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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, FEBRUARY 9, 2010**

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# JOURNAL OF THE SENATE

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THIRTIETH CALENDAR DAY  
EIGHTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 9, 2010

The Senate met in regular session at 8:50 a.m., President Kibbie presiding.

Prayer was offered by Pastor Richard Larson of the What Cheer Baptist Church in What Cheer, Iowa. He was the guest of Senator Rielly.

The Journal of Monday, February 8, 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 February 8, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 763](#), a bill for an act relating to administrative costs to support the watershed improvement review board.

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

[House File 2233](#), a bill for an act relating to expunging the conviction for certain alcohol-related offenses.

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

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:05 a.m. until 8:45 a.m., Wednesday, February 10, 2010.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Donald and Linda Dixon, Burlington—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Courtney (2/9/10).

Frank and Rosemary Ehret, Burlington—For celebrating their 65<sup>th</sup> wedding anniversary. Senator Courtney (2/9/10).

Darlene Gerdom, Burlington—For celebrating her 80<sup>th</sup> birthday. Senator Courtney (2/9/20).

Gladys Kjeer, Fort Dodge—For celebrating her 100<sup>th</sup> birthday. Senator Beall (2/9/10).

Dolores Schermer, Fort Dodge—For celebrating her 100<sup>th</sup> birthday. Senator Beall (2/9/10).

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** Tuesday, February 9, 2010, 10:35 a.m.

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

**Members Absent:** Behn (excused).

**Committee Business:** Passed SFs 2113 and 2154, both as amended. Approved [SSB 3195](#).

**Adjourned:** 11:05 a.m.

#### ECONOMIC GROWTH

**Convened:** Tuesday, February 9, 2010, 1:05 p.m.

**Members Present:** Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Passed [HF 2148](#).

**Adjourned:** 1:15 p.m.

#### ENVIRONMENT AND ENERGY INDEPENDENCE

**Convened:** Monday, February 8, 2010, 11:10 a.m.

**Members Present:** Black, Chair; Hogg, Vice Chair; Behn, Ranking Member; Bolkom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Approved SSBs 3115 and 3168, both as amended, and [SSB 3177](#).

**Adjourned:** 11:25 a.m.

#### JUDICIARY

**Convened:** Monday, February 8, 2010, 4:05 p.m.

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

**Members Absent:** None.

**Committee Business:** Passed [SF 2135](#). Approved SSBs 1203, 3094, 3110, 3124, 3156, 3165, 3166, and 3173.

**Adjourned:** 4:55 p.m.

#### LOCAL GOVERNMENT

**Convened:** Wednesday, February 3, 2010, 4:05 p.m.

**Members Present:** Quirnbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Hamerlinck, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn.

**Members Absent:** Houser (excused).

**Committee Business:** Passed SFs 2024 and 2028. Approved [SSB 3133](#).

**Recessed:** 4:15 p.m.

**Reconvened:** 4:25 p.m.

**Adjourned:** 4:30 p.m.

**ALSO:**

**Convened:** Tuesday, February 9, 2010, 9:20 a.m.

**Members Present:** Quirmbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Hamerlinck, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn.

**Members Absent:** Houser (excused).

**Committee Business:** Passed SFs 2180 and 2186, both as amended. Deferred [SF 2024](#). Approved SSBs 3130 and 3131. Approved governor's appointee.

**Adjourned:** 9:40 a.m.

**NATURAL RESOURCES**

**Convened:** Tuesday, February 9, 2010, 1:00 p.m.

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

**Members Absent:** Kettering (excused).

**Committee Business:** Approved SSBs 3119 and 3198, both as amended.

**Recessed:** 1:30 p.m.

**Reconvened:** 1:45 p.m.

**Adjourned:** 2:15 p.m.

**REBUILD IOWA**

**Convened:** Monday, February 8, 2010, 1:15 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSBs 3096 and 3097, both as amended.

**Recessed:** 1:20 p.m.

**Reconvened:** 1:30 p.m.

**Adjourned:** 1:45 p.m.

**STATE GOVERNMENT**

**Convened:** Tuesday, February 9, 2010, 9:10 a.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.

**Committee Business:** Passed SFs 2166 and 2091, as amended, and [SF 2160](#). Deferred SSBs 3004, 3066, and 3067.

**Recessed:** 9:15 a.m.

**Reconvened:** 9:25 a.m.

**Adjourned:** 9:40 a.m.

**VETERANS AFFAIRS**

**Convened:** Monday, February 8, 2010, 1:10 p.m.

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

**Members Absent:** Black (excused).

**Committee Business:** Passed [SF 2105](#).

**Adjourned:** 1:25 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** Thursday, February 4, 2010, 10:10 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations on senior issues and refugee services.

**Adjourned:** 11:40 a.m.

## INTRODUCTION OF BILLS

[Senate File 2239](#), by Black, a bill for an act relating to the transportation and storage of firearms in privately owned motor vehicles.

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

[Senate File 2240](#), by Hahn, Noble, Feenstra, Kettering, Hartsuch, Reynolds, Kapucian, Johnson, Behn, McKinley, Dearden, Danielson, Schmitz, Rielly, Seng, Dandekar, Houser, Stewart, Hancock, and Seymour, a bill for an act to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

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

[Senate File 2241](#), by Ragan, a bill for an act relating to utilization of environmentally preferable cleaning and maintenance products in school facilities and state buildings.

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

[Senate File 2242](#), by committee on Environment and Energy Independence, a bill for an act relating to the Iowa comprehensive petroleum underground storage tank fund.

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

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

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

[Senate File 2244](#), by Hogg, a bill for an act relating to the sales tax exemption for certain wastewater treatment or effluent treatment services.

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

[Senate File 2245](#), by Olive, a bill for an act relating to the allocation of moneys under the grow Iowa values fund.

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

[Senate File 2246](#), by committee on Transportation, a bill for an act relating to the regulation of motor vehicles by the department of transportation, including clarification of the definition of business-trade truck and requirements for the issuance of temporary persons with disabilities parking permits.

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

#### STUDY BILLS RECEIVED

[SSB 3213](#)      **Judiciary**

Relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision.

[SSB 3214](#)      **Judiciary**

Relating to the time period a no-contact order is in effect for a defendant subject to a special sentence.

[SSB 3215](#)      **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 3216**      **Judiciary**

Relating to dissemination by a young person of material depicting a sex act or nudity and sexual exploitation of a minor.

**SSB 3217**      **Judiciary**

Modifying sex offender registry provisions, and providing penalties and including effective date provisions.

**SSB 3218**      **Judiciary**

Relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions.

**SSB 3219**      **Judiciary**

Relating to business organizations, including limited liability companies and business corporations, and providing for fees.

**SSB 3220**      **Judiciary**

Eliminating the preference for Iowa labor in the construction of public improvements and for Iowa domestic labor in contracts for public improvements and including applicability provisions.

**SSB 3221**      **Human Resources**

Relating to criteria for exemptions from admission or discharge requirements for assisted living programs which exceed their occupancy criteria.

**SSB 3222**      **Agriculture**

Providing separation distance requirements between confinement feeding operation structures and public parks, making penalties applicable, and including effective date provisions.

**SSB 3223 Agriculture**

Providing for the reestablishment of a technical advisory committee to reevaluate the master matrix used in approving sites for confinement feeding operations and including effective date provisions.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2177**

APPROPRIATIONS: Dvorsky, Chair; Kettering and Warnstadt

**Senate File 2183**

VETERANS AFFAIRS: Warnstadt, Chair; Beall and Seymour

**Senate File 2203**

JUDICIARY: Kreiman, Chair; Kettering and Warnstadt

**Senate File 2204**

NATURAL RESOURCES: Dearden, Chair; Black and Hahn

**Senate File 2205**

NATURAL RESOURCES: Dearden, Chair; Black and Hahn

**Senate File 2213**

VETERANS AFFAIRS: Warnstadt, Chair; Beall and Seymour

**Senate File 2227**

JUDICIARY: Jochum, Chair; Noble and Quirnbach

**Senate File 2228**

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

**Senate File 2229**

AGRICULTURE: Hancock, Chair; Johnson and Rielly

**Senate File 2230**

ECONOMIC GROWTH: Stewart, Chair; Dotzler and Houser

[Senate File 2232](#)

LOCAL GOVERNMENT: Beall, Chair; Olive and Reynolds

[Senate File 2233](#)

WAYS AND MEANS: McCoy, Chair; Seng and Zaun

[Senate File 2238](#)

STATE GOVERNMENT: Danielson, Chair; Dearden and Feenstra

[Senate File 2241](#)

HUMAN RESOURCES: Ragan, Chair; Bartz and Bolkcom

[House File 45](#)

(Reassigned)

HUMAN RESOURCES: Bolkcom, Chair; Bartz and Schmitz

[House File 2200](#)

NATURAL RESOURCES: Black, Chair; Bartz and Hancock

[SSB 3213](#)

JUDICIARY: Hogg, Chair; Horn and Ward

[SSB 3214](#)

JUDICIARY: Kreiman, Chair; Jochum and Noble

[SSB 3215](#)

APPROPRIATIONS: Danielson, Chair; Bartz and Dvorsky

[SSB 3216](#)

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

[SSB 3217](#)

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

[SSB 3218](#)

JUDICIARY: Kreiman, Chair; Noble and Schoenjahn

[SSB 3219](#)

JUDICIARY: Hogg, Chair; Horn and Ward

[SSB 3220](#)

JUDICIARY: Kreiman, Chair; Hancock and Zaun

[SSB 3221](#)

HUMAN RESOURCES: Schmitz, Chair; Boettger and Wilhelm

[SSB 3222](#)

AGRICULTURE: Soddors, Chair; Courtney and Johnson

[SSB 3223](#)

AGRICULTURE: Soddors, Chair; Olive and Johnson

## FINAL COMMITTEE REPORTS OF BILL ACTION

### ECONOMIC GROWTH

**Bill Title:** [HOUSE FILE 2148](#), a bill for an act relating to eligible lenders for the home ownership assistance program for military members.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ENVIRONMENT AND ENERGY INDEPENDENCE

**Bill Title:** [\\*SENATE FILE 2242 \(SSB 3168\)](#), a bill for an act relating to the Iowa comprehensive petroleum underground storage tank fund.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Black, Hogg, Behn, Bolcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, and Wilhelm. Nays, none. Absent, 1: Ward.

**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 Environment and Energy Independence Committee on [Senate File 2242](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 2243 \(SSB 3115\)](#), a bill for an act regarding matters under the purview of the department of natural resources, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Black, Hogg, Behn, Bolcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, and Wilhelm. Nays, none. Absent, 1: Ward.

**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 Environment and Energy Independence Committee on [Senate File 2243](#), and they were attached to the committee report.

**TRANSPORTATION**

**Bill Title:** [SENATE FILE 2246 \(SSB 3205\)](#), a bill for an act relating to the regulation of motor vehicles by the department of transportation, including clarification of the definition of business-trade truck and requirements for the issuance of temporary persons with disabilities parking permits.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, 1: McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has 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 9<sup>th</sup> day of February, 2010:

[Senate File 2062.](#)

MICHAEL E. MARSHALL  
Secretary of the Senate

**PETITION**

The following petition was presented and placed on file:

From 176 residents of Senate District 4 favoring legislation to give eligible voters in the State of Iowa the opportunity to vote on the issue of same-sex marriage. Senator Kibbie.

**REPORT OF THE SECRETARY OF THE SENATE**

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2062](#), the following corrections were made:

1. Page 1, line 31: delete Og., replace with g.
2. Page 2, line 1: delete g, replace with h.

MICHAEL E. MARSHALL  
Secretary of the Senate

**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:

**ECONOMIC GROWTH**

Patrick Baird – Iowa Jobs Board

**JUDICIARY**

Keith Johnson – Iowa State Civil Rights Commission

**LOCAL GOVERNMENT**

Karen Oberman – Chair of the Property Assessment Appeal Board

Karen Oberman – Property Assessment Appeal Board