

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MARCH 1, 2010

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JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY
TWENTY-NINTH SESSION DAY

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

The Senate met in regular session at 10:08 a.m., President Kibbie presiding.

Prayer was offered by Father Brian Danner of St. Joseph Catholic Church in Milford, Iowa. He was the guest of Senators Johnson and Quirnbach.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alex Schalla.

The Journal of Thursday, February 25, 2010, was approved.

The Senate stood at ease at 10:14 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:31 a.m., President Kibbie presiding.

UNFINISHED BUSINESS
(Deferred February 25, 2010)

[Senate File 2356](#)

The Senate resumed consideration of [Senate File 2356](#), a bill for an act relating to health reform in Iowa by creating an IowaCare plus program and an Iowa insurance information exchange, deferred February 25, 2010.

Senator Rielly offered amendment [S-5168](#), filed by him from the floor to pages 1–7 and amending the title page of the bill.

Senator Hatch asked and received unanimous consent that action on amendment [S-5168](#) be deferred.

Senator Hatch offered amendment [S-5164](#), filed by Senators Hatch and Olive on February 25, 2010, to pages 3–10 of the bill.

Senator Hatch called for the following division of amendment [S-5164](#):

Division [S-5164A](#): Page 1, line 2 through Page 2, line 20; and
Division [S-5164B](#): Page 2, line 21 through Page 3, line 23.

Senator Hatch asked and received unanimous consent that action on divisions [S-5164A](#) and [S-5164B](#) be deferred.

Senator Rielly moved the adoption of amendment [S-5168](#).

A record roll call was requested.

On the question “Shall amendment [S-5168](#) be adopted?” ([S.F. 2356](#)), the vote was:

Yeas, 28:

Bartz	Hamerlinck	Kapucian	Seymour
Behn	Hancock	Kettering	Sodders
Black	Hartsuch	Kibbie	Ward
Boettger	Heckroth	McKinley	Warnstadt
Dandekar	Horn	Noble	Wieck
Feenstra	Houser	Reynolds	Wilhelm
Hahn	Johnson	Rielly	Zaun

Nays, 22:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kreiman	Schoenjahn
Bolkcom	Fraise	McCoy	Seng
Courtney	Gronstal	Olive	Stewart
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Absent, none.

Amendment [S-5168](#) was adopted.

With the adoption of amendment [S-5168](#), the Chair ruled division [S-5164A](#) of the bill, out of order.

([Senate File 2356](#) and division [S-5164B](#) were deferred.)

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:07 p.m. until 12:20 p.m.

RECONVENED

The Senate reconvened at 12:20 p.m., President Kibbie presiding.

The Senate resumed consideration of [Senate File 2356](#) and division [S-5164B](#).

Senator Hatch moved the adoption of division [S-5164B](#).

Division [S-5164B](#) was adopted by a voice vote.

Senator Hatch offered amendment [S-5152](#), filed by Senators Hatch and Olive on February 25, 2010, to pages 11–21 of the bill.

Senator Hatch offered amendment [S-5158](#), filed by him on February 25, 2010, to page 5 of amendment [S-5152](#), and moved its adoption.

Amendment [S-5158](#) was adopted by a voice vote.

Senator Hatch moved the adoption of amendment [S-5152](#), as amended.

Amendment [S-5152](#), as amended, was adopted by a voice vote.

Senator Hatch 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. 2356](#)), the vote was:

Yeas, 45:

Appel	Feenstra	Kapucian	Schmitz
Bartz	Fraise	Kettering	Schoenjahn
Beall	Gronstal	Kibbie	Seng
Black	Hahn	Kreiman	Sodders
Boettger	Hamerlinck	McCoy	Stewart
Bolkcom	Hancock	McKinley	Ward

Courtney	Hatch	Noble	Warnstadt
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Jochum	Reynolds	
Dvorsky	Johnson	Rielly	

Nays, 5:

Behn	Houser	Wieck
Hartsuch	Seymour	

Absent, none.

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

UNFINISHED BUSINESS
(Deferred February 24, 2010)

[Senate File 2354](#)

The Senate resumed consideration of [Senate File 2354](#), a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, and making penalties applicable, deferred February 24, 2010.

Senator Danielson withdrew amendment [S-5135](#), filed by him on February 24, 2010, to pages 1–4 and 6, and amending the title page of the bill.

Senator Danielson offered amendment [S-5138](#), filed by him on February 24, 2010, to pages 1–4 and 6, and amending the title page of the bill.

Senator Quirnbach asked and received unanimous consent that action on amendment [S-5138](#) and [Senate File 2354](#) be **deferred**.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2333, 2242, and 2197.

[Senate File 2333](#)

On motion of Senator Dotzler, **[Senate File 2333](#)**, a bill for an act relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse, was taken up for consideration.

Senator Dotzler asked and received unanimous consent that action on **[Senate File 2333](#)** be **deferred**.

[Senate File 2242](#)

On motion of Senator Hancock, **[Senate File 2242](#)**, a bill for an act relating to the Iowa comprehensive petroleum underground storage tank fund, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **[Senate File 2242](#)** be **deferred**.

[Senate File 2197](#)

On motion of Senator Hancock, **[Senate File 2197](#)**, a bill for an act relating to providing false identification information to a peace officer, emergency medical care provider, or fire fighter and providing a penalty, was taken up for consideration.

Senator Kreiman asked and received unanimous consent that action on **[Senate File 2197](#)** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **[Senate File 2356](#)** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:16 p.m. until 2:00 p.m.

RECONVENED

The Senate reconvened at 2:30 p.m., President Kibbie presiding.

BUSINESS PENDING

[Senate File 2197](#)

The Senate resumed consideration of [Senate File 2197](#), a bill for an act relating to providing false identification information to a peace officer, emergency medical care provider, or fire fighter and providing a penalty, previously deferred.

Senator Kreiman offered amendment [S-5170](#), filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment [S-5170](#) was adopted by a voice vote.

Senator Hancock 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. 2197](#)), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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 Courtney asked and received unanimous consent that [Senate File 2197](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Courtney, the Senate recessed at 2:36 p.m. until 3:00 p.m.

RECONVENED

The Senate reconvened at 3:14 p.m., President Kibbie presiding.

BUSINESS PENDING

[Senate File 2354](#)

The Senate resumed consideration of [Senate File 2354](#), a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, and making penalties applicable, and amendment [S-5138](#), previously deferred.

Senator Danielson asked and received unanimous consent that action on amendment [S-5138](#) be deferred.

Senator Quirnbach offered amendment [S-5165](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5165](#) lost by a voice vote.

Senator Hartsuch offered amendment [S-5154](#), filed by him on February 25, 2010, to pages 4–6 of the bill.

Senator Hartsuch called for the following division of amendment [S-5154](#):

Division [S-5154A](#): Page 1, lines 2–13; and

Division [S-5154B](#): Page 1, lines 14–22.

Senator Hartsuch moved the adoption of division [S-5154A](#).

A record roll call was requested.

On the question "Shall division [S-5154A](#) be adopted?" ([S.F. 2354](#)), 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.

Division [S-5154A](#) lost.

Senator Hartsuch moved the adoption of division [S-5154B](#).

Division [S-5154B](#) lost by a voice vote.

The Senate resumed consideration of amendment [S-5138](#), previously deferred.

Senator Quirnbach offered amendment [S-5173](#), filed by him from the floor to pages 1-3 of amendment [S-5138](#), and moved its adoption.

Amendment [S-5173](#) lost by a voice vote.

Senator Hartsuch offered amendment [S-5155](#), filed by him on February 25, 2010, to page 3 of amendment [S-5138](#), and moved its adoption.

Amendment [S-5155](#) lost by a voice vote.

Senator Danielson moved the adoption of amendment [S-5138](#).

Amendment [S-5138](#) was adopted by a voice vote.

Senator Danielson 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. 2354](#)), the vote was:

Yeas, 49:

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

Nays, 1:

Zaun

Absent, none.

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 2354](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 4:14 p.m. until 4:30 p.m.

RECONVENED

The Senate reconvened at 4:31 p.m., President Kibbie presiding.

BUSINESS PENDING

[Senate File 2333](#)

The Senate resumed consideration of [Senate File 2333](#), a bill for an act relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse, previously deferred.

Senator Dotzler offered amendment [S-5175](#), filed by him from the floor to pages 1–3 of the bill, and moved its adoption.

Amendment [S-5175](#) was adopted by a voice vote.

Senator Dotzler 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. 2333](#)), the vote was:

Yeas, 50:

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

Nays, none.

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 2333](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:40 p.m. until 8:45 a.m., Tuesday, March 2, 2010.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Doug Bengtson, Charles City—In honor of his retirement. Senator Ragan (3/1/10).

REPORTS OF COMMITTEE MEETINGS

REBUILD IOWA

Convened: Monday, March 1, 2010, 1:25 p.m.

Members Present: Hogg, Chair; Heckroth, Vice Chair; Hamerlinck, Ranking Member; Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Jochum, Reynolds, and Stewart.

Members Absent: Houser (excused).

Committee Business: Passed [HF 2294](#).

Adjourned: 1:30 p.m.

TRANSPORTATION

Convened: Monday, March 1, 2010, 1:40 p.m.

Members Present: Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, Warnstadt, and Zaun.

Members Absent: None.

Committee Business: Passed [SF 2315](#), as amended.

Adjourned: 1:50 p.m.

VETERANS AFFAIRS

Convened: Monday, March 1, 2010, 1:20 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Kibbie, Noble, Ragan, and Wieck.

Members Absent: Hartsuch and Soddors (both excused).

Committee Business: Organizational meeting.

Adjourned: 1:25 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, February 25, 2010, 10:40 a.m.

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

Members Absent: None.

Committee Business: Passed LSB 5089JA, as amended.

Adjourned: 11:05 a.m.

STUDY BILLS RECEIVED**SSB 3238 Appropriations**

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

SSB 3239 Appropriations

Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions.

SSB 3240 Appropriations

Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

SSB 3241 Appropriations

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, and providing for related matters.

SSB 3242 Appropriations

Relating to and making appropriations to the judicial branch.

SSB 3243 Appropriations

Relating to and making appropriations to the justice system, and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS**House File 2370**

WAYS AND MEANS: Bolckcom, Chair; Stewart and Ward

House File 2432

EDUCATION: Schoenjahn, Chair; Boettger and Schmitz

House File 2440

EDUCATION: Schoenjahn, Chair; Hamerlinck and Schmitz

House File 2459

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

House File 2461

EDUCATION: Wilhelm, Chair; Johnson and Schoenjahn

House File 2466

TRANSPORTATION: Heckroth, Chair; Beall and Zaun

House File 2484

NATURAL RESOURCES: Dearden, Chair; Black and Hahn

[House File 2485](#)

LABOR AND BUSINESS RELATIONS: Jochum, Chair; Courtney and Ward

[SSB 3238](#)

APPROPRIATIONS: Danielson, Chair; Bartz and Dvorsky

[SSB 3239](#)

APPROPRIATIONS: Seng, Chair; Dvorsky and Hahn

[SSB 3240](#)

APPROPRIATIONS: Dvorsky, Chair; and Kettering

[SSB 3241](#)

APPROPRIATIONS: Dvorsky, Chair; and Kettering

[SSB 3242](#)

APPROPRIATIONS: Hancock, Chair; Dvorsky and Noble

[SSB 3243](#)

APPROPRIATIONS: Hancock, Chair; Dvorsky and Noble

FINAL COMMITTEE REPORTS OF BILL ACTION

LABOR AND BUSINESS RELATIONS

Bill Title: [HOUSE FILE 681 \(HSB 62\)](#), a bill for an act requiring employers to provide notice of business closings and mass layoffs and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Courtney, Jochum, Ward, Dearden, Dotzler, Hatch, Horn, Houser, and Wieck. Nays, 1: Zaun. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REBUILD IOWA

Bill Title: [*HOUSE FILE 2294 \(HSB 513\)](#), a bill for an act relating to the distribution of moneys from the disaster aid individual assistance grant fund.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5172](#).

Final Vote: Ayes, 12: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Jochum, Reynolds, and Stewart. Nays, none. Absent, 1: Houser.

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 [House File 2294](#), and they were attached to the committee report.

TRANSPORTATION

Bill Title: [SENATE FILE 2315 \(SSB 3182\)](#), a bill for an act concerning weight limits for vehicles carrying grain, fertilizer, agricultural lime, or agricultural chemicals on noninterstate highways.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5174](#).

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.

BILLS 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 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 1st day of March, 2010:

Senate Files 2181, 2291, 2300, 2313, and 2350.

MICHAEL E. MARSHALL
Secretary of the Senate

PETITION

The following petition was presented and placed on file:

From 127 residents of Humboldt County favoring legislation calling for a public vote on the issue of marriage being between one man and one woman. Senator Kibbie.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 25, 2010, to attend a meeting with the Department of Natural Resources when the vote was taken on Amendment [S-5084](#) and [Senate File 2088](#). Had I been present, I would have voted "Aye" on both.

MERLIN BARTZ

BILLS ASSIGNED TO COMMITTEE

President Kibbie announced the assignment of the following bills to committees:

H.F. 2485	Labor and Business Relations
H.F. 2461	Education
H.F. 2459	Environment and Energy Independence
H.F. 2484	Natural Resources

AMENDMENTS FILED

S-5165	S.F. 2354	Herman C. Quirnbach
S-5166	S.F. 2290	Steve Warnstadt
S-5167	S.F. 2290	Steve Warnstadt
S-5168	S.F. 2356	Tom Rielly
S-5169	S.F. 2290	Steve Warnstadt
S-5170	S.F. 2197	Keith A. Kreiman
S-5171	S.F. 2364	Jeff Danielson Tom Hancock
S-5172	H.F. 2294	Rebuild Iowa
S-5173	S.F. 2354	Herman C. Quirnbach
S-5174	S.F. 2315	Transportation
S-5175	S.F. 2333	William A. Dotzler, Jr.