

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 2, 2010

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JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 2, 2010

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

Prayer was offered by Pastor David Lewis of the Iowa River Church of the Brethren in Marshalltown, Iowa. He was the guest of Senator McKinley.

The Journal of Monday, March 1, 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 March 1, 2010, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 2138](#), a bill for an act relating to the rights of a donee created by an anatomical gift.

[Senate File 2266](#), a bill for an act creating the local public health governance Act, and providing penalties.

ALSO: That the House has on March 1, 2010, **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 2088](#), a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees and penalties, and providing effective and applicability provisions.

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

[House File 2462](#), a bill for an act relating to the use of certain regular physical plant and equipment levy funds and including effective date provisions.

Read first time and attached to **similar** [Senate File 2290](#).

[House File 755](#), a bill for an act concerning eligibility for the injured veterans grant program.

Read first time and referred to committee on **Veterans Affairs**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:07 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:08 p.m., President Kibbie presiding.

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 March 2, 2010, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 2194](#), a bill for an act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

[Senate File 2243](#), a bill for an act regarding matters under the purview of the department of natural resources, and including effective date provisions.

[Senate File 2355](#), a bill for an act relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

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

[House File 823](#), a bill for an act requiring public schools, community colleges, institutions under the control of the state board of regents, and state agencies to comply with an environmentally preferable cleaning and maintenance policy unless specified conditions for noncompliance are satisfied.

Read first time and attached to **similar** [Senate File 2335](#).

[House File 2449](#), a bill for an act relating to the encouragement and assistance of businesses owned by disabled veterans.

Read first time and attached to **similar** [Senate File 2284](#).

[House File 2460](#), a bill for an act relating to small business and disadvantaged business enterprise contracts with the department of transportation.

Read first time and referred to committee on **Economic Growth**.

The Senate stood at ease at 1:09 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:55 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2329, 2315, and 2353.

[Senate File 2329](#)

On motion of Senator Olive, [Senate File 2329](#), a bill for an act establishing an Iowa communications network advisory committee, was taken up for consideration.

Senator Olive withdrew amendment [S-5073](#), filed by him on February 16, 2010, to pages 1 and 2 of the bill.

Senator Olive offered amendment [S-5085](#), filed by him on February 17, 2010, to pages 1 and 2 of the bill, and moved its adoption.

Amendment [S-5085](#) was adopted by a voice vote.

Senator Olive 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. 2329](#)), the vote was:

Yeas, 34:

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

Nays, 16:

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

Absent, none.

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

[Senate File 2315](#)

On motion of Senator Olive, [Senate File 2315](#), a bill for an act concerning weight limits for vehicles carrying grain, fertilizer, agricultural lime, or agricultural chemicals on noninterstate highways, was taken up for consideration.

Senator Olive asked and received unanimous consent that action on [Senate File 2315](#) be deferred.

Senate File 2353

On motion of Senator Jochum, **Senate File 2353**, a bill for an act relating to the provision of services through Iowa communications network connection facilities under specified circumstances, was taken up for consideration.

Senator Jochum asked and received unanimous consent that action on **Senate File 2353** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2329** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKinley, until he returns, on request of Senator Johnson.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration **Senate File 2332** and **House File 2318**.

Senate File 2332

On motion of Senator Bolkcom, **Senate File 2332**, a bill for an act relating to reimbursement for administrative costs under the medical assistance home and community-based services waiver for intellectual disabilities, was taken up for consideration.

Senator Ragan offered amendment **S-5177**, filed by her from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment **S-5177** was adopted by a voice vote.

Senator Bolkcom 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. 2332](#)), the vote was:

Yeas, 44:

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

Nays, 5:

Behn	Ward	Zaun
Houser	Wieck	

Absent, 1:

McKinley

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

[House File 2318](#)

On motion of Senator Beall, [House File 2318](#), a bill for an act relating to the length of terms and the limitation on length of service for city development board members and including effective date and applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Beall 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. 2318](#)), the vote was:

Yeas, 30:

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

Nays, 19:

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

Absent, 1:

McKinley

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 2332](#) and [House File 2318](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2320](#).

[Senate File 2320](#)

On motion of Senator Hahn, [Senate File 2320](#), a bill for an act to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads, was taken up for consideration.

Senator Hahn 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. 2320](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

McKinley

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 2320](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:25 p.m. until 8:45 a.m., Wednesday, March 3, 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:

DEPARTMENT OF HUMAN SERVICES

Report on Implementation Status of the Mental Health Services System for Children and Youth, pursuant to Iowa Code section 225C.54(5). Report received on March 1, 2010.

DEPARTMENT OF NATURAL RESOURCES

Report on Manure on Frozen and Snow-covered Ground, pursuant to 2009 Iowa Acts, [SF 432](#). Report received on March 2, 2010.

CERTIFICATES OF RECOGNITION

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

Richard Hassman, Burlington—For celebrating his 80th birthday. Senator Courtney (3/2/10).

Ruth Hingst, Burlington—For celebrating her 97th birthday. Senator Courtney (3/2/10).

Helen Lingenfelter, Burlington—For celebrating her 80th birthday. Senator Courtney (3/2/10).

Helen Ohlmutz, Burlington—For celebrating her 89th birthday. Senator Courtney (3/2/10).

Harold Schnicker, Burlington—For celebrating his 80th birthday. Senator Courtney (3/2/10).

Urbandale Major League All-Star Team—For its successful tournament season and participation in the 2009 Little League World Series. Senator Zaun (3/2/10).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, March 2, 2010, 11:10 a.m.

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

Members Absent: None.

Committee Business: Approved [SSB 3238](#).

Recessed: 11:15 a.m.

Reconvened: 11:40 a.m.

Adjourned: 11:50 a.m.

NATURAL RESOURCES

Convened: Tuesday, March 2, 2010, 2:40 p.m.

Members Present: Dearden, Chair; Hancock, Vice Chair; Hahn, Ranking Member; Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng.

Members Absent: None.

Committee Business: Passed HF's 2310, 2458, and 2484.

Adjourned: 3:20 p.m.

COMMERCE

Convened: Tuesday, March 2, 2010, 10:05 a.m.

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

Members Absent: Hartsuch and Olive (both excused).

Committee Business: Passed HF's 788, 2405, and 2409.

Adjourned: 10:35 a.m.

STATE GOVERNMENT

Convened: Tuesday, March 2, 2010, 9:10 a.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 2488](#).

Adjourned: 9:20 a.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 106](#), by Wilhelm and Reynolds, a resolution designating March 2010 as Iowa Women's History Month.

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

STUDY BILLS RECEIVED**[SSB 3244](#) Appropriations**

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 and including effective date provisions.

[SSB 3245](#) Ways and Means

Authorizing cities and counties to impose a fee on the renting of certain lodging.

SUBCOMMITTEE ASSIGNMENTS**[Senate File 2294](#)**

APPROPRIATIONS: Dvorsky, Chair; and Kettering

[House File 755](#)

VETERANS AFFAIRS: Ragan, Chair; Danielson and Seymour

[House File 2460](#)

ECONOMIC GROWTH: Rielly, Chair; Kapucian and Stewart

[SSB 3244](#)

APPROPRIATIONS: Dotzler, Chair; Dvorsky and Kapucian

[SSB 3245](#)

WAYS AND MEANS: McCoy, Chair; Hamerlinck and Hogg

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: [HOUSE FILE 2405 \(HSB 628\)](#), a bill for an act relating to the confidentiality of information disclosed pursuant to applications for broadband technology project grants, and projects undertaken pursuant thereto, and including effective date and applicability provisions.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2409 \(HSB 674\)](#), a bill for an act eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 788](#) (formerly [HF 458](#)), a bill for an act concerning alcohol beverage control, relating to minors and public intoxication or possession of alcohol and prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5179](#).

Final Vote: Ayes, 10: Warnstadt, Heckroth, Bolkcom, Courtney, Dandekar, McCoy, Rielly, Schmitz, Stewart, and Ward. Nays, 3: Wieck, Behn, and Kettering. Absent, 2: Hartsuch and Olive.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES

Bill Title: [HOUSE FILE 2310](#), a bill for an act relating to raising or releasing pen-reared pheasants originating from a hatchery approved by the department of natural resources.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Dearden, Hahn, Bartz, Fraise, Kettering, Noble, Ragan, Schoenjahn, and Seng. Nays, 4: Hancock, Black, Bolkcom, and Johnson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2458](#) (formerly [HF 2210](#)), a bill for an act relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Dearden, Hancock, Hahn, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng. Nays, 1: Bartz. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2484](#) (formerly [HF 2293](#)), a bill for an act exempting certain boat harbors from certain dock requirements and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dearden, Hancock, Hahn, Bartz, Black, Bolkom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: [HOUSE FILE 2488 \(HSB 665\)](#), a bill for an act relating to the appointment of young adults to appointive boards, commissions, committees, and councils.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour, Soddors, and Wieck. Nays, 1: Hartsuch. 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 2nd day of March, 2010:

Senate Files 2128, 2151, 2195 and 2196.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5176	S.F. 2348	Swati A. Dandekar
S-5177	S.F. 2332	Amanda Ragan
S-5178	S.F. 2353	Bill Heckroth
		Steven J. Soddors
S-5179	H.F. 788	Commerce
S-5180	S.F. 2335	Amanda Ragan
S-5181	S.F. 2353	Brad Zaun
		Steve Kettering
		Jerry Behn
		James A. Seymour
		Nancy J. Boettger
		Kim Reynolds
		David Johnson

Larry Noble
Pat Ward
David Hartsuch
Shawn Hamerlinck
James F. Hahn
Randy Feenstra
Pam Jochum

S-5182

S.F. 2353