

PROOF

STATE OF IOWA

Senate Journal

SATURDAY, MARCH 27, 2010

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JOURNAL OF THE SENATE

SEVENTY-SIXTH CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Saturday, March 27, 2010

The Senate met in regular session at 9:23 a.m., President Kibbie presiding.

A moment of silence was observed by the Senate.

The Journal of Friday, March 26, 2010, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Fraise and Warnstadt, until they arrive, on request of Senator Gronstal.

SPECIAL GUEST

Senator Hamerlinck introduced to the Senate chamber his wife, Melissa.

The Senate rose and expressed its welcome.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2379](#).

[Senate File 2379](#)

On motion of Senator Kreiman, [Senate File 2379](#), a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to

persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties, with report of committee recommending passage, was taken up for consideration.

([Senate File 2379](#) was deferred.)

The Senate stood at ease at 9:28 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 10:10 a.m., President Kibbie presiding.

The Senate resumed consideration of [Senate File 2379](#), previously deferred.

Senator Hartsuch offered amendment [S-5371](#), filed by Senator Hartsuch, et al., on March 26, 2010, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5371](#) be adopted?" ([S.F. 2379](#)), the vote was:

Yeas, 20:

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

Nays, 28:

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

Absent, 2:

Fraise	Warnstadt
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Amendment [S-5371](#) lost.

Senator Kreiman offered amendment [S-5370](#), filed by the committee on Judiciary on March 26, 2010, to pages 1-17 and amending the title page of the bill.

Senator Kreiman offered amendment [S-5387](#), filed by him on March 26, 2010, to page 6 of amendment [S-5370](#), and moved its adoption.

Amendment [S-5387](#) was adopted by a voice vote.

Senator Sodders asked and received unanimous consent that action on amendment [S-5370](#), as amended, be deferred.

Senator Sodders withdrew amendment [S-5372](#), filed by him on March 26, 2010, to page 3 of the bill.

Senator Sodders withdrew amendment [S-5373](#), filed by him on March 26, 2010, to page 5 of the bill.

Senator Sodders withdrew amendment [S-5374](#), filed by him on March 26, 2010, to page 9 of the bill.

The Senate resumed consideration of amendment [S-5370](#), as amended, previously deferred.

([Senate File 2379](#) and amendment [S-5370](#) were deferred.)

The Senate stood at ease at 11:00 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 11:09 a.m., President Kibbie presiding.

The Senate resumed consideration of [Senate File 2379](#) and amendment [S-5370](#), as amended, previously deferred.

Senator Krieman moved the adoption of amendment [S-5370](#), as amended.

A record roll call was requested.

On the question "Shall amendment [S-5370](#), as amended, be adopted?" ([S.F. 2379](#)), the vote was:

Yeas, 46:

Appel	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn

Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hatch	McKinley	Stewart
Courtney	Heckroth	Noble	Ward
Dandekar	Hogg	Olive	Wieck
Danielson	Horn	Quirnbach	Wilhelm
Dearden	Houser	Ragan	Zaun
Dotzler	Jochum	Reynolds	
Dvorsky	Johnson	Rielly	

Nays, 2:

Bartz	Hartsuch
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Absent, 2:

Fraise	Warnstadt
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Amendment [S-5370](#), as amended, was adopted.

Senator Kreiman 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. 2379](#)), the vote was:

Yeas, 44:

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

Nays, 4:

Bolkcom	Dvorsky	Hatch	Jochum
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Absent, 2:

Fraise	Warnstadt
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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 2379](#) be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House Concurrent Resolution 108](#).

[House Concurrent Resolution 108](#)

On motion of Senator Gronstal, [House Concurrent Resolution 108](#), a concurrent resolution to approve and confirm the appointment of the Citizens' Aide, with report of committee recommending passage, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of [House Concurrent Resolution 108](#), which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Ward and Seymour, until they return, on request of Senator Kettering.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED[House File 2526](#)

Senator Hatch called up for consideration [House File 2526](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions, amended by the Senate and further amended by the House in House amendment [S-5392](#) to Senate amendment [H-8568](#), filed March 26, 2010.

([House File 2526](#) and amendment [S-5392](#) to [H-8568](#) were deferred.)

The Senate stood at ease at 11:46 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 11:54 a.m., President Kibbie presiding.

The Senate resumed consideration of [House File 2526](#) and amendment [S-5392](#) to [H-8568](#), previously deferred.

Senator Hatch moved that the Senate concur in the House amendment to the Senate amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" ([H.F. 2526](#)), the vote was:

Yeas, 28:

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

Nays, 19:

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

Absent, 3:

Fraise	Ward	Warnstadt
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The motion prevailed and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Hatch moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2526](#)), the vote was:

Yeas, 28:

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

Nays, 18:

Bartz	Hamerlinck	Kettering	Reynolds
Behn	Hartsuch	Kreiman	Wieck
Boettger	Houser	McKinley	Zaun
Feenstra	Johnson	Noble	
Hahn	Kapucian	Olive	

Absent, 4:

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House Concurrent Resolution 108](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:08 p.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 4:37 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 4:38 p.m. until 6:30 p.m.

EVENING SESSION

The Senate reconvened at 8:05 p.m., President Kibbie presiding.

INTRODUCTION OF BILL

[Senate File 2389](#), by committee on Appropriations, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and Wieck, until they return, on request of Senator McKinley.

UNFINISHED BUSINESS

(Deferred March 2, 2010)

[Senate File 2315](#)

The Senate resumed consideration of [Senate File 2315](#), a bill for an act concerning weight limits for vehicles carrying grain, fertilizer, agricultural lime, or agricultural chemicals on noninterstate highways, deferred March 2, 2010.

Senator Rielly asked and received unanimous consent to withdraw amendment [S-5174](#), filed by the committee on Transportation on March 1, 2010, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Olive offered amendment [S-5312](#), filed by Senators Olive, Heckroth, and Kapucian on March 23, 2010, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-5312](#) was adopted by a voice vote.

Senator Rielly asked and received unanimous consent that [House File 2512](#) be **substituted** for [Senate File 2315](#).

[House File 2512](#)

On motion of Senator Rielly, [House File 2512](#), 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 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. 2512](#)), the vote was:

Yeas, 34:

Appel	Gronstal	Kettering	Schoenjahn
Bartz	Hahn	Kibbie	Seng
Beall	Hamerlinck	Kreiman	Seymour
Behn	Hancock	McCoy	Sodders
Black	Hartsuch	McKinley	Stewart
Boettger	Heckroth	Olive	Wilhelm
Courtney	Horn	Ragan	Zaun
Dandekar	Johnson	Reynolds	
Feenstra	Kapucian	Schmitz	

Nays, 11:

Bolkcom	Dotzler	Hogg	Quirnbach
Danielson	Dvorsky	Jochum	Rielly
Dearden	Hatch	Noble	

Absent, 5:

Fraise	Ward	Wieck
Houser	Warnstadt	

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

WITHDRAWN

Senator Rielly asked and received unanimous consent that [Senate File 2315](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 2512](#) be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: [SENATE FILE 2389 \(SSB 3258\)](#), by committee on Appropriations, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, and Seng. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 2: Fraise and Warnstadt.

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 2389](#), and they were attached to the committee report.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2389](#).

[Senate File 2389](#)

On motion of Senator McCoy, [Senate File 2389](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure

fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on [Senate File 2389](#) be **deferred**.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 27, 2010, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 2383](#), a bill for an act relating to the collection of debt obligations owed the state and cities and establishing a state debt coordinator, providing a fee, and including effective date provisions. ([S-5393](#))

HOUSE AMENDMENT CONSIDERED

[Senate File 2383](#)

Senator Dvorsky called up for consideration [Senate File 2383](#), a bill for an act relating to the collection of debt obligations owed the state and cities and establishing a state debt coordinator, providing a fee, and including effective date provisions, amended by the House in House amendment [S-5393](#), filed March 27, 2010.

Senator Dvorsky moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dvorsky moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2383](#)), the vote was:

Yeas, 42:

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

Nays, 3:

Behn	Feenstra	Noble
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Absent, 5:

Fraise	Ward	Wieck
Houser	Warnstadt	

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 2383](#) be **immediately messaged** to the House.

BUSINESS PENDING

[Senate File 2389](#)

The Senate resumed consideration of [Senate File 2389](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the

revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date, previously deferred.

Senator McCoy offered amendment [S-5394](#), filed by him from the floor to pages 19, 28, 47, 56, 57, 76, and 79 of the bill, and moved its adoption.

Amendment [S-5394](#) was adopted by a voice vote.

Senator Dotzler offered amendment [S-5395](#), filed by Senators Dotzler and Bartz from the floor to page 20 of the bill, and moved its adoption.

Amendment [S-5395](#) was adopted by a voice vote.

Senator Heckroth offered amendment [S-5396](#), filed by him from the floor to pages 23, 40, and 41 of the bill, and moved its adoption.

Amendment [S-5396](#) was adopted by a voice vote.

Senator McCoy 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. 2389](#)), the vote was:

Yeas, 29:

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

Nays, 16:

Bartz	Feenstra	Johnson	Noble
Behn	Hahn	Kapucian	Reynolds
Black	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Zaun

Absent, 5:

Fraise	Ward	Wieck
Houser	Warnstadt	

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 2389](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:10 p.m. until 2:00 p.m., Monday, March 29, 2010.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Temple Emanuel, Davenport—On the occasion of its 150th anniversary. Senator Seng (3/27/10).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Saturday, March 27, 2010, 1:45 p.m.

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

Members Absent: Fraise and Warnstadt.

Committee Business: Approved [SSB 3258](#).

Recessed: 1:50 p.m.

Reconvened: 2:45 p.m.

Adjourned: 3:10 p.m.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which [House File 2526](#) passed the Senate on March 27, 2010.

MICHAEL E. GRONSTAL

AMENDMENTS FILED

S-5393	S.F. 2383	House
S-5394	S.F. 2389	Matt McCoy
S-5395	S.F. 2389	William A. Dotzler, Jr. Merlin Bartz
S-5396	S.F. 2389	Bill Heckroth