

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, JANUARY 19, 2010

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JOURNAL OF THE SENATE

NINTH CALENDAR DAY
SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 19, 2010

The Senate met in regular session at 10:07 a.m., President Kibbie presiding.

Prayer was offered by Sister Tess Engel of the Holy Trinity Parish in Fort Dodge, Iowa. She was the guest of Senator Beall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Josh Burke.

The Journal of Friday, January 15, 2010, was approved.

The Senate stood at ease at 10:18 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:20 a.m., President Kibbie presiding.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2047](#).

[Senate File 2047](#)

On motion of Senator Schoenjahn, [Senate File 2047](#), a bill for an act relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances and including effective date provisions, was taken up for consideration.

Senator Schoenjahn asked and received unanimous consent that [House File 2030](#) be **substituted** for [Senate File 2047](#).

[House File 2030](#)

On motion of Senator Schoenjahn, [House File 2030](#), a bill for an act relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances and including effective date provisions, was taken up for consideration.

Senator Johnson asked and received unanimous consent that action on [House File 2030](#) be deferred.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:27 a.m. until 1:30 p.m.

APPENDIX—1

COMMUNICATION RECEIVED

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

IOWA JUDICIAL BRANCH

Report on Enhanced Court Collection Fund and Court Technology Fund, pursuant to 2009 Iowa Acts, [SF 472](#), section 1(8). Report received on January 18, 2010.

AGENCY ICN REPORT

An Iowa Communications Network (ICN) usage report for FY 2009, pursuant to Iowa Code section 8D.10, was received from the following agency:

IOWA WORKFORCE DEVELOPMENT – Report received on January 19, 2010.

CERTIFICATES OF RECOGNITION

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

George Cummins, Charles City—In honor of his retirement from Iowa State University. Senator Ragan (1/19/10).

Howard C. Derby, Burlington—For celebrating his 90th birthday. Senator Courtney (1/19/10).

Mariann Eccles, Burlington—For celebrating her 90th birthday. Senator Courtney (1/19/10).

Evan Ferrel, Coralville—For achieving the rank of Eagle Scout, Troop 2000. Senator Bolkcom (1/19/10).

Duane Griggs, Burlington—For celebrating his 90th birthday. Senator Courtney (1/19/10).

Ronald and Nawanda Mehaffy, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (1/19/10).

Catherine Merz, Keota—For celebrating her 101st birthday. Senator Rielly (1/19/10).

Marilyn Miller, Oskaloosa—In honor of her retirement after 30-plus years of service. Senator Rielly and Representative Palmer (1/19/10).

Aloysius TeKippe—For achieving the rank of Eagle Scout, Troop 115. Senator Appel (1/19/10).

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: Tuesday, January 19, 2010, 1:05 p.m.

Members Present: Kreiman, Chair; Hogg, Vice Chair; Kettering, Ranking Member; Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Soddors, Ward, and Warnstadt.

Members Absent: Zaun (excused).

Committee Business: Passed [HF 734](#) and approved [SSB 1136](#), both as amended.

Adjourned: 1:30 p.m.

LOCAL GOVERNMENT

Convened: Tuesday, January 19, 2010, 2:00 p.m.

Members Present: Quirnbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Hamerlinck, Houser, Kreiman, Rielly, and Schoenjahn.

Members Absent: Kapucian, McCoy, and Olive (all excused).

Committee Business: Deferred [HF 216](#).

Adjourned: 2:05 p.m.

INTRODUCTION OF BILLS

[Senate File 2055](#), by Appel, Dearden, Hatch, Hogg, Dvorsky, Heckroth, Beall, Quirnbach, Jochum, Kibbie, Gronstal, Courtney, Bolkom, Schoenjahn, Kreiman, Soddors, Danielson, Stewart, and Fraise, a bill for an act concerning the use of child restraint systems or seat belts by motor vehicle passengers who are minors and making a penalty applicable.

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

[Senate File 2056](#), by Appel, Dearden, Hatch, Hogg, Quirnbach, Jochum, Black, McCoy, Courtney, Kibbie, Gronstal, Dandekar, Soddors, Stewart, Beall, and Fraise, a bill for an act concerning the operation of a motor vehicle while using an electronic communication device to write, read, or send an electronic message, and providing penalties.

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

[Senate File 2057](#), by Hogg, a bill for an act relating to renewable energy production by establishing a solar electric generation standard applicable to electric public utilities.

Read first time under Rule 28 and referred to committee on **Environment and Energy Independence**.

[Senate File 2058](#), by Hancock, a bill for an act relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students.

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

[Senate File 2059](#), by Hancock, a bill for an act concerning the purchasing of raffle tickets.

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

[Senate File 2060](#), by Sodders, a bill for an act requiring financial liability coverage as a condition for registration of a motor vehicle, requiring insurance carriers to certify automobile liability coverage to the department of transportation, and providing civil and criminal penalties.

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

[Senate File 2061](#), by McCoy, a bill for an act requiring that certain health insurance policies provide coverage for preventive screenings and services for colorectal cancer.

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

SUBCOMMITTEE ASSIGNMENTS

[Senate File 2009](#)

COMMERCE: Warnstadt, Chair; Hartsuch and Rielly

[Senate File 2020](#)

COMMERCE: Rielly, Chair; Behn and McCoy

[Senate File 2043](#)

COMMERCE: Olive, Chair; Bolcom and Wieck

[Senate File 2044](#)

ECONOMIC GROWTH: Olive, Chair; Hatch and Houser

[Senate File 2049](#)

STATE GOVERNMENT: Jochum, Chair; Seymour and Sodders

[Senate File 2050](#)

JUDICIARY: Sodders, Chair; Boettger and Horn

[Senate File 2053](#)

HUMAN RESOURCES: Hatch, Chair; Johnson and Quirmbach

[SSB 3083](#)

HUMAN RESOURCES: Ragan, Chair; Johnson and Wilhelm

[SSB 3084](#)

HUMAN RESOURCES: Hatch, Chair; Johnson and Wilhelm

[SSB 3085](#)

HUMAN RESOURCES: Dotzler, Chair; Bartz and Bolkcom

[SSB 3086](#)

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Johnson

[SSB 3087](#)

JUDICIARY: Kreiman, Chair; Hancock and Noble

[SSB 3088](#)

REBUILD IOWA: Stewart, Chair; Horn and Reynolds

[SSB 3089](#)

REBUILD IOWA: Heckroth, Chair; Hamerlinck and Stewart

[SSB 3090](#)

COMMERCE: Heckroth, Chair; Olive and Wieck

[SSB 3091](#)

STATE GOVERNMENT: Dearden, Chair; Black and Hartsuch

RECONVENED

The Senate reconvened at 1:42 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:43 p.m. until 3:30 p.m.

RECONVENED

The Senate reconvened at 3:57 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:58 p.m. until 5:00 p.m.

EVENING SESSION

The Senate reconvened at 5:15 p.m., President Pro Tempore Danielson presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal; and Senator Zaun, until he arrives, on request of Senator Ward.

BUSINESS PENDING

[House File 2030](#)

The Senate resumed consideration of **[House File 2030](#)**, a bill for an act relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances and including effective date provisions, previously deferred.

Senator McKinley offered amendment [S-5011](#), filed by Senator McKinley, et al., from the floor to pages 3 and 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5011](#) be adopted?" ([H.F. 2030](#)), the vote was:

Yeas, 17:

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

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, 2:

McCoy	Zaun
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Amendment [S-5011](#) lost.

Senator Bartz offered amendment [S-5012](#), filed by him from the floor to page 4 of the bill, and moved its adoption.

Amendment [S-5012](#) lost by a voice vote.

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

On the question "Shall the bill pass?" ([H.F. 2030](#)), the vote was:

Yeas, 32:

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

Nays, 16:

Bartz	Feenstra	Houser	McKinley
Behn	Hahn	Johnson	Reynolds
Boettger	Hamerlinck	Kapucian	Seymour
Dandekar	Hartsuch	Kettering	Wieck

Absent, 2:

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

WITHDRAWN

Senator Schoenjahn asked and received unanimous consent that [Senate File 2047](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 2030](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:00 p.m. until 8:45 a.m., Wednesday, January 20, 2010.

APPENDIX—2**CERTIFICATE OF RECOGNITION**

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

Sister Tess Engel, Holy Trinity Parish—In appreciation for serving as Chaplain of the Day in the Iowa Senate. Senator Beall (1/19/10).

REPORT OF COMMITTEE MEETING**HUMAN RESOURCES**

Convened: Tuesday, January 19, 2010, 4:00 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Hartsuch, Ranking Member; Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm.

Members Absent: None.

Committee Business: Presentation by the Department of Human Services.

Adjourned: 5:10 p.m.

SUBCOMMITTEE ASSIGNMENTS**[Senate File 2059](#)**

STATE GOVERNMENT: Black, Chair; Feenstra and Horn

[SSB 3092](#)

HUMAN RESOURCES: Ragan, Chair; Bolkcom and Johnson

[SSB 3093](#)

HUMAN RESOURCES: Ragan, Chair; Schmitz and Johnson

[SSB 3094](#)

JUDICIARY: Kreiman, Chair; Hancock and Ward

[SSB 3095](#)

JUDICIARY: Hogg, Chair; Fraise and Zaun

[SSB 3096](#)

REBUILD IOWA: Heckroth, Chair; Dandekar and Feenstra

[SSB 3097](#)

REBUILD IOWA: Hogg, Chair; Horn and Feenstra

[SSB 3098](#)

REBUILD IOWA: Hogg, Chair; Jochum and Houser

[SSB 3099](#)

EDUCATION: Heckroth, Chair; Beall and Feenstra

STUDY BILLS RECEIVED

[SSB 3083](#) **Human Resources**

To allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

[SSB 3084](#) **Human Resources**

Relating to benefit coverage for medication therapy management.

[SSB 3085](#) **Human Resources**

Relating to the practice of chronic interventional pain medicine and providing a penalty.

[SSB 3086](#) **Human Resources**

Relating to the renewal of the family planning network waiver under the medical assistance program.

[SSB 3087](#) **Judiciary**

Relating to the wearing of an alcohol monitoring device as a condition of probation for certain operating-while-intoxicated and related offenses.

SSB 3088 Rebuild Iowa

Relating to emergency preparedness for assisted living programs and elder group homes.

SSB 3089 Rebuild Iowa

Relating to disclosures concerning the availability of flood insurance and sewer back-up insurance coverage and flood damage to property being transferred.

SSB 3090 Commerce

Relating to various matters under the purview of the insurance division of the department of commerce including the Iowa grain indemnity fund board, uniform securities Act, examination of insurance companies, life insurance companies and associations, external review of health care coverage decisions, insurance other than life, mortgage guaranty insurance, cemetery and funeral merchandise and funeral services, and regulation of cemeteries and making penalties applicable.

SSB 3091 State Government

Concerning the Iowa lottery authority relating to the awarding of prizes and providing a criminal penalty.

SSB 3092 Human Resources

Relating to Alzheimer's disease and related disorders and the role of the department of public health in collecting data concerning Alzheimer's disease and providing resources and services to persons suffering from the disease.

SSB 3093 Human Resources

An act Relating to measuring and improving the quality of care for stroke patients.

SSB 3094 **Judiciary**

Relating to judicial branch administration, child custody and visitation matters, and making appropriations.

SSB 3095 **Judiciary**

Relating to judgment liens on homesteads.

SSB 3096 **Rebuild Iowa**

Establishing smart planning principles, establishing guidelines for the adoption of certain comprehensive plans and land development regulations, and providing for the establishment of a smart planning task force.

SSB 3097 **Rebuild Iowa**

Relating to disaster recovery case management.

SSB 3098 **Rebuild Iowa**

Relating to flood plain management.

SSB 3099 **Education**

Relating to the resumption of tuition grant eligibility.

FINAL COMMITTEE REPORT OF BILL ACTION**JUDICIARY**

Bill Title: [HOUSE FILE 734 \(HSB 261\)](#), a bill for an act relating to the uniform adult guardianship and protective proceedings Act relating to the establishment, transfer, and recognition of guardianships and conservatorships in multistate cases, and including effective date and applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5010](#).

Final Vote: Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Soddors, Ward, and Warnstadt. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

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 19th day of January, 2010:

Senate Files 2045 and 2046.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on January 15, 2010, the Governor approved and transmitted to the Secretary of State the following bill:

[Senate File 2033](#) – Relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

AMENDMENTS FILED

S-5010	H.F. 734	Judiciary
S-5011	H.F. 2030	Paul McKinley
		Merlin Bartz
		Nancy J. Boettger
		Shawn Hamerlinck
S-5012	H.F. 2030	Merlin Bartz