

PROOF

STATE OF IOWA

Senate Journal

SATURDAY, APRIL 25, 2009

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JOURNAL OF THE SENATE

ONE HUNDRED FOURTH CALENDAR DAY
SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Saturday, April 25, 2009

The Senate met in regular session at 10:18 a.m., President Kibbie presiding.

Prayer was offered by Senate Page Kayla Sproul.

The Journal of Friday, April 24, 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 24, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 376](#), a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions. ([S-3359](#))

ALSO: That the House has on April 24, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 822](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions.

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:22 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:30 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Warnstadt and Hancock, until they arrive, on request of Senator Danielson.

HOUSE AMENDMENT CONSIDERED

[Senate File 376](#)

Senator McCoy called up for consideration **[Senate File 376](#)**, a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions, amended by the House in House amendment **[S-3359](#)**, filed April 25, 2009.

The Senate stood at ease at 10:34 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:42 a.m., President Kibbie presiding.

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

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" [\(S.F. 376\)](#), the vote was:

Yeas, 30:

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

Nays, 18:

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

Absent, 2:

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

Senator McCoy 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?" [\(S.F. 376\)](#), the vote was:

Yeas, 30:

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

Nays, 18:

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

Absent, 2:

Hancock Warnstadt

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

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 471](#), 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. ([S-3360](#))

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:45 p.m. until the completion of a meeting of the committee on Appropriations.

RECONVENED

The Senate reconvened at 1:00 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 477](#), a bill for an act relating to the issuance of bonds and making of appropriations for capital and other essential purposes. ([S-3361](#))

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:03 p.m. until 2:30 p.m.

RECONVENED

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

HOUSE AMENDMENT CONSIDERED

[Senate File 471](#)

Senator Hogg called up for consideration [Senate File 471](#), 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, amended by the House in House amendment [S-3360](#), filed April 25, 2009.

Senator Hogg 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 Hogg 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. 471](#)), the vote was:

Yeas, 33:

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

Nays, 16:

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

Absent, 1:

Hancock

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 477](#)

Senator McCoy called up for consideration [Senate File 477](#), a bill for an act relating to the issuance of bonds and making of appropriations for capital and other essential purposes, amended by the House in House amendment [S-3361](#), filed April 25, 2009.

Senator McCoy 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 McCoy 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. 477](#)), the vote was:

Yeas, 31:

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

Nays, 18:

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

Absent, 1:

Hancock

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 471](#) be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 19](#), a resolution to protect and preserve the battleship USS Iowa.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 19](#).

[Senate Resolution 19](#)

On motion of Senator Beall, [Senate Resolution 19](#), a resolution to protect and preserve the battleship USS Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved the adoption of [Senate Resolution 19](#), which motion prevailed by a voice vote.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:34 p.m. until 3:45 p.m.

RECONVENED

The Senate reconvened at 3:58 p.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: [HOUSE FILE 826](#) (formerly [HF 764](#)), a bill for an act relating to the comprehensive recycling planning task force.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 826](#).

House File 826

On motion of Senator Hogg, [House File 826](#), a bill for an act relating to the comprehensive recycling planning task force, with report of committee recommending passage, was taken up for consideration.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 826](#)), 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	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirnbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Hancock

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 826](#) be **immediately messaged** to the House.

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and were thanked by Senators Gronstal and McKinley for their service to the Senate.

Certificates of Excellence for serving with honor and distinction as Senate Pages during the 2009 Regular Session of the Eighty-third General Assembly were given to the following:

Evan Burger, Charlie Caris, Michael Dickinson, Taylor Edgar, Jefferson Fink, Hannah Fordyce, Caitlin Kingery, Megan Knight, Mia Kornelis, Sabrina Larson, Amber Schuler, Kayla Sproul, Nathan Verschuure, Mary Ward, and Nathan Winters.

The Senate rose and expressed its appreciation.

The Senate stood at ease at 4:13 p.m. until the fall of the gavel.

The Senate resumed session at 5:44 p.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: [HOUSE FILE 822 \(HSB 291\)](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Dvorsky, McCoy, Appel, Bolkom, Danielson, Dearden, Dotzler, Fraise, Hatch, Hogg, Jochum, Ragan, Schoenjahn, and Seng. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 2: Hancock and Warnstadt.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration [House File 822](#).

[House File 822](#)

On motion of Senator McCoy, [House File 822](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public

project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator McCoy offered amendment [S-3363](#), filed by him from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3363](#) be adopted?” ([H.F. 822](#)), the vote was:

Yeas, 31:

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

Nays, 18:

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

Absent, 1:

Hancock

Amendment [S-3363](#) was adopted.

Senator Dotzler offered amendment [S-3366](#), filed by Senator Dotzler, et al., from the floor to page 8 of the bill, and moved its adoption.

Amendment [S-3366](#) was adopted by a voice vote.

Senator McCoy offered amendment [S-3364](#), filed by him from the floor to page 12 and amending the title page of the bill, and moved its adoption.

Amendment [S-3364](#) was adopted by a voice vote.

Senator McCoy offered amendment [S-3362](#), filed by him from the floor to pages 8, 10, and 11 of the bill.

Senator McCoy asked and received unanimous consent that action on amendment [S-3362](#) and [House File 822](#) be **deferred**.

RECESS

On motion of Senator Courtney, the Senate recessed at 6:08 p.m. until the completion of a meeting of the committee on Appropriations.

RECONVENED

The Senate reconvened at 6:35 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 2009, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 820](#), a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions.

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

RECESS

On motion of Senator Appel, the Senate recessed at 6:37 p.m. until the completion of a meeting of the committee on Appropriations.

RECONVENED

The Senate reconvened at 7:08 p.m., President Kibbie presiding.

BUSINESS PENDING

[House File 822](#)

The Senate resumed consideration of [House File 822](#) and amendment [S-3362](#), previously deferred.

Senator Beall asked and received unanimous consent to withdraw amendment [S-3369](#), filed by Senator Beall, et al., from the floor to page 1 of amendment [S-3362](#).

Senator McCoy moved the adoption of amendment [S-3362](#).

Amendment [S-3362](#) was adopted by a voice vote.

With the adoption of amendment [S-3362](#), the Chair ruled amendment [S-3365](#), filed by Senator Beall, et al., from the floor to page 8 of the bill, out of order.

Senator Gronstal offered amendment [S-3368](#), filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment [S-3368](#) was adopted by a voice vote.

Senator McCoy offered amendment [S-3367](#), filed by him from the floor to page 29 of the bill, and moved its adoption.

Amendment [S-3367](#) was adopted by a voice vote.

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?" ([H.F. 822](#)), the vote was:

Yeas, 31:

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

Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

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

Absent, 1:

Hancock

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 822](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 7:24 p.m. until 10:00 p.m.

RECONVENED

The Senate reconvened at 10:45 p.m., President Kibbie presiding.

The Senate stood at ease at 10:46 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 11:55 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 2009, **amended the Senate amendment, concurred in the Senate amendment as amended, and passed** the following bill in which the concurrence of the Senate is asked:

[House File 822](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions. ([S-3371](#))

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and Wieck, until they return, on request of Senator Kettering.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**[House File 822](#)**

Senator McCoy called up for consideration **[House File 822](#)**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions, amended by the Senate and further amended by the House in House amendment [S-3371](#) to Senate amendment [H-1774](#), filed April 25, 2009.

Senator McCoy moved that the Senate concur in the House amendment to the Senate amendment.

A record roll call was requested.

On the question “Shall the motion to concur be adopted?” ([H.F. 822](#)), the vote was:

Yeas, 31:

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

Nays, 16:

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

Absent, 3:

Hancock	Houser	Wieck
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The motion prevailed and the Senate **concurred** in the House amendment to the Senate amendment.

Senator McCoy moved that the bill, as amended by the Senate, further 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?” ([H.F. 822](#)), the vote was:

Yeas, 31:

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

Nays, 16:

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

Absent, 3:

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

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: [HOUSE FILE 820 \(HSB 174\)](#), a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hatch, Hogg, Jochum, Ragan, Schoenjahn, and Seng. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 2: Hancock and Warnstadt.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 820](#).

[House File 820](#)

On motion of Senator Dvorsky, [House File 820](#), a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment

Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky offered amendment [S-3370](#), filed by him from the floor to pages 27–30 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3370](#) be adopted?” ([H.F. 820](#)), the vote was:

Yeas, 31:

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

Nays, 16:

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

Absent, 3:

Hancock	Houser	Wieck
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Amendment [S-3370](#) was adopted.

Senator Gronstal offered amendment [S-3372](#), filed by him from the floor to page 38 of the bill, and moved its adoption.

Amendment [S-3372](#) was adopted by a voice vote.

Senator Dvorsky 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. 820](#)), the vote was:

Yeas, 31:

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

Nays, 16:

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

Absent, 3:

Hancock	Houser	Wieck
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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 [House File 820](#) be **immediately messaged** to the House.

The Senate stood at ease at 12:22 a.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 4:57 a.m., Sunday, April 26, 2009, President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 2009, **amended the Senate amendment, concurred in the Senate amendment as amended, and passed** the following bill in which the concurrence of the Senate is asked:

House File 820, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions. (**S-3373**)

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Seymour, until he returns, on request of Senator Kettering; and Senators Hatch and Warnstadt, until they return, on request of Senator Gronstal.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 820

Senator Dvorsky called up for consideration **House File 820**, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions, amended by the Senate and

further amended by the House in House amendment [S-3373](#) to Senate amendment [H-1781](#), filed April 26, 2009.

Senator Dvorsky moved that the Senate concur in the House amendment to the Senate amendment.

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

Senator Dvorsky moved that the bill, as amended by the Senate, further 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?” ([H.F. 820](#)), the vote was:

Yeas, 28:

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

Nays, 16:

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

Absent, 6:

Hancock	Houser	Warnstadt
Hatch	Seymour	Wieck

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 820](#) be **immediately messaged** to the House.

MOTIONS TO RECONSIDER WITHDRAWN

House File 805

Senator Gronstal withdrew the motion to reconsider **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, filed by him on April 9, 2009, found on page 1056 of the Senate Journal.

Senate File 467

Senator Gronstal withdrew the motion to reconsider **Senate File 467**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, filed by him on April 13, 2009, found on page 1077 of the Senate Journal.

Senate File 469

Senator Gronstal withdrew the motion to reconsider **Senate File 469**, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters, filed by him on April 13, 2009, found on page 1077 of the Senate Journal.

House File 809

Senator Gronstal withdrew the motion to reconsider **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, filed by him on April 23, 2009, found on page 1211 of the Senate Journal.

[House File 811](#)

Senator Gronstal withdrew the motion to reconsider [House File 811](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, filed by him on April 23, 2009, found on page 1211 of the Senate Journal.

[Senate File 376](#)

Senator Gronstal withdrew the motion to reconsider [Senate File 376](#), a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions, filed by him from the floor.

[Senate File 477](#)

Senator Gronstal withdrew the motion to reconsider [Senate File 477](#), a bill for an act relating to the issuance of bonds and making of appropriations for capital and other essential purposes, filed by him from the floor.

[House File 822](#)

Senator Gronstal withdrew the motion to reconsider [House File 822](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions, filed by him from the floor

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 376, 467, 469, and 477** and **House Files 805, 809, 811, and 822** 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 24, 2009, **adopted the conference committee report and passed [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, **concurred in the Senate amendment to the House amendment, and passed** the following bill in which the concurrence of the House was asked:

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

ALSO: That the House has on April 25, 2009, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 478](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters. ([S-3374](#))

ALSO: That the House has on April 25, 2009, **adopted** the following resolution in which the concurrence of the Senate is asked:

[House Concurrent Resolution 10](#), a House concurrent resolution to provide for adjournment sine die.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dandekar, until she returns, on request of Senator Gronstal.

HOUSE AMENDMENT CONSIDERED

[Senate File 478](#)

Senator Dvorsky called up for consideration [Senate File 478](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, amended by the House in House amendment [S-3374](#), filed April 26, 2009.

Senator Dvorsky 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 Dvorsky 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. 478](#)), the vote was:

Yeas, 27:

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

Nays, 16:

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

Absent, 7:

Dandekar	Hatch	Seymour	Wieck
Hancock	Houser	Warnstadt	

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 478](#) be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House Concurrent Resolution 10](#).

[House Concurrent Resolution 10](#)

On motion of Senator Gronstal, [House Concurrent Resolution 10](#), a House concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Gronstal moved the adoption of [House Concurrent Resolution 10](#), which motion prevailed by a voice vote.

FINAL ADJOURNMENT

By virtue of [House Concurrent Resolution 10](#), duly adopted, the day of April 26, 2009, having arrived, President Kibbie declared the 2009 Regular Session of the Eighty-third General Assembly adjourned sine die.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Timothy James Claussen, Adair—For achieving the rank of Eagle Scout, Troop 70. Senator Boettger (4/25/09).

Jessie Scott Leeper, Adair—For achieving the rank of Eagle Scout, Troop 70. Senator Boettger (4/25/09).

Benjamin LeRoy William Wilson, Adair—For achieving the rank of Eagle Scout, Troop 70. Senator Boettger (4/25/09).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Saturday, April 25, 2009, 12:50 p.m.

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

Members Absent: Hancock and Warnstadt (both excused).

Committee Business: Passed [HF 822](#).

Adjourned: 1:00 p.m.

RULES AND ADMINISTRATION

Convened: Saturday, April 25, 2009, 10:25 a.m.

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

Members Absent: None.

Committee Business: Passed [SR 19](#).

Adjourned: 10:30 a.m.

WAYS AND MEANS

Convened: Saturday, April 25, 2009, 3:40 p.m.

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

Members Absent: None.

Committee Business: Passed [HF 826](#).

Adjourned: 3:45 p.m.

SUBCOMMITTEE ASSIGNMENT

[House File 822](#)

APPROPRIATIONS: McCoy, Chair

MOTIONS TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which [Senate File 376](#) passed the Senate on April 25, 2009.

ALSO: I move to reconsider the vote by which [Senate File 477](#) passed the Senate on April 25, 2009.

ALSO: I move to reconsider the vote by which [House File 822](#) passed the Senate on April 26, 2009.

MICHAEL E. GRONSTAL

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 25th day of April, 2009:

[Senate File 137](#).

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

<u>S-3359</u>	<u>S.F. 376</u>	House
<u>S-3360</u>	<u>S.F. 471</u>	House
<u>S-3361</u>	<u>S.F. 477</u>	House
<u>S-3362</u>	<u>H.F. 822</u>	Matt McCoy
<u>S-3363</u>	<u>H.F. 822</u>	Matt McCoy
<u>S-3364</u>	<u>H.F. 822</u>	Matt McCoy
<u>S-3365</u>	<u>H.F. 822</u>	Daryl Beall Steve Warnstadt Amanda Ragan Robert E. Dvorsky William A. Dotzler, Jr. Joe Bolkcom Robert M. Hogg Pam Jochum Matt McCoy
<u>S-3366</u>	<u>H.F. 822</u>	William A. Dotzler, Jr. Amanda Ragan Bill Heckroth Jeff Danielson
<u>S-3367</u>	<u>H.F. 822</u>	Matt McCoy
<u>S-3368</u>	<u>H.F. 822</u>	Michael E. Gronstal
<u>S-3369</u>	<u>H.F. 822</u>	Daryl Beall Steve Warnstadt Amanda Ragan Robert E. Dvorsky William Dotzler Joe Bolkcom Robert M. Hogg Pam Jochum Matt McCoy
<u>S-3370</u>	<u>H.F. 820</u>	Robert E. Dvorsky
<u>S-3371</u>	<u>H.F. 822</u>	House
<u>S-3372</u>	<u>H.F. 820</u>	Michael E. Gronstal
<u>S-3373</u>	<u>H.F. 820</u>	House
<u>S-3374</u>	<u>S.F. 478</u>	House