

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 23, 2010

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JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY
TWENTY-SIXTH SESSION DAY

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

The Senate met in regular session at 8:50 a.m., President Kibbie presiding.

Prayer was offered by Pastor Richard Pokora of the Redeemer Lutheran Church in Bettendorf, Iowa. He was the guest of Senator Hamerlinck.

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

The Senate stood at ease at 8:55 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:58 a.m., President Kibbie presiding.

SPECIAL GUEST

President Kibbie welcomed to the Senate chamber the Honorable Frank Wood, former member of the Senate from Scott County, Eldridge, Iowa.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Ragan, the Senate recessed at 9:59 a.m. until 2:45 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:53 p.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Joint Resolution 2002](#).

[Senate Joint Resolution 2002](#)

On motion of Senator Wilhelm, [Senate Joint Resolution 2002](#), a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman Borlaug, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm offered amendment [S-5114](#), filed by her on February 22, 2010, to page 1 of the resolution, and moved its adoption.

Amendment [S-5114](#) was adopted by a voice vote.

Senator Bartz offered amendment [S-5062](#), filed by him on February 15, 2010, to pages 1 and 2 of the resolution, and moved its adoption.

Amendment [S-5062](#) was adopted by a voice vote.

Senator Wilhelm 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 2002](#), a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman Borlaug.

WHEREAS, each state may provide two statues of notable citizens for display in the United States capitol, and may replace the statues if a resolution to do so is approved by a state's legislature and governor; and

WHEREAS, Dr. Norman Borlaug, is a native son of Iowa who conducted groundbreaking work in breeding varieties of wheat to feed starving populations across the globe, earning the title of father of the "green revolution"; and

WHEREAS, in honor of his service to humanity, Dr. Borlaug

also received a Nobel peace prize, a presidential medal of freedom, and the congressional gold medal; NOW THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. REPLACEMENT AUTHORIZATION. The state of Iowa authorizes the replacement of the statue of James Harlan with a statue honoring Dr. Norman Borlaug.

Sec. 2. COMMITTEE CREATED. A committee of seven is created, to be appointed by the governor and to serve at the pleasure of the governor, to exchange the statue of James Harlan currently on display in the United States capitol with a statue of Dr. Norman Borlaug.

a. The committee shall annually select its own chairperson and establish its rules of procedure. The committee shall meet as may be deemed necessary by the chairperson. A majority of the members of the committee shall constitute a quorum.

b. Members shall serve without compensation or reimbursement for actual expenses.

c. The committee shall raise all of the funds necessary for the operation of the committee; and shall solicit donations to exchange the statue, commission the creation of a new statue, transport the replaced statue to the Iowa statehouse, and make all arrangements with the architect of the United States capitol necessary for the new statue to be put into place.

Sec. 3. ADMINISTRATIVE SUPPORT. The department of cultural affairs shall provide all necessary administrative support for the committee and shall administer the capitol statutory fund.

Sec. 4. CAPITOL STATUARY FUND. A capitol statutory fund is created in the state treasury, to be administered by the department of cultural affairs. The proceeds of the fund shall be used for the purposes specified in section 2 of this resolution. Any funds remaining after the exchange of statues shall be used to suitably restore and relocate the Harlan statue. The department may accept gifts, grants, bequests, and other moneys, including but not limited to state or federal moneys, and in-kind contributions for deposit in the fund. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, any unexpended or unencumbered moneys remaining in the fund at the end of a fiscal year shall not revert to the general fund of the state, but shall remain available from the fund for expenditure by

the department in succeeding fiscal years for the purposes specified in section 2 of this resolution.

Sec. 5. The department of administrative services shall provide for a perpetual display of the replaced statue at a suitable location within the statehouse.

On the question "Shall the resolution be adopted?" ([S.J.R. 2002](#)), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2355, 2349, 2343, 2331, and 2328.

[Senate File 2355](#)

On motion of Senator Danielson, [Senate File 2355](#), a bill for an act relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection, was taken up for consideration.

Senator Hamerlinck withdrew amendment [S-5090](#), filed by him on February 17, 2010, to page 1 and amending the title page of the bill.

Senator Danielson offered amendment [S-5117](#), filed by him from the floor to pages 1–5 of the bill, and moved its adoption.

Amendment [S-5117](#) was adopted by a voice vote.

Senator Hamerlinck withdrew amendment [S-5092](#), filed by him on February 18, 2010, to page 8 of the bill.

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?” ([S.F. 2355](#)), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

[Senate File 2349](#)

On motion of Senator Rielly, [Senate File 2349](#), a bill for an act requiring certain group health insurance established for employees of the state to provide coverage for autism spectrum disorders for certain persons, requiring certification of behavior specialists, and providing an applicability date, was taken up for consideration.

Senator Rielly offered amendment [S-5118](#), filed by him from the floor to pages 1, 3, 5, and 6 of the bill, and moved its adoption.

Amendment [S-5118](#) was adopted by a voice vote.

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. 2349](#)), the vote was:

Yeas, 42:

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

Nays, 8:

| | | | |
|-------|-----------|----------|-------|
| Bartz | Hahn | McKinley | Wieck |
| Behn | Kettering | Seymour | Zaun |

Absent, none.

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

Senate File 2343

On motion of Senator Kreiman, **Senate File 2343**, a bill for an act relating to the appointment of judicial officers and senior judges, was taken up for consideration.

Senator Noble offered amendment **S-5081**, filed by him on February 17, 2010, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment **S-5081** be adopted?" (**S.F. 2343**), the vote was:

Yeas, 21:

| | | | |
|----------|------------|-----------|---------|
| Bartz | Hamerlinck | Kapucian | Seymour |
| Behn | Hancock | Kettering | Sodders |
| Boettger | Hartsuch | McKinley | Wieck |
| Dearden | Heckroth | Noble | |
| Feenstra | Houser | Reynolds | |
| Hahn | Johnson | Rielly | |

Nays, 29:

| | | | |
|-----------|----------|------------|-----------|
| Appel | Dvorsky | Kreiman | Stewart |
| Beall | Fraise | McCoy | Ward |
| Black | Gronstal | Olive | Warnstadt |
| Bolkcom | Hatch | Quirnbach | Wilhelm |
| Courtney | Hogg | Ragan | Zaun |
| Dandekar | Horn | Schmitz | |
| Danielson | Jochum | Schoenjahn | |
| Dotzler | Kibbie | Seng | |

Absent, none.

Amendment **S-5081** lost.

Senator Kreiman offered amendment **S-5105**, filed by him on February 22, 2010, to page 1 of the bill, and moved its adoption.

Amendment **S-5105** was adopted by a voice vote.

Senator Dvorsky asked and received unanimous consent that action on **Senate File 2343** be **deferred**.

Senate File 2331

On motion of Senator Dotzler, [Senate File 2331](#), a bill for an act relating to participation of chiropractors in the hawk-i program, 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. 2331](#)), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

Senate File 2328

On motion of Senator Reynolds, [Senate File 2328](#), a bill for an act allowing county treasurers to collect delinquent taxes on behalf of the department of revenue from a person renewing a vehicle registration, requiring a plan for the collection of court debt by county treasurers, and providing a fee, was taken up for consideration.

Senator Reynolds offered amendment [S-5120](#), filed by her from the floor to page 3 of the bill, and moved its adoption.

Amendment [S-5120](#) was adopted by a voice vote.

Senator Reynolds 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. 2328](#)), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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 Joint Resolution 2002](#) and **Senate Files 2328, 2331, 2349, and 2355** 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 2318, 2310, 2292, 2289, and 2268.

Senate File 2318

On motion of Senator Warnstadt, **Senate File 2318**, a bill for an act concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable, 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. 2318**), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

President Pro Tempore Danielson took the chair at 4:23 p.m.

Senate File 2310

On motion of Senator Dearden, **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, was taken up for consideration.

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

Yeas, 50:

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

Nays, none.

Absent, none.

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

[Senate File 2292](#)

On motion of Senator Kibbie, [Senate File 2292](#), a bill for an act requiring the department of veterans affairs to promote and support the preservation of the U.S.S. Iowa as a naval museum, was taken up for consideration.

Senator Kibbie offered amendment [S-5097](#), filed by him on February 18, 2010, to page 1 of the bill, and moved its adoption.

Amendment [S-5097](#) was adopted by a voice vote.

Senator Kibbie asked and received unanimous consent that [House File 2406](#) be substituted for [Senate File 2292](#).

[House File 2406](#)

On motion of Senator Kibbie, [House File 2406](#), a bill for an act requiring the department of veterans affairs to promote and support the preservation of the U.S.S. Iowa as a naval museum, was taken up for consideration.

Senator Kibbie 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. 2406](#)), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

WITHDRAWN

President Kibbie asked and received unanimous consent that [Senate File 2292](#) be **withdrawn** from further consideration of the Senate.

[Senate File 2289](#)

On motion of Senator Schoenjahn, [Senate File 2289](#), a bill for an act relating to deaccreditation of a school district by the state board of education, was taken up for consideration.

Senator Schoenjahn offered amendment [S-5109](#), filed by him on February 22, 2010, to page 3 and amending the title page of the bill, and moved its adoption.

Amendment [S-5109](#) was adopted by a voice vote.

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. 2289](#)), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

[Senate File 2268](#)

On motion of Senator Hogg, [Senate File 2268](#), a bill for an act relating to disaster recovery case management, was taken up for consideration.

Senator Hogg asked and received unanimous consent that [House File 2422](#) be **substituted** for [Senate File 2268](#).

[House File 2422](#)

On motion of Senator Hogg, [House File 2422](#), a bill for an act relating to disaster recovery case management, 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?" ([H.F. 2422](#)), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

WITHDRAWN

Senator Hogg asked and received unanimous consent that [Senate File 2268](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2289, 2310, and 2318** and **House Files 2406 and 2422** 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 2235, 2192, and 2161.

Senate File 2235

On motion of Senator Sodders, **Senate File 2235**, a bill for an act requiring provision of deliverable fuels to customers under specified circumstances, and including effective date provisions, was taken up for consideration.

Senator Sodders withdrew amendment **S-5101**, filed by him on February 22, 2010, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Sodders offered amendment **S-5116**, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Sodders offered amendment **S-5124**, filed by him from the floor to pages 1 and 2 of amendment **S-5116**.

(**Senate File 2235** and amendment **S-5124** were deferred.)

The Senate stood at ease at 4:47 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:07 p.m., President Pro Tempore Danielson presiding.

The Senate resumed consideration of **Senate File 2235** and amendment **S-5124** to amendment **S-5116**.

Senator Sodders moved the adoption of amendment **S-5124** to amendment **S-5116**.

Amendment [S-5124](#) was adopted by a voice vote.

Senator Sodders moved the adoption of amendment [S-5116](#), as amended.

Amendment [S-5116](#), as amended, 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. 2235](#)), the vote was:

Yeas, 34:

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

Nays, 16:

| | | | |
|----------|---------|-----------|---------|
| Bartz | Hahn | Kapucian | Seymour |
| Behn | Hancock | Kettering | Ward |
| Boettger | Houser | McKinley | Wieck |
| Feenstra | Johnson | Reynolds | Zaun |

Absent, none.

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

[Senate File 2192](#)

On motion of Senator Stewart, [Senate File 2192](#), a bill for an act prohibiting the running of a transfer fee covenant with the title to real property, was taken up for consideration.

Senator Stewart offered amendment [S-5108](#), filed by Senators Stewart, Reynolds, and Kibbie on February 22, 2010, to page 2 and amending the title page of the bill, and moved its adoption.

Amendment [S-5108](#) was adopted by a voice vote.

Senator Stewart 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. 2192](#)), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

[Senate File 2161](#)

On motion of Senator Jochum, [Senate File 2161](#), a bill for an act providing an exception to licensing requirements for certain bingo occasions, was taken up for consideration.

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. 2161](#)), the vote was:

Yeas, 50:

| | | | |
|-------|----------|-----------|------------|
| Appel | Feenstra | Johnson | Schmitz |
| Bartz | Fraise | Kapucian | Schoenjahn |
| Beall | Gronstal | Kettering | Seng |

| | | | |
|-----------|------------|-----------|-----------|
| Behn | Hahn | Kibbie | Seymour |
| Black | Hamerlinck | Kreiman | Sodders |
| Boettger | Hancock | McCoy | Stewart |
| Bolkcom | Hartsuch | McKinley | Ward |
| Courtney | Hatch | Noble | Warnstadt |
| Dandekar | Heckroth | Olive | Wieck |
| Danielson | Hogg | Quirnbach | Wilhelm |
| Dearden | Horn | Ragan | Zaun |
| Dotzler | Houser | Reynolds | |
| Dvorsky | Jochum | Rielly | |

Nays, none.

Absent, none.

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 2161, 2192, and 2235** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Linda Louko, Iowa Autism Council

Eric Johnson, Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Nancy Kasparek, Small Business Advisory Council

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 50:

| | | | |
|-------|----------|-----------|------------|
| Appel | Feenstra | Johnson | Schmitz |
| Bartz | Fraise | Kapucian | Schoenjahn |
| Beall | Gronstal | Kettering | Seng |

| | | | |
|-----------|------------|-----------|-----------|
| Behn | Hahn | Kibbie | Seymour |
| Black | Hamerlinck | Kreiman | Sodders |
| Boettger | Hancock | McCoy | Stewart |
| Bolkcom | Hartsuch | McKinley | Ward |
| Courtney | Hatch | Noble | Warnstadt |
| Dandekar | Heckroth | Olive | Wieck |
| Danielson | Hogg | Quirnbach | Wilhelm |
| Dearden | Horn | Ragan | Zaun |
| Dotzler | Houser | Reynolds | |
| Dvorsky | Jochum | Rielly | |

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2288 and 2357.

Senate File 2288

On motion of Senator Dvorsky, [Senate File 2288](#), a bill for an act relating to the duties and operations of the department of education and local school boards, was taken up for consideration.

Senator McKinley offered amendment [S-5112](#), filed by him on February 22, 2010, to pages 1 and 21 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5112](#) be adopted?" ([S.F. 2288](#)), the vote was:

Yeas, 18:

| | | | |
|----------|------------|-----------|-------|
| Bartz | Hamerlinck | Kettering | Ward |
| Behn | Hartsuch | McKinley | Wieck |
| Boettger | Houser | Noble | Zaun |
| 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, none.

Amendment [S-5112](#) lost.

Senator Schmitz offered amendment [S-5125](#), filed by her from the floor to pages 5 and 17 of the bill, and moved its adoption.

Amendment [S-5125](#) was adopted by a voice vote.

With the adoption of amendment [S-5125](#), the Chair ruled amendment [S-5113](#), filed by Senator Boettger on February 22, 2010, to pages 5 and 17 of the bill, out of order.

Senator Johnson offered amendment [S-5115](#), filed by him on February 22, 2010, to pages 5, 8, 9, and 21, and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5115](#) be adopted?" ([S.F. 2288](#)), the vote was:

Yeas, 22:

| | | | |
|----------|------------|-----------|---------|
| Bartz | Hahn | Kettering | Seng |
| Behn | Hamerlinck | Kibbie | Seymour |
| Boettger | Hartsuch | McKinley | Ward |
| Dearden | Houser | Noble | Wieck |
| Dotzler | Johnson | Reynolds | |
| Feenstra | Kapucian | Rielly | |

Nays, 28:

| | | | |
|-------|----------|---------|------------|
| Appel | Dvorsky | Horn | Schmitz |
| Beall | Fraise | Jochum | Schoenjahn |
| Black | Gronstal | Kreiman | Sodders |

| | | | |
|-----------|----------|-----------|-----------|
| Bolkcom | Hancock | McCoy | Stewart |
| Courtney | Hatch | Olive | Warnstadt |
| Dandekar | Heckroth | Quirnbach | Wilhelm |
| Danielson | Hogg | Ragan | Zaun |

Absent, none.

Amendment [S-5115](#) lost.

Senator Kapucian withdrew amendment [S-5127](#), filed by him from the floor to page 17 of the bill.

Senator Dvorsky 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. 2288](#)), the vote was:

Yeas, 37:

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

Nays, 13:

| | | | |
|------------|----------|-----------|------|
| Behn | Hartsuch | Kettering | Zaun |
| Feenstra | Houser | McKinley | |
| Hahn | Johnson | Noble | |
| Hamerlinck | Kapucian | Reynolds | |

Absent, none.

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

[Senate File 2357](#)

On motion of Senator Kreiman, [Senate File 2357](#), 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, was taken up for consideration.

Senator Kreiman offered amendment [S-5126](#), filed by him from the floor, striking and replacing everything after the enacting clause of the bill.

([Senate File 2357](#) and amendment [S-5126](#) were deferred.)

The Senate stood at ease at 6:16 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 6:20 p.m., President Pro Tempore Danielson presiding.

The Senate resumed consideration of [Senate File 2357](#) and amendment [S-5126](#).

Senator Kreiman asked and received unanimous consent that action on amendment [S-5126](#) and [Senate File 2357](#) be **deferred**.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that [Senate File 2288](#) 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 23, 2010, **passed** the following bills in which the concurrence of the House was asked:

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

[Senate File 2191](#), a bill for an act relating to and making changes to matters under the purview of the division of banking of the department of commerce, making a penalty applicable, and including effective date provisions.

[Senate File 2248](#), a bill for an act relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

ALSO: That the House has on February 23, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2144](#), a bill for an act relating to health-related activities and regulation by the department of public health, and making penalties applicable.

Read first time and **passed on file**.

[House File 2318](#), a bill for an act relating to the length of terms and the limitation on length of service for city development board members and including effective date and applicability provisions.

Read first time and **passed on file**.

[House File 2321](#), a bill for an act relating to providing veteran services to inmates incarcerated in a jail or municipal holding facility.

Read first time and **passed on file**.

[House File 2414](#), a bill for an act relating to service in an honor guard unit on public property.

Read first time and **passed on file**.

[House File 2418](#), a bill for an act relating to periodic evaluations of certain air quality standards.

Read first time and **passed on file**.

[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.

Read first time and **passed on file**.

[House File 2437](#), a bill for an act relating to private sewage disposal system inspections and groundwater hazard statements as part of certain property transfers.

Read first time and **passed on file**.

[House File 2440](#), a bill for an act establishing market factor teacher incentives for school district attendance centers located in areas that have high rates of crime.

Read first time and **passed on file**.

[House File 2453](#), a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

Read first time and **passed on file**.

[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.

Read first time and attached to **similar** [Senate File 2321](#).

ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 6:24 p.m. until 8:45 a.m., Wednesday, February 24, 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 ADMINISTRATIVE SERVICES

Capitol Planning Commission 2009 Annual Report, pursuant to Iowa Code section 8A.373. Report received on January 29, 2010.

DEPARTMENT OF HUMAN SERVICES

2009 Analysis of Employee Turnover in Nursing Facilities, pursuant to 2008 Iowa Acts, [HF 2539](#), section 71. Report received on February 23, 2010.

RACING AND GAMING COMMISSION

2009 Annual Report, pursuant to Iowa Code section 99D.21. Report received on February 23, 2010.

CERTIFICATES OF RECOGNITION

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

Tom Flaherty—For celebrating his 92nd birthday. Senator Dotzler (2/23/10).

Chuck and Gladys Heasley—For celebrating their 50th wedding anniversary. Senator Dotzler (2/23/10).

Connor Hollingshead, Oxford Junction—For achieving the rank of Eagle Scout, Troop 62. Senator Hancock (2/23/10).

Tim Phillips—For achieving the rank of Eagle Scout, Troop 301. Senator Appel (2/23/10).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: Tuesday, February 23, 2010, 10:15 a.m.

Members Present: Olive, Chair; Courtney, Vice Chair; and Sadders.

Members Absent: Ward, Ranking Member; and Wieck (both excused).

Committee Business: Presentation by Iowa Prison Industries.

Adjourned: 11:30 a.m.

WAYS AND MEANS

Convened: Tuesday, February 23, 2010, 2:05 p.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: Presentation by the Department of Revenue.

Adjourned: 2:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Tuesday, February 23, 2010, 10:10 a.m.

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

Members Absent: Heckroth, Vice Chair (excused.)

Committee Business: Discussed budget proposal.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Tuesday, February 23, 2010, 10:10 a.m.

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

Members Absent: None.

Committee Business: Discussion and presentations on the Capitol Complex Master Plan.

Adjourned: 11:40 p.m.

STUDY BILLS RECEIVED

SSB 3236 **Ways and Means**

Establishing a local farmer and food security income tax credit for individual and corporate income taxpayers, providing for its future repeal, and including effective date and retroactive applicability provisions.

SSB 3237 **Ways and Means**

Relating to enhanced 911 emergency telephone systems and information required for inclusion in an enhanced 911 service plan.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2315

TRANSPORTATION: Rielly, Chair; Kapucian and Warnstadt

House File 785

TRANSPORTATION: Rielly, Chair; Hancock and Kapucian

House File 2409

COMMERCE: Schmitz, Chair; Kettering and Stewart

SSB 3236

WAYS AND MEANS: Schmitz, Chair; Bartz and Bolcom

SSB 3237

WAYS AND MEANS: Wilhelm, Chair; Feenstra and Hogg

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: **HOUSE FILE 426** (formerly **HF 293**), a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 726 \(HSB 211\)](#), a bill for an act providing for unincorporated nonprofit associations, and providing for fees and penalties.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2233 \(HSB 553\)](#), a bill for an act relating to expunging the conviction for certain alcohol-related offenses.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2286 \(HSB 606\)](#), a bill for an act relating to the criminal offense of detention in a brothel.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2287 \(HSB 605\)](#), a bill for an act relating to the criminal offense of simulated public intoxication.

Recommendation: DO PASS.

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.

ALSO:

Bill Title: [HOUSE FILE 2288 \(HSB 607\)](#), a bill for an act repealing the simple misdemeanor offense relating to the use of cowl lamps on motor vehicles.

Recommendation: DO PASS.

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.

ALSO:

Bill Title: [HOUSE FILE 2372 \(HSB 641\)](#), a bill for an act relating to an assault causing serious injury.

Recommendation: DO PASS.

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.

ALSO:

Bill Title: [HOUSE FILE 2374 \(HSB 645\)](#), a bill for an act relating to the definition of serious injury for purposes of criminal offenses.

Recommendation: DO PASS.

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.

ALSO:

Bill Title: [HOUSE FILE 2377 \(HSB 644\)](#), a bill for an act relating to extending a period of probation and including applicability provisions.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2392 \(HSB 646\)](#), a bill for an act relating to the abuse of a corpse and providing penalties.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ASSIGNED TO COMMITTEE

President Kibbie announced the assignment of the following bills to committees:

| | |
|---------------------------|-------------------|
| H.F. 2409 | Commerce |
| H.F. 2438 | Judiciary |
| H.F. 2454 | Veterans Affairs |
| H.F. 2458 | Natural Resources |

AMENDMENTS FILED

| | | |
|------------------------|---------------------------|-------------------|
| S-5116 | S.F. 2235 | Steven J. Sodders |
| S-5117 | S.F. 2355 | Jeff Danielson |
| S-5118 | S.F. 2349 | Tom Rielly |
| S-5119 | S.F. 2296 | Dick L. Dearden |
| S-5120 | S.F. 2328 | Kim Reynolds |
| S-5121 | S.F. 2234 | Swati A. Dandekar |
| S-5122 | S.F. 2316 | Robert M. Hogg |
| S-5123 | S.F. 2316 | James F. Hahn |
| S-5124 | S.F. 2235 | Steven J. Sodders |
| S-5125 | S.F. 2288 | Becky Schmitz |
| S-5126 | S.F. 2357 | Keith A. Kreiman |
| S-5127 | S.F. 2288 | Tim L. Kapucian |