

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, JANUARY 28, 2010

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JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY
TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 28, 2010

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

The Journal of Wednesday, January 27, 2010, was approved.

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 January 27, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 681](#), a bill for an act requiring employers to provide notice of business closings and mass layoffs and providing penalties.

Read first time and referred to committee on **Labor and Business Relations**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:50 a.m. until 10:00 a.m., Monday, February 1, 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:

CAPITAL INVESTMENT BOARD

2009 Annual Report, pursuant to Iowa Code section 15E.46. Report received on January 28, 2010.

ENVIRONMENTAL PROTECTION COMMISSION

2009 Annual Report, pursuant to Iowa Code section 455b.105(5). Report received on January 28, 2010.

DEPARTMENT OF PUBLIC HEALTH

Iowa Domestic Abuse Death Review Team Biannual Report, pursuant to Iowa Code section 135.108. Report received on January 27, 2010.

CERTIFICATE OF RECOGNITION

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

Hazel Vanderlinden, Oskaloosa—For celebrating her 100th birthday. Senator Rielly (1/28/10).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Thursday, January 28, 2010, 2:40 p.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 3171](#).

Recessed: 2:45 p.m.

Reconvened: 3:00 p.m.

Adjourned: 3:05 p.m.

COMMERCE

Convened: Thursday, January 28, 2010, 2:05 p.m.

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

Members Absent: Heckroth, Vice Chair; and Courtney (both excused).

Committee Business: Passed [HF 2075](#) and approved [SSB 3032](#), as amended.

Adjourned: 2:15 p.m.

ECONOMIC GROWTH

Convened: Thursday, January 28, 2010, 1:15 p.m.

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

Members Absent: Hamerlinck, Kapucian, and Wieck (all excused).

Committee Business: Confirmed governor's appointees. Presentation by the Department of Economic Development.

Adjourned: 2:05 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, January 28, 2010, 10:10 a.m.

Members Present: Olive, Chair; and Sadders.

Members Absent: Courtney, Vice Chair; Ward, Ranking Member; and Wieck (all excused).

Committee Business: Guest presentations.

Adjourned: 11:40 a.m.

HUMAN RESOURCES

Convened: Thursday, January 28, 2010, 3:00 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Hartsuch, Ranking Member; Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm.

Members Absent: None.

Committee Business: Approved SSBs 3047, 3052, 3073, and 3074.

Adjourned: 3:20 p.m.

JUDICIARY

Convened: Wednesday, January 27, 2010, 4:05 p.m.

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

Members Absent: None.

Committee Business: Approved [SSB 3108](#). Passed [HF 758](#) without recommendation. Approved governor's appointee.

Adjourned: 4:35 p.m.

REBUILD IOWA

Convened: Wednesday, January 27, 2010, 3:10 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 [SSB 3077](#), as amended.

Adjourned: 3:20 p.m.

TRANSPORTATION

Convened: Thursday, January 28, 2010, 3:05 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: Considered SSBs 3001, 3071, and 3081.

Recessed: 3:10 p.m.

Reconvened: 3:15 p.m.

Adjourned: 3:35 p.m.

VETERANS AFFAIRS

Convened: Wednesday, January 27, 2010, 3:25 p.m.

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

Members Absent: None.

Committee Business: Presentation by the Director of Historic Ships Memorial at Pacific Square.

Adjourned: 3:55 p.m.

WAYS AND MEANS

Convened: Wednesday, January 27, 2010, 5:00 p.m.

Members Present: Bolkom, Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

Members Absent: McCoy, Vice Chair (excused).

Committee Business: Approved governor's appointee. Presentation by the Iowa State University Department of Economics.

Adjourned: 6:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, January 28, 2010, 10:05 a.m.

Members Present: Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; and Behn.

Members Absent: Kreiman (excused).

Committee Business: Presentation by Rebuild Iowa.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, January 28, 2010, 10:30 a.m.

Members Present: Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; Houser and Wilhelm.

Members Absent: None.

Committee Business: Presentation by the Air Quality Bureau.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, January 28, 2010, 10:10 a.m.

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

Members Absent: Heckroth, Vice Chair; and Reynolds (both excused).

Committee Business: Presentation by the Department of Economic Development.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, January 28, 2010, 10:00 a.m.

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

Members Absent: Feenstra (excused).

Committee Business: Presentations by the Clayton Ridge School and the Van Meter School.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, January 28, 2010, 10:15 a.m.

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

Members Absent: None.

Committee Business: Presentation by the MHI Task Force.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, January 28, 2010, 10:15 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; Fraise and Zaun.

Members Absent: None.

Committee Business: Presentations by the Iowa Law Enforcement Academy and the Department of Public Safety.

Adjourned: 11:25 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Thursday, January 28, 2010, 10:10 a.m.

Members Present: McCoy, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; and Beall.

Members Absent: Hamerlinck (excused).

Committee Business: Presentations by the Department of Natural Resources.

Adjourned: 11:45 a.m.

INTRODUCTION OF BILLS

[Senate File 2128](#), by committee on State Government, a bill for an act requiring certain campaign finance statements and reports to be filed in an electronic format.

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

[Senate File 2129](#), by Kibbie, a bill for an act authorizing sports betting and including an implementation provision.

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

[Senate File 2130](#), by Sodders, a bill for an act authorizing sports betting on professional sporting events and including an implementation provision.

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

[Senate File 2131](#), by Kibbie, a bill for an act to authorize the use of motorcycles modified by the addition of stabilizing rear wheels.

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

[Senate File 2132](#), by Johnson, a bill for an act providing a state individual income tax deduction for certain health benefits plans and authorizing the commissioner of insurance to assist employers and insurers with implementing such health benefits plans and including effective date and retroactive applicability provisions.

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

[Senate File 2133](#), by Johnson, a bill for an act changing the definition of qualifying coverage applicable to the waiver of certain preexisting condition exclusions and limitations by certain accident and health insurance providers.

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

[Senate File 2134](#), by Quirnbach, a bill for an act relating to damages recoverable for injury to or death of a person.

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

[Senate File 2135](#), by Quirnbach, a bill for an act relating to an assault that occurs between persons in an intimate relationship and the crime of domestic abuse assault and making penalties applicable.

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

[Senate File 2136](#), by Jochum, a bill for an act relating to the establishment of a 21st century school system task force.

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

[Senate File 2137](#), by Sadders, a bill for an act relating to economic development assistance at small business development centers by providing for the creation of economic gardening pilot programs.

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

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

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

[Senate File 2139](#), by Zaun, Boettger, Seymour, Reynolds, Noble, Bartz, Johnson, Kapucian, Hartsuch, Hahn, Kettering, McKinley, Hamerlinck, Ward, Feenstra, Houser, and Wieck, a bill for an act establishing the right to choose health care.

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

[Senate File 2140](#), by Warnstadt, a bill for an act relating to school finance by increasing the foundation property tax, increasing the regular program and special education support services foundation base, and including effective date and applicability provisions.

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

[Senate File 2141](#), by Danielson, a bill for an act regulating emergency medical care providers, emergency medical care service programs, and emergency medical care services training programs, and providing penalties.

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

[Senate File 2142](#), by Danielson, a bill for an act providing for the severance and annexation of real property upon petition of the real property owners and approval of the city development board.

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

[Senate File 2143](#), by Danielson, a bill for an act relating to an explanation of benefits for the medical assistance program.

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

STUDY BILLS RECEIVED

SSB 3178 **Ways and Means**

Relating to township property tax levies for emergency services and including applicability provisions.

SSB 3179 **Ways and Means**

Limiting the amount of research activities tax credit that is refundable and including retroactive applicability provisions.

SSB 3180 **Ways and Means**

Exempting from the state sales and use taxes the sale of paint and other consumed materials to an auto body shop.

SSB 3181 **Commerce**

Prohibiting the running of a transfer fee covenant with the title to real property.

SSB 3182 **Agriculture**

Concerning weight limits for vehicles carrying grain, fertilizer, or agricultural chemicals on noninterstate highways.

SSB 3183 **Human Resources**

Relating to rights of persons with disabilities.

SSB 3184 **State Government**

Making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

SSB 3185 **State Government**

Relating to the administration of the election laws by the secretary of state and including effective date provisions.

SSB 3186 Education

Relating to school business official training and authorization.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2003**

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Johnson

Senate File 139

WAYS AND MEANS: Bolkcom, Chair; Bartz and Stewart

Senate File 2071

COMMERCE: Warnstadt, Chair; Dandekar and Wieck

Senate File 2087

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 2092

HUMAN RESOURCES: Hatch, Chair; Johnson and Ragan

Senate File 2093

COMMERCE: Rielly, Chair; Dandekar and Wieck

Senate File 2094

HUMAN RESOURCES: Bolkcom, Chair; Hartsuch and Hatch

Senate File 2098

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Hatch

Senate File 2099

HUMAN RESOURCES: Schmitz, Chair; Boettger and Wilhelm

Senate File 2103

WAYS AND MEANS: Stewart, Chair; Bartz and Hogg

Senate File 2113

COMMERCE: Warnstadt, Chair; Heckroth and Ward

[Senate File 2114](#)

APPROPRIATIONS: Dvorsky, Chair; and Kettering

[Senate File 2115](#)

APPROPRIATIONS: Dvorsky, Chair; and Kettering

[Senate File 2120](#)

NATURAL RESOURCES: Dearden, Chair; Black and Hahn

[Senate File 2121](#)

COMMERCE: Rielly, Chair; Dandekar and Wieck

[Senate File 2122](#)

COMMERCE: Rielly, Chair; Dandekar and Hartsuch

[Senate File 2123](#)

TRANSPORTATION: Rielly, Chair; Hancock and Kapucian

[Senate File 2124](#)

EDUCATION: Dvorsky, Chair; McKinley and Quirnbach

[Senate File 2125](#)

STATE GOVERNMENT: Soddors, Chair; Courtney and Hartsuch

[Senate File 2126](#)

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Johnson

[Senate File 2127](#)

WAYS AND MEANS: Quirnbach, Chair; Dotzler and Ward

[Senate File 2129](#)

STATE GOVERNMENT: Kibbie, Chair; Horn and Seymour

[Senate File 2130](#)

STATE GOVERNMENT: Soddors, Chair; Horn and Wieck

[Senate File 2132](#)

WAYS AND MEANS: Jochum, Chair; Dotzler and Hamerlinck

[Senate File 2134](#)

JUDICIARY: Kreiman, Chair; Kettering and Warnstadt

[Senate File 2135](#)

JUDICIARY: Kreiman, Chair; Sodders and Ward

[Senate File 2136](#)

EDUCATION: Quirnbach, Chair; Dvorsky and Feenstra

[Senate File 2139](#)

HUMAN RESOURCES: Bolkcom, Chair; Hartsuch and Hatch

[Senate File 2140](#)

EDUCATION: Heckroth Chair; Dvorsky and Hamerlinck

[SSB 3178](#)

WAYS AND MEANS: Quirnbach, Chair; Hamerlinck and Schmitz

[SSB 3179](#)

WAYS AND MEANS: Bolkcom, Chair; Jochum and Zaun

[SSB 3180](#)

WAYS AND MEANS: Seng, Chair; Bartz and Stewart

[SSB 3181](#)

COMMERCE: Stewart, Chair; Kettering and Schmitz

[SSB 3182](#)

AGRICULTURE: Olive, Chair; Behn and Sodders

[SSB 3183](#)

HUMAN RESOURCES: Bolkcom, Chair; Bartz and Schmitz

[SSB 3184](#)

STATE GOVERNMENT: Sodders, Chair; Black and Feenstra

[SSB 3185](#)

STATE GOVERNMENT: Sodders, Chair; Black and Feenstra

[SSB 3186](#)

EDUCATION: Sodders Chair; Johnson and Wilhelm

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: [HOUSE FILE 2075 \(HSB 530\)](#), a bill for an act requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials and providing an applicability date.

Recommendation: DO PASS.

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.

JUDICIARY

Bill Title: [HOUSE FILE 758 \(HSB 172\)](#), a bill for an act relating to damages recoverable for the wrongful or negligent injury or death of a person.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 9: Kreiman, Fraise, Hancock, Horn, Jochum, Quirnbach, Schoenjahn, Sodders, and Warnstadt. Nays, 5: Kettering, Boettger, Noble, Ward, and Zaun. Present, 1: Hogg. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2138 \(SSB 3108\)](#), a bill for an act relating to the rights of a donee created by an anatomical gift.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Sodders, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: [SENATE FILE 2128 \(SSB 3005\)](#), a bill for an act requiring certain campaign finance statements and reports to be filed in an electronic format.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Appel, Kibbie, Feenstra, Behn, Black, Danielson, Dearden, Hartsuch, Horn, Jochum, Seymour, Sodders, and Wieck. Nays, none. Absent, 2: Courtney and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CONFIRMATION CALENDAR**

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

ECONOMIC GROWTH

Ruth Smith – Iowa Great Places Board

Joni Dittmer – Iowa Jobs Board

**GOVERNOR'S APPOINTEES PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

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

ECONOMIC GROWTH

Bret Mills – Director of the Department of Economic Development

WAYS AND MEANS

Joe O'Hern – Executive Director of the Iowa Finance Authority

AMENDMENT FILED

[S-5016](#) [S.F. 2117](#) Amanda Ragan