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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, MARCH 23, 2010**

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# JOURNAL OF THE SENATE

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SEVENTY-SECOND CALENDAR DAY  
FORTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 23, 2010

The Senate met in regular session at 8:57 a.m., President Kibbie presiding.

Prayer was offered by Pastor Jerry Helms of the Cornerstone Christian Fellowship Church of the Quad Cities, in Moline, Illinois. He was the guest of Senator Hartsuch.

The Journal of Monday, March 22, 2010, was approved.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Quirmbach asked and received unanimous consent to take up for consideration [Senate Resolution 113](#).

### [Senate Resolution 113](#)

On motion of Senator Quirmbach, [Senate Resolution 113](#), a resolution honoring David K. Rehbein, National Commander of the American Legion, for his national service, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach moved the adoption of [Senate Resolution 113](#), which motion prevailed by a voice vote.

## SPECIAL GUEST

Senator Quirmbach introduced to the Senate chamber David K. Rehbein, National Commander of the American Legion. He was accompanied by members of the American Legion.

Commander Rehbein addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

#### SPECIAL GUESTS

Senator Dotzler introduced to the Senate chamber Cortaz Banks, a 2010 Youth of the Year nominee of the Boys and Girls Club of Black Hawk County.

Senator Zaun introduced to the Senate chamber Kadashia Madison, a 2010 Youth of the Year nominee of the Boys and Girls Club of Central Iowa.

The Senate rose and expressed its welcome.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 9:12 a.m. until the completion of a meeting of the committee on Rules and Administration.

#### RECONVENED

The Senate reconvened at 9:14 a.m., President Kibbie presiding.

#### FINAL COMMITTEE REPORT OF BILL ACTION

##### RULES AND ADMINISTRATION

**Bill Title:** [SENATE RESOLUTION 107](#), a resolution supporting the Republic of China on Taiwan as a part of the global community.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Gronstal, Kibbie, McKinley, Boettger, Courtney, Danielson, Dearden, Kettering, Ragan, and Zaun. Nays, none. Absent, 1: Dvorsky.

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

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Bolkcom asked and received unanimous consent to take up for consideration [Senate Resolution 107](#).

### Senate Resolution 107

On motion of Senator Bolkcom, [Senate Resolution 107](#), a resolution supporting the Republic of China on Taiwan as a part of the global community, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom moved the adoption of [Senate Resolution 107](#), which motion prevailed by a voice vote.

#### SPECIAL GUESTS

Senator Bolkcom introduced to the Senate chamber Taiwan Dignitaries, Wong Chung Chun, Perry Pei-hwang Shen, Paul C.F. Wang, and David Wu.

Wong Chung Chun addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:29 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:55 a.m., President Kibbie presiding.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 10:56 a.m. until 2:00 p.m.

#### AFTERNOON SESSION

The Senate reconvened at 2:32 p.m., President Kibbie presiding.

The Senate stood at ease at 2:33 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:54 p.m., President Kibbie presiding.

## 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 22, 2010, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 2376](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions. ([S-5309](#))

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he arrives, on request of Senator Appel.

## HOUSE AMENDMENT CONSIDERED

[Senate File 2367](#)

Senator Danielson called up for consideration [Senate File 2367](#), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions, amended by the House in House amendment [S-5291](#), filed March 22, 2010.

Senator Danielson withdrew amendment [S-5310](#), filed by him from the floor to pages 1–8 of House amendment [S-5291](#).

Senator Danielson offered amendment [S-5315](#), filed by him from the floor to pages 1–8 of House amendment [S-5291](#), and moved its adoption.

Amendment [S-5315](#) was adopted by a voice vote.

Senator Danielson moved that the Senate concur in the House amendment, as amended.

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

Senator Danielson moved that the bill, as amended by the House, further amended 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. 2367](#)), the vote was:

Yeas, 30:

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

Nays, 19:

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

Absent, 1:

Hatch

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

#### HOUSE AMENDMENT CONSIDERED

#### [Senate File 2310](#)

Senator Dearden called up for consideration [Senate File 2310](#), a bill for an act creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of

the State of Iowa, and providing for contingent implementation, amended by the House in House amendment [S-5305](#), filed March 22, 2010.

Senator Dearden 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 Dearden 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. 2310](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Hatch

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

CONSIDERATION OF BILLS  
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2496, 2432, and 2310.

**House File 2496**

On motion of Senator Bolkcom, **House File 2496**, a bill for an act relating to recycling initiatives, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bolkcom offered amendment **S-5184**, filed by the committee on Environment and Energy Independence on March 3, 2010, to pages 2–4 of the bill.

Senator Bolkcom offered amendment **S-5308**, filed by him from the floor to page 1 of amendment **S-5184**, and moved its adoption.

Amendment **S-5308** was adopted by a voice vote.

Senator Bolkcom moved the adoption of amendment **S-5184**, as amended.

Amendment **S-5184**, as amended, 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?” (**H.F. 2496**), the vote was:

Yeas, 37:

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

Nays, 12:

Behn	Hahn	Houser	Seymour
Boettger	Hamerlinck	Kettering	Wieck
Feenstra	Hartsuch	McKinley	Zaun

Absent, 1:

Hatch

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

### [House File 2432](#)

On motion of Senator Schmitz, [House File 2432](#), a bill for an act relating to a study of the opportunities for recruiting racial and ethnic minority teachers from outside the state, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending passage, was taken up for consideration.

Senator Schmitz offered amendment [S-5283](#), filed by her on March 18, 2010, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-5283](#) was adopted by a voice vote.

With the adoption of amendment [S-5283](#), the Chair ruled amendment [S-5269](#), filed by Senator Hamerlinck on March 17, 2010, to page 1 and amending the title page of the bill, out of order.

With the adoption of amendment [S-5283](#), the Chair ruled amendment [S-5210](#), filed by Senator Johnson on March 9, 2010, to page 1 of the bill, out of order.

Senator Schmitz 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. 2432](#)), the vote was:

Yeas, 43:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng

Boettger	Hahn	McCoy	Seymour
Bolkcom	Hamerlinck	McKinley	Sodders
Courtney	Hancock	Noble	Stewart
Dandekar	Heckroth	Olive	Ward
Danielson	Hogg	Quirnbach	Warnstadt
Dearden	Horn	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	

Nays, 6:

Behn	Houser	Wieck
Hartsuch	Kettering	Zaun

Absent, 1:

Hatch

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

### [House File 2310](#)

On motion of Senator Fraise, [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, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending passage, was taken up for consideration.

Senator Fraise 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. 2310](#)), the vote was:

Yeas, 29:

Bartz	Dvorsky	Kettering	Sodders
Beall	Fraise	Kibbie	Stewart
Behn	Gronstal	McCoy	Warnstadt
Boettger	Hahn	McKinley	Wieck
Courtney	Hamerlinck	Ragan	Zaun
Danielson	Hartsuch	Reynolds	
Dearden	Horn	Seng	
Dotzler	Houser	Seymour	

Nays, 20:

Appel	Hancock	Kapucian	Rielly
Black	Heckroth	Kreiman	Schmitz
Bolkcom	Hogg	Noble	Schoenjahn
Dandekar	Jochum	Olive	Ward
Feenstra	Johnson	Quirnbach	Wilhelm

Absent, 1:

Hatch

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 2310](#) and **House Files 2310, 2432, and 2496** be **immediately messaged** to the House.

#### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### [House File 2438](#)

Senator Kreiman called up for consideration [House File 2438](#), a bill for an act relating to the criminal offense of enticing or attempting to entice a minor and providing penalties, amended by the Senate and further amended by the House in House amendment [S-5304](#) to Senate amendment [H-8436](#), filed March 22, 2010.

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

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

Senator Kreiman 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. 2438](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Hatch

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 File 2438](#) be **immediately messaged** to the House.

#### UNFINISHED BUSINESS (Deferred March 1, 2010)

#### [Senate File 2242](#)

The Senate resumed consideration of [Senate File 2242](#), a bill for an act relating to the Iowa comprehensive petroleum underground storage tank fund, deferred March 1, 2010.

Senator Gronstal offered amendment [S-5311](#), filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

([Senate File 2242](#) and amendment [S-5311](#) were deferred.)

The Senate stood at ease at 3:38 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:58 p.m., President Kibbie presiding.

The Senate resumed consideration of [Senate File 2242](#) and amendment [S-5311](#), previously deferred.

Senator Gronstal moved the adoption of amendment [S-5311](#).

Amendment [S-5311](#) was adopted by a voice vote.

Senator Hancock 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. 2242](#)), the vote was:

Yeas, 31:

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

Nays, 18:

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

Absent, 1:

Hatch

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 2242](#) be **immediately messaged** to the House.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 4:08 p.m. until the completion of a meeting of the committee on Appropriations.

## RECONVENED

The Senate reconvened at 4:58 p.m., President Kibbie presiding.

## FINAL COMMITTEE REPORT OF BILL ACTION

## STATE GOVERNMENT

**Bill Title:** [SENATE JOINT RESOLUTION 2009](#), a joint resolution to nullify administrative rules of the department of public safety concerning automatic residential fire sprinkler systems and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Appel, Kibbie, Feenstra, Behn, Danielson, Dearden, Hartsuch, Horn, Jochum, Soddors, and Wieck. Nays, none. Absent, 4: Black, Courtney, Hatch, and Seymour.

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

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Joint Resolution 2009](#).

**[Senate Joint Resolution 2009](#)**

On motion of Senator Danielson, [Senate Joint Resolution 2009](#), a joint resolution to nullify administrative rules of the department of public safety concerning automatic residential fire sprinkler systems and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the resolution was read the last time.

[Senate Joint Resolution 2009](#), a joint resolution to nullify administrative rules of the department of public safety concerning automatic residential fire sprinkler systems and providing an effective date. BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The portions of 661 Iowa administrative code, rule 301.8, that adopt by reference sections R313.1 and R313.2 of the international residential code, 2009 edition, and that amend sections R313.1 and R313.2, by deleting and inserting in lieu thereof and providing exceptions thereto, are nullified.

Sec. 2. EFFECTIVE DATE. This joint resolution, being deemed of immediate importance, takes effect upon enactment.

On the question "Shall the resolution be adopted?" ([S.J.R. 2009](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Hatch

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

## 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 23, 2010, **adopted** the conference committee report **and passed** [House File 2456](#), a bill for an act concerning the use of electronic communication devices while driving, including prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties.

## CONFERENCE COMMITTEE REPORT CONSIDERED

[House File 2456](#)

Senator Danielson called up the conference committee report on [House File 2456](#), a bill for an act concerning the use of electronic communication devices while driving, including prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties, filed on March 22, 2010, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Kapucian raised the point of order that the Conference Committee exceeded its authority under joint rule 13.

The Chair ruled that the conference committee report only addressed issues related to the significant differences between the Senate and House versions of the bill, and therefore the point was not well-taken.

Senator Danielson 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. 2456](#)), the vote was:

Yeas, 37:

Appel	Dvorsky	Johnson	Schoenjahn
Beall	Feenstra	Kibbie	Seng
Black	Fraise	Kreiman	Sodders

Boettger	Gronstal	McCoy	Stewart
Bolkcom	Hancock	Noble	Ward
Courtney	Heckroth	Olive	Warnstadt
Dandekar	Hogg	Quirnbach	Wilhelm
Danielson	Horn	Ragan	
Dearden	Houser	Rielly	
Dotzler	Jochum	Schmitz	

Nays, 12:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McKinley	Wieck
Hahn	Kapucian	Reynolds	Zaun

Absent, 1:

Hatch

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 Joint Resolution 2009](#) and [House File 2456](#) be **immediately messaged** to the House.

The Senate stood at ease at 5:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:06 p.m., President Kibbie presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Wieck, until he returns, on request of Senator Kettering.

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 2526](#).

### House File 2526

On motion of Senator Hatch, [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, with report of committee recommending passage, was taken up for consideration.

Senator Hatch offered amendment [S-5318](#), filed by Senator Ragan from the floor to pages 4, 7, 8, 13, 14, 19–21, 25, 27, 28, 31, 33, 38, 41, 45, 50, 54, 73, 74, 76, 81, 82, 88–90, and 114 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5318](#) be adopted?” ([H.F. 2526](#)), the vote was:

Yeas, 31:

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

Nays, 18:

Bartz	Hamerlinck	Kapucian	Seymour
Behn	Hancock	Kettering	Ward
Boettger	Hartsuch	McKinley	Zaun
Feenstra	Houser	Noble	
Hahn	Johnson	Reynolds	

Absent, 1:

Wieck

Amendment [S-5318](#) was adopted.

Senator Johnson offered amendment [S-5313](#), filed by him from the floor to page 34 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5313](#) be adopted?" ([H.F. 2526](#)), the vote was:

Yeas, 20:

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

Nays, 29:

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

Absent, 1:

Wieck

Amendment [S-5313](#) lost.

Senator Hartsuch offered amendment [S-5307](#), filed by him from the floor to page 54 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5307](#) be adopted?" ([H.F. 2526](#)), the vote was:

Yeas, 17:

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

Nays, 32:

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

Absent, 1:

Wieck

Amendment [S-5307](#) lost.

Senator McCoy offered amendment [S-5319](#), filed by him from the floor to page 21 of the bill, and moved its adoption.

Amendment [S-5319](#) was adopted by a voice vote.

Senator Hatch 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. 2526](#)), the vote was:

Yeas, 30:

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

Nays, 19:

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

Absent, 1:

Wieck

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 File 2526](#) be **immediately messaged** to the House.

## 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 23, 2010, **amended and passed** the following bills in which the concurrence of the Senate is asked:

[Senate File 2297](#), a bill for an act concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, and declarations for disposition of remains. ([S-5317](#))

[Senate File 2354](#), a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions. ([S-5316](#))

ALSO: That the House has on March 23, 2010, **concurred** in the Senate amendment to the House amendment, **and passed** the following bills in which the concurrence of the House was asked:

[Senate File 2200](#), a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court.

[Senate File 2274](#), a bill for an act relating to certain national security and military education benefits and programs.

[Senate File 2345](#), a bill for an act relating to judicial branch administration, child custody and visitation matters.

ALSO: That the House has on March 23, 2010, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

[House File 726](#), a bill for an act providing for unincorporated nonprofit associations, and providing for fees and penalties.

[House File 2229](#), a bill for an act prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan.

[House File 2473](#), a bill for an act relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:52 p.m. until 10:00 a.m., Wednesday, March 24, 2010.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Gladys Christensen, Algona—For celebrating her 100<sup>th</sup> birthday. Senator Kibbie (3/23/10).

Alfa Hertzke, Lakota—For celebrating her 90<sup>th</sup> birthday. Senator Kibbie (3/23/10).

Howard L. Miller, Algona—For celebrating his 90th birthday. Senator Kibbie (3/23/10).

Bernie and Helen Trower—For celebrating their 57<sup>th</sup> wedding anniversary. Senator Dotzler (3/23/10).

Henrietta Tucker, Algona—For celebrating her 103<sup>rd</sup> birthday. Senator Kibbie (3/23/10).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** Tuesday, March 23, 2010, 4:10 p.m.

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

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

**Committee Business:** Approved [SSB 3256](#).

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

**Reconvened:** 4:35 p.m.

**Adjourned:** 4:40 p.m.

#### RULES AND ADMINISTRATION

**Convened:** Tuesday, March 23, 2010, 9:10 a.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Boettger, Courtney, Danielson, Dearden, Kettering, Ragan, and Zaun.

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

**Committee Business:** Passed [SR 107](#).

**Adjourned:** 9:15 a.m.

#### STATE GOVERNMENT

**Convened:** Tuesday, March 23, 2010, 11:30 a.m.

**Members Present:** Appel, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Danielson, Dearden, Hartsuch, Horn, Jochum, Soddors, and Wieck.

**Members Absent:** Black, Courtney, Hatch, and Seymour (all excused).

**Committee Business:** Passed [SJR 2009](#).

**Adjourned:** 11:35 a.m.

#### WAYS AND MEANS

**Convened:** Tuesday, March 23, 2010, 11:00 a.m.

**Members Present:** Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Approved SSBs 3233 and 3254.

**Adjourned:** 11:30 a.m.

## INTRODUCTION OF RESOLUTION

[Senate Resolution 114](#), by committee on Rules and Administration, a resolution to thank Senator Steve Warnstadt, on the occasion of his retirement from the Iowa Senate, for sixteen years of legislative service.

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

## INTRODUCTION OF BILLS

[Senate File 2385](#), by committee on Appropriations, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions.

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

[Senate File 2386](#), by committee on Ways and Means, a bill for an act relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and applicability provisions.

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

[Senate File 2387](#), by committee on Ways and Means, a bill for an act providing for a sales tax exemption for specified purchases made by a regional blood testing laboratory licensed by the federal food and drug administration.

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

## STUDY BILL RECEIVED

**SSB 3256 Appropriations**

Relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions.

## SUBCOMMITTEE ASSIGNMENT

**SSB 3256**

APPROPRIATIONS: Dvorsky, Chair; Warnstadt and Kettering

## FINAL COMMITTEE REPORTS OF BILL ACTION

## APPROPRIATIONS

**Bill Title:** [SENATE FILE 2385 \(SSB 3256\)](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 1: Hatch.

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

## WAYS AND MEANS

**Bill Title:** [SENATE FILE 2386 \(SSB 3254\)](#), a bill for an act relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and applicability provisions.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 17: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** \*[SENATE FILE 2387 \(SSB 3233\)](#), a bill for an act providing for a sales tax exemption for specified purchases made by a regional blood testing laboratory licensed by the federal food and drug administration.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 17: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, Ward, 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 Ways and Means Committee on [Senate File 2387](#), and they were attached to the committee report.

### 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 23<sup>rd</sup> day of March, 2010:

[Senate File 2352](#).

MICHAEL E. MARSHALL  
Secretary of the Senate

### MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which [Senate File 2367](#) passed the Senate on March 23, 2010.

MICHAEL E. GRONSTAL

## WITHDRAWAL AND DEFERRAL OF GOVERNOR'S APPOINTEE

The following letters from the Governor were received in the office of the Secretary of the Senate on March 23, 2010:

I am withdrawing the name of Jacobus Lempers to serve as a Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission member from further consideration by the Senate.

Pursuant to Iowa Code section 225C.5(1), please accept this letter as the notice of deferment of the appointment to the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission, formerly held by Carl Smith. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,  
CHESTER J. CULVER  
Governor

### AMENDMENTS FILED

<a href="#">S-5307</a>	<a href="#">H.F. 2526</a>	David Hartsuch
<a href="#">S-5308</a>	<a href="#">H.F. 2496</a>	Joe Bolkcom
<a href="#">S-5309</a>	<a href="#">S.F. 2376</a>	House
<a href="#">S-5310</a>	<a href="#">S.F. 2367</a>	Jeff Danielson
<a href="#">S-5311</a>	<a href="#">S.F. 2242</a>	Michael E. Gronstal
<a href="#">S-5312</a>	<a href="#">S.F. 2315</a>	Rich Olive
		Bill Heckroth
		Tim L. Kapucian
<a href="#">S-5313</a>	<a href="#">H.F. 2526</a>	David Johnson
<a href="#">S-5314</a>	<a href="#">H.F. 2193</a>	Jeff Danielson
<a href="#">S-5315</a>	<a href="#">S.F. 2367</a>	Jeff Danielson
<a href="#">S-5316</a>	<a href="#">S.F. 2354</a>	House
<a href="#">S-5317</a>	<a href="#">S.F. 2297</a>	House
<a href="#">S-5318</a>	<a href="#">H.F. 2526</a>	Amanda Ragan
<a href="#">S-5319</a>	<a href="#">H.F. 2526</a>	Matt McCoy