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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, JANUARY 14, 2010**

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# JOURNAL OF THE SENATE

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FOURTH CALENDAR DAY  
FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, January 14, 2010

The Senate met in regular session at 8:58 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

The Journal of Wednesday, January 13, 2010, was approved.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 9:06 a.m. until 12:00 p.m.

## RECONVENED

The Senate reconvened at 12:10 p.m., President Pro Tempore Danielson presiding.

The Senate stood at ease at 12:11 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:38 p.m., President Pro Tempore Danielson presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Johnson and Wieck, until they arrive, on request of Senator Kettering; and Senators Fraise and Kibbie, until they arrive, on request of Senator Horn.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Bolcom asked and received unanimous consent to take up for consideration Senate Files 2045 and 2046.

**Senate File 2045**

On motion of Senator Wilhelm, **Senate File 2045**, a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions, was taken up for consideration.

Senator Wilhelm 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. 2045**), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

[Senate File 2046](#)

On motion of Senator Heckroth, [Senate File 2046](#), a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions, was taken up for consideration.

Senator Heckroth 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. 2046](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Fraise	Johnson	Kibbie	Wieck
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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 Courtney asked and received unanimous consent that **Senate Files 2045** and **2046** be **immediately messaged** to the House.

## ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 12:53 p.m. until 9:00 a.m., Friday, January 15, 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:

#### DEPARTMENT OF HUMAN SERVICES

Annual Report of the Iowa Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission, pursuant to Iowa Code section 225C.6(1)(h). Report received on January 14, 2010.

#### IOWA STUDENT LOAN

2009 Year in Review Report, pursuant to Iowa Code section 7C.13(2). Report received on January 14, 2010.

### CERTIFICATES OF RECOGNITION

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

Ruth Baxter, Oskaloosa—For celebrating her 90<sup>th</sup> birthday. Senator Rielly (1/14/10).

Burl Morrison, Oskaloosa—For celebrating his 85<sup>th</sup> birthday. Senator Rielly (1/14/10).

Earl Morrison, Oskaloosa—For celebrating his 85<sup>th</sup> birthday. Senator Rielly (1/14/10).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** Thursday, January 14, 2010, 1:35 p.m.

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

**Members Absent:** Bartz, Fraise, Hahn, Hatch, and Johnson (all excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 1:40 p.m.

#### ENVIRONMENT AND ENERGY INDEPENDENCE

**Convened:** Thursday, January 14, 2010, 10:10 a.m.

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

**Members Absent:** None.

**Committee Business:** Organizational meeting. Reviewed bills from last session. Subcommittee assignment for [SSB 3061](#).

**Adjourned:** 10:15 a.m.

#### HUMAN RESOURCES

**Convened:** Thursday, January 14, 2010, 10:30 a.m.

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

**Members Absent:** Boettger, Johnson, and Kreiman (all excused).

**Committee Business:** Introduction of the Director of Human Services.

**Adjourned:** 11:00 a.m.

#### JUDICIARY

**Convened:** Thursday, January 14, 2010, 1:00 p.m.

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

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

**Committee Business:** Subcommittee assignments.

**Adjourned:** 1:05 p.m.

#### REBUILD IOWA

**Convened:** Thursday, January 14, 2010, 11:05 a.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:** Presentation of Water Resource Coordinating Council Recommendations.

**Adjourned:** 12:00 p.m.

#### WAYS AND MEANS

**Convened:** Thursday, January 14, 2010, 9:10 a.m.

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

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

**Committee Business:** Presentation of tax credit review report.

**Adjourned:** 10:00 a.m.

#### INTRODUCTION OF RESOLUTION

[Senate Joint Resolution 2001](#), by McKinley, Bartz, Behn, Boettger, Feenstra, Hahn, Hamerlinck, Hartsuch, Houser, Johnson, Kapucian, Kettering, Noble, Reynolds, Seymour, Ward, Wieck, and Zaun, a joint resolution proposing an amendment to the Constitution of the State of Iowa specifying marriage between one man and one woman as the only legal union that is valid or recognized in the state.

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

#### INTRODUCTION OF BILLS

[Senate File 2048](#), by Warnstadt, a bill for an act providing for counseling to be available for the children of certain military personnel with federal service active duty mobilization orders.

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

[Senate File 2049](#), by Rielly, a bill for an act providing an exception to licensing requirements for certain bingo occasions.

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

[Senate File 2050](#), by Rielly and Heckroth, a bill for an act relating to the emergency detention or hospitalization of a person incapacitated by a chemical substance or with a serious mental impairment, and providing penalties.

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

[Senate File 2051](#), by Black, Dearden, Hatch, Kettering, Behn, Noble, McCoy, Wieck, Bartz, and Dandekar, a bill for an act relating to the installation of certain fire suppression systems in residential construction and including effective date provisions.

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

[Senate File 2052](#), by McKinley, a bill for an act providing for exemptions related to the solemnization or validity of a marriage based on sincerely held religious beliefs.

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

[Senate File 2053](#), by Hatch, a bill for an act relating to drug product selection relative to antiepileptic drugs.

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

[Senate File 2054](#), by Jochum, a bill for an act relating to the disposal and composting of organic waste.

Read first time under Rule 28 and referred to committee on **Environment and Energy Independence**.

## STUDY BILLS RECEIVED

**SSB 3066**      **State Government**

Relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

**SSB 3067**      **State Government**

Governing residential electrical installations, and establishing a fee.

**SSB 3068**      **State Government**

Relating to campaign finance requirements and reporting.

**SSB 3069**      **State Government**

Concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions.

**SSB 3070**      **Transportation**

Prohibiting the operation of a motor vehicle while writing, reading, or sending a text-based electronic communication and providing penalties.

**SSB 3071**      **Transportation**

Relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

**SSB 3072**      **Human Resources**

Relating to the field services organization for the department of human services and including effective date provisions.

**SSB 3073 Human Resources**

Relating to the IowaCare program, and providing for repeals.

**SSB 3074 Human Resources**

Relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process.

**SSB 3075 Human Resources**

Revising the duties of the mental health, mental retardation, developmental disabilities, and brain injury commission and related provisions.

**SSB 3076 Judiciary**

Relating to mechanics' liens including the establishment of a state construction registry for residential construction property and providing an effective date.

**SSB 3077 Rebuild Iowa**

Providing for the doubling of criminal fines in disaster areas, and providing penalties.

**SSB 3078 Human Resources**

Relating to the provision of deliverable fuels to customers eligible for the federal low-income home energy assistance program, and including effective date provisions.

**SSB 3079 Human Resources**

Relating to various activities regulated and programs administered by the department of public health, including the Iowa collaborative safety net provider network, fetal death certification, and optometry, cosmetology, and barbering licensure, and including effective date provisions.

**SSB 3080 Commerce**

Relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty.

**SSB 3081 Transportation**

Relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

**SSB 3082 Veterans Affairs**

Relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 190**

TRANSPORTATION: Danielson, Chair; Kapucian and McCoy

**Senate File 350**

TRANSPORTATION: Rielly, Chair; Dandekar and Hahn

**Senate File 2007**

LOCAL GOVERNMENT: Quirnbach, Chair; Kreiman and Reynolds

**Senate File 2018**

LOCAL GOVERNMENT: Schoenjahn, Chair; Hamerlinck and Olive

**Senate File 2023**

LOCAL GOVERNMENT: Quirnbach, Chair; Hamerlinck and Rielly

**Senate File 2024**

LOCAL GOVERNMENT: Rielly, Chair; Kapucian and Schoenjahn

**Senate File 2026**

JUDICIARY: Warnstadt, Chair; Hogg and Noble

[Senate File 2027](#)

JUDICIARY: Sodders, Chair; Kreiman and Noble

[Senate File 2028](#)

LOCAL GOVERNMENT: Beall, Chair; Kreiman and Reynolds

[Senate File 2029](#)

LOCAL GOVERNMENT: Quirnbach, Chair; Beall and Houser

[Senate File 2031](#)

JUDICIARY: Sodders, Chair; Jochum and Kettering

[Senate File 2032](#)

TRANSPORTATION: Danielson, Chair; Kapucian and McCoy

[Senate File 2035](#)

TRANSPORTATION: Dandekar, Chair; Beall and Zaun

[Senate File 2036](#)

TRANSPORTATION: Rielly, Chair; Hancock and Zaun

[Senate File 2041](#)

JUDICIARY: Jochum, Chair; Fraise and Kettering

[Senate File 2042](#)

EDUCATION: Dvorsky, Chair; Boettger and Quirnbach

[Senate File 2048](#)

VETERANS AFFAIRS: Warnstadt, Chair; Beall and Seymour

[SSB 3066](#)

STATE GOVERNMENT: Danielson, Chair; Behn and Black

[SSB 3067](#)

STATE GOVERNMENT: Danielson, Chair; Behn and Black

[SSB 3068](#)

STATE GOVERNMENT: Sodders, Chair; Horn and Seymour

[SSB 3069](#)

STATE GOVERNMENT: Kibbie, Chair; Feenstra and Sadders

[SSB 3070](#)

TRANSPORTATION: Danielson, Chair; Kapucian and McCoy

[SSB 3071](#)

TRANSPORTATION: Heckroth, Chair; Beall and Reynolds

[SSB 3072](#)

HUMAN RESOURCES: Hatch, Chair; Bartz and Kreiman

[SSB 3073](#)

HUMAN RESOURCES: Hatch, Chair; Ragan and Seymour

[SSB 3074](#)

HUMAN RESOURCES: Kreiman, Chair; Hartsuch and Ragan

[SSB 3075](#)

HUMAN RESOURCES: Hatch, Chair; Boettger and Kreiman

[SSB 3076](#)

JUDICIARY: Hogg, Chair; Quirnbach and Zaun

[SSB 3077](#)

REBUILD IOWA: Hogg, Chair; Feenstra and Horn

[SSB 3078](#)

HUMAN RESOURCES: Hatch, Chair; Bartz and Bolkcom

[SSB 3079](#)

HUMAN RESOURCES: Bolkcom, Chair; Hartsuch and Wilhelm

[SSB 3080](#)

COMMERCE: Heckroth, Chair; Courtney and Hartsuch

[SSB 3081](#)

TRANSPORTATION: Heckroth, Chair; Beall and Reynolds

[SSB 3082](#)

VETERANS AFFAIRS: Kibbie, Chair; Noble and Warnstadt