

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, JANUARY 21, 2010

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JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY
EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 21, 2010

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Reverend Angela Doty, chaplain of the Iowa Veterans Home in Marshalltown, Iowa. She was the guest of Senator Sodders.

The Journal of Wednesday, January 20, 2010, was approved.

The Senate stood at ease at 8:52 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:58 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:59 a.m. until 11:30 a.m.

RECONVENED

The Senate reconvened at 11:37 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kreiman, until he arrives, on request of Senator Ragan; and Senator Bartz, until he returns, on request of Senator McKinley.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2062](#).

[Senate File 2062](#)

On motion of Senator Appel, [Senate File 2062](#), a bill for an act providing for a retirement incentive program for state employees and including effective date provisions, was taken up for consideration.

Senator Hartsuch offered amendment [S-5014](#), filed by Senator Hartsuch, et al., from the floor to pages 1 and 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5014](#) be adopted?" ([S.F. 2062](#)), the vote was:

Yeas, 17:

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

Nays, 31:

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

Absent, 2:

Bartz	Kreiman
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Amendment [S-5014](#) lost.

Senator Feenstra offered amendment [S-5015](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5015](#) be adopted?” ([S.F. 2062](#)), the vote was:

Yeas, 18:

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

Nays, 30:

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

Absent, 2:

Bartz	Kreiman
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Amendment [S-5015](#) lost.

Senator Appel offered amendment [S-5013](#), filed by her on January 20, 2010, to page 2 of the bill, and moved its adoption.

Amendment [S-5013](#) was adopted by a voice vote.

Senator Appel 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. 2062](#)), the vote was:

Yeas, 41:

Appel	Gronstal	Kettering	Seng
Beall	Hamerlinck	Kibbie	Seymour
Black	Hancock	McCoy	Sodders

Bolkcom	Hatch	Noble	Stewart
Courtney	Heckroth	Olive	Ward
Dandekar	Hogg	Quirnbach	Warnstadt
Danielson	Horn	Ragan	Wilhelm
Dearden	Houser	Reynolds	Zaun
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	
Fraise	Kapucian	Schoenjahn	

Nays, 7:

Behn	Feenstra	Hartsuch	Wieck
Boettger	Hahn	McKinley	

Absent, 2:

Bartz	Kreiman
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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 2062](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:56 a.m. until 1:00 p.m., Monday, January 25, 2010.

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:

BOARD OF REGENTS

FY 2009 Annual Report on the Beginning Farmer Center at Iowa State University, pursuant to Iowa Code section 266.39E. Report received on January 21, 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:

DEPARTMENT OF PUBLIC HEALTH – Report received on January 21, 2010.

CERTIFICATE OF RECOGNITION

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

Tom O'Rourke—In honor of his retirement from the Black Hawk County Health Department. Senator Dotzler (1/21/10).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Thursday, January 21, 2010, 1:05 p.m.

Members Present: Warnstadt, Chair; Wieck, Ranking Member; Behn, Bolkcom, Courtney, Dandekar, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward.

Members Absent: Heckroth, Vice Chair; and Hartsuch (both excused).

Committee Business: Approved SSBs 3017 and 3020.

Adjourned: 1:10 p.m.

STATE GOVERNMENT

Convened: Wednesday, January 20, 2010, 4:35 p.m.

Members Present: Appel, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck.

Members Absent: Behn (excused).

Committee Business: Approved [SSB 3030](#), as amended.

Recessed: 6:15 p.m.

Reconvened: 6:20 p.m.

Adjourned: 6:35 p.m.

WAYS AND MEANS

Convened: Wednesday, January 20, 2010, 3:05 p.m.

Members Present: Bolkcom, Chair; Bartz, Dandekar, Dotzler, Hogg, Houser, Jochum, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: McCoy, Vice Chair; Zaun, Ranking Member; Feenstra, Hamerlinck, and Quirnbach (all excused).

Committee Business: Presentations by the Legislative Services Agency and the Department of Revenue.

Adjourned: 4:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, January 21, 2010, 10:15 a.m.

Members Present: Dotzler, Chair; Kapucian, Ranking Member; Dandekar and Reynolds.

Members Absent: Heckroth, Vice Chair (excused).

Committee Business: Presentation by the Legislative Services Agency, Fiscal Services Division.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, January 21, 2010, 10:20 a.m.

Members Present: Schoenjahn, Chair; Quirnbach, Vice Chair; Boettger, Ranking Member; Feenstra and Horn.

Members Absent: None.

Committee Business: Presentation by the Legislative Services Agency, Fiscal Services Division.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, January 21, 2010, 10:20 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Hartsuch and Schmitz.

Members Absent: None.

Committee Business: Update on Interim MH Workgroup, discussed Reorganization Bill, and reviewed 2010 base budget.

Adjourned: 11:25 a.m.

STUDY BILLS RECEIVED**[SSB 3103](#) **Human Resources****

Relating to health care facilities and programs, including hospital inspector requirements, the hospital licensing board, and dependent adult abuse.

[SSB 3104](#) **Human Resources**

Relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly.

[SSB 3105](#) **Judiciary**

Relating to the confinement of persons committed to the custody of the department of corrections at a jail.

SSB 3106 **Judiciary**

Modifying the definition of assault.

SSB 3107 **Judiciary**

Relating to eluding or attempting to elude a marked law enforcement vehicle, and providing a penalty.

SSB 3108 **Judiciary**

An act relating to the rights of a donee created by an anatomical gift.

SSB 3109 **Judiciary**

Relating to the issuance of a protective order or approval of a consent agreement in a domestic abuse case and providing for a study.

SSB 3110 **Judiciary**

Relating to conducting court hearings by video conference.

SSB 3111 **Judiciary**

Relating to mediation in domestic relations actions.

SSB 3112 **Ways and Means**

Relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, moneys and credits tax, insurance premiums tax, sales and use taxes, fees for new vehicle registration, franchise fees, and the environmental protection charge, making penalties applicable, and including retroactive applicability provisions.

SSB 3113 **Transportation**

Relating to the regulation of motor vehicle franchises.

SSB 3114 Environment and Energy Independence

Relating to the utilization of energy by authorizing the establishment of an energy finance program to finance certain energy improvements, and providing a penalty.

SSB 3115 Environment and Energy Independence

Regarding matters under the purview of the department of natural resources.

SSB 3116 Environment and Energy Independence

Relating to activities of the department of public safety including regulating the storage of flammable and combustible liquids in aboveground storage tanks and retaining fees.

SSB 3117 State Government

Relating to elections by eliminating double election boards and by requiring the commissioner of elections, upon petition, to use automatic tabulating equipment in certain elections and including effective date provisions.

SSB 3118 Veterans Affairs

Providing for representation of military veterans on certain mental health policy bodies.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2001**

RULES AND ADMINISTRATION: Gronstal, Chair; Boettger and Dearden

Senate File 2010

EDUCATION: Schoenjahn, Chair; Heckroth and Johnson

[Senate File 2030](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Hogg, Chair; Behn and Rielly

[Senate File 2054](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Wilhelm, Chair; Hartsuch and Stewart

[Senate File 2057](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Bolcom and Ward

[Senate File 2058](#)

EDUCATION: Heckroth, Chair; Feenstra and Schoenjahn

[Senate File 2061](#)

COMMERCE: McCoy, Chair; Rielly and Wieck

[Senate File 2068](#)

STATE GOVERNMENT: Jochum, Chair; Hatch and Seymour

[SSB 3103](#)

HUMAN RESOURCES: Dotzler, Chair; Kreiman and Seymour

[SSB 3104](#)

HUMAN RESOURCES: Schmitz, Chair; Boettger and Kreiman

[SSB 3105](#)

JUDICIARY: Kreiman, Chair; Warnstadt and Noble

[SSB 3106](#)

JUDICIARY: Kreiman, Chair; Soddors and Ward

[SSB 3107](#)

JUDICIARY: Kreiman, Chair; Noble and Soddors

[SSB 3108](#)

JUDICIARY: Schoenjahn, Chair; Horn and Zaun

[SSB 3109](#)

JUDICIARY: Kreiman, Chair; Boettger and Jochum

[SSB 3110](#)

JUDICIARY: Kreiman, Chair; Hogg and Kettering

[SSB 3111](#)

JUDICIARY: Kreiman, Chair; Boettger and Jochum

[SSB 3112](#)

WAYS AND MEANS: Jochum, Chair; Hamerlinck and Wilhelm

[SSB 3113](#)

TRANSPORTATION: Dandekar, Chair; Beall and Zaun

[SSB 3114](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Bolkcom, Chair; Hogg and Reynolds

[SSB 3115](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Black, Chair; Behn and Wilhelm

[SSB 3116](#)

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Rielly and Reynolds

[SSB 3117](#)

STATE GOVERNMENT: Soddors, Chair; Appel and Behn

[SSB 3118](#)

VETERANS AFFAIRS: Warnstadt, Chair; Beall and Seymour

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber to attend an MH/MR/DD/BI Commission meeting on January 21, 2010, when the vote was taken on [Senate File 2062](#). Had I been present, I would have voted "Nay."

MERLIN BARTZ

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on January 21, 2010, to investigate the appointment and reappointment of the following appointees:

ECONOMIC GROWTH

As Director of the Department of Economic Development:

BRET MILLS – Stewart, Chair; Olive and Houser

As a member of the Iowa Great Places Board:

RUTH SMITH – Schmitz, Chair; Heckroth and Reynolds

As members of the Iowa Jobs Board:

PATRICK BAIRD – Heckroth, Chair; Beall and Kapucian
WILLARD BOYD – Hatch, Chair; Dandekar and Kapucian
JONI DITTMER – Wilhelm, Chair; Schmitz and Hamerlinck
KATE GRONSTAL – Dotzler, Chair; Olive and Houser
JEFFREY POMERANZ – Olive, Chair; Hatch and Wieck
TOI SULLIVAN – Beall, Chair; Wilhelm and Wieck

As a member of the Iowa Power Fund Board:

SHEARON ELDERKIN – Dandekar, Chair; Schmitz and Kapucian

As a member of the Small Business Advisory Council:

NANCY KASPAREK – Rielly, Chair; Dotzler and Kapucian

EDUCATION

As a member of the Iowa Autism Council:

LINDA LOUKO – Schmitz, Chair; Kreiman and Hamerlinck

As a member of the State Board of Education:

ANA LOPEZ-DAWSON – Beall, Chair; Quirnbach and Johnson

As a member of the Iowa Empowerment Board:

MIKEAL CASS – Boettger, Chair; Wilhelm and Sadders

As a member of the Technology Governance Board:

GLYNIS COUTEE – Dvorsky, Chair; Heckroth and McKinley

ENVIRONMENT AND ENERGY INDEPENDENCE

As members of the Environmental Protection Commission:

CARRIE LA SEUR – Black, Chair; Hancock and Hartsuch

LORNA PUNTILLO – Ward, Chair; Rielly and Stewart

As a member of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board:

ERIC JOHNSON – Hogg, Chair; Hancock and Behn

HUMAN RESOURCES

As a member of the Board of Athletic Training:

ROGER HUSTON – Quirnbach, Chair; Ragan and Bartz

As a member of the Board of Behavioral Science:

BLAINE DONALDSON – Schmitz, Chair; Hatch and Boettger

As a member of the Prevention of Disabilities Policy Council:

THERESA RASCH – Wilhelm, Chair; Bolcom and Hartsuch

As Director of the Department of Human Services:

CHARLES J. KROGMEIER – Ragan, Chair; Hatch and Johnson

As a member of the Council on Human Services:

PHYLLIS HANSELL – Schmitz, Chair; Dotzler and Seymour

JUDICIARY

As a member of the Iowa Civil Rights Commission:

KEITH JOHNSON – Jochum, Chair; Kreiman and Ward

As State Public Defender:

TOMAS RODRIGUEZ – Hogg, Chair; Kreiman and Ward

LABOR AND BUSINESS RELATIONS

As a member of the Plumbing and Mechanical Systems Examining Board:

BRITA VAN HORNE – Horn, Chair; Dotzler and Houser

As a member of the Iowa Workforce Development Board:

DEBORAH GROENE – Hatch, Chair; Dearden and Ward

LOCAL GOVERNMENT

As Chair of the Property Assessment Appeal Board:

KAREN OBERMAN – Quirnbach, Chair; Kreiman and Reynolds

As a member of the Property Assessment Appeal Board:

KAREN OBERMAN – Quirnbach, Chair; Kreiman and Reynolds

NATURAL RESOURCES

As members of the Natural Resource Commission:

DENNIS SCHEMMEL – Ragan, Chair; Schoenjahn and Hahn

MARGO UNDERWOOD – Seng, Chair; Fraise and Hahn

STATE GOVERNMENT

As a member of the Accountancy Examining Board:

EVELYN RANK – Horn, Chair; Black and Seymour

As a member of the Commission on the Status of African-Americans:

VICTORIA NWASIKE – Horn, Chair; Black and Seymour

As a member of the Board of Chiropractic:

REX JONES – Horn, Chair; Black and Seymour

As a member of the Electrical Examining Board:

KAY PENCE – Horn, Chair; Black and Seymour

As a member of the Generation Iowa Commission:

KHARA WASHINGTON – Black, Chair; Horn and Behn

As a member of the Interior Design Examining Board:

MICHELE ROSENBOOM – Black, Chair; Horn and Behn

As a member of the IowAccess Advisory Council:

HERB COPLEY – Black, Chair; Horn and Behn

As members of the Commission on the Status of Iowans of Asian and Pacific Islander Heritage:

NING CHIA – Dearden, Chair; Courtney and Hartsuch
ARLENE SAMONA – Dearden, Chair; Courtney and Hartsuch

As members of the Board of Massage Therapy:

WILLIAM CAMERON – Dearden, Chair; Courtney and Hartsuch
BONNI LEISEROWITZ – Dearden, Chair; Courtney and Hartsuch

As a member of the Board of Nursing Home Administrators:

MABEL MANTEL – Courtney, Chair; Dearden and Feenstra

As a member of the Board of Speech Pathology and Audiology:

J. MICHAEL TYSKLIND – Courtney, Chair; Dearden and Feenstra

As a member of the Commission on the Status of Women:

JOAN AXEL – Courtney, Chair; Dearden and Feenstra

WAYS AND MEANS

As Executive Director of the Iowa Finance Authority:

JOE O'HERN – Stewart, Chair; Dotzler and Feenstra

AMENDMENTS FILED

<u>S-5014</u>	<u>S.F. 2062</u>	David Hartsuch Jerry Behn Paul McKinley Steve Kettering Brad Zaun Nancy J. Boettger Kim Reynolds Tim L. Kapucian David Johnson Larry Noble James F. Hahn Hubert Houser Randy Feenstra
<u>S-5015</u>	<u>S.F. 2062</u>	Randy Feenstra