

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MARCH 24, 2010

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

JOURNAL OF THE SENATE

SEVENTY-THIRD CALENDAR DAY
FORTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 24, 2010

The Senate met in regular session at 10:06 a.m., President Kibbie presiding.

Prayer was offered by Father Dennis Martin of St. Joseph's Catholic Church in West Liberty, Iowa. He was the guest of Senator Hahn.

The Journal of Tuesday, March 23, 2010, was approved.

SPECIAL GUESTS

Senator Johnson introduced to the Senate chamber Becky Allgood and Pam Freeland, representing the Herbert Hoover Presidential Library Association, the Hoover Presidential Library-Museum, and the Hoover National Historic Site in West Branch.

The Senate rose and expressed its welcome.

President Kibbie announced the 2010 Herbert Hoover Uncommon Public Service Award recipient Senator Daryl Beall.

The Senate rose and expressed its congratulations.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Ragan asked and received unanimous consent to take up for consideration [Senate Resolution 112](#).

Senate Resolution 112

On motion of Senator Stewart, [Senate Resolution 112](#), a resolution to thank Senator Roger Stewart for his eight years of service in the Iowa Senate and to the people of Iowa, was taken up for consideration.

The Senate rose and expressed its tribute to Senator Stewart.

Senator Ragan moved the adoption of [Senate Resolution 112](#), which motion prevailed by a voice vote.

Senator Stewart was presented with an enrolled copy of [Senate Resolution 112](#).

Senator Stewart addressed the Senate with brief remarks.

The Senate stood at ease at 11:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:41 a.m., President Kibbie presiding.

HOUSE AMENDMENTS CONSIDERED

Senate File 2354

Senator Danielson called up for consideration [Senate File 2354](#), a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions, amended by the House in House amendment [S-5316](#), filed March 23, 2010.

Senator Danielson moved that the Senate concur in the House amendment.

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

Senator Danielson moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed

upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2354](#)), 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, as amended, was agreed to.

[Senate File 2297](#)

Senator Warnstadt called up for consideration [Senate File 2297](#), a bill for an act concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, and declarations for disposition of remains, amended by the House in House amendment [S-5317](#), filed March 23, 2010.

Senator Warnstadt moved that the Senate concur in the House amendment.

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

Senator Warnstadt moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed

upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2297](#)), 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, as amended, was agreed to.

[Senate File 2215](#)

Senator Jochum called up for consideration [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, amended by the House in House amendment [S-5288](#), filed March 22, 2010.

Senator Jochum moved that the Senate concur in the House amendment.

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

Senator Jochum moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2215](#)), 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.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2215, 2297, and 2354** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 24, 2010, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 2381](#), a bill for an act 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, providing for properly related matters, and making penalties applicable. ([S-5320](#))

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:05 p.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:17 p.m., President Kibbie presiding.

INTRODUCTION OF BILL

[Senate File 2388](#), by committee on Ways and Means, a bill for an act establishing a hospital health care access assessment program, providing penalties, providing a future repeal, and including effective date and contingent implementation provisions.

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2384](#).

[Senate File 2384](#)

On motion of Senator Dotzler, [Senate File 2384](#), a bill for an act relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative, was taken up for consideration.

([Senate File 2384](#) was deferred.)

The Senate stood at ease at 2:20 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:03 p.m., President Kibbie presiding.

The Senate resumed consideration of [Senate File 2384](#), previously deferred.

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. 2384](#)), the vote was:

Yeas, 36:

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

Nays, 14:

Behn	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	
Hartsuch	Kettering	Seymour	

Absent, none.

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2311](#).

[Senate File 2311](#)

On motion of Senator Danielson, [Senate File 2311](#), a bill for an act regulating emergency medical care providers, emergency medical care service programs, and emergency medical care services training programs, and providing penalties, placed on the Unfinished Business Calendar on March 4, 2010, was taken up for consideration.

Senator Danielson offered amendment [S-5278](#), filed by him on March 17, 2010, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment [S-5278](#) was adopted by a voice vote.

Senator Danielson asked and received unanimous consent that [House File 2193](#) be **substituted** for [Senate File 2311](#).

[House File 2193](#)

On motion of Senator Danielson, [House File 2193](#), a bill for an act regulating emergency medical care providers, emergency medical care service programs, and emergency medical care services training programs, and providing penalties, was taken up for consideration.

Senator Danielson offered amendment [S-5314](#), filed by him on March 23, 2010, to pages 3, 5–8, and 12 of the bill, and moved its adoption.

Amendment [S-5314](#) was adopted by a voice vote.

With the adoption of amendment [S-5314](#), the Chair ruled amendment [S-5282](#), filed by Senator Johnson on March 18, 2010, to page 3 of the bill, out of order.

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

On the question “Shall the bill pass?” ([H.F. 2193](#)), 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 File 2384](#) and [House File 2193](#) be **immediately messaged** to the House.

WITHDRAWN

Senator Danielson asked and received unanimous consent that [Senate File 2311](#) be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Seymour asked and received unanimous consent to take up for consideration [Senate Resolution 111](#).

[Senate Resolution 111](#)

On motion of Senator Seymour, [Senate Resolution 111](#), a resolution to honor Senator Ron Wieck on his retirement from the Iowa Senate, was taken up for consideration.

The Senate rose and expressed its tribute to Senator Wieck.

Senator Seymour moved the adoption of [Senate Resolution 111](#), which motion prevailed by a voice vote.

Senator Wieck was presented with an enrolled copy of [Senate Resolution 111](#).

Senator Wieck addressed the Senate with brief remarks.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2383](#).

[Senate File 2383](#)

On motion of Senator Dvorsky, [Senate File 2383](#), a bill for an act relating to the collection of debt obligations owed the state and cities and establishing a state debt coordinator, providing a fee, and including effective date provisions, was taken up for consideration.

([Senate File 2383](#) was deferred.)

The Senate stood at ease at 4:00 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:35 p.m., President Kibbie presiding.

The Senate resumed consideration of [Senate File 2383](#), previously deferred.

Senator Dvorsky offered amendment [S-5322](#), filed by him from the floor to pages 5 and 7–20 of the bill, and moved its adoption.

Amendment [S-5322](#) 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. 2383](#)), the vote was:

Yeas, 43:

Appel	Fraise	Jochum	Schmitz
Bartz	Gronstal	Johnson	Schoenjahn
Beall	Hahn	Kapucian	Seng
Black	Hamerlinck	Kibbie	Seymour
Boettger	Hancock	Kreiman	Sodders
Bolkcom	Hartsuch	McCoy	Stewart

Courtney	Hatch	McKinley	Ward
Danielson	Heckroth	Quirnbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm
Dotzler	Horn	Reynolds	Zaun
Dvorsky	Houser	Rielly	

Nays, 7:

Behn	Feenstra	Noble	Wieck
Dandekar	Kettering	Olive	

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 File 2383](#) be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: [SENATE FILE 2388 \(SSB 3257\)](#), a bill for an act establishing a hospital health care access assessment program, providing penalties, providing a future repeal, and including effective date and contingent implementation provisions.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2388](#).

[Senate File 2388](#)

On motion of Senator Bolkcom, [Senate File 2388](#), a bill for an act establishing a hospital health care access assessment program, providing penalties, providing a future repeal, and including effective date and contingent implementation provisions, was taken up for consideration.

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. 2388](#)), the vote was:

Yeas, 46:

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

Nays, 4:

Behn	Hamerlinck	Hartsuch	Wieck
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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 File 2388](#) be **immediately messaged** to the House.

The Senate stood at ease at 4:47 p.m. until the fall of the gavel.

The Senate resumed session at 5:12 p.m., President Kibbie presiding.

UNFINISHED BUSINESS
(Deferred April 15, 2009)

[House File 758](#)

The Senate resumed consideration of [House File 758](#), a bill for an act relating to damages recoverable for the wrongful or negligent injury or death of a person, deferred April 15, 2009.

Senator Bartz offered amendment [S-5321](#), filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

([House File 758](#) and amendment [S-5321](#) were deferred.)

The Senate stood at ease at 5:13 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:08 p.m., President Kibbie presiding.

The Senate resumed consideration of [House File 758](#) and amendment [S-5321](#), previously deferred.

Senator Bartz withdrew amendment [S-5321](#).

([House File 758](#) was deferred.)

The Senate stood at ease at 6:09 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 6:42 p.m., President Kibbie presiding.

The Senate resumed consideration of [House File 758](#), previously deferred.

Senator Gronstal asked and received unanimous consent that action on [House File 758](#) be **deferred**.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2387](#).

[Senate File 2387](#)

On motion of Senator Seng, [Senate File 2387](#), a bill for an act providing for a sales tax exemption for specified purchases made by a

regional blood testing laboratory licensed by the federal food and drug administration, was taken up for consideration.

Senator Seng offered amendment [S-5323](#), filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-5323](#) was adopted by a voice vote.

Senator Seng 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. 2387](#)), the vote was:

Yeas, 49:

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

Nays, 1:

Dearden

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2387](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:47 p.m. until 9:00 a.m., Thursday, March 25, 2010.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Daryl Beall, Fort Dodge—For receiving the Herbert Hoover Uncommon Public Service Award. Senator Johnson (3/24/10).

Wayne and Betty Brown, West Burlington—For celebrating their 65th wedding anniversary. Senator Courtney (3/24/10).

Gary and Susan Carr, Burlington—For celebrating their 35th wedding anniversary. Senator Courtney (3/24/10).

Tom and Donna Heland, Burlington—For celebrating their 30th wedding anniversary. Senator Courtney (3/24/10).

Joseph R. Houseman, Burlington—For celebrating his 92nd birthday. Senator Courtney (3/24/10).

Alex Steffen, Muscatine—For achieving the rank of Eagle Scout, Troop 127. Senator Hahn (3/24/10).

Robert “Rocky” Stone, Waterloo—For more than 50 years of outstanding barbering services, storytelling, and craftsmanship, and for being the oldest active barber in Waterloo. Senator Dotzler (3/24/10).

Dustin Toale—For achieving the rank of Eagle Scout, Troop 47. Senator Schoenjahn (3/24/10).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northwest Senate gallery:

A group of students from St. Joseph’s Catholic Church in West Liberty, accompanied by Father Dennis Martin. Senator Hahn.

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: Monday, March 22, 2010, 12:15 p.m.

Members Present: Olive, Chair; Courtney, Vice Chair; Ward, Ranking Member; and Sodders.

Members Absent: Wieck (excused).

Committee Business: Testimony from the Iowa Association of School Boards.

Adjourned: 1:35 p.m.

WAYS AND MEANS

Convened: Wednesday, March 24, 2010, 1:30 p.m.

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

Members Absent: None.

Committee Business: Approved [SSB 3257](#).

Adjourned: 2:00 p.m.

STUDY BILL RECEIVED

[SSB 3257](#) Ways and Means

Establishing a hospital health care access assessment program, providing penalties, providing a future repeal, and including effective date and contingent implementation provisions.

SUBCOMMITTEE ASSIGNMENT

[SSB 3257](#)

WAYS AND MEANS: Bolcom, Chair; Schmitz and Zaun

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 24, 2010, the Governor approved and transmitted to the Secretary of State the following bill:

[Senate File 2352](#) – Relating to the emergency hospitalization of a person with a serious mental impairment.

AMENDMENTS FILED

S-5320	S.F. 2381	House
S-5321	H.F. 758	Merlin Bartz
S-5322	S.F. 2383	Robert E. Dvorsky
S-5323	S.F. 2387	Joe M. Seng
S-5324	H.F. 758	Merlin Bartz
S-5325	H.F. 758	Merlin Bartz