

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 1, 2010

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JOURNAL OF THE SENATE

TWENTY-SECOND CALENDAR DAY
THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 1, 2010

The Senate met in regular session at 10:04 a.m., President Kibbie presiding.

Prayer was offered by Reverend Harold Davis, Jr., pastor of Corinthian Baptist Church in Des Moines, Iowa. He was the guest of Senator Fraise.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Matt Brown.

The Journal of Thursday, January 28, 2010, 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 January 28, 2010, **adopted** the following resolution in which the concurrence of the Senate is asked:

[House Concurrent Resolution 104](#), a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to compensation payable by the General Assembly.

Read first time and referred to committee on **Rules and Administration**.

ALSO: That the House has on January 28, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2111](#), a bill for an act providing notification to the department of workforce development by the secretary of state when certain business entities apply for reinstatement after dissolution to ensure certain tax obligations have been fulfilled.

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

[House File 2131](#), a bill for an act updating references to the federal Truth in Lending Act.

Read first time and attached to **companion** [Senate File 2110](#).

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Charles J. Krogmeier, the governor's appointee to be the Director of the Department of Human Services. He was the guest of Senator Ragan and the committee on Human Resources.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2088](#).

[Senate File 2088](#)

On motion of Senator Appel, [Senate File 2088](#), a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions, with report of committee recommending passage, was taken up for consideration.

([Senate File 2088](#) was deferred.)

The Senate stood at ease at 10:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:31 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:32 p.m. until 4:45 p.m.

APPENDIX—1

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: Wednesday, January 13, 2010, 9:00 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 timetable resolutions.

Adjourned: 9:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, January 26, 2010, 10:10 a.m.

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

Members Absent: None.

Committee Business: Guest presentations.

Adjourned: 11:35 a.m.

INTRODUCTION OF BILLS

[Senate File 2144](#), by Beall and Black, a bill for an act relating to the exclusion of veterans' disability compensation from the claims of creditors and in calculating property disposition and support obligations.

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

[Senate File 2145](#), by committee on Transportation, a bill for an act relating to annual motor vehicle registration fees for older-model multipurpose vehicles and certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair.

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

[Senate File 2146](#), by committee on Transportation, a bill for an act relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

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

[Senate File 2147](#), by committee on Rebuild Iowa, a bill for an act providing for the doubling of criminal fines and civil penalties in disaster areas, providing penalties, and including effective date provisions.

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

[Senate File 2148](#), by committee on Human Resources, a bill for an act relating to the organization and duties of the state board of health.

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

[Senate File 2149](#), by committee on Human Resources, a bill for an act relating to criminal history and abuse registry checks for employees of health care facilities and other health-related providers and requiring such checks for certified nurse aide training program students and providing a penalty.

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

[Senate File 2150](#), by committee on Transportation, a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

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

[Senate File 2151](#), by committee on Appropriations, a bill for an act relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

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

[Senate File 2152](#), by Johnson, a bill for an act relating to motor fuel, including ethanol blended gasoline and biodiesel fuel, by limiting the liability of retail dealers.

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

[Senate File 2153](#), by Warnstadt, a bill for an act relating to the school finance formula by requiring computation of the foundation property tax levy, increasing the regular program and special education support services foundation bases, and including effective date and applicability provisions.

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

STUDY BILLS RECEIVED

[SSB 3187](#) **Local Government**

Creating an emergency management trust fund and making appropriations.

[SSB 3188](#) **Judiciary**

Relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

[SSB 3189](#) **Rebuild Iowa**

Authorizing the creation of watershed management authorities.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 2118](#)

ECONOMIC GROWTH: Dotzler, Chair; Houser and Stewart

[Senate File 2137](#)

ECONOMIC GROWTH: Olive, Chair; Heckroth and Wieck

[Senate File 2141](#)

STATE GOVERNMENT: Danielson, Chair; Courtney and Hartsuch

[Senate File 2143](#)

HUMAN RESOURCES: Bolkcom, Chair; Seymour and Wilhelm

[SSB 3187](#)

LOCAL GOVERNMENT: Rielly, Chair; Reynolds and Schoenjahn

[SSB 3188](#)

JUDICIARY: Sodders, Chair; Boettger and Quirmbach

[SSB 3189](#)

REBUILD IOWA: Hogg, Chair; Houser and Jochum

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *[SENATE FILE 2151 \(SSB 3171\)](#), a bill for an act relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

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.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on [Senate File 2151](#), and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *[SENATE FILE 2148 \(SSB 3047\)](#), a bill for an act relating to the organization and duties of the state board of health.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, none.

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 Human Resources Committee on [Senate File 2148](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 2149 \(SSB 3052\)](#), a bill for an act relating to criminal history and abuse registry checks for employees of health care facilities and other health-related providers and requiring such checks for certified nurse aide training program students and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, 1: Hatch.

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 Human Resources Committee on [Senate File 2149](#), and they were attached to the committee report.

REBUILD IOWA

Bill Title: *[SENATE FILE 2147 \(SSB 3077\)](#), a bill for an act providing for the doubling of criminal fines and civil penalties in disaster areas, providing penalties, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart. Nays, none. Absent, none.

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 Rebuild Iowa Committee on [Senate File 2147](#), and they were attached to the committee report.

TRANSPORTATION

Bill Title: [SENATE FILE 2145 \(SSB 3001\)](#), a bill for an act relating to annual motor vehicle registration fees for older-model multipurpose vehicles and certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2146 \(SSB 3081\)](#), a bill for an act relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 2150 \(SSB 3071\)](#), a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, none.

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 Transportation Committee on [Senate File 2150](#), and they were attached to the committee report.

RECONVENED

The Senate reconvened at 4:50 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

BUSINESS PENDING

Senate File 2088

The Senate resumed consideration of **Senate File 2088**, a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions.

Senator Hartsuch offered amendment **S-5027**, filed by Senator Hartsuch, et al., 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-5027** be adopted?" (**S.F. 2088**), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
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, 1:

McCoy

Amendment [S-5027](#) lost.

Senator Hartsuch offered amendment [S-5028](#), filed by Senator Hartsuch, et al., from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5028](#) lost by a voice vote.

Senator Danielson offered amendment [S-5021](#), filed by Senator Danielson, et al., from the floor to pages 1, 2, 36, 37, 39, 41, 42, 81, and 108 of the bill.

Senator Kettering asked and received unanimous consent that action on amendment [S-5021](#) be deferred.

Senator Gronstal offered amendment [S-5017](#), filed by him on January 29, 2010, to pages 2, 5, 34, 83, 109, 113, 114, 122, 136, 152, 156-161, 186, 198, 236, 241, and 243 of the bill.

Senator Appel offered amendment [S-5020](#), filed by her from the floor to pages 3 and 9, and amending the title provisions of amendment [S-5017](#).

Senator Kettering asked and received unanimous consent that action on amendment [S-5020](#) to amendment [S-5017](#) and amendment [S-5017](#) be deferred.

Senator Hartsuch asked and received unanimous consent to withdraw amendment [S-5025](#), filed by Senator Hartsuch, et al., from the floor to page 10 of the bill.

Senator Hartsuch offered amendment [S-5031](#), filed by Senator Hartsuch, et al., from the floor to page 34 of the bill, and moved its adoption.

Amendment [S-5031](#) lost by a voice vote.

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

Senator Kibbie offered amendment [S-5022](#), filed by him from the floor to page 161 of the bill, and moved its adoption.

Amendment [S-5022](#) was adopted by a voice vote.

Senator Boettger offered amendment [S-5030](#), filed by Senator Boettger, et al., from the floor to page 162 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5030](#) be adopted?” ([S.F. 2088](#)), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 30:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Sodders
Boettger	Hancock	McKinley	Stewart
Dandekar	Hartsuch	Noble	Ward
Dvorsky	Hogg	Olive	Wieck
Feenstra	Horn	Reynolds	Zaun
Fraise	Houser	Rielly	
Gronstal	Johnson	Seng	

Nays, 20:

Appel	Danielson	Jochum	Ragan
Beall	Dearden	Kibbie	Schmitz
Black	Dotzler	Kreiman	Schoenjahn
Bolkcom	Hatch	McCoy	Warnstadt
Courtney	Heckroth	Quirnbach	Wilhelm

Absent, none.

Amendment [S-5030](#) was adopted.

The Senate stood at ease at 5:40 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:37 p.m., President Kibbie presiding.

MOTION TO RECONSIDER ADOPTED

Senator Boettger called up the following motion to reconsider filed by her from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment [S-5030](#) to [Senate File 2088](#) was adopted by the Senate on February 1, 2010.

A record roll call was requested.

On the question "Shall the motion to reconsider amendment [S-5030](#) be adopted?" ([S.F. 2088](#)), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 31:

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

Nays, 19:

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

Absent, none.

The motion prevailed and amendment [S-5030](#), by Senator Boettger to page 162 of the bill, was taken up for reconsideration.

Senator Boettger moved the adoption of amendment [S-5030](#).

A record roll call was requested.

On the question “Shall amendment [S-5030](#) be adopted?” ([S.F. 2088](#)), the vote was:

Yeas, 23:

Bartz	Hahn	Johnson	Seng
Behn	Hamerlinck	Kapucian	Seymour
Boettger	Hartsuch	Kettering	Ward
Dandekar	Hogg	McKinley	Wieck
Dvorsky	Horn	Noble	Zaun
Feenstra	Houser	Reynolds	

Nays, 27:

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

Absent, none.

Amendment [S-5030](#) lost.

With the adoption of the motion to reconsider amendment [S-5030](#) to [Senate File 2088](#), the Chair ruled the motion to reconsider, filed by Senator Gronstal from the floor to amendment [S-5030](#) to [Senate File 2088](#), out of order.

Senator Schmitz offered amendment [S-5023](#), filed by her from the floor to pages 162–167, 169–178, and 180–186 of the bill, and moved its adoption.

Amendment [S-5023](#) was adopted by a voice vote.

Senator Hatch offered amendment [S-5024](#), filed by him from the floor to pages 186 and 207–210 of the bill.

Senator Houser offered amendment [S-5035](#), filed by Senators Houser and Reynolds from the floor to page 2 of amendment [S-5024](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5035](#) to amendment [S-5024](#) be adopted?” ([S.F. 2088](#)), the vote was:

Yeas, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	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	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirnbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Absent, none.

Amendment [S-5035](#) lost.

Senator Hatch moved the adoption of amendment [S-5024](#).

Amendment [S-5024](#) was adopted by a voice vote.

Senator Seymour offered amendment [S-5029](#), filed by Senator Seymour, et al., from the floor to page 187 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5029](#) be adopted?” ([S.F. 2088](#)), the vote was:

Yeas, 20:

Bartz	Feenstra	Johnson	Reynolds
Behn	Hahn	Kapucian	Seymour
Black	Hamerlinck	Kettering	Ward

Boettger	Hartsuch	McKinley	Wieck
Dandekar	Houser	Noble	Zaun

Nays, 30:

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

Absent, none.

Amendment [S-5029](#) lost.

Senator Hatch offered amendment [S-5032](#), filed by him from the floor to pages 198 and 199 of the bill, and moved its adoption.

Amendment [S-5032](#) was adopted by a voice vote.

Senator Wilhelm offered amendment [S-5018](#), filed by her from the floor to page 239 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5018](#) be adopted?" ([S.F. 2088](#)), the vote was:

Yeas, 38:

Bartz	Hamerlinck	Kibbie	Schoenjahn
Beall	Hatch	Kreiman	Seng
Black	Heckroth	McCoy	Seymour
Bolkcom	Hogg	Noble	Sodders
Courtney	Horn	Olive	Stewart
Dandekar	Houser	Quirnbach	Warnstadt
Dvorsky	Jochum	Ragan	Wilhelm
Fraise	Johnson	Reynolds	Zaun
Gronstal	Kapucian	Rielly	
Hahn	Kettering	Schmitz	

Nays, 12:

Appel	Danielson	Feenstra	McKinley
Behn	Dearden	Hancock	Ward
Boettger	Dotzler	Hartsuch	Wieck

Absent, none.

Amendment [S-5018](#) was adopted.

Senator Kreiman offered amendment [S-5033](#), filed by him from the floor to page 240 of the bill, and moved its adoption.

Amendment [S-5033](#) was adopted by a voice vote.

Senator Feenstra offered amendment [S-5026](#), filed by Senator Feenstra, et al., from the floor to page 243 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5026](#) be adopted?" ([S.F. 2088](#)), 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-5026](#) lost.

Senator Feenstra offered amendment [S-5040](#), filed by him from the floor to pages 32–34, and 243 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5040](#) be adopted?” ([S.F. 2088](#)), 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-5040](#) lost.

Senator Hartsuch offered amendment [S-5038](#), filed by him from the floor to page 37 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5038](#) be adopted?” ([S.F. 2088](#)), the vote was:

Yeas, 19:

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

Nays, 31:

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

Absent, none.

Amendment [S-5038](#) lost.

Senator Hartsuch offered amendment [S-5039](#), filed by him from the floor to page 39 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5039](#) be adopted?" ([S.F. 2088](#)), 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-5039](#) lost.

The Senate resumed consideration of amendment [S-5021](#), previously deferred.

Senator Hartsuch offered amendment [S-5042](#), filed by Senators Hartsuch and Behn from the floor to pages 4, 42, 43, and 80 of amendment [S-5021](#).

Senator Danielson raised the point of order that amendment [S-5042](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5042](#) out of order.

Senator Danielson moved the adoption of amendment [S-5021](#).

Amendment [S-5021](#) was adopted by a voice vote.

The Senate resumed consideration of amendment [S-5020](#) to amendment [S-5017](#), and amendment [S-5017](#), previously deferred.

Senator Appel moved the adoption of amendment [S-5020](#).

Amendment [S-5020](#) was adopted by a voice vote.

Senator Seymour offered amendment [S-5036](#), filed by Senators Seymour and Dandekar from the floor to page 6 of amendment [S-5017](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5036](#) to amendment [S-5017](#) be adopted?” ([S.F. 2088](#)), the vote was:

Yeas, 24:

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

Nays, 26:

Appel	Dvorsky	Kreiman	Seng
Beall	Fraise	McCoy	Sodders
Bolkcom	Gronstal	Quirnbach	Stewart
Courtney	Hatch	Ragan	Warnstadt

Danielson	Heckroth	Rielly	Wilhelm
Dearden	Jochum	Schmitz	
Dotzler	Kibbie	Schoenjahn	

Absent, none.

Amendment [S-5036](#) lost.

Senator Sodders offered amendment [S-5043](#), filed by him from the floor to pages 6 and 236 of amendment [S-5017](#), and moved its adoption.

Amendment [S-5043](#) was adopted by a voice vote.

Senator Sodders offered amendment [S-5037](#), filed by Senators Sodders, Noble, and Hancock from the floor to pages 6 and 7 of amendment [S-5017](#), and moved its adoption.

Amendment [S-5037](#) was adopted by a voice vote.

Senator Dotzler offered amendment [S-5041](#), filed by Senator Dotzler, et al., from the floor to pages 7–9 of amendment [S-5017](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5041](#) to amendment [S-5017](#) be adopted?” ([S.F. 2088](#)), the vote was:

Yeas, 46:

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

Nays, 4:

Bolkcom Dearden Dvorsky Quirmbach

Absent, none.

Amendment [S-5041](#) was adopted.

Senator Gronstal moved the adoption of amendment [S-5017](#), as amended.

Amendment [S-5017](#), as amended, 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. 2088](#)), the vote was:

Yeas, 35:

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

Nays, 15:

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

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 2088](#) be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that [Senate File 2147](#) be referred from the Regular Calendar to the committee on **Judiciary**.

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 February 1, 2010, **amended and passed** the following bill in which the concurrence of the House was asked:

[Senate File 434](#), a bill for an act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property. ([S-5044](#))

ALSO: That the House has on February 1, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 674](#), a bill for an act relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable.

Read first time and **passed on file**.

[House File 2137](#), a bill for an act relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice.

Read first time and **passed on file**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:32 p.m. until 8:45 a.m., Tuesday, February 2, 2010.

APPENDIX—2**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:

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

Annual Report of Activities for 2009, pursuant to Iowa Code section 312.3B. Report received on February 1, 2010.

DEPARTMENT OF HUMAN RIGHTS

Iowa Collaboration for Youth Development Council Annual Report, pursuant to 2009 Iowa Acts, [HF 315](#). Report received on February 1, 2010.

DEPARTMENT OF REVENUE

Iowa Streamlined Sales Tax Advisory Council 2009 Report, pursuant to 2009 Iowa Acts, [HF 683](#). Report received on February 1, 2010.

CERTIFICATES OF RECOGNITION

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

Therald and Nancy Arterburn, Fontanelle—For celebrating their 50th wedding anniversary. Senator Boettger (2/1/10).

Bob and Pat Grace, Altoona—For celebrating their 50th wedding anniversary. Senator Kibbie (2/1/10).

Harvey and Doris Greve, Walnut—For celebrating their 60th wedding anniversary. Senator Boettger (2/1/10).

Stan and Joan Martens, Portsmouth—For celebrating their 60th wedding anniversary. Senator Boettger (2/1/10).

Frank and Marilyn Smith, Brayton—For celebrating their 60th wedding anniversary. Senator Boettger (2/1/10).

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: Monday, February 1, 2010, 2:40 p.m.

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

Members Absent: None.

Committee Business: Passed [HF 777](#), as amended, and [SF 2049](#). Approved governor's appointees.

Adjourned: 2:55 p.m.

INTRODUCTION OF BILLS

[Senate File 2154](#), by Rielly, a bill for an act relating to the manufacture and sale of native distilled spirits, and establishing a related permit fee and excise tax.

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

[Senate File 2155](#), by Beall, a bill for an act requiring the installation of switch targets at certain locations along railroad tracks and providing a penalty.

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

[Senate File 2156](#), by committee on Human Resources, a bill for an act relating to the IowaCare program, and providing for repeals.

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

[Senate File 2157](#), by committee on Commerce, a bill for an act relating to the recording requirements for certain residential real estate installment sales contracts and including applicability provisions.

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

[Senate File 2158](#), by committee on Human Resources, a bill for an act relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process.

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

SUBCOMMITTEE ASSIGNMENTS

[Senate File 2133](#)

COMMERCE: Rielly, Chair; Heckroth and Wieck

[Senate File 2142](#)

LOCAL GOVERNMENT: Schoenjahn, Chair; Hamerlinck and Kreiman

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *[SENATE FILE 2157 \(SSB 3032\)](#), a bill for an act relating to the recording requirements for certain residential real estate installment sales contracts and including applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Wieck, Behn, Bolkcom, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 2: Heckroth and Courtney.

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 Commerce Committee on [Senate File 2157](#), and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *[SENATE FILE 2156 \(SSB 3073\)](#), a bill for an act relating to the IowaCare program, and providing for repeals.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, none.

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 Human Resources Committee on [Senate File 2156](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 2158 \(SSB 3074\)](#), a bill for an act relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, 1: Hatch.

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 Human Resources Committee on [Senate File 2158](#), and they were attached to the committee report.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

ENVIRONMENT AND ENERGY INDEPENDENCE

Lorna Puntillo – Environmental Protection Commission

Eric Johnson – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

STATE GOVERNMENT

Ning Chia – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Arlene Samona – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

William Cameron – Board of Massage Therapy

Bonni Leiserowitz – Board of Massage Therapy

AMENDMENTS FILED

<u>S-5017</u>	<u>S.F. 2088</u>	Michael E. Gronstal
<u>S-5018</u>	<u>S.F. 2088</u>	Mary Jo Wilhelm
<u>S-5019</u>	<u>H.F. 758</u>	Tom Rielly
<u>S-5020</u>	<u>S.F. 2088</u>	Staci Appel
<u>S-5021</u>	<u>S.F. 2088</u>	Jeff Danielson
		Herman C. Quirnbach
		Robert E. Dvorsky
		William A. Dotzler, Jr.
		Rich Olive
		Joe Bolkcom
<u>S-5022</u>	<u>S.F. 2088</u>	John P. Kibbie
<u>S-5023</u>	<u>S.F. 2088</u>	Becky Schmitz
<u>S-5024</u>	<u>S.F. 2088</u>	Jack Hatch
<u>S-5025</u>	<u>S.F. 2088</u>	David Hartsuch
		Paul McKinley
		Jerry Behn
		Steve Kettering
		James F. Hahn
		David Johnson
		Tim L. Kapucian
		Kim Reynolds
		James A. Seymour
<u>S-5026</u>	<u>S.F. 2088</u>	Randy Feenstra
		Steve Kettering
		Paul McKinley
		Jerry Behn
		James A. Seymour
		James F. Hahn
		David Hartsuch
		Pat Ward
		Hubert Houser
		Kim Reynolds
		Tim L. Kapucian
		David Johnson
		Merlin Bartz
		Nancy J. Boettger
		Brad Zaun
		Shawn Hamerlinck

S-5027	S.F. 2088	Ron Wieck Larry Noble David Hartsuch James A. Seymour Jerry Behn Paul McKinley Steve Kettering Brad Zaun Nancy J. Boettger James F. Hahn Shawn Hamerlinck Randy Feenstra
S-5028	S.F. 2088	David Hartsuch James A. Seymour Jerry Behn Paul McKinley Brad Zaun Nancy J. Boettger James F. Hahn Randy Feenstra
S-5029	S.F. 2088	James A. Seymour Nancy J. Boettger Ron Wieck James F. Hahn Hubert Houser Shawn Hamerlinck Steve Kettering Paul McKinley Jerry Behn Randy Feenstra Pat Ward Kim Reynolds Tim L. Kapucian David Johnson Merlin Bartz Larry Noble Brad Zaun
S-5030	S.F. 2088	David Hartsuch Nancy J. Boettger Kim Reynolds Hubert Houser

		James A. Seymour
		Pat Ward
		James F. Hahn
		Steve Kettering
		Larry Noble
		Paul McKinley
		Jerry Behn
		Randy Feenstra
S-5031	S.F. 2088	David Hartsuch
		Pat Ward
		Larry Noble
		David Johnson
		Tim L. Kapucian
		Kim Reynolds
		James A. Seymour
		Randy Feenstra
		Paul McKinley
		Steve Kettering
		Brad Zaun
		Nancy J. Boettger
		James F. Hahn
		Jerry Behn
S-5032	S.F. 2088	Jack Hatch
S-5033	S.F. 2088	Keith A. Kreiman
S-5034	S.F. 2096	Keith A. Kreiman
S-5035	S.F. 2088	Hubert Houser
		Kim Reynolds
S-5036	S.F. 2088	James A. Seymour
		Swati A. Dandekar
S-5037	S.F. 2088	Steven J. Sodders
		Larry Noble
		Tom Hancock
S-5038	S.F. 2088	David Hartsuch
S-5039	S.F. 2088	David Hartsuch
S-5040	S.F. 2088	Randy Feenstra
S-5041	S.F. 2088	William A. Dotzler, Jr.
		Matt McCoy
		Staci Appel
		Tom Rielly
S-5042	S.F. 2088	David Hartsuch
		Jerry Behn

<u>S-5043</u>	<u>S.F. 2088</u>	Steven J. Sodders
<u>S-5044</u>	<u>S.F. 434</u>	House