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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, APRIL 22, 2009**

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# JOURNAL OF THE SENATE

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ONE HUNDRED FIRST CALENDAR DAY  
SIXTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 22, 2009

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

Prayer was offered by Reverend Tony Liston, pastor of the Adventure Christian Community Church in Davenport, Iowa. He was the guest of Senator Seng.

The Journal of Tuesday, April 21, 2009, was approved.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 24](#).

### [Senate Resolution 24](#)

On motion of Senator Gronstal, [Senate Resolution 24](#), a resolution to welcome the President of the United States to the State of Iowa as part of the 2009 celebration of Earth Day, was taken up for consideration.

Senator Gronstal moved the adoption of [Senate Resolution 24](#), which motion prevailed by a voice vote.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 9:00 a.m. until 2:30 p.m.

## AFTERNOON SESSION

The Senate reconvened at 2:44 p.m., Senator Gronstal presiding.

## QUORUM CALL

Senator Courtney requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent, and a quorum present.

The Senate stood at ease at 2:49 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:35 p.m., President Kibbie presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 2009, **refused to concur in the Senate amendment to the House amendment** to the following bill in which the concurrence of the House was asked:

[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.

ALSO: That the House has on April 22, 2009, **insisted on its amendment to Senate File 224**, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision, and the Conference Committee members on the part of the House are: the Representative from Chickasaw, Representative Quirk, Chair; the Representative from Polk, Representative Koester; the Representative from Pottawattamie, Representative Struyk; the Representative from Clayton, Representative Thomas; the Representative from Linn, Representative Willems.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 224](#) on the part of the Senate: Senators Danielson, Chair; Appel, Feenstra, Soddors, and Wieck.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 224](#) be **immediately messaged** to the House.

## SENATE INSISTS

[Senate File 470](#)

Senator Schoenjahn called up for consideration [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, amended by the Senate, further amended by the House, further amended and concurred in by the Senate, and moved that the Senate insist on its amendment.

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

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 470](#) on the part of the Senate: Senators Schoenjahn, Chair; Boettger, Heckroth, Quirnbach, and Zaun.

## SENATE INSISTS

[Senate File 437](#)

Senator Olive called up for consideration [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, amended by the House, further amended and concurred in by the Senate, and moved that the Senate insist on its amendment.

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

#### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 437](#) on the part of the Senate: Senators Olive, Chair; Black, Hamerlinck, Kreiman, and Reynolds.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Behn, until he arrives, on request of Senator Ward; and Senator Kapucian, until he arrives, on request of Senator Kettering.

#### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 815](#).

#### [House File 815](#)

On motion of Senator Schmitz, [House File 815](#), a bill for an act relating to articulation agreements between public postsecondary institutions and to the dissemination of articulation information, with report of committee recommending passage, was taken up for consideration.

Senator Schmitz 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. 815](#)), 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, none.

Absent, 2:

Behn                      Kapucian

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 437** and **470** and [House File 815](#) be **immediately messaged** to the House.

The Senate stood at ease at 3:56 p.m. until the fall of the gavel.

The Senate resumed session at 5:05 p.m., President Pro Tempore Danielson presiding.

#### HOUSE AMENDMENT CONSIDERED

##### [Senate File 433](#)

Senator Dotzler called up for consideration [Senate File 433](#), a bill for an act relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties, amended by the House in House amendment [S-3266](#), filed April 15, 2009.

Senator Dotzler offered amendment [S-3316](#), filed by him from the floor to pages 1, 2, and 4 of amendment [S-3266](#), and moved its adoption.

Amendment [S-3316](#) was adopted by a voice vote.

Senator Dotzler 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 Dotzler 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. 433](#)), 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, none.

Absent, 2:

Behn	Kapucian
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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 433](#) be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:15 p.m. until 8:45 a.m., Thursday, April 23, 2009.

## APPENDIX

### COMMUNICATIONS RECEIVED

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

#### OFFICE OF THE CITIZENS' AIDE/OMBUDSMAN

Taking Chances on Integrity: An Investigation of the Iowa Lottery, pursuant to Iowa Code section 2C.17. Report received on April 21, 2009.

#### DEPARTMENT OF PUBLIC HEALTH

Obstetrical and Gynecological Care Access Report for 2008, pursuant to Iowa Code section 135.11(18). Report received on April 22, 2009.

Tobacco Use Prevention and Control Progress Report for 2007, pursuant to Iowa Code section 142A.4(12). Report received on April 22, 2009.

### CERTIFICATES OF RECOGNITION

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

Pauline Black, Rockwell City—For celebrating her 100<sup>th</sup> birthday. Senator Beall (4/22/09)

Pat and Linda Kelly, Monticello—For saving Gloria Wolken from her burning home. Senator Hancock (4/22/09).

Devin Mashek, Ossian—For achieving the rank of Eagle Scout, Troop 88. Senator Wilhelm (4/22/09).

Derek Nesvik, Ossian—For achieving the rank of Eagle Scout, Troop 88. Senator Wilhelm (4/22/09).

Dan Sender, Ossian—For achieving the rank of Eagle Scout, Troop 88. Senator Wilhelm (4/22/09).

Barbara Zoeller, Dubuque—For being named one of the 100 Great Iowa Nurses for 2009. Senator Jochum (4/22/09).

## BILL 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 bill has 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 22nd day of April, 2009:

[Senate File 456.](#)

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENT FILED

[S-3316](#)      [S.F. 433](#)      William A. Dotzler, Jr.