

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 11, 2010

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 11, 2010

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

Prayer was offered by Pastor Karl Ballhagen of the Trinity Lutheran Church in Hampton, Iowa. He was the guest of Senator Bartz.

The Journal of Wednesday, February 10, 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 10, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2198](#), a bill for an act providing an exemption from vehicle registration for trailers used exclusively in veterans flag ceremonies and parades.

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

[House File 2197](#), a bill for an act providing veterans a holiday for veterans day and making penalties applicable.

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

[House File 2282](#), a bill for an act relating to judgment liens on homesteads.

Read first time and attached to **companion [Senate File 2189](#)**.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following bills be referred from the Regular Calendar to the following committees:

[S.F. 2219](#) Appropriations
[S.F. 2255](#) Appropriations
[S.F. 2221](#) Ways and Means

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:53 a.m. until 1:00 p.m., Monday, February 15, 2010.

APPENDIX**CERTIFICATE OF RECOGNITION**

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

Jim Walsh, Waterloo—For his ability to “make pigs fly” for the benefit of Waterloo. Senator Dotzler (2/11/10).

REPORTS OF COMMITTEE MEETINGS**COMMERCE**

Convened: Thursday, February 11, 2010, 10:30 a.m.

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

Members Absent: McCoy (excused).

Committee Business: Passed SFs 1 and 2089, both as amended. Approved SSBs 3080, 3102, and 3155, all as amended, and [SSB 3167](#).

Adjourned: 11:40 a.m.

ECONOMIC GROWTH

Convened: Thursday, February 11, 2010, 1:10 p.m.

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

Members Absent: Reynolds (excused).

Committee Business: Approved [SSB 3206](#).

Adjourned: 1:30 p.m.

JUDICIARY

Convened: Wednesday, February 10, 2010, 3:45 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 2050](#), as amended, and SFs 2021, 2134, and 2171. Approved SSBs 1029, 1033, 3025, 3039, 3147, 3209, all as amended, and SSBs 2257, 3040, 3143, 3203, 3213, 3217, and 3218.

Adjourned: 4:30 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Thursday, February 11, 2010, 11:40 a.m.

Members Present: Courtney, Chair; Jochum, Vice Chair; Ward, Ranking Member; Dearden, Dotzler, Gronstal, Hatch, Horn, Houser, Wieck, and Zaun.

Members Absent: None.

Committee Business: Approved [SSB 3176](#).

Adjourned: 11:50 a.m.

LOCAL GOVERNMENT

Convened: Thursday, February 11, 2010, 9:15 a.m.

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

Members Absent: McCoy (excused).

Committee Business: Deferred [SF 2023](#). Passed [SF 2024](#), as amended, and SFs 2210 and 2232. Approved [SSB 3174](#), as amended.

Adjourned: 9:40 a.m.

STATE GOVERNMENT

Convened: Thursday, February 11, 2010, 9:05 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 SFs 2141 and 2262. Approved SSBs 3004, 3066, and 3210, all as amended.

Recessed: 9:10 a.m.

Reconvened: 9:30 a.m.

Adjourned: 10:20 a.m.

INTRODUCTION OF RESOLUTIONS

[Senate Joint Resolution 2007](#), by committee on Veterans Affairs, a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61.

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

[Senate Joint Resolution 2008](#), by committee on Education, a joint resolution nullifying rules adopted by the educational examiners board, and relating to the contents of a complaint notice, and including effective date provisions.

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

INTRODUCTION OF BILLS

[Senate File 2275](#), by Warnstadt, a bill for an act relating to school districts' additional property tax levies and teacher salary supplements for certain school budget years and including effective date and applicability provisions.

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

[Senate File 2276](#), by Warnstadt, a bill for an act relating to requirements for staffing and written occupancy agreements for assisted living programs and making penalties applicable.

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

[Senate File 2277](#), by Warnstadt, a bill for an act requiring notice to the adjutant general of the state for city and county zoning actions affecting property near Camp Dodge.

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

[Senate File 2278](#), by Kreiman, a bill for an act exempting specified entities from being required to solemnize, celebrate, promote, or perpetuate a marriage, or treat a marriage as valid.

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

[Senate File 2279](#), by committee on Labor and Business Relations, a bill for an act extending the voluntary shared unemployment compensation work program for additional weeks.

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

[Senate File 2280](#), by Zaun, Kettering, McKinley, Behn, Seymour, Ward, Noble, Johnson, Reynolds, Hartsuch, Boettger, Hahn, Houser, Feenstra, Wieck, and Hamerlinck, a bill for an act relating to the sale or lease of the Iowa communications network.

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

[Senate File 2281](#), by McKinley, a bill for an act relating to state core curriculum requirements for prekindergarten through grade twelve and including effective date provisions.

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

[Senate File 2282](#), by Johnson, a bill for an act relating to health care cost and quality transparency.

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

[Senate File 2283](#), by Jochum, a bill for an act providing for the licensure of persons who install and maintain solar thermal systems and solar photovoltaic panels and making penalties applicable.

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

[Senate File 2284](#), by committee on Veterans Affairs, a bill for an act relating to the encouragement and assistance of businesses owned by disabled veterans.

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

[Senate File 2285](#), by committee on Labor and Business Relations, a bill for an act requiring certain weekly workers' compensation benefits to be calculated by including an employee's overtime and premium pay, and to include an annual cost-of-living adjustment.

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

[Senate File 2286](#), by committee on Labor and Business Relations, a bill for an act relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties.

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

[Senate File 2287](#), by committee on Education, a bill for an act relating to private college preparatory schools exempted from the state's educational standards and accreditation process, and including effective date provisions.

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

[Senate File 2288](#), by committee on Education, a bill for an act relating to the duties and operations of the department of education and local school boards.

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

[Senate File 2289](#), by committee on Education, a bill for an act relating to deaccreditation of a school district by the state board of education.

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

[Senate File 2290](#), by committee on Education, 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 under Rule 28 and **placed on calendar**.

[Senate File 2291](#), by committee on Education, a bill for an act relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

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

[Senate File 2292](#), by committee on Veterans Affairs, a bill for an act requiring the department of veterans affairs to promote and support the preservation of the U.S.S. Iowa as a naval museum.

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

[Senate File 2293](#), by committee on Judiciary, a bill for an act relating to expunging convictions of certain criminal offenses.

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

[Senate File 2294](#), by committee on Rebuild Iowa, a bill for an act creating a disaster recovery fund and including effective date and applicability provisions.

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

[Senate File 2295](#), by committee on Veterans Affairs, a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

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

STUDY BILL RECEIVED

[SSB 3224](#) **Ways and Means**

Relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 2258](#)

WAYS AND MEANS: Schmitz, Chair; Feenstra and Wilhelm

[Senate File 2260](#)

NATURAL RESOURCES: Dearden, Chair; Johnson and Ragan

[Senate File 2261](#)

WAYS AND MEANS: Quirnbach, Chair; Jochum and Ward

[Senate File 2262](#)

STATE GOVERNMENT: Hatch, Chair; Courtney and Hartsuch

[SSB 3224](#)

WAYS AND MEANS: Dotzler, Chair; Bolcom and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: [SENATE JOINT RESOLUTION 2008 \(SSB 3202\)](#), a joint resolution nullifying rules adopted by the educational examiners board, and relating to the contents of a complaint notice, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Soddors, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2287 \(SSB 3138\)](#), a bill for an act relating to private college preparatory schools exempted from the state's educational standards and accreditation process, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Schmitz, Schoenjahn, Appel, Beall, Dvorsky, Heckroth, Quirmbach, Soddors, and Wilhelm. Nays, 6: Boettger, Feenstra, Hamerlinck, Johnson, Kreiman, and McKinley. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [*SENATE FILE 2288 \(SSB 3136\)](#), a bill for an act relating to the duties and operations of the department of education and local school boards.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Soddors, and Wilhelm. Nays, none. Absent, none.

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 Education Committee on [Senate File 2288](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 2289 \(SSB 3137\)](#), a bill for an act relating to deaccreditation of a school district by the state board of education.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Soddors, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 2290](#) (formerly [SF 2010](#)), a bill for an act relating to the use of certain regular physical plant and equipment levy funds and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Soddors, and Wilhelm. Nays, none. Absent, none.

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 Education Committee on [Senate File 2290](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 2291 \(SSB 3135\)](#), a bill for an act relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Soddors, and Wilhelm. Nays, none. Absent, none.

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 Education Committee on [Senate File 2291](#), and they were attached to the committee report.

JUDICIARY

Bill Title: [SENATE FILE 2293 \(SSB 3166\)](#), a bill for an act relating to expunging convictions of certain criminal offenses.

Recommendation: APPROVED COMMITTEE BILL.

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

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 Judiciary Committee on [Senate File 2293](#), and they were attached to the committee report.

LABOR AND BUSINESS RELATIONS

Bill Title: [SENATE FILE 2279](#) (formerly [SF 2012](#)), a bill for an act extending the voluntary shared unemployment compensation work program for additional weeks.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Courtney, Jochum, Ward, Dearden, Dotzler, Hatch, Horn, Houser, Wieck, and Zaun. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2285](#) ([SSB 3175](#)), a bill for an act requiring certain weekly workers' compensation benefits to be calculated by including an employee's overtime and premium pay, and to include an annual cost-of-living adjustment.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Courtney, Jochum, Dearden, Dotzler, Hatch, and Horn. Nays, 4: Ward, Houser, Wieck, and Zaun. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2286](#) ([SSB 3192](#)), a bill for an act relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Courtney, Jochum, Ward, Dearden, Dotzler, Hatch, Horn, Houser, Wieck, and Zaun. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REBUILD IOWA

Bill Title: [SENATE FILE 2294](#) ([SSB 3196](#)), a bill for an act creating a disaster recovery fund and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

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

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

VETERANS AFFAIRS

Bill Title: [SENATE JOINT RESOLUTION 2007](#), a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Soddors, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2284 \(SSB 3016\)](#), a bill for an act relating to the encouragement and assistance of businesses owned by disabled veterans.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Soddors, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2292 \(SSB 3044\)](#), a bill for an act requiring the department of veterans affairs to promote and support the preservation of the U.S.S. Iowa as a naval museum.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Soddors, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2295 \(SSB 3127\)](#), a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

[S-5049](#) [H.F. 2183](#) Becky Schmitz