered to applicants who are patients or residents of hospitals or health care facilities, with report of committee recommending passage, was taken up for consideration.

Senator Jochum 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. 708](#)), 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.

### [House File 707](#)

On motion of Senator Courtney, [House File 707](#), a bill for an act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing an effective date, 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. 707](#)), 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.

[House File 697](#)

On motion of Senator Kreiman, [House File 697](#), a bill for an act relating to interference with judicial acts, and providing a penalty, 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. 697](#)), the vote was:

Yeas, 49:

Appel	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	
Feenstra	Johnson	Schmitz	

Nays, 1:

Bartz

Absent, none.

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 [House File 684](#).



### House File 684

On motion of Senator Stewart, [House File 684](#), a bill for an act relating to the membership and administration of the Iowa propane education and research council, with report of committee recommending passage, was taken up for consideration.

Senator Stewart 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. 684](#)), 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 Files 684, 697, 707, and 708** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 472](#).

[Senate File 472](#)

On motion of Senator Hancock, [Senate File 472](#), a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date, was taken up for consideration.

Senator Hancock offered amendment [S-3209](#), filed by him from the floor to page 4 of the bill, and moved its adoption.

Amendment [S-3209](#) was adopted by a voice vote.

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?" ([S.F. 472](#)), the vote was:

Yeas, 30:

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

Nays, 20:

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

Absent, none.

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

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 676 and 580.

**House File 676**

On motion of Senator Kreiman, **House File 676**, a bill for an act modifying provisions relating to a final hearing in a civil commitment proceeding for a sexually violent predator, 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. 676**), 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.

### House File 580

On motion of Senator Ragan, [House File 580](#), a bill for an act relating to reimbursement of nonparticipating providers for eligible services provided to IowaCare program members, with report of committee recommending passage, was taken up for consideration.

Senator Ragan asked and received unanimous consent that action on [House File 580](#) be **deferred**.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 472](#) and [House File 676](#) be **immediately messaged** to the House.

#### CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Vicky Boyington – Accountancy Examining Board

Miriam Landsman – Child Welfare Advisory Committee

Pamela Dettmann – Iowa Drug Policy Advisory Council

Erik Raker – Generation Iowa Commission

Quentin Hart – Iowa Great Places Board

Tom Triplett – Interior Design Examining Board

Tim Adams – Landscape Architectural Examining Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" 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 appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

#### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Shearon Elderkin as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on February 10, 2009, found on page 276 of the Senate Journal. Also, for reappointment, placed on the Individual Confirmation Calendar on March 30, 2009, found on page 892 of the Senate Journal.

The Senate stood at ease at 2:39 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:10 p.m., President Kibbie presiding.

Senator Gronstal asked and received unanimous consent that action on the Individual Confirmation of Governor's Appointee, Shearon Elderkin, be deferred.

## HOUSE AMENDMENT CONSIDERED

[Senate File 254](#)

Senator Warnstadt called up for consideration [Senate File 254](#), a bill for an act requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs, amended by the House in House amendment [S-3164](#), filed April 1, 2009.

Senator Warnstadt 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 Warnstadt 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 254](#)), 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.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 245](#).

**[Senate File 245](#)**

On motion of Senator Danielson, [Senate File 245](#), a bill for an act relating to the licensing of persons installing fire protection systems, was taken up for consideration.

Senator Danielson offered amendment [S-3211](#), filed by him from the floor striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment [S-3211](#) was adopted by a voice vote.

Senator Danielson asked and received unanimous consent that [House File 400](#) be substituted for [Senate File 245](#).

**[House File 400](#)**

On motion of Senator Danielson, [House File 400](#), a bill for an act relating to the licensing of persons installing fire protection systems, with report of committee recommending passage, 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?" ([H.F. 400](#)), the vote was:

Yeas, 38:

Appel	Dotzler	Jochum	Schmitz
Bartz	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Black	Gronstal	McCoy	Sodders
Boettger	Hahn	Noble	Stewart
Bolkcom	Hancock	Olive	Ward
Courtney	Hatch	Quirnbach	Warnstadt

Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Reynolds	
Dearden	Horn	Rielly	

Nays, 12:

Behn	Hartsuch	Kapucian	Seymour
Feenstra	Houser	Kettering	Wieck
Hamerlinck	Johnson	McKinley	Zaun

Absent, none.

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

#### WITHDRAWN

Senator Danielson asked and received unanimous consent that [Senate File 245](#) be **withdrawn** from further consideration of the Senate.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 254](#) and [House File 400](#) be **immediately messaged** to the House.

#### HOUSE MESSAGES RECEIVED

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 7, 2009, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

[House File 266](#), a bill for an act relating to recording proceedings before a magistrate.

[House File 311](#), a bill for an act requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date.



[House File 488](#), a bill for an act relating to assistive or service animals including provisions relating to persons controlling the assistive animal and including the maintenance of service animals as an eligible service reimbursable under the home and community-based services waivers.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:19 p.m. until 8:45 a.m., Wednesday, April 8, 2009.

#### APPENDIX

##### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

##### DEPARTMENT FOR THE BLIND

Notification of Approval of Educational Leave, pursuant to administrative rule 11-63.10(4). Notification received on April 2, 2009.

##### PRESENTATION OF VISITORS

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

Families honored by the governor and legislature on “Gift to Iowa’s Future Day” for donating local land and conservation easements to the state. Senator Kibbie (4/6/09).

Members of the Morningside College NAIA Women’s Basketball National Championship Team from Sioux City, accompanied by Terri Curry and Gene Ambrosen. Senators Warnstadt and Wieck (4/7/09).

## CERTIFICATES OF RECOGNITION

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

Brady Verlo, West Branch—For achieving the rank of Eagle Scout, Troop 156. Senator Hahn (4/7/09).

Tyler Verlo, West Branch—For achieving the rank of Eagle Scout, Troop 156. Senator Hahn (4/7/09).

## REPORT OF COMMITTEE MEETING

### APPROPRIATIONS

**Convened:** Tuesday, April 7, 2009, 10:15 a.m.

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

**Members Absent:** None.

**Committee Business:** Approved [SSB 1325](#).

**Adjourned:** 10:45 a.m.

## INTRODUCTION OF BILLS

[Senate File 473](#), by Hartsuch, Johnson, Behn, Kapucian, Reynolds, Hahn, Hamerlinck, Feenstra, Zaun, and Boettger, a bill for an act relating to the carrying of weapons.

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

[Senate File 474](#), by committee on Appropriations, a bill for an act relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa.

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

## STUDY BILL RECEIVED

**SSB 1326 Government Oversight**

Relating to regulatory requirements involving boarding homes and dependent adults and providing a penalty.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 473**

JUDICIARY: Kreiman, Chair; Kettering and Warnstadt

**SSB 1326**

GOVERNMENT OVERSIGHT: Olive, Chair; Courtney, Sodders, Ward and Wieck

## FINAL COMMITTEE REPORT OF BILL ACTION

## APPROPRIATIONS

**Bill Title:** **SENATE FILE 474 (SSB 1325)**, a bill for an act relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, none.

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

## AMENDMENTS FILED

<b><u>S-3208</u></b>	<b><u>S.F. 464</u></b>	John P. Kibbie
		Daryl Beall
		Steven J. Sodders
		Merlin Bartz
		Hubert Houser
		Robert M. Hogg
		Nancy J. Boettger
		Roger Stewart
		Tom Hancock
		James F. Hahn

Gene Fraise  
 Amanda Ragan  
 Robert E. Dvorsky  
 Becky Schmitz  
 Joe Bolkcom  
 Dennis H. Black  
 Jeff Danielson  
 Staci Appel  
 Thomas G. Courtney  
 Rich Olive  
 James A. Seymour  
 Tom Rielly  
 Pam Jochum  
 William A. Dotzler, Jr.  
 Herman C. Quirmbach  
 Dick L. Dearden  
 Tom Hancock  
 Staci Appel  
 Jeff Danielson  
 Herman C. Quirmbach

<u>S-3209</u>	<u>S.F.</u>	<u>472</u>
<u>S-3210</u>	<u>S.F.</u>	<u>137</u>
<u>S-3211</u>	<u>S.F.</u>	<u>245</u>
<u>S-3212</u>	<u>H.F.</u>	<u>571</u>