

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 8, 2009

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JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY
FIFTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 8, 2009

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Dave Mulder, former member of the Senate from Sioux County, Sioux Center, Iowa. He was the guest of Senators Kibbie and Schoenjahn.

The Journal of Tuesday, April 7, 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 7, 2009, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 142](#), a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

[Senate File 225](#), a bill for an act allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system.

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

[Senate File 430](#), a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, and including effective date and applicability provisions.

ALSO: That the House has on April 7, 2009, **amended and passed** the following bills in which the concurrence of the Senate is asked:

[Senate File 81](#), a bill for an act 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. ([S-3214](#))

[Senate File 279](#), a bill for an act providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date. ([S-3216](#))

[Senate File 226](#), a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters. ([S-3215](#))

ALSO: That the House has on April 7, 2009, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 805](#), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

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

[House File 809](#), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates.

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

HOUSE AMENDMENT CONSIDERED

[Senate File 279](#)

Senator Heckroth called up for consideration [Senate File 279](#), a bill for an act providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date, amended by the House in House amendment [S-3216](#), filed April 8, 2009.

Senator Heckroth 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 Heckroth 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. 279](#)), 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 [Senate File 279](#) be **immediately messaged** to the House.

The Senate stood at ease at 9:05 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:15 a.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 474](#).

[Senate File 474](#)

On motion of Senator McCoy, [Senate File 474](#), 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, with report of committee recommending passage, was taken up for consideration.

Senator McCoy 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. 474](#)), the vote was:

Yeas, 29:

Appel	Dvorsky	Kreiman	Seng
Beall	Fraise	McCoy	Sodders
Bolkcom	Gronstal	Olive	Stewart
Courtney	Heckroth	Quirnbach	Warnstadt

Dandekar	Hogg	Ragan	Wilhelm
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	
Dotzler	Kibbie	Schoenjahn	

Nays, 20:

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

Absent, 1:

Hatch

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

UNFINISHED BUSINESS
(Deferred April 2, 2009)

[Senate File 466](#)

The Senate resumed consideration of **[Senate File 466](#)**, a bill for an act relating to the administration of the tax and related laws, including the administration of the income tax, the franchise tax, hotel and motel tax, the motor fuel tax, and of fees for new vehicle registration, modifying certain civil penalties, providing an exemption filing deadline extension and for the abatement or refund of property taxes for certain property owners, changing the ownership interest provisions related to certain automobile racetrack facilities, and including effective date, retroactive applicability date, and other applicability date provisions, deferred April 2, 2009.

Senator Zaun asked and received unanimous consent that action on **[Senate File 466](#)** be **deferred**.

HOUSE AMENDMENT CONSIDERED

[Senate File 379](#)

Senator Rielly called up for consideration [Senate File 379](#), a bill for an act relating to the use of insurance loss history in the issuance of dramshop liability insurance, amended by the House in House amendment [S-3190](#), filed April 6, 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. 379](#)), the vote was:

Yeas, 30:

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

Nays, 19:

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

Absent, 1:

Hatch

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator McKinley.

HOUSE AMENDMENT CONSIDERED

[Senate File 377](#)

Senator Jochum called up for consideration [Senate File 377](#), a bill for an act relating to the prescription drug donation repository program, amended by the House in House amendment [S-3189](#), filed April 6, 2009.

Senator Jochum 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 Jochum 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. 377](#)), the vote was:

Yeas, 48:

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

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

Nays, none.

Absent, 2:

Hatch Houser

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 356](#)

Senator Dandekar called up for consideration [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, amended by the House in House amendment [S-3188](#), filed April 6, 2009.

Senator Dandekar 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 Dandekar 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. 356](#)), the vote was:

Yeas, 48:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Fraise	Kettering	Schoenjahn
Behn	Gronstal	Kibbie	Seng

Black	Hahn	Kreiman	Seymour
Boettger	Hamerlinck	McCoy	Sodders
Bolkcom	Hancock	McKinley	Stewart
Courtney	Hartsuch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirnbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Hatch Houser

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

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate Files 356, 377, 379, and 474** be **immediately messaged** to the House.

RECESS

On motion of Senator Courtney, the Senate recessed at 11:46 a.m. until 3:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 3:20 p.m., President Kibbie presiding.

HOUSE AMENDMENT CONSIDERED

[Senate File 151](#)

Senator Danielson called up for consideration [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, amended by the House in House amendment [S-3186](#), filed April 6, 2009.

Senator Danielson 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 Danielson 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. 151](#)), the vote was:

Yeas, 36:

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

Nays, 13:

Behn	Johnson	Reynolds	Zaun
Boettger	Kettering	Seymour	
Feenstra	McKinley	Ward	
Hahn	Noble	Wieck	

Absent, 1:

Houser

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 706, 478, and 321.

House File 706

On motion of Senator Danielson, [House File 706](#), a bill for an act relating to and publicizing mortgage foreclosure and real estate obligation protections for members of the national guard, and the reserve or regular component of the armed forces of the United States in active duty service, and providing a penalty, 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. 706](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Houser

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

House File 478

On motion of Senator Courtney, [House File 478](#), a bill for an act relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates, 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. 478](#)), the vote was:

Yeas, 39:

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

Nays, 10:

Behn	Hamerlinck	McKinley	Zaun
Feenstra	Hartsuch	Reynolds	
Hahn	Kettering	Wieck	

Absent, 1:

Houser

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

[House File 321](#)

On motion of Senator Danielson, [House File 321](#), a bill for an act exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur, 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. 321](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Houser

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 151](#) and **House Files 321, 478, and 706** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 419](#)

Senator Danielson called up for consideration [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, amended by the House in House amendment [S-3192](#), filed April 6, 2009.

Senator Hamerlinck offered amendment [S-3222](#), filed by him from the floor to pages 1–3 and amending the title page of amendment [S-3192](#).

Senator Danielson raised the point of order that amendment [S-3222](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3222](#) out of order.

Senator Hartsuch offered amendment [S-3229](#), filed by him from the floor to pages 1 and 3 and amending the title page of amendment [S-3192](#).

Senator Danielson raised the point of order that amendment [S-3229](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3229](#) out of order.

Senator Kettering withdrew amendment [S-3221](#), filed by him from the floor to page 3 and amending the title page of amendment [S-3192](#).

Senator Danielson 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 Danielson 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. 419](#)), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders

Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Hatch	Olive	Wieck
Dandekar	Heckroth	Quirnbach	Wilhelm
Danielson	Hogg	Ragan	Zaun
Dearden	Horn	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Houser

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

BUSINESS PENDING

[Senate File 466](#)

The Senate resumed consideration of [Senate File 466](#), a bill for an act relating to the administration of the tax and related laws, including the administration of the income tax, the franchise tax, hotel and motel tax, the motor fuel tax, and of fees for new vehicle registration, modifying certain civil penalties, providing an exemption filing deadline extension and for the abatement or refund of property taxes for certain property owners, changing the ownership interest provisions related to certain automobile racetrack facilities, and including effective date, retroactive applicability date, and other applicability date provisions, previously deferred.

Senator Hogg offered amendment [S-3185](#), filed by Senators Hogg and Zaun on April 2, 2009, to page 6 of the bill, and moved its adoption.

Amendment [S-3185](#) was adopted by a voice vote.

Senator Feenstra offered amendment [S-3217](#), filed by him from the floor to page 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3217](#) be adopted?” ([S.F. 466](#)) the vote was:

Yeas, 21:

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

Nays, 29:

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

Absent, none.

Amendment [S-3217](#) lost.

Senator Zaun offered amendment [S-3218](#), filed by him from the floor to page 9 of the bill.

Senator Hogg raised the point of order that amendment [S-3218](#) was not germane to the bill.

The Chair ruled the point not well-taken and amendment [S-3218](#) in order.

Senator Zaun moved the adoption of amendment [S-3218](#).

A record roll call was requested.

On the question “Shall amendment [S-3218](#) be adopted?” ([S.F. 466](#)) the vote was:

Yeas, 20:

Bartz	Hamerlinck	Kettering	Reynolds
Behn	Hartsuch	McKinley	Seymour

Boettger	Houser	Noble	Ward
Feenstra	Johnson	Quirnbach	Wieck
Hahn	Kapucian	Ragan	Zaun

Nays, 30:

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

Absent, none.

Amendment [S-3218](#) lost.

Senator Bartz offered amendment [S-3219](#), filed by him from the floor to page 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3219](#) be adopted?” ([S.F. 466](#)) the vote was:

Yeas, 22:

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

Nays, 28:

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

Absent, none.

Amendment [S-3219](#) lost.

Senator Ward offered amendment [S-3220](#), filed by her from the floor to page 9 of the bill, and moved its adoption.

Amendment [S-3220](#) was adopted by a voice vote.

Senator Zaun offered amendment [S-3225](#), filed by him from the floor to page 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3225](#) be adopted?" ([S.F. 466](#)) the vote was:

Yeas, 18:

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

Nays, 32:

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

Absent, none.

Amendment [S-3225](#) lost.

Senator Wieck offered amendment [S-3227](#), filed by him from the floor to page 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3227](#) be adopted?” ([S.F. 466](#))
the vote was:

Yeas, 19:

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

Nays, 31:

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

Absent, none.

Amendment [S-3227](#) lost.

Senator Hartsuch offered amendment [S-3228](#), filed by him from the floor to page 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3228](#) be adopted?” ([S.F. 466](#))
the vote was:

Yeas, 18:

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

Nays, 32:

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

Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirnbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, none.

Amendment [S-3228](#) lost.

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

Yeas, 33:

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

Nays, 17:

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

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 [Senate File 466](#) be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 336](#)

Senator Dandekar called up for consideration [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, amended by the House in House amendment [S-3187](#), filed April 6, 2009.

Senator Dandekar 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 Dandekar 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. 336](#)), 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 [Senate File 336](#) be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 226](#)

Senator Danielson called up for consideration [Senate File 226](#), a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters, amended by the House in House amendment [S-3215](#), filed April 8, 2009.

Senator Danielson 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 Danielson 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. 226](#)), the vote was:

Yeas, 39:

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

Nays, 11:

Behn	Hahn	Johnson	Reynolds
Boettger	Hartsuch	Kettering	Wieck
Feenstra	Heckroth	McKinley	

Absent, none.

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

President Pro Tempore Danielson took the chair at 5:18 p.m.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 503](#).

[House File 503](#)

On motion of Senator Kibbie, [House File 503](#), a bill for an act concerning the definition of veteran and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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?" ([H.F. 503](#)), 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 [Senate File 226](#) and [House File 503](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:31 p.m. until 9:00 a.m., Thursday, April 9, 2009.

APPENDIX

PRESENTATION OF VISITORS

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

Student ambassadors and student senators from Hawkeye Community College, Waterloo. Senator Dotzler.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Wednesday, April 8, 2009, 1:10 p.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: Passed [HF 805](#). Approved [SSB 1324](#).

Adjourned: 2:10 p.m.

WAYS AND MEANS

Convened: Wednesday, April 8, 2009, 2:15 p.m.

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

Members Absent: Houser (excused).

Committee Business: Passed [SF 422](#) and [HF 722](#).

Adjourned: 2:50 p.m.

INTRODUCTION OF BILL

[Senate File 475](#), by committee on Appropriations, a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

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

STUDY BILL RECEIVED

[SSB 1327](#) **Ways and Means**

Relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates.

SUBCOMMITTEE ASSIGNMENT

[SSB 1327](#)

WAYS AND MEANS: Dotzler, Chair; Hamerlinck and Schmitz

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: [HOUSE FILE 805 \(HSB 266\)](#), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

Recommendation: DO PASS.

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.

ALSO:

Bill Title: *[SENATE FILE 475 \(SSB 1324\)](#), a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dvorsky, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Noble, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Jochum, Johnson, Kapucian, and Seymour. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on [Senate File 475](#), and they were attached to the committee report.

WAYS AND MEANS

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, 12: Bolkcom, McCoy, Bartz, Dandekar, Dotzler, Hogg, Jochum, Quirnbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 4: Zaun, Feenstra, Hamerlinck, and Ward. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which [Senate File 419](#) passed the Senate on April 8, 2009.

MICHAEL E. GRONSTAL

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 8th day of April, 2009:

[Senate File 360](#).

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 8, 2009, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 112](#) – Providing for presentation of flags flown at half-staff over the state capitol in recognition of the death of a member of the armed forces of the United States while serving on active duty.

[Senate File 150](#) – Relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city.

[Senate File 253](#) – Relating to the time allowed certain active duty military personnel to file a state income tax return and including a retroactive applicability date provision.

AMENDMENTS FILED

S-3213	S.F. 464	John P. Kibbie
S-3214	S.F. 81	House
S-3215	S.F. 226	House
S-3216	S.F. 279	House
S-3217	S.F. 466	Randy Feenstra
S-3218	S.F. 466	Brad Zaun
S-3219	S.F. 466	Merlin Bartz

<u>S-3220</u>	<u>S.F.</u>	<u>466</u>	Pat Ward
<u>S-3221</u>	<u>S.F.</u>	<u>419</u>	Steve Kettering
<u>S-3222</u>	<u>S.F.</u>	<u>419</u>	Shawn Hamerlinck
<u>S-3223</u>	<u>H.F.</u>	<u>758</u>	David Hartsuch
<u>S-3224</u>	<u>H.F.</u>	<u>580</u>	Amanda Ragan
<u>S-3225</u>	<u>S.F.</u>	<u>466</u>	Brad Zaun
<u>S-3226</u>	<u>S.F.</u>	<u>468</u>	Joe Bolkcom
<u>S-3227</u>	<u>S.F.</u>	<u>466</u>	Ron Wieck
<u>S-3228</u>	<u>S.F.</u>	<u>466</u>	David Hartsuch
<u>S-3229</u>	<u>S.F.</u>	<u>419</u>	David Hartsuch
<u>S-3230</u>	<u>S.F.</u>	<u>437</u>	Keith A. Kreiman
			Rich Olive
			Kim Reynolds
<u>S-3231</u>	<u>H.F.</u>	<u>788</u>	William A. Dotzler, Jr.