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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, FEBRUARY 16, 2010**

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# JOURNAL OF THE SENATE

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THIRTY-SEVENTH CALENDAR DAY  
TWENTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 16, 2010

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

Prayer was offered by Pastor Al Wright of the Pointe Church in Fort Dodge, Iowa. He was the guest of Senator Beall.

The Journal of Monday, February 15, 2010, was approved.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 8:55 a.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 8:56 a.m., President Kibbie presiding.

## BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that [Senate File 2315](#) be referred from the Regular Calendar to the committee on **Transportation**.

The Senate stood at ease at 8:58 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:40 a.m., President Kibbie presiding.

## COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with [House Concurrent Resolution 106](#), duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

## JOINT CONVENTION

In accordance with law and [House Concurrent Resolution 106](#), duly adopted, the joint convention was called to order at 9:46 a.m., President Kibbie presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to escort Governor Chester J. Culver to the House chamber.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Fraise, Horn, and Kapucian on the part of the Senate, and Representatives Whitead, Bukta, and Schulte on the part of the House.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify the Adjutant General of the Iowa National Guard, Brigadier General Tim Orr, that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Warnstadt, Beall, and Seymour on the part of the Senate, and Representatives Zirkelbach, Bailey, and Chambers on the part of the House.

State Auditor David Vaudt, Treasurer of State Michael Fitzgerald, and Attorney General Tom Miller were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

Brigadier General Tim Orr's wife, Suzanne Orr, along with invited guests Colonel Tom Staton, Colonel Craig Bargfrede, Sergeant Major Robert Reedy, Command Sergeant Major Craig Berte, and Misty Stumbo, were escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him into the House chamber.

The committee waited upon Brigadier General Tim Orr, Adjutant General of the Iowa National Guard, and escorted him to the Speaker's station.

President Kibbie presented Brigadier General Tim Orr, Adjutant General of the Iowa National Guard. General Orr provides command and control for 105 Army and Air National Guard Units and over 9,500 Army and Air National Guard members in the state of Iowa.

Brigadier General Tim Orr delivered the following Condition of the Iowa National Guard Message:

Good Morning Ladies and Gentleman – thank you for that warm welcome.

Speaker Murphy, President Kibbie – thank you for the invitation to address this joint convention of the Eighty-third General Assembly of the Iowa Legislature. I am honored and humbled to be here and continue a tradition started by General Dardis and provide you with an update on the Condition of the Iowa National Guard.

Governor Culver, Lieutenant Governor Judge, members of the General Assembly, distinguished guests and fellow Iowans:

Here in Iowa, the National Guard is blessed to have incredibly strong support and encouragement from our elected officials, civic and community leaders and everyday citizens. This is something that every member of our organization understands and appreciates. It is definitively a force multiplier and a key component of our overall success. On behalf of the nearly 9,400 members of the Iowa National Guard and their families, thank you for your outstanding support of our men and women in uniform.

I also want to thank Governor Culver and Lieutenant Governor Judge for their strong leadership and support of all Iowans who serve in uniform, and for placing their trust and confidence in me to serve as the state's twenty-eighth Adjutant General. I am extremely honored to lead and represent the soldiers and airmen of the Iowa National Guard.

Military service is unique. When we serve, the entire family serves as well. This is certainly true for my family. With me this morning is my wife Suzanne, a veteran with 29 years of service with the Iowa National Guard, and recently retired from full-time military duty as a Lieutenant Colonel to support my appointment. We are extremely blessed with two wonderful children, our son Jacob and daughter Elizabeth, who are

both students at Summit Middle School in Johnston. On behalf of our family, we thank you for the opportunity to continue serving our state and nation.

In the past ten months since becoming the Adjutant General, I've had the privilege of traveling to visit our soldiers and airmen at their unit armories, annual training locations, mobilizing sites, community events, and our troops in Kuwait and Iraq, seeing first-hand the ready posture and strong condition of the Iowa National Guard. The motivation is high, morale is strong and the overall state of our Iowa National Guard Soldiers and Airmen is, "Mission Focused, Warrior Ready!"

Over the next several minutes I want to focus on three important areas: (1) review where we have come over the last several years; (2) discuss our campaign plan for the next year; (3) and highlight how we are taking care of our force.

It's been eight years since the United States and our allies responded to the attacks of September 11, 2001. The soldiers and airmen of the Iowa National Guard have served side by side with their Army and Air Force counterparts as they helped liberate more than 50 million people from tyranny and terror in Iraq and Afghanistan.

The soldiers and airmen of the Iowa National Guard, and their families, have made significant sacrifices in pursuit of this success on behalf of the American people. More than half of our soldiers and airmen currently serving are combat and deployment veterans. More than 14,000 of our personnel have served in the ongoing campaigns in Iraq and Afghanistan, peacekeeping duties in the Balkans, and Sinai Peninsula, and domestic support missions in Iowa and across the country.

Of the 73 Iowans that have paid the ultimate sacrifice for their country, including the state's latest casualty, Captain Daniel Whitten, a member of the United States Army, 20 soldiers were members of the Iowa National Guard.

Through multiple federal deployments and domestic civil support missions, the men and women currently serving in the Iowa National Guard are among the most seasoned and experienced military professionals our state has ever fielded, in the more than 170 year history of the Iowa National Guard.

For the past couple of years, you've heard senior military leaders at both the state and federal level talk about the incredible demands being placed on our military, especially the Army and Air National Guard. In many cases, the demand for military forces exceeded the sustainable supply, and we lacked sufficient strategic flexibility to respond to other contingencies.

The transformation of the National Guard from a strategic reserve to an operational reserve is well underway. This concept makes it easier for us to systematically build and sustain readiness while making deployments more predictable for soldiers, airmen, families, and employers. While there is still much to do on this front, I believe today we are closer to a total force, than at any time in my 31 years of military service.

Thankfully, our state and federal military leaders have taken aggressive steps to do all we can to ease the burdens of military service on our service members and their families.

Since Secretary of Defense, Robert Gates, committed to limiting mobilizations to one year, we have realized much needed stability and predictability in the Army National Guard. The Army's Force Generation cycle is not perfect, but it continues to provide us with adequate time to prepare and train our forces. Unlike the mobilizations we experienced early in Operations Iraqi and Enduring Freedom, when in some cases we had mere days notice - today we typically have more than a year to prepare.

Continued stability in Iraq and the Army's gradual improvements with balancing its forces, are moving us closer to realizing the goal of one year deployments every four to five years for reserve component units. Currently, with less than 200 soldiers and

airmen deployed overseas, the Iowa National Guard is at its lowest number of personnel deployed since the beginning of the war.

It's not just our overseas deployments that have kept the Iowa National Guard busy. We have been involved with a number of domestic response missions, both in Iowa and in various states across the country. We learned from the Floods of 2008 and past natural disasters, that the Iowa National Guard and the State of Iowa must continue to be vigilant in our disaster preparations and exercises. Last summer, the Iowa National Guard, along with many partnering state agencies, hosted a Midwest regional emergency response exercise known as Vigilant Guard. This was a seven-day, multi-state, multi-site simulation, which included a series of training exercises designed to test emergency response plans and enhance operational relationships within FEMA VII Region states.

Approximately 1,000 personnel, including soldiers, airmen, civilians, and first responders from several states, participated. The Vigilant Guard exercise was the largest, most complex disaster exercise of its kind ever conducted by the Iowa National Guard.

Ours is a profession of looking forward and anticipating future needs. So even as we continue to meet the demands of current deployments and respond to homeland security needs, we must be mindful of the unpredictable nature of a dangerous world. Whether it is the recent failed attack on the US homeland or the drawdown of forces in Iraq and the build-up in Afghanistan, the situation could change drastically from what we know today.

One of my first priorities after being appointed as the Adjutant General last spring was to develop and implement the Iowa National Guard Campaign Plan. The goal of this plan is the development of the future Iowa National Guard — a force that is capable of responding to a full spectrum of military and domestic operations.

This plan is our strategic vision to manage the actions and activities across the organization, and enable us to build new capabilities to ensure the Iowa National Guard remains relevant, responsive, and ready to meet emerging threats and accomplish assigned missions.

In order to maintain our organizational readiness, now and in the future, we are focused on maintaining our strength posture, infrastructure improvements, and the realignment of our force to achieve greater organizational efficiencies and maximize limited resources.

The Iowa National Guard continues to be a national leader in recruiting and retention. Both the Iowa Air and Army National Guard began fiscal year 2010 with over 100 percent of authorized strength. Our retention rates exceed national goals and are among the highest in the nation. We have been at 100 percent strength for more than nine years in a row — a significant accomplishment considering we are an all volunteer force, and have been a nation at war for more than eight years.

Thanks to your support of our military construction initiatives, Governor Culver and his predecessors' leadership, and the hard work of Iowa's Federal Congressional delegation, we have made significant strides in updating our facilities over the last several years.

Since 2007, the Iowa Air and Army National Guard has received more than \$152 million dollars in federal and state funding for military construction projects in Iowa. Additionally, the Iowa National Guard received nearly \$11 million dollars in federal stimulus funding allowing us to complete more than twenty infrastructure projects this year.

This past year we refurbished armories and field maintenance shops in Boone, Ottumwa, Perry, Spencer, Charles City, and Oelwein, and completed work on the new Iowa City Armory, which we will dedicate this spring. This year we are in the process

of replacing armories in Muscatine, Burlington and Cedar Rapids, totaling over \$74 million in federal funding. Once completed, only five of our armories will be more than 45 years old, setting a standard for the entire nation to follow.

Through our realignment process, we divided our forces into four distinct organizations, or component as we refer to them. Each component has a Brigadier General who oversees and represents the units and their activities within that organization. This change aligns our internal organizations together based on mission, relationships, and functional capacity, while providing us with a more efficient means of command, control and communication across the Iowa National Guard.

As part of our requirement to provide trained war fighters, the Iowa National Guard deployed several Army and Air National Guard units this past year, and announced several unit notifications for deployment in support of Overseas Contingency Operations.

The Des Moines based 132<sup>nd</sup> Fighter Wing with approximately 300 airmen teamed up with the Wisconsin Air National Guard's 115<sup>th</sup> Fighter Wing for a 90 day deployment to Iraq. They deployed in October and returned on Christmas Eve, after successfully supporting the coalition ground forces in Iraq with close air support, intelligence, reconnaissance, and surveillance capabilities. In one mission, pilots provided timely and accurate surveillance that resulted in the apprehension of a terrorist cell by Iraqi Coalition Forces. This was the ninth time that the 132<sup>nd</sup> Fighter Wing has deployed in support of Overseas Contingency Operations since 1996.

The 185<sup>th</sup> Air Refueling Wing from Sioux City continues to provide on-going support to the Air Force and the Army. Of the Wing's many world-wide missions, evacuating wounded Soldiers from a combat zone is one of the most unique and important missions that it supports. These Medical Evacuation missions provide timely and efficient movement and mobile care to wounded warriors being evacuated from the battlefield to Landstuhl, Germany.

The 185<sup>th</sup> evacuated more than 100 military personnel during its Afghanistan Medical mission in 2009.

The 734<sup>th</sup> Regional Corps Advisory Group Embedded Training Team mobilized in August 2008 and deployed to Afghanistan, where they provided mentorship and advanced training to the Afghan National Army and Afghan National Police. During their mobilization, the team built strong relationships, conducted joint operations and increased the proficiency of Afghan security forces. These missions are important because they help lay the foundation for Afghanistan's stability and security and ultimately its future success as a nation.

In June of 2008, approximately 160 soldiers from Company B, 248<sup>th</sup> Aviation Support Battalion mobilized for duty in Iraq. The unit, based in Boone, with detachments in Waterloo and Davenport, provided aviation maintenance support to a combat aviation brigade, which included aircraft diagnostics, repair, maintenance, and testing.

On station at Joint Base Balad, Iraq, the unit conducted extensive maintenance on numerous UH-60 and CH-47 helicopters, completing over 5,000 maintenance work orders during their nine months in theater. Company B's outstanding maintenance record helped ensure that the combat aviation brigade never missed a mission due to an aircraft readiness issue.

Detachment 1, Company C, 2nd Battalion, 211<sup>th</sup> Aviation, based in Waterloo, deployed to Iraq from October 2008 through July 2009. Company C flew over 2,200 hours with zero accidents during their MEDEVAC missions, including 52 point-of-injury pickups in dangerous urban areas, such as Fallujah and Al Karma, and remote border sites along the Syrian border.

In early 2009, the unit sent 10 soldiers to Afghanistan to help reduce MEDEVAC wait times. They arrived in early April and made an immediate impact, flying 625 mission hours and completing more than 250 patient transfers during their three month mission.

The 1133<sup>rd</sup> and 1168<sup>th</sup> transportation companies, with detachments in Audubon, Mason City, Iowa City, Perry and Marshalltown, mobilized for Iraq in October of 2008. They conducted over 300 missions, traveled more than 2.7 million miles, hauled nearly 130,000 short tons of cargo, and 8,000 pieces of equipment, all while providing their own organic security. They also rebuilt or replaced major truck components, including 20 engines and 15 transmissions, in more than 600 heavy equipment transport haulers, and completed more than 3,000 work orders. This medium truck company played an important role in helping draw down forces and equipment in Iraq.

We currently have two Camp Dodge based Army National Guard units deployed in support of Operation Iraqi Freedom.

The 294<sup>th</sup> Area Support Medical Company has approximately 75 soldiers deployed to Iraq. The unit is tasked with evaluating casualties, performing basic medical treatment, and providing transportation for injured and sick personnel.

The 135<sup>th</sup> Military Public Affairs Detachment deployed 17 soldiers to Iraq and provides public affairs support to the 3<sup>rd</sup> Infantry Division. The mission of the 135<sup>th</sup> is to collect, produce and disseminate video, audio, and print stories, as well as online journalism products, to civilian and military media organizations.

We have several smaller units that are in a notification for training status and will likely deploy later this year. But by far our two most significant and anticipated deployments are the 2<sup>nd</sup> Brigade Combat Team and 734<sup>th</sup> Agribusiness Development Team for potential mobilizations to Afghanistan.

The 2<sup>nd</sup> Brigade Combat Team deployment would be the largest single unit call-up of its type since World War II. Almost every community in Iowa will be affected in some way by this deployment.

The 2<sup>nd</sup> Brigade is full of veterans from previous deployments and the leadership team deploying forward is among the best in the Iowa National Guard. These leaders have proven themselves in previous deployments and challenging leadership assignments. With us today representing the 2<sup>nd</sup> Brigade Combat Team is the Commander, Colonel Tom Staton, and Command Sergeant Major Craig Berte.

The Agribusiness Development Team, which is made up of nearly 60 soldiers and airmen, is the "first ever" joint overseas deployment between the Iowa Army and Air National Guard. The intent of the team is to promote the revitalization of the agricultural sector within Afghanistan. Since 2007, a number of states have sent teams to Afghanistan including Missouri, Kansas, Nebraska, Texas, Oklahoma, Tennessee, and California. These teams are designed to provide expertise, advice, and training in agricultural related specialties to provincial-level ministries and local farmers. The Iowa team will be staffed with personnel with agricultural-related expertise and experience, and will partner with Iowa State University and other local agricultural organizations to provide continuous technical reach back support during this mission.

With us today representing the team is Colonel Craig Bargfrede, the commander, and its senior enlisted leader, Sergeant Major Robert Reedy.

Colonel Bargfrede has many years of experience working with agribusiness and grain elevator operations. Sergeant Major Reedy brings extensive interagency experience from his years with the Iowa National Guard's 71<sup>st</sup> Civil Support Team.

One of our foundation priorities is the development of soldiers, airmen and leaders, who are technically and tactically proficient, and can operate in complex environments. We accomplish this through military schooling, training, mentorship, deployments and

opportunities to serve in challenging assignments. By having this strong foundation, we are better able to provide trained war fighters in a timely manner.

As the Adjutant General, I am personally responsible for certifying that all soldiers complete their required pre-mobilization warrior tasks and training before deploying to their mobilization station. This is a responsibility that I take very seriously. To properly accomplish this task to standard for all 2<sup>nd</sup> Brigade Soldiers, the Iowa National Guard will conduct its first "State Annual Training Exercise" in more than 30 years at Camp Ripley, Minnesota, involving nearly all Iowa National Guard units to provide logistical and training support to assist the 2<sup>nd</sup> Brigade in their mobilization preparation.

Another important priority is ensuring that we are able to provide an effective joint domestic response capability to the state. This is an important mission for the Iowa National Guard and one we are deeply committed to in order to protect Iowans and critical infrastructure when called upon to do so.

With the large number of Iowa Army National Guard Soldiers expected to deploy later this year, our joint staff and Homeland Security Emergency Management Division facilitated a regional meeting with nine Midwestern states in order to discuss mutual support and emergency compact agreements. This meeting resulted in a regional assessment of available manpower and equipment, agreements to support mutual aid requests, and a decision to make this meeting an annual event. Additionally, we are training retired Iowa National Guard members to provide expertise in key areas, where we may need assistance as a result of the deployment. By taking these steps now, I am confident that the Iowa National Guard will have a robust emergency response force available should the need arise.

The last priority area I want to focus on is caring for soldiers, airmen, families and employers.

In an effort to help all of Iowa's Gold Star Families, we recently hired Misty Stumbo as a Survivor Outreach Support Coordinator. Misty has been a part of our National Guard family for many years. She lost her son, Sergeant Dan Sesker, a member of C Troop, 1-113<sup>th</sup> Cavalry Squadron, in Operation Iraqi Freedom in 2006, and is herself a Gold Star mother. I would like to recognize Misty for her sacrifice and dedicated service to the Iowa National Guard.

The purpose of the Survivor Outreach Support program is to demonstrate our commitment to the families of the fallen in whatever way possible. This may include assisting them with understanding and accessing benefits and entitlements, connecting with other families of fallen soldiers through support groups, obtaining counseling, or assisting with any other issues that result from the loss of a loved one. Through this program, Misty will help ensure these survivors receive all benefits they are entitled too, and encourage them to remain an integral part of our military family for as long as they desire.

We recognize that the mental health of our force is as important as the other aspects of health. We are implementing a new program called Comprehensive Soldier Fitness which is to increase the resilience of soldiers and families by developing their strengths in all important domains: Emotional, social, spiritual, and family, in addition to physical.

We are also training soldiers as Master Resiliency Trainers at the unit level, in order to provide immediate support for our soldiers on deployment, as well as at home. The focus of this program will ultimately help us to maintain the total health of our force for the long term.

In preparation for the brigade deployment, we have added three more Family Assistance Specialists, bringing the total to seven. These specialists assist individuals with family issues, helping them connect to military, community and veterans

resources. They assist families when they experience financial problems, have military health insurance questions, or need identification cards. During mobilizations, the Family Assistance Specialist regularly check in with the families of deployed service members, to ensure they are coping well and receiving needed services. We currently have Family Assistance Specialists located in Camp Dodge, Iowa City, Council Bluffs, and Waterloo, as well as new offices in Sioux City, Ft. Dodge and Davenport.

As the Iowa National Guard prepares for what promises to be another busy year, many have asked, "What can I do to help?"

First, let me say "thank you" for what you have done, and are doing daily to support the men and women of the Iowa National Guard.

We greatly appreciate your consideration of the Governor's request to restore critical state funding to the Iowa National Guard to support this challenging year. Likewise, we are extremely grateful for your continued support of our National Guard Educational Assistance Program, which is helping nearly 1,200 Iowa National Guard Soldiers and Airmen defray their educational expenses this academic year.

Iowans from across the state have shown unbelievable kindness and encouragement to our members and we are grateful for their continued support.

It's the little things that sometimes mean the most – clearing the snow, cutting the grass, dropping off a home cooked meal, baby sitting, checking on military families, sending care packages and letters, or by just simply saying "Thank you."

These are a few of the many ways Iowans continue shown their support for all our men and women in uniform, and their families.

For the last eight years, the Iowa National Guard has been challenged like few times in its history – and this year is shaping up to be the most challenging yet.

It's no small feat to prepare, train, equip and deploy more than 3,000 soldiers while maintaining our organizational readiness, continue the efforts to prepare trained war fighters for future needs, take care of the needs of our soldiers, airmen and their families, while providing a robust domestic response capability for Iowa. Yet, despite these incredible challenges, I am confident that the Iowa National Guard will continue to set the example for all states; we will be there for Iowa when they call; and as a force, we will remain "Mission Focused and Warrior Ready!"

God bless you and your families and God bless our men and women serving in harm's way.

Thank you!

Brigadier General Tim Orr was escorted from the House chamber by the committee previously appointed.

Governor Chester J. Culver was escorted from the House chamber by the committee previously appointed.

Representative McCarthy moved that the joint convention be dissolved, which motion prevailed by a voice vote.

The Senate returned to the Senate chamber.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 10:42 a.m. until 12:30 p.m.

## AFTERNOON SESSION

The Senate reconvened at 12:39 p.m., President Pro Tempore Danielson presiding.

The Senate stood at ease at 12:40 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:45 p.m., President Pro Tempore Danielson presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Johnson and Ward, until they arrive, on request of Senator Kettering.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2286, 2267, 2266, 2264, 2263, and 2254.

**[Senate File 2286](#)**

On motion of Senator Dotzler, **[Senate File 2286](#)**, 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, was taken up for consideration.

Senator Dotzler offered amendment **[S-5064](#)**, filed by him on February 15, 2010, to pages 1 and 4 of the bill, and moved its adoption.

Amendment **[S-5064](#)** was adopted by a voice vote.

Senator Dotzler 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. 2286](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Johnson            Ward

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

### [Senate File 2267](#)

On motion of Senator Schmitz, [Senate File 2267](#), a bill for an act relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly, was taken up for consideration.

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?" ([S.F. 2267](#)), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz

Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirnbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson            Ward

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

### [Senate File 2266](#)

On motion of Senator Wilhelm, [Senate File 2266](#), a bill for an act creating the local public health governance Act, and providing penalties, 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. 2266](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Johnson                Ward

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

### Senate File 2264

On motion of Senator Quirnbach, [Senate File 2264](#), a bill for an act relating to the review and approval of proposed subdivisions by a city, was taken up for consideration.

Senator Quirnbach 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. 2264](#)), the vote was:

Yeas, 42:

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

Nays, 6:

Bartz	Hamerlinck	Kettering
Behn	Hartsuch	Zaun

Absent, 2:

Johnson                Ward

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

### Senate File 2263

On motion of Senator Dotzler, [Senate File 2263](#), a bill for an act relating to the office of the long-term care resident's advocate, and providing penalties, was taken up for consideration.

Senator Dotzler 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. 2263](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Johnson	Ward
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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 2254

On motion of Senator Schoenjahn, [Senate File 2254](#), a bill for an act relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts, was taken up for consideration.

Senator Schoenjahn 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. 2254](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Johnson            Ward

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 2254, 2263, 2264, 2266, 2267, and 2286** be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate Files 2249, 2247, 2237, 2226, 2225, and 2224.

#### [Senate File 2249](#)

On motion of Senator Quirmbach, [Senate File 2249](#), 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, was taken up for consideration.

Senator Quirnbach 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. 2249](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Johnson            Ward

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

### [Senate File 2247](#)

On motion of Senator Sodders, [Senate File 2247](#), a bill for an act authorizing the modification of the designation of a gaming enforcement officer, was taken up for consideration.

Senator Sodders 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. 2247](#)), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz

Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirnbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson            Ward

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

### [Senate File 2237](#)

On motion of Senator Sodders, [Senate File 2237](#), a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability, was taken up for consideration.

Senator Sodders offered amendment [S-5048](#), filed by him on February 10, 2010, to page 27 of the bill, and moved its adoption.

Amendment [S-5048](#) was adopted by a voice vote.

Senator Sodders 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. 2237](#)), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart

Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirnbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson            Ward

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

### Senate File 2226

On motion of Senator Warnstadt, [Senate File 2226](#), a bill for an act relating to custody, physical care, and visitation provisions relating to a child of a parent who is serving active duty in the military service of the United States and including effective date provisions, was taken up for consideration.

Senator Warnstadt 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. 2226](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Johnson            Ward

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

### [Senate File 2225](#)

On motion of Senator Hogg, [Senate File 2225](#), a bill for an act providing for the doubling of criminal fines and civil penalties in disaster areas, providing penalties, and including effective date provisions, was taken up for consideration.

Senator Hogg 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. 2225](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Johnson            Ward

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

### [Senate File 2224](#)

On motion of Senator Beall, [Senate File 2224](#), a bill for an act relating to boards of administration for horizontal property, was taken up for consideration.

Senator Beall 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. 2224](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Johnson            Ward

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 Files 2224, 2225, 2226, 2237, 2247, and 2249** be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2223, 2220, 2218, 2215, 2202, 2196, 2195, 2194, and 2181.

**Senate File 2223**

On motion of Senator Kreiman, **Senate File 2223**, a bill for an act relating to the deferral of costs and fees in a court proceeding for persons unable to pay such costs and fees, was taken up for consideration.

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. 2223**), the vote was:

Yeas, 41:

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

Nays, 7:

Bartz	Feenstra	Hartsuch	McKinley
Behn	Hamerlinck	Kettering	

Absent, 2:

Johnson	Ward
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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 2220**

On motion of Senator Rielly, **Senate File 2220**, a bill for an act relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void, was taken up for consideration.

Senator Rielly 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. 2220](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Johnson	Ward
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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 2218](#)

On motion of Senator Sodders, [Senate File 2218](#), a bill for an act relating to elections by eliminating double election boards and by requiring the commissioner of elections, upon petition, to use automatic tabulating equipment in certain elections and including effective date provisions, was taken up for consideration.

Senator Sodders 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. 2218](#)), the vote was:

Yeas, 37:

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

Nays, 11:

Bartz	Hamerlinck	Kettering	Wieck
Behn	Hartsuch	McKinley	Zaun
Boettger	Houser	Seymour	

Absent, 2:

Johnson	Ward
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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 2215](#)

On motion of Senator Jochum, [Senate File 2215](#), a bill for an act relating to the use of genetic information and samples for genetic testing and providing for civil enforcement, was taken up for consideration.

Senator Hartsuch withdrew amendment [S-5069](#), filed by him from the floor to page 2 of the bill.

Senator Hartsuch asked and received unanimous consent that action on [Senate File 2215](#) be **deferred**.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

### Senate File 2202

On motion of Senator Bolkcom, [Senate File 2202](#), a bill for an act relating to rights of persons with disabilities, was taken up for consideration.

Senator Bolkcom offered amendment [S-5067](#), filed by him from the floor to pages 3 and 4 of the bill, and moved its adoption.

Amendment [S-5067](#) 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?" ([S.F. 2202](#)), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Hatch	Johnson	Ward
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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 2196

On motion of Senator Sodders, [Senate File 2196](#), a bill for an act relating to the administration of the election laws by the secretary of

state and including effective date provisions, was taken up for consideration.

President Kibbie took the chair at 3:27 p.m.

Senator Zaun offered amendment [S-5068](#), filed by Senator Zaun, et al., from the floor to pages 1, 4, and 8 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5068](#) be adopted?" ([S.F. 2196](#)), the vote was:

Yeas, 17:

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

Nays, 30:

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

Absent, 3:

Hatch	Johnson	Ward
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Amendment [S-5068](#) lost.

Senator Sodders 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. 2196](#)), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Hatch	Johnson	Ward
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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 2195](#)

On motion of Senator Sodders, [Senate File 2195](#), a bill for an act relating to campaign finance requirements and reporting, was taken up for consideration.

Senator Sodders 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. 2195](#)), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart

Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirnbach	Wilhelm
Dotzler	Horn	Ragan	Zaun

Nays, none.

Absent, 2:

Johnson            Ward

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

### Senate File 2194

On motion of Senator Sodders, [Senate File 2194](#), a bill for an act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions, was taken up for consideration.

Senator Sodders 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. 2194](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Johnson            Ward

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

**Senate File 2181**

On motion of Senator Dotzler, **Senate File 2181**, a bill for an act relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development, was taken up for consideration.

Senator Dotzler offered amendment **S-5065**, filed by him on February 15, 2010, to page 3 of the bill, and moved its adoption.

Amendment **S-5065** was adopted by a voice vote.

Senator Dotzler 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. 2181**), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

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

## BUSINESS PENDING

[Senate File 2215](#)

The Senate resumed consideration of [Senate File 2215](#), a bill for an act relating to the use of genetic information and samples for genetic testing and providing for civil enforcement, previously deferred.

Senator Hartsuch offered amendment [S-5071](#), filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment [S-5071](#) was adopted by a voice vote.

Senator Jochum 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. 2215](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Johnson            Ward

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 Files 2181, 2194, 2195, 2196, 2202, 2215, 2218, 2220, and 2223** 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 February 16, 2010, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 2117](#), a bill for an act to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

[Senate File 2146](#), a bill for an act relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

[Senate File 2149](#), a bill for an act relating to criminal history and abuse registry checks for employees of health care facilities and other health-related providers and requiring such checks for certified nurse aide training program students and providing a penalty.

ALSO: That the House has on February 15, 2010, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 2088](#), a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees and penalties, and providing effective and applicability provisions. ([S-5072](#))

ALSO: That the House has on February 16, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 426](#), a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

Read first time and referred to committee on **Judiciary**.

[House File 2273](#), a bill for an act relating to drainage districts, by modifying the amount of a bid security required to be submitted by bidders proposing to make improvements and modifying the threshold amount requiring the letting of bids to construct an improvement, and including effective date provisions.

Read first time and referred to committee on **Agriculture**.

[House File 2283](#), a bill for an act relating to the requirements for national criminal history record checks for child care providers.

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

[House File 2284](#), a bill for an act relating to various activities regulated and programs administered by the department of public health, including fetal death certification, and optometry, cosmetology, and barbering licensure, and including effective date provisions.

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

[House File 2286](#), a bill for an act relating to the criminal offense of detention in a brothel.

Read first time and referred to committee on **Judiciary**.

[House File 2287](#), a bill for an act relating to the criminal offense of simulated public intoxication.

Read first time and referred to committee on **Judiciary**.

[House File 2288](#), a bill for an act repealing the simple misdemeanor offense relating to the use of cowl lamps on motor vehicles.

Read first time and referred to committee on **Judiciary**.

[House File 2294](#), a bill for an act relating to the distribution of moneys from the disaster aid individual assistance grant fund.

Read first time and referred to committee on **Rebuild Iowa**.

[House File 2295](#), a bill for an act establishing a task force to review the present mission, structure, governance, and funding of the area education agencies.

Read first time and referred to committee on **Education**.

[House File 2319](#), a bill for an act relating to activities of the department of public safety including regulating the storage of flammable and combustible liquids in aboveground storage tanks and retaining fees.

Read first time and attached to **companion** [Senate File 2173](#).

[House File 2372](#), a bill for an act relating to an assault causing serious injury.

Read first time and referred to committee on **Judiciary**.

[House File 2374](#), a bill for an act relating to the definition of serious injury for purposes of criminal offenses.

Read first time and referred to committee on **Judiciary**.

[House File 2376](#), 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 and attached to **companion** [Senate File 2271](#).

[House File 2377](#), a bill for an act relating to extending a period of probation and including applicability provisions.

Read first time and referred to committee on **Judiciary**.

[House File 2380](#), a bill for an act providing for the taking of crops on land classified as a farm tenancy.

Read first time and attached to **companion** [Senate File 2358](#).

[House File 2384](#), a bill for an act requiring the Iowa department of veterans affairs to advise deploying service members regarding certain issues related to taxation.

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

[House File 2392](#), a bill for an act relating to the abuse of a corpse and providing penalties.

Read first time and referred to committee on **Judiciary**.

#### BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that [Senate File 2336](#) be referred from the Regular Calendar to the committee on **Ways and Means**.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:56 p.m. until 9:00 a.m., Wednesday, February 17, 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 EDUCATION

Iowa Early Intervention Block Grant Class Size Report, pursuant to Iowa Code section 256D.3. Report received on February 15, 2010.

##### DEPARTMENT OF REVENUE

2009 Research Activities Credit Report, pursuant to 2009 Iowa Acts, [SF 478](#), sections 232 through 234. Report received on February 15, 2010.

##### CERTIFICATES OF RECOGNITION

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

Erma and Yeoman Cowlshaw—For celebrating their 70<sup>th</sup> wedding anniversary. Senator Dotzler (2/16/10).

Dale and Jo Ann Edmonds, Mediapolis—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Courtney (2/16/10).

Milka Hauser—For celebrating her 90<sup>th</sup> birthday. Senator Dotzler (2/16/10).

Delma Hingst, West Burlington—For celebrating her 97<sup>th</sup> birthday. Senator Courtney (2/16/10).

Matt Madsen, Muscatine—For achieving the rank of Eagle Scout, Troop 167. Senator Hahn (2/16/10).

Malea Schulte, Norway—State Honoree, Prudential Spirit of Community Award. Senator Kapucian (2/16/10).

Darrell Schumacher, Oskaloosa—For receiving the Walt Fiegel Coaching with Character Award. Senator Rielly (2/16/10).

Tom and Sylvia Smith, Burlington—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Courtney (2/16/10).

## REPORTS OF COMMITTEE MEETINGS

### RULES AND ADMINISTRATION

**Convened:** Tuesday, February 16, 2010, 8:50 a.m.

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

**Members Absent:** None.

**Committee Business:** Consideration of [SR 104](#).

**Adjourned:** 8:55 a.m.

### VETERANS AFFAIRS

**Convened:** Wednesday, February 10, 2010, 10:10 a.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:** Passed [HF 2137](#). Passed SFs 2183 and 2213, both as amended. Approved SSBs 3016, 3044, and 3127.

**Adjourned:** 10:35 a.m.

## INTRODUCTION OF BILLS

[Senate File 2356](#), by committee on Human Resources, a bill for an act relating to health reform in Iowa by creating an IowaCare plus program and an Iowa insurance information exchange.

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

[Senate File 2357](#), by committee on Judiciary, a bill for an act relating to prohibiting a person who is the subject of a no-contact order or a protective order or who has been convicted of a misdemeanor crime of domestic violence from possessing, transferring, or selling firearms and ammunition or offensive weapons and providing penalties.

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

[Senate File 2358](#), by committee on Agriculture, a bill for an act providing for the taking of crops on land classified as a farm tenancy.

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

[Senate File 2359](#), by committee on Agriculture, a bill for an act relating to motor fuel by establishing standards for the sale of such fuel, modifying income tax credits, making penalties applicable, and including effective date and applicability provisions.

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

[Senate File 2360](#), by Heckroth, a bill for an act providing for a local food, farms, and jobs initiative, providing for the powers and duties of a board, providing for a fund, authorizing the establishment and collection of fees, providing for the purchase of local foods by state entities, and providing for appropriations.

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

## STUDY BILLS RECEIVED

**SSB 3227 Appropriations**

Relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, the federal American Recovery and Reinvestment Act of 2009, and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective date and retroactive applicability provisions.

**SSB 3228 Appropriations**

Relating to and making appropriations to the judicial branch.

**SSB 3229 Appropriations**

Relating to and making appropriations to the justice system.

**SSB 3230 Appropriations**

Relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters.

**SSB 3231 Appropriations**

Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 17](#)

EDUCATION: Dvorsky, Chair; Boettger and Sadders

[Senate File 2275](#)

EDUCATION: Heckroth, Chair; Dvorsky and Johnson

[Senate File 2281](#)

EDUCATION: Dvorsky, Chair; McKinley and Quirnbach

[Senate File 2296](#)

WAYS AND MEANS: Seng, Chair; Bartz and Hogg

[Senate File 2319](#)

WAYS AND MEANS: Bolkcom, Chair; Dotzler and Feenstra

[Senate File 2341](#)

STATE GOVERNMENT: Danielson, Chair; Courtney and Wieck

[Senate File 2342](#)

EDUCATION: Schmitz, Chair; Feenstra and Wilhelm

[SSB 3227](#)

APPROPRIATIONS: Dvorsky, Chair; Kettering and Ragan

[SSB 3228](#)

APPROPRIATIONS: Dvorsky, Chair; Hancock and Kettering

[SSB 3229](#)

APPROPRIATIONS: Dvorsky, Chair; Hancock and Kettering

[SSB 3230](#)

APPROPRIATIONS: Dvorsky, Chair; Dotzler and Kettering

[SSB 3231](#)

APPROPRIATIONS: Dvorsky, Chair; Kettering and McCoy

## FINAL COMMITTEE REPORTS OF BILL ACTION

## AGRICULTURE

**Bill Title:** \*[SENATE FILE 2358](#) (formerly [SF 267](#)), a bill for an act providing for the taking of crops on land classified as a farm tenancy.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Fraise, Olive, Johnson, Appel, Behn, Black, Boettger, Courtney, Hancock, Kibbie, Rielly, Seng, and Soddors. Nays, 2: Hahn and Kapucian. 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 Agriculture Committee on [Senate File 2358](#), and they were attached to the committee report.

## ALSO:

**Bill Title:** \*[SENATE FILE 2359](#) (formerly [SF 2107](#)), a bill for an act relating to motor fuel by establishing standards for the sale of such fuel, modifying income tax credits, making penalties applicable, and including effective date and applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Fraise, Olive, Johnson, Appel, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, Seng, and Soddors. Nays, 1: Behn. 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 Agriculture Committee on [Senate File 2359](#), and they were attached to the committee report.

## HUMAN RESOURCES

**Bill Title:** \*[SENATE FILE 2356](#) (formerly [SF 2092](#)), a bill for an act relating to health reform in Iowa by creating an IowaCare plus program and an Iowa insurance information exchange.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Ragan, Schmitz, Bartz, Bolkcom, Dotzler, Hatch, Kreiman, Quirnbach, and Wilhelm. Nays, 4: Hartsuch, Boettger, Johnson, and Seymour. Absent, none.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on [Senate File 2356](#), and they were attached to the committee report.

#### JUDICIARY

**Bill Title:** \*[SENATE FILE 2357 \(SSB 1033\)](#), a bill for an act relating to prohibiting a person who is the subject of a no-contact order or a protective order or who has been convicted of a misdemeanor crime of domestic violence from possessing, transferring, or selling firearms and ammunition or offensive weapons and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, 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 2357](#), and they were attached to the committee report.

#### RULES AND ADMINISTRATION

**Bill Title:** [SENATE RESOLUTION 104](#), a resolution to honor the historical, political, cultural, social, and economic relationship among Canada, the United States, and Iowa and recognizing February 17, 2010, as Canada Day at the Statehouse.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Gronstal, Kibbie, McKinley, Boettger, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

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

### 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 16<sup>th</sup> day of February, 2010:

[Senate File 2108](#).

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

<u>S-5066</u>	<u>S.F. 2325</u>	Bill Heckroth
<u>S-5067</u>	<u>S.F. 2202</u>	Joe Bolkcom
<u>S-5068</u>	<u>S.F. 2196</u>	Brad Zaun
		Steve Kettering
		Paul McKinley
		Jerry Behn
		James A. Seymour
		Merlin Bartz
		Tim L. Kapucian
		Kim Reynolds
		David Hartsuch
		Nancy J. Boettger
		James F. Hahn
		Shawn Hamerlinck
<u>S-5069</u>	<u>S.F. 2215</u>	David Hartsuch
<u>S-5070</u>	<u>S.F. 2317</u>	Robert M. Hogg
<u>S-5071</u>	<u>S.F. 2215</u>	David Hartsuch
<u>S-5072</u>	<u>S.F. 2088</u>	House
<u>S-5073</u>	<u>S.F. 2329</u>	Rich Olive